The New Freedom and the Radicals: Woodrow Wilson, Progressive Views of Radicalism, and the Origins of Repressive Tolerance, 1900-1924

by

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A dissertation submitted to the Graduate Faculty in History
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Abstract

The New Freedom and the Radicals: Woodrow Wilson, Progressive Views of Radicalism, and the Origins of Repressive Tolerance, 1900-1924

by

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It may seem like common sense today that progressivism is a very different thing from radicalism. But in the years before the First World War, there were several important forms of symbiosis between these two broad categories of political thought. First, progressives stressed participation of radicals in the institutions they created to resolve strikes and investigate the causes of unrest, as well as open-mindedness toward radical ideas in the findings of those institutions. Progressives called for incorporating beneficial aspects of socialism and syndicalism into capitalism in a way that would produce a hybrid form of political economy. In addition to these forms of porousness, there was also significant ideological overlap and coalitional reform efforts between these two groups.

All this would change during the First World War, and especially after the Russian Revolution. Woodrow Wilson instituted a vast machinery for repressing dissent, and other progressives, who joined the Wilson administration in large numbers, began to see radicals as a problem and shied away from defending them publicly. After the war, progressives renewed coalitions with radicals in such organizations as the American Civil

Liberties Union and the Farmer-Labor Party, but they insisted that they did not share the views of radicals and drew a clear distinction between their own views and socialism.

This dissertation addresses how progressives themselves understood radicalism by examining their public and private writings. It identifies those conditions, such as economic recovery and conservative political economy, that have caused the connections between radicals and progressives to flourish and those, such as an external threat, revolutionary upheaval, or internal political violence, that have caused them to be repressed. The project examines eleven people: the journalists Herbert Croly and Walter Lippmann of *The New Republic* and George Creel of the wartime Committee on Public Information; the politicians Woodrow Wilson and Hiram Johnson; the social reformers Jane Addams and Florence Kelley; the intellectuals Louis Brandeis and Felix Frankfurter; the labor lawyer Frank Walsh; and the labor economist Carleton Parker.

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Introduction

Progressivism emerged at the conjunction of three critical transformations in American life: the rise of the integrated managerial corporation, the development of the administrative state, and the emergence of a professional middle class. Progressivism is traditionally thought of as the political ideology of that part of the middle class that sought to expand the powers of the state to manage, mitigate, or rectify the problems that accompanied the emergence of the large corporation. This dissertation asks to what extent progressives were also responding to and influenced by those who opposed the state, capitalism, and the class structure altogether. That is, how did progressives perceive working-class radicalism? To what extent, and under what conditions, did these two groups' ideology overlap, and what influences did progressives take away from these moments of convergence? How important were coalitional efforts between these groups to the successes of progressivism? Under what conditions, and to what extent, did progressives turn against radicals? When and why did progressivism become a separate ideology from radicalism?

This dissertation contends that progressivism formed in part in relation and in reaction to radicalism. The distinction between them was not always clear, and at times there was significant overlap. The relationship was not a simple one—it changed over time, and it deserves to be explored in the same detail and sophistication as the much more meticulously researched relationship between progressivism and business. Moreover, the answers that progressives developed for the conditions under and extent to which radical propaganda, organization, and strike behavior were acceptable, and the

institutions they developed for managing these activities, became established law and policy for rest of the twentieth century and beyond.

It may seem like common sense today that progressivism is a very different thing from socialism. The idea that the two are related is today more likely to be heard as an accusation from the right than as a self-description of reformers. But this was not always the case.[1] In the years before the First World War, there were several important forms of symbiosis between these two broad categories of political thought. First, progressives stressed participation of radicals in the institutions they created and open-mindedness toward radical ideas in the findings of those institutions. Progressives ranging from Louis Brandeis to Walter Lippmann to George Creel called for including radicals such as socialists and syndicalists in investigations into the causes of industrial unrest and negotiated solutions to strikes. In addition, many progressives urged taking radicals' input seriously, leaving open the possibility of reaching a finding in favor of socialism or syndicalism. They also called for incorporating beneficial aspects of these ideologies into capitalism in a way that would produce a hybrid form of political economy, laying the intellectual groundwork for what came to be known as the mixed economy. In addition to these forms of porousness, there was also significant ideological overlap and coalitional reform efforts.[2] Both Florence Kelley and Walter Lippmann were socialists early in the 20th century, and progressives helped organize strikes in the eastern garment industry alongside syndicalists and socialists to accomplish a form of union recognition

[1]James Weinstein made a similar observation about the New Left in 1984 in *The Decline of Socialism in America, 1912-1925* (N.p.: Monthly Review Press, 1967; New Brunswick: Rutgers University Press, 1984), x.

[2]I am indebted to Eric Foner for the term "porous" to describe the prewar relationship between these two groups.

and collective bargaining from 1909 to 1912. Such was the blurring of the boundaries between progressivism and radicalism before the First World War that even Woodrow Wilson found it advantageous to describe himself as a radical when running for president in 1912.

All this would change during the First World War, and especially after the Russian Revolution. Wartime created an important impetus for reform, creating an opportunity to erect such institutions as the National War Labor Board that fostered a near doubling in union membership. But it also generated pressures for progressives to draw a distinction between themselves and radicals. Woodrow Wilson instituted a vast machinery for repressing dissent, and again, Wilson was not alone. While the transformation was perhaps less stark, other progressives joined the Wilson administration in large numbers, began to see radicals as a problem, and shied away from defending them publicly. After the war, progressives renewed coalitions with radicals in such organizations as the American Civil Liberties Union and the Farmer-Labor Party, but there was no renewal of the prewar contentions that progressivism should harness the spirit of syndicalism or was itself a gradual version of socialism.

This transformation may seem to raise the possibility of what could have been, but there were important underlying differences that came to the forefront during the war. Progressives generally saw class conflict as a problem rather than as a means to accomplish greater equality, although evolutionary socialists such as Eduard Bernstein similarly rejected the necessity of revolution. In addition, while many progressives favored public ownership of some basic industry such as utilities, railroads, and other inherently monopolistic sectors, few called for outright expropriation of private property.

But if there was one fundamental disagreement between the two groups, it was that progressives were loyal to the state. While this distinction was not an obstacle to coalitions to accomplish reforms during times of peace, when disorder at home or abroad appeared to threaten the state, or more specifically, the new government institutions that progressives had created, it forced reformers to make clear the line beyond which they were not prepared to go. Foreshadowing of this problem was visible at the beginning of the century, after the assassination of President McKinley by an anarchist, and the undertow pulling progressives away from radicalism was noticeable during the years of American neutrality during the First World War. Even after the war, the example of revolutions in Europe made the kind of political symbiosis of the prewar period politically untenable.

Progressives took away several lasting influences from their relationship with radicals, perhaps the most important simply that capitalism as a system at the beginning of the twentieth century was fundamentally unfair. The ideas that workers deserved to participate in the management of business, that women and unskilled workers should be included in labor unions, and that strikes should be understood as part of a larger cooperative effort all owed their origin in some degree to working-class radicalism. But admirable as these ideas were, progressives believed that their purveyors could be tolerated only so long as the revolutionary project to which their ideas were linked did not threaten to occur. Initially developed over time and as a matter of expediency, the belief that the state should tolerate dissent except when necessary to protect itself achieved formal legal expression with the "clear and present danger" doctrine shortly after the First World War. This doctrine may seem to be simply a matter of prudence, but

to comprehend its consequences fully, it is necessary to return to the time in which it was formulated. Read one way, the "clear and present danger" doctrine embodies an existential statement about the difference between progressivism and radicalism, and a declaration that the state will come to the defense of capitalism when necessary.

Unfortunately, since America's entry into international politics as a world power, threats to national security have proved to be more the rule than the exception. State criminal syndicalism legislation, the Taft-Hartley Act, and the McCarran Act have all greatly curtailed the legitimate field of action for communists and other radicals during times when the logic of clear and present danger seemed to apply. Paths other than capitalism have never again had the opportunity for the serious hearing they received before the First World War.

Consolidation and Conflict

Perhaps the signature political concern of the Progressive Era was the emergence of big business. Alfred Chandler, Jr., has argued that the large corporation developed as a result of the ramification of techniques of management throughout the economy in the latter part of the nineteenth century. "...as late as 1840," Chandler argues, "there were no middle managers in the United States—that is, there were no managers who supervised the work of other managers and in turn reported to senior executives who themselves were salaried managers." By the First World War, the managerial corporation had become the dominant mode of American business.[3] Techniques of supervision that emerged initially on the railroads were soon extended into distribution and production.

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[3]Alfred D. Chandler, Jr., *The Visible Hand: The Managerial Revolution in American Business* (Cambridge: Harvard University Press, The Belknap Press, 1977), 3.

At the end of the century, mass distribution was integrated with mass production, replacing the myriad traditional enterprises of the nineteenth century with a single structure that integrated all stages of the productive process under a single group of managers.[4]

In several important respects, the state contributed to the emergence of the corporation. Capital flowed to those states with the most liberal incorporation laws, which permitted the narrowest limited liability and the broadest powers to own stock in other corporations.[5] Although each corporate charter ultimately rested upon these public enactments, courts increasingly regarded corporations not as public grants, but as private property. Judges scaled back the power of the state under the common law to regulate corporations in any way that constituted a taking of property or a redistribution of economic power.[6] Simultaneously, judges increasingly found an enforceable property right of corporations not only to their tangible assets, but also to the flow of revenue into their businesses.[7] After 1885, this idea provided a rationale for the labor injunction, or a court order to halt a strike, boycott, or sympathy strike, which judges granted in sharply increasing numbers.[8]

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[4]Ibid., 95-96, 209, 240, 277, 288-89.

[5]William G. Roy, *Socializing Capital: The Rise of the Large Industrial Corporation in America* (Princeton: Princeton University Press, 1997), 164-65.

[6]Morton J. Horwitz, *The Transformation of American Law, 1870-1960: The Crisis of Legal Orthodoxy* (New York: Oxford University Press, 1992), 27-30.

[7]John E. Semonche, *Charting the Future: The Supreme Court Responds to a Changing Society, 1890-1920* (Westport: Greenwood Press, 1978), 22-23.

[8]William E. Forbath, *Law and the Shaping of the American Labor Movement* (Cambridge: Harvard University Press, 1989), 85-90. Victoria Hattam, *Labor Visions and State Power: The Origins of Business Unionism in the United States* (Princeton: Princeton University Press, 1993), 161. David Montgomery, *The*

The impact of these changes on the conditions of American life was severe. In the cities, massive immigration, combined with the increasing restriction on the ability of governments to regulate the conditions of labor and housing, made for unprecedented conditions of poverty. Fifteen million people immigrated to the United States from 1890 to 1914, as population rose from about 63 million in 1890 to 92 million in 1910.[9] In his classic study, *The Uprooted,* Oscar Handlin noted that a typical New York tenement packed 150 to 200 people in a six- to eight-floor, 20 by 90 foot structure.[10] These workers toiled for very low wages. According to Michael McGerr, at the turn of the century, average wages amounted to between two-fifths and three-fourths of the income needed to support a family in Buffalo, Chicago, and Pittsburgh.[11] Families made up the difference by sending everyone out to work, including children, or taking in contract manufacturing such as clothing or cigar-making in the home.[12] For rural and itinerant laborers, wages were lower still. While wages for manufacturing workers recovered after the 1873 Panic, by the 1890s the wages of common laborers had still not regained their 1872 level.[13] In addition to low wages, workers faced uncertainty of employment. For

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Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865-1925 (New York: Cambridge University Press, 1987), 271.

[9]Steven J. Diner, *A Very Different Age: Americans of the Progressive Era* (New York: Hill and Wang, 1998), 77. Alan Brinkley, *The Unfinished Nation: A Concise History of the American People, Second Edition* (New York: Alfred A. Knopf, 1997), A-37, "Population of the United States, 1790-1994."

[10]Oscar Handlin, *The Uprooted,* 2d ed. (Boston: Little, Brown, 1973), 133-34.

[11]Michael McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870-1920* (New York: Free Press, 2003), 16.

[12]Alan Dawley, *Struggles for Justice: Social Responsibility and the Liberal State* (Cambridge: Harvard University Press, Belknap Press, 1991), 75. Eileen Boris, *Home to Work: Motherhood and the Politics of Industrial Homework in the United States* (Cambridge: Cambridge University Press, 1994), 45-46, 55-56.

[13]Montgomery, *Fall of the House of Labor,* 69.

common laborers, work was often seasonal. Railroad workers, for example, lived in barracks-like conditions during the working season, often paying an agent for the opportunity, and returned to the cities or farms in the off-season.[14] For urban as well as rural workers, financial panics and industrial restructuring constantly threatened to cause unemployment.[15]

Management not only introduced new methods of production and distribution, but also new forms of control. According to the pioneering railroad management advocate Daniel McCallum, regional managers were responsible "for the maintenance of proper discipline and conduct of all persons employed" in their divisions, and had the authority "to appoint all persons for whose acts he is held responsible, and may dismiss any subordinate when, in his judgment, the interests of the company will be promoted thereby."[16] Workers vigorously, and sometimes violently, resisted this assertion of power over their traditional control of the pace and methods of their work. As population rose 50 percent, the number of strikes increased from about 500 per year from 1881 to 1885 to more than 1,000 per year from 1889 to 1900 to about 3,000 a year from 1901 to 1903.[17] Many of these strikes were met with the intervention of the armed forces. The nationwide 1877 railroad strike involved the use of private militias, state forces, and the federal army, resulting in the deaths of 20 people in Pittsburgh, and further deaths and

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[14]Ibid, 74-81.

[15]Dawley, *Struggles for Justice,* 74.

[16]Chandler, 103, 102, quoting Daniel C. McCallum, "Superintendent's Report," in *Annual Report of the New York and Erie Railroad Company for 1855* (New York: N.p., 1856).

[17]David Montgomery, *Workers Control in America: Studies in the History of Work, Technology, and Labor Struggles* (Cambridge: Cambridge University Press, 1979), 20, table 1. Brinkley, *Unfinished Nation*, A-37, "Population of the United States, 1790-1994."

injuries in Chicago, Baltimore, and other cities.[18] In the 1892 strike at Andrew Carnegie's Homestead Steel Works, a gun battle between strikers and two barges of Pinkerton detectives brought the deaths of 10 people, ending with the intervention of 8,000 Pennsylvania National Guard troops.[19] And in the nationwide 1894 Pullman Boycott, President Cleveland sent 2,000 troops and 5,000 federal marshals to Chicago to end the strike.[20]

Before the latter three decades of the nineteenth century, except during the Civil War, the federal government was very small. The U.S. Army had only 30,000 troops in 1870, and as of 1877 the national guard was in "virtual collapse." In 1871 only 53,000 civilians worked for the federal government. After the 1877 strike, the National Guard grew to 100,000 troops by the end of the century, with 70,000 located in the Northeast where industry was the most highly concentrated. The federal government employed 256,000 civilians by 1901, and nearly half a million by 1917.[21] At the same time as the federal government was growing, as Robert Wiebe has described, the middle class was becoming professionalized. The American Medical Association reorganized in 1900 and comprised 60 percent of doctors by 1920. The American Bar Association, organized in

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[18]Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988), 583-85. Robert V. Bruce, *1877: Year of Violence* (1959; reprint, Chicago: Ivan R. Dee, Elephant Paperbacks, 1989), 147, 252, 108, 193, 298.

[19]William Serrin, *Homestead: The Glory and Tragedy of an American Steel Town* (New York: Random House, Times Books, 1992; reprint, New York: Random House, Vintage, 1993), 77-79. Montgomery, *Fall of the House of Labor*, 38.

[20]Nick Salvatore, *Eugene V. Debs: Citizen and Socialist* (Urbana: University of Illinois Press, 1982), 132.

[21]Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (Cambridge: Cambridge University Press, 1982), 49, 104-105, 107, quotation 107. Elizabeth Sanders, *Roots of Reform: Farmers, Workers, and the American State, 1877-1917* (Chicago: University of Chicago Press, 1999), 390, table 11.1, "State Expansion in the Progressive Era: Number of Federal Employees (Total Plus Selected Agencies)."

1878, grew from 11 state and local bar associations in 1880 to 671 in 1916. And academia organized itself into professions, as the American Historical Association, American Economics Association, and American Sociological Association became discrete organizations in the 1880s and 1890s.[22] Finally, in business, accountants formed a national organization in 1897, and managers organized the Society for the Promotion of the Science of Management in 1911.[23]

Progressivism and Radicalism

Progressivism was an effort to expand the capacities of the state to address the problems of corporate consolidation, class conflict, poverty, corruption and immorality.[24] Progressives sought to do this by applying the standards of professional expertise to the work of government. In doing so, they wanted to preserve the efficiency of new techniques of management in business—and of professionalization in other areas of American life—while at the same time mitigating the negative effects of industrialization. While the liberal reformers of the 1870s and 1880s such as E. L. Godkin and Grover Cleveland also favored civil service reform, progressives differed from them in viewing professionalization as a means of accomplishing greater public control of the economy rather than combating patronage that was believed to distort the free market.[25] In

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[22]Robert Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1967), 115, 117, 121.

[23]Chandler, 464, 466.

[24]The terminology of "state capacities" is Skowronek's in *Building a New American State,* 165-76.

[25]Skowronek, *Building a New American State,* 52-53. Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York: Vintage Books, 1955), 167-68. Foner, *Reconstruction,* 488-89. John Sproat, '*The Best Men': Liberal Reformers in the Gilded Age* (New York: Oxford University Press, 1968), 7-10.

addition to calling for new state capacities, progressives were conscious of the involvement of the state in the economy in earlier decades and critical of the idea that the state could be truly uninvolved. They called for consciously aggregating and harnessing these influences in the direction of greater efficiency and equity.[26] Like their liberal predecessors, progressives were opposed to open class conflict and to the revolutionary expropriation of private property.[27] They tended to favor associations with workers or cross-class alliances that would reduce class conflict rather than remove the distinction between the classes.[28] Progressives also opposed threats to the state and its capacities, whether those threats came from revolutionaries within the United States or foreign nations and revolution abroad.

From different perspectives, historians have suggested that progressivism was either allied with big business or connected to European social democracy.[29] Both groups of authors are correct to point out reactionary and socialist elements within progressivism at certain times. This dissertation suggests that part of what made progressivism distinct from conservatism and socialism was that it was self-consciously dynamic, flexible in response to events, drawing elements from both capitalism and socialism to the extent they could be determined at a particular moment to produce the best outcome. Yet the parameters of augmenting and protecting the state, improving efficiency, and combating

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[26]Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge: Harvard University Press, Belknap Press, 1998), 99-101.

[27]Regarding liberal reformers, Foner, *Reconstruction,* 490; Hofstadter, *Age of Reform,* 142-43.

[28]McGerr, *Fierce Discontent,* 134-35.

[29]From the conservative side, see Gabriel Kolko, *The Triumph of Conservatism: A Reinterpretation of American History, 1900-1916* (New York: Free Press, 1963) and James Weinstein, *The Corporate Ideal in the Liberal State, 1900-1918* (Boston: Beacon Press, 1968). For the social democratic view, see Rodgers, *Atlantic Crossings.*

poverty remained fairly constant. More than an empirical fact, this protean quality was frequently observed by progressives themselves. The willingness to learn, to sample and combine other ideologies, and to resist dogma were consistent and frequent emphases in progressives' thought and self-description, especially when they were distinguishing themselves from conservatives or radicals.

Progressivism was also contested from within by different groups, a characteristic that caused one historian to urge abandoning the entire enterprise of defining a single progressive movement.[30] This quality has long been noted by historians of progressivism, however. Richard Hofstadter observed that there were two strains of thought during the progressive period, one influenced by Populism and the other by urban conditions. In addition, "the characteristic Progressive was often of two minds on many issues," concerned about the power of large corporations but admiring of their efficiency, fearful of working-class agitation but determined to find a way to satisfy workers' needs.[31] Most of the recent works on the various movements that made up progressivism have emphasized this contested and coalitional nature.[32]

Progressivism's relationship with democracy was complex. While on the one hand progressives sought the vote for women and direct participation through the initiative, referendum, and recall, at the same time they sought to reshape the electorate in the guise of reducing corruption through such means as the Australian ballot, voter

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[30]Peter G. Filene, "An Obituary for 'The Progressive Movement," *American Quarterly* 22 (Spring 1970): 20-34. Dawley, *Struggles for Justice,* 128-29.

[31]Hofstadter, *Age of Reform,* 133-34, quotations, 134.

[32]Sarah Henry has said that progressivism was fundamentally coalitional. Sarah M Henry, "Progressivism and Democracy: Electoral Reform in the United States" (Ph.D. diss., Columbia University, 1995), 12-13.

registration, and literacy tests.[33] Adding further complexity, suffragists, especially in the South, sometimes argued that woman suffrage would reduce the influence of the black vote.[34] Some progressives favored restriction of black suffrage outright in order to reduce the violence associated with electoral fraud.[35] These methods were designed to narrow and improve the electorate at the same time as they were intended to increase the powers of government.[36]

Progressivism was a large movement, so much so that the term is often used to describe a time period rather than a coherent political group. It is useful to conceive of progressives as a series of linked movements, of which electoral reform was one. This dissertation is concerned principally with national progressivism, which was devoted to large questions of political economy such as whether to break up monopolies, how to regulate business and the condition of workers, and how to secure the rights of workers to join labor unions and bargain collectively. Reflecting the movement of the center of gravity of national progressivism, many of the subjects of this dissertation supported Theodore Roosevelt during his presidency and in the election of 1912 but backed Wilson for reelection in 1916 and supported Robert La Follette in 1924. National progressivism incorporated the personnel of presidential administrations, the intellectuals and journalists

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[33]Ellen Carol Du Bois, *Harriot Stanton Blatch and the Winning of Woman Suffrage* (New Haven: Yale University Press, 1997), 72-73. Henry, "Progressivism and Democracy," 43-47.

[34]Du Bois, 197. Glenda Elizabeth Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill: University of North Carolina Press, 1996), 208-210.

[35]McGerr, *A Fierce Discontent,* 189. See also Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974), 260-61. C. Vann Woodward, *The Origins of the New South, 1877-1913* (N.p.: Louisiana State University Press, 1951), 372-73. Henry, "Progressivism and Democracy," 103.

[36]Henry, "Progressivism and Democracy," 20.

who developed and debated national policy, and the officials who staffed the bureaucracies that studied and implemented policy. It was contested between those who sought a more predictable and harmonious method for regulation of labor relations and those who sought public control of business. This element of progressivism incorporated a strong business presence through such organizations as the National Civic Federation.[37] Trade unionists such as Samuel Gompers became closely linked to national progressivism through their alliance with the Wilson administration during the war.[38] Some socialist unionists such as Sidney Hillman also developed close ties to progressives during the war and in earlier efforts at collective bargaining.[39]

A second area relevant to this dissertation was social reform. Centered and often living in the cities among the poorest immigrants, social progressives sought to regulate the conditions of housing, improve the conditions of labor through boycott campaigns and regulation, to restrict children's and women's labor, and to improve in their view the child-raising practices of poor women. Social reform included both traditional and conservative charitable women's groups, and the more labor-oriented "social feminists," centered around the settlement houses, the National Consumers' League, and labor unions affiliated with the Women's Trade Union League.[40] This group of reformers also

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[37]Weinstein, *Corporate Ideal in the Liberal State,* 8-10. Montgomery, *Fall of the House of Labor,* 279-81.

[38]Melvyn Dubofsky, "Abortive Reform: The Wilson Administration and Organized Labor, 1913-1920," in *Work, Community, and Power: The Experience of Labor in Europe and America, 1900-1925,* ed. James E. Cronin and Carmen Siranni (Philadephia: Temple University Press, 1983), 197-220.

[39]Steven Fraser, *Labor Will Rule: Sidney Hillman and the Rise of American Labor* (Ithaca: Cornell University Press, 1991), 116-30.

[40]Linda Gordon, *Pitied but not Entitled: Single Mothers and the History of Welfare* (New York: Free Press, 1994), 70-76. Boris, *Home to Work*, 76-78 discusses one regulatory effort in Illinois.

incorporated the social insurance movement and overlapped with efforts to provide public municipal services, known in Europe as municipal socialism.[41]

A third area of progressive reform had it roots in agrarian agitation and manifested itself in the West and in the insurgent Republicanism of Robert La Follette. Stimulated by the anger of farmers toward eastern control of the banking and currency system, western progressives favored reduced tariffs, federal control over an eased currency, railroad rate regulation, and the initiative, referendum and recall.[42] While these agrarian interests gave western progressives something of populist basis, these reformers also had an antagonistic relationship with the syndicalist Industrial Workers of the World, who found fertile soil in the exploitative conditions of the agricultural, logging, and mining industries. It is the western progressives' interaction with the IWW that forms their principal focus in this project.

For the purposes of this dissertation, radicalism is defined as opposition to capitalism, private property, or the state, and favoring their rapid overthrow through democratic or revolutionary means. The first of the three movements that come under this description was anarchism, which took important influences from the Russian intellectuals Mikhail Bakunin and Peter Kropotkin. Bakunin, who was influential in the United States in the 1880s, argued that rather than taking over the state, revolution should do away with the state immediately. Bakunin placed a greater emphasis than Marx on dispossessed and disenchanted people other than workers, and also on the importance of

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[41]Gordon, 146-48. Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge: Harvard University Press, 1992), 176-79. Rodgers, *Atlantic Crossings,* 112-159.

[42]Henry, "Progressivism and Democracy," 119-27. David P. Thelen, *Robert M. La Follette and the Insurgent Spirit* (Madison: University of Wisconsin Press, 1985). Sanders, *Roots of Reform*.

the individual act rather than inevitable historical forces.[43] Kropotkin, who was influential in America in the 1880s and 1890s, was inspired by the communal organization of Russian peasants. He found evidence for cooperation in biological evolution, and argued that cooperation was more important to historical change than conflict. In his 1892 book *The Conquest of Bread,* he called for elimination of the wages system and equal entitlement to all goods and services. Though Kropotkin's reputation was less fearsome than Bakunin's, he also advocated violent expropriation as the means of revolution.[44]

The best-known anarchists in the United States were the Russian immigrants Alexander Berkman and Emma Goldman. Berkman, who shot Henry Clay Frick during the Homestead Strike in 1892, and Leon Czoglosz, who assassinated President McKinley in 1901, gave anarchism a popular association with violence, although Czoglosz had only a brief involvement with anarchism, and Berkman's act was condemned by most anarchists. Goldman was influenced by Bakunin in America through her teacher Johann Most, although her main intellectual influence was Kropotkin. From him she derived an understanding of anarchism as a form of voluntary association among worker-run organizations that would cooperate if not for the interference of the state.[45] By the twentieth century, Goldman had personally renounced violence, but she continued to believe that it was inevitable in significant historical change, and refused to denounce

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[43]Paul Avrich, *Anarchist Portraits* (Princeton: Princeton University Press, 1988), 53, 26-27. Paul Avrich, *The Russian Anarchists* (Princeton: Princeton University Press, 1967), 20-22, 24-25.

[44]Avrich, *Anarchist Portraits,* 81, 55, 58-61, 66-67.

[45]Richard Drinnon, *Rebel in Paradise: A Biography of Emma Goldman* (Boston: Beacon Press, 1961), 35-38, 41, 44-45, 56, 68-69.

individual acts of violence, including Czoglosz's.[46]

While anarchism took the state to be the principal target of revolution, syndicalism challenged the fundamentals of private property directly at the workplace. The most important syndicalist organization in the United States was the Industrial Workers of the World, founded in 1905 and reaching about 100,000 members on the eve of World War I.[47] The IWW arose out of the conditions of rawest exploitation in the company mining towns and lumber camps of the West and the garment industries employing women and children in the northeast. The IWW accepted workers that the AFL would not: African Americans, women, recent immigrants, and the unskilled, organizing them by industry rather than craft.[48] Wobblies argued that capital represented the accumulated theft of workers' labor, and that the only way to end this exploitation was the complete overthrow of capitalism and expropriation of productive property. The means to accomplish this revolution was the general strike, in which all workers would simultaneously refuse to work, forcing the owners of capital to come to them on their own terms. At that point, industry would be run by industrial unions and coordinated by a group of technical experts. To enable workers to see that the employing class was really dependent on their labor, and on workers' continued willingness to submit to their own exploitation, the Wobblies supported strikes of all kinds, including spontaneous, short-lived strikes, as well as sabotage. While the IWW did endorse violence against persons under certain circumstances, the propaganda and practice of sabotage usually

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[46]Ibid., 44-45, 82-83.

[47]Melvyn Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World* (New York: Quadrangle/New York Times, 1969), 349.

[48]Dubofsky, *We Shall Be All,* 148-51, 157.

involved methods of passive resistance such as slow work, on-the-job striking, and not following instructions. The IWW also sought short-term improvements in conditions, but they did not honor contracts or bargaining agreements or seek involvement in politics.[49] In addition to the IWW, there were also important syndicalists, such as William Z. Foster, who argued that the best way to accomplish revolutionary objectives was to build union power, even if those unions were explicitly conservative.

Beyond its numbers, the IWW loomed large in American culture because it deliberately expressed the worst fears of many Americans, especially those who were wealthy by virtue of the labor of others. Concentrations of capital on the scale and to the degree of the late nineteenth century were new, as was the situation in which most Americans were dependent on wages. Few doubted that the situation was volatile and could change abruptly and fundamentally. The Wobblies articulated what could happen if the massive strikes that periodically paralyzed the economy, their violence included, were to acquire a political consciousness.[50] Similarly, the assassination of McKinley made anarchists alarming out of all proportion to their numbers. It seemed that within America's midst lay conspirators willing to commit murder of even the most prominent public officials in order to bring about immediate revolution.

The third form of radicalism that is a focus of this dissertation was socialism. Eric Hobsbawm has described socialism in America as part of the great wave of social democratic parties that swept capitalist countries with the advent of universal suffrage and the rapid expansion of the industrial working class. These parties were particularly

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[49]Dubofsky, *We Shall Be All,* 152, 155, 158-64, 167.

[50]Eric Hobsbawm, *The Age of Empire, 1875-1914* (New York: Random House, Vintage Books, 1989), 116, makes this point with respect to the working class involvement in politics.

alarming to elites because they called for expropriation by electoral means and directed their appeal at the inexorably growing mass of propertyless workers.[51] Socialism in America had a strong working-class basis and before the war presented a real alternative to Samuel Gompers's "pure and simple" unionism, which did not contest the wages system or the private ownership of large corporations. In addition to Eugene V. Debs's American Railway Union, socialism was popular among the machinists, New York needle trades, and western miners, among other trades. At the 1913 AFL annual convention, unions controlling a third of the votes supported socialist leadership.[52]

Socialism also represented a viable and growing political force in America, the most important party being the Socialist Party of America, formed in 1901 and led by Debs. Grounded in the thought of Jefferson and Lincoln, Debs believed that the rise of corporations had effected a revolutionary change in American life, in which dependence on inadequate wages and an unholy alliance of corporate power and the state threatened individual freedom. After being jailed due to a sweeping injunction against the Pullman Strike of 1894, Debs concluded workers had to assume control of the state to restore the condition of individual liberty.[53] In the 1912 presidential election, Debs won nearly 900,000 votes, good for 6 percent of the total, while the Socialist Party reached 118,000 members. In 1911, Socialists also held offices in 324 municipal governments.[54] Other socialists within the party such as Victor Berger endorsed a more gradual version of

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[51]Ibid., 116-17.

[52]Montgomery, *Fall of the House of Labor,* 291-92. Melvyn Dubofsky, *When Workers Organize: New York City in the Progressive Era* (Amherst: University of Massachusetts Press, 1968), 33-36.

[53]Salvatore, *Eugene V. Debs*, 148, 152-53, 188-189, 229-30.

[54]Ibid., 242. Sanders, *Roots of Reform,* 67.

socialism associated with the German Social Democrat Eduard Bernstein and called for working within AFL unions to build socialist support.[55]

In addition to these contemporaneous forms of radicalism, this dissertation addresses the attitudes of its subjects toward Reconstruction. In the early 1900s, Reconstruction was as recent a historical event as the Vietnam War is today. For several progressives, the assassination of Lincoln was their earliest memory. Moreover, Reconstruction was arguably a recent revolution that had occurred in this country, involving both the complete expropriation of the prevailing system of property in the South as well as the political empowerment of the subordinate class.[56] Attitudes toward it are therefore revealing of deeply held beliefs about the most thorough-going kind of revolution within the confines of the United States. Reconstruction is also important for establishing that Woodrow Wilson's well-known racial attitudes were not distinct from his views of political economy.[57]

A final area of radicalism is revolution overseas. This dissertation considers the influence of the Mexican revolution during the 1912 to 1914 period and the Russian Revolution after 1917. But there is another story to be told in terms of revolutionary pressures in Germany and Russia during the years of American neutrality and the postwar revolutions in Europe that is beyond the scope of this dissertation.

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[55]Salvatore, *Eugene V. Debs*, 173, 197.

[56]For the interpretation of Reconstruction as a revolution, see Ira Berlin and others, *Slaves no More: Three Essays on Emancipation and the Civil War* (New York: Cambridge University Press, 1992), 3-76; W. E. B. Du Bois, *Black Reconstruction in America, 1860-1880* (1935; New York: Atheneum, 1992); Eric Foner, *Nothing But Freedom: Emancipation and Its Legacy* (Baton Rouge: Louisiana State University Press, 1983); Eric Foner, *Reconstruction.*

[57]Wilson segregated several federal departments and screened *Birth of a Nation* in the White House. Dawley, *Struggles for Justice,* 162. Thomas Cripps, *Slow Fade to Black: The Negro in American Film, 1900-1942* (New York: Oxford University Press, 1977), 47-48, 52.

Methodology

The project examines eleven progressives: the journalists Herbert Croly and Walter Lippmann of *The New Republic* and George Creel of the wartime Committee on Public Information; the politicians Woodrow Wilson and Hiram Johnson; the social reformers Jane Addams and Florence Kelley; the intellectuals Louis Brandeis and Felix Frankfurter; the labor lawyer Frank Walsh; and the labor economist Carleton Parker. Hiram Johnson plays a minor role in the dissertation.

The subjects for this study have been chosen to be representative, but they were principally involved in national progressivism, and most of them joined the Wilson administration during the war. Several criteria have been used in selecting them. First, the subjects are prominent, in that few people would have disputed their progressive credentials at the time, and they have been frequent reference points in subsequent studies of progressivism. While this criteria may have excluded some of the more stark expressions of radicalism or antiradicalism, such views were also less representative of the majority of progressives. Second, the subjects were articulate. Because this study is intellectual history, people that left a significant literary record were chosen. One limitation of this criteria is that it biases the findings in the direction of those who had the greatest access to public modes of expression. Other progressives, let alone those who voted for progressive candidates, may have disagreed with these statements. While this is an important issue to keep in mind, it is still worth knowing what ideas were in fact expressed about radicalism by these progressives.

Third, the subjects were chosen to represent different areas of the country and different kinds of occupations. Two are Western (Johnson and Parker), four midwestern (Addams, Kelley, Creel, and Walsh), two eastern (Frankfurter and Brandeis), and three focused on Washington (Wilson, Croly, Lippmann). Frank Walsh and George Creel, though hailing from Kansas City, worked in Washington during the war, as did Kelley. Brandeis and Frankfurter both concentrated their efforts on Washington after Wilson's election, and especially after Brandeis's appointment to the Supreme Court in 1916. In terms of profession, two are politicians (Johnson and Wilson), three are journalists (Lippmann, Croly, and Creel), two are legal scholars and jurists (Brandeis and Frankfurter), one was a government administrator (Walsh), and two are settlement house workers (Addams and Kelley). Frankfurter, Lippmann, and Creel also held significant positions as administrators.

Although the Wilson administration is strongly represented, before the war Croly, Lippmann and Addams were Roosevelt supporters. After the war, most of these progressives threw their support to Robert La Follette. Roosevelt, La Follette and other insurgent Republicans do not figure prominently in this dissertation, nor do Western progressives from agrarian areas. This is a significant limitation on the scope of this study, since La Follette continued to oppose American intervention in the war even after the fact. Nonetheless, many progressives still considered Wilson to be one of them during the war, and understanding how they reconciled their views with his actions is an important part of the intellectual history of progressivism.

The evidence for this study is the writings of progressives. This consists of three main kinds of sources: published articles and speeches, government reports, and private

correspondence. For the journalists, careful attention has been devoted to their public writings because these materials reflect the way that these writers wished to be characterized with respect to radicalism and how far they were willing to go in associating themselves with their views. This is a particularly important question when radicalism was repressed and unpopular. Influential private writings have also been consulted, particularly those of Louis Brandeis, Felix Frankfurter, Woodrow Wilson, and Frank Walsh, as well as their correspondence with other subjects of the dissertation. This approach places the emphasis on what progressives themselves thought about radicalism, rather than attempting to draw an analytical comparison based on material similarities or subconscious influences.

The focus of the dissertation is change over time. The method has been to attempt to identify a shift in the entire range of opinions of a significant group rather than to try to find a consistent thread for individuals throughout the period and to evaluate which of those threads was most representative. More subtly, the discussion focuses on the way that progressives responded as the ground shifted, so that similar beliefs could produce a very different result at different times. While there is some discussion of general views of political economy at the beginning of the dissertation, the narrative becomes increasingly focused on specific moments of political coalition and conflict as the dissertation proceeds. The focus is on progressives' opinions during these times rather than the history of these organizations and events. To explain why these shifts occur, the task is to identify the conditions under which the connections between progressives and radicals flourished, and under what conditions they were repressed. This approach avoids the situation where certain practices and beliefs are dubbed integral while others are

considered ancillary. It also preserves the fundamentally dynamic quality of progressivism that its advocates repeatedly insisted upon.[58]

State of the Field

The primary synthesis of progressivism for many years came from the liberal consensus view of Richard Hofstadter, who argued that progressives were middle-class reformers trying to recover the social status that they had lost to the Robber Barons.[59] This approach was compatible with the organization thesis of Robert Wiebe, who argued that progressivism was part of an effort to professionalize much of American life.[60] These approaches were disputed by New Left historians such as Gabriel Kolko and James Weinstein, who argued that progressives were actually allied with big business and that many of the reforms they advocated were favored or even developed by big business in order to reassure the public and make business more predictable.[61] In the 1970s Peter Filene and Daniel T. Rodgers attempted to bypass this debate by saying that the very notion of a progressive movement was flawed.[62] In subsequent years, however, Rodgers has argued that progressivism should be understood instead as a species of Atlantic intellectual movements, including social democracy. These movements typically thought about the role of the state even in what was purportedly a laissez-faire political economy

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[58]I am indebted to Sarah Henry's dissertation, "Progressivism and Democracy," for this methodology.

[59]Richard Hofstadter, *Age of Reform*.

[60]Robert Wiebe, *Search for Order*.

[61]Kolko, *Triumph of Conservatism.* Weinstein, *Corporate Ideal in the Liberal State*.

[62]Filene, "An Obituary for the 'Progressive Movement.'" Daniel T. Rodgers, "In Search of Progressivism," *Reviews in American History* 10 (December 1982): 113-32.

and argued for taking conscious control of the outcomes the state produced.[63] This synthesis, which has been highly influential, is appealing because it seems to put to rest a long-simmering debate in American history, which is the question of why there has been no socialist tradition comparable to that of European countries.[64] Rodgers seemed to suggest that progressivism was really an American version of social democracy.

In the 1980s, Martin Sklar took a position seemingly very similar to the New Left argument. Sklar argued that progressives at no point seriously attempted to do away with big business, and that their efforts ranged from the active regulation of Theodore Roosevelt to the policing of anticompetitive practices by the Federal Trade Commission, established by Wilson.[65] But while New Left historians such as Weinstein had emphasized the corporate origins of regulatory legislation, Sklar looked instead at the depth of the impact of such legislation on political economy. Recently, he argued that the focus on the ideology of socialism was misplaced—and was indeed really just a version of the "Why no socialism" argument. Instead, the focus should be on political economy, and any kind of increased state control should be understood to move the economy in the direction of socialism.[66]

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[63]Rodgers, *Atlantic Crossings*.

[64]Eric Foner, "Why Is There No Socialism in the United States?" *History Workshop Journal* 17 (Spring 1984): 57-80 gives a useful synthesis. See also, Werner Sombart, *Why Is There no Socialism in the United States?* trans. Patricia M. Hocking and C. T. Husbands (New York: International Arts and Sciences Press, 1976); Richard Hofstadter, *The American Political Tradition: And the Men Who Made It* (N.p.: Alfred A. Knopf, 1948; New York: Random House, Vintage Books, 1989); Louis Hartz, *The Liberal Tradition in America: An Interpretation of American Political Thought Since the Revolution* (New York: Harcourt Brace, 1955); Weinstein, *Decline of Socialism in America*.

[65]Martin J. Sklar, *The Corporate Reconstruction of American Capitalism, 1890-1916: The Market, the Law, and Politics* (Cambridge: Cambridge University Press, 1988), 244-45.

[66]Martin J. Sklar, "Thoughts on Capitalism and Socialism: Utopian and Realistic," *Journal of the*

Rodgers and Sklar raise important questions, which were neglected in the earlier historiography of progressivism, specifically the relationship between progressivism and socialism—and radicalism more broadly.[67] The problem is, both authors were drawing conclusions about this relationship without asking what the progressives themselves thought about it. This may be a valid approach, but something is lost when people's own thought is left out of history. Moreover, one has to ask whom to believe when progressives themselves rejected socialism and other forms of radicalism, or even repressed them: the historians, or the progressives?

The most sustained analysis of this question was that by James Kloppenberg, who argued that progressivism formed a third way between capitalism and socialism.[68] Similarly, Leon Fink has combined different strands in progressive thought by suggesting that if one looks past expressions of class chauvinism there are genuine influences of socialism.[69] Most authors, however, have suggested there was either a collaborative or antagonistic relationship between progressives and radicals. On the one hand are those who, like Rodgers and Sklar, have argued that there is a favorable relationship. Several historians of women have come to a similar conclusion. Kathryn Kish Sklar emphasizes the importance of Florence Kelley's father, a key figure in Reconstruction, and Frederick Engels on her commitment to improving conditions for workers. Eileen Boris emphasized the coalitions struck between workers and middle-class progressives in

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Gilded Age and Progressive Era 2 (October 2003): 361-376.

[67]This approach has been influential, as indicated by a recent synthetic account that described progressives themselves as radicals. McGerr, *A Fierce Discontent.*

[68]James T. Kloppenberg, *Uncertain Victory: Social Democracy and Progressivism in European and American Thought, 1870-1920* (New York: Oxford University Press, 1986).

[69]Leon Fink, *Progressive Intellectuals and the Dilemmas of Democratic Commitment* (Cambridge: Harvard University Press, 1997).

women's reform such as the Women's Trade Union League.[70] In a similar vein, within labor history, some historians have stressed industrial democracy as product of the symbiosis of labor and progressivism. Steven Fraser emphasizes the influence that the socialist Sidney Hillman wielded within both the progressive movement and especially the New Deal.[71] Although he observed the negative impact on the IWW, Joseph A. McCartin stresses the depth of Frank Walsh's criticisms of capitalism and the significance of the gains to labor during the First World War.[72]

On the other hand, some authors have stressed the repression of radicalism at the hands of progressives. William Preston, who has done the most careful analysis of the involvement of progressives in repression, does not focus on progressivism specifically, but rather on the federal state. Progressives appear as part of an ongoing and escalating campaign of federal repression over the first third of the century.[73] A variant of the antagonistic story stresses a process of transformation that characterized the entire period. Alan Dawley, who has written the best single synthesis explicating this transformation,

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[70]Kathryn Kish Sklar, *Florence Kelley and the Nation's Work* (New Haven: Yale University Press, 1995). Boris, *Home to Work*.

[71]Fraser, *Labor Will Rule*. Fraser also stresses the influence of Bolshevism on progressives during the 1920s in "The 'New Unionism and the 'New Economic Policy,'" in *Work, Community, and Power,* ed. Cronin and Sirianni, 173-96.

[72]Joseph A. McCartin, *Labor's Great War: The Struggle for Industrial Democracy and the Origins of Modern American Labor Relations, 1912-1921* (Chapel Hill: University of North Carolina Press, 1997). The view that there was an essential aspect of progressivism that in a literal way intended to make progress over time toward economic and political equality may also be responsible for the tragic tone that surrounds some of the individual studies of progressives. See Edward Stettner, *Shaping Modern Liberalism: Herbert Croly and Progressive Thought* (Lawrence: University Press of Kansas, 1993); Alexander George and Juliette George, *Woodrow Wilson and Colonel House: A Personality Study* (N.p.: John Day Company, 1956; reprint, New York: Dover Publications, 1964); Thelen, *Robert M. LaFollette.*

[73]William Preston, Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933,* 2d ed. (Urbana: University of Illinois Press, 1994). David Kennedy argues that repression during the First World War was a consequence of the progressive emphasis on collectivism. David M. Kennedy, *Over Here: The First World War and American Society* (Oxford: Oxford University Press, 1980).

stressed the "open border" that existed between progressivism and socialism before the First World War, but he describes the change as a one-way process in which progressivism changed into "managerial liberalism."[74] Within women's history, Meredith Tax describes a process of cooptation, whereby progressive "allies" cooperated with radicals in the Women's Trade Union League in order to accomplish reform but then relegated them to a distinctly subordinate position during the First World War.[75]

A similar story emerges in labor history. David Montgomery takes a decidedly declinist view, describing a transformation of the AFL from an organization that welcomed socialists before the war to one that became closed by the 1920s, due to a Faustian bargain with the state.[76] In a similar vein, Michael Kazin explores the growth of a reform coalition involving syndicalists within San Francisco's powerful building trades unions and the subsequent decline of this coalition during the war.[77] Many of the historians of radicalism, such as Melvyn Dubofsky and Nick Salvatore, describe a turn against radicalism in a transformation similar to that of Dawley, in which the state became unwilling to tolerate radicalism at precisely that moment at which revolution appeared a real possibility.[78] Though he does not draw a specific link to progressivism,

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[74]Dawley, *Struggles for Justice*, 189, 344. See also Weinstein, *Decline of Socialism in America.*

[75]Meredith Tax, *The Rising of the Women: Feminist Solidarity and Class Conflict, 1880-1917* (New York: Monthly Review Press, 1980).

[76]Montgomery, *Fall of the House of Labor*. Melvyn Dubofsky makes this argument clearly in "Abortive Reform."

[77]Michael Kazin, *Barons of Labor: The San Francisco Building Trades and Union Power in the Progressive Era* (Urbana: University of Illinois Press, 1989).

[78]Dubofsky, *We Shall Be All*. Dubofsky also points out the limits of radicals' cooperation with progressives before the war in the Protocol of Peace in *When Workers Organize*. Nick Salvatore, *Eugene V. Debs*.

Richard Drinnon in his biography of Emma Goldman stressed the shift from local vigilante repression to national bureaucratic repression during the First World War.[79]

Some studies take a more positive view of the process of transformation. In a legal study, David Rabban has argued that while Progressives initially stressed the limitation of individual rights in order to advocate reform of the economy, and while this focus made them initially insensitive to the curtailment of civil liberties during the war, after the war, they began to stress civil liberties, drawing on libertarian ideas that had previously been advocated by radicals such as the IWW. In this story, the repression undertaken by Wilson was within the preexisting law, and the innovation of Progressives was in fact to enact new protections for civil liberties.[80]

Where this dissertation differs from these perspectives is, first, in saying that there is no simple way to characterize the relationship between progressivism and radicalism for the entire period. Whether the relationship was favorable or not favorable depends on when one chooses to look and changed in response to the circumstances. At times when the state appeared to be threatened or political violence appeared likely, the relationship became more antagonistic. At times of economic stress and conservative political economy when progressives sought ideas and allies in agitating for reform, the distinction between them and radicals grew more porous. Second, not only was the relationship not static, it did not follow a straight-line process of transformation for the entire period. The relationship waxed and waned, and at the end of the period, during the years of the

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[79]Drinnon, *Rebel in Paradise,* 224-25. Melvyn Dubofsky stresses a similar dynamic in his discussion of the federal adoption of repression in response to vigilantism against the IWW. Dubofsky, *We Shall Be All,* 389,393-95, 404-408.

[80]David M. Rabban, *Free Speech in Its Forgotten Years* (Cambridge: Cambridge University Press, 1997).

Farmer-Labor Party, it was similar to what it had been in the years before the war and during the agitation of the Women's Trade Union League and the investigations of the Commission on Industrial Relations.

The best studies to describe this relationship in its on-again off-again character have been either labor history or the work of historians of progressivism who take a labor history perspective. Some historians of communism, such as James R. Barrett and Edward P. Johanningsmeier, while documenting the repression of radicalism during the war, also emphasize the revival of collaboration with progressivism in the 1920s and during the New Deal.[81] In a study of the suffragist Harriot Stanton Blatch, Ellen Du Bois describes the transformation in her views due to exposure to Fabian socialism, and her subsequent alliances with trade unions to achieve the vote in New York State.[82] In a study of the Chicago Federation of Labor, Elizabeth McKillen discusses the opposition of Irish radicals to wartime cooperation with the Wilson administration due to its favoritism toward Britain, and stresses postwar coalitions such as the Farmer-Labor Party and the Committee of 48.[83] In a recent book, Richard Greenwald has challenged the story that the Wagner Act grew out of the work of Louis Brandeis in the Protocol of Peace and later the National War Labor Board, arguing that these systems lacked enforcement for the recognition of unions. Greenwald argues that the Wagner Act instead grew out of another coalition of radicals and liberals that formed the New York State Factory

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[81]James R. Barrett, *William Z. Foster and the Tragedy of American Radicalism* (Urbana: University of Illinois Press, 1999). Edward P. Johanningsmeier, *Forging American Communism: The Life of William Z. Foster* (Princeton: Princeton University Press, 1994).

[82]Du Bois, *Harriot Stanton Blatch.*

[83]Elizabeth McKillen, *Chicago Labor and the Quest for a Democratic Diplomacy, 1914-1924* (Ithaca: Cornell University Press, 1995).

Inspection Commission after the Triangle Shirtwaist fire.[84] This approach to understanding progressivism, which gives a leading role to the relationship with militant elements of the labor movement and radicalism, clearly is a fruitful area of research that is illuminating previously neglected or oversimplified aspects of progressivism.

Finally there is the literature that describes progressivism as an effort to increase and make more efficient the capacities and powers of the state. Steven Skowronek has described this effort with respect to civil service reform, the army, and regulation, while Theda Skocpol has discussed it in the area of social reform.[85] Victoria Hattam has described the growth and impact of the labor injunction on the voluntarist orientation of labor unions, and William Forbath has continued the discussion through progressive efforts to reform the injunction.[86] This dissertation is an effort to extend this analysis of the process of state building to the power to regulate dissent and manage class conflict, and to comprehend how this power developed in relation to the progressive understanding of radicalism.

Structure of the Dissertation

The first chapter of the dissertation, "Intellectual Beginnings," covers the years from 1900 to 1908. This chapter identifies two principal responses of progressives to radicalism and labor militancy at the beginning of the century, reform and repression.

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[84]Richard A. Greenwald, *The Triangle Fire, the Protocols of Peace, and Industrial Democracy in Progressive Era New York* (Philadelphia: Temple University Press, 2005).

[85]Skowronek, *Building a New American State.* Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge: Harvard University Press, 1992).

[86]Hattam, *Labor Visions and State Power.* Forbath, *Law and the Shaping of the American Labor Movement.*

The most important event of the period was the assassination of President McKinley by an anarchist in 1901, which brought direct calls for the repression of anarchism. In response to the prevalence of violence in strikes, on the other hand, some progressives called for reform of the conditions that caused them. These two responses to contemporary radicalism bore a surprising relationship to responses to historical radicalism, specifically Reconstruction.

The second chapter, "The Promise of Protocolism," covers the years from 1908 until the beginning of World War I. This chapter considers the efforts of progressives to work side-by-side with radicals in strikes protesting the conditions in the Eastern garment industry, and the efforts of Louis Brandeis and others to find an institutional solution to those conditions that could avoid strikes. These strikes and subsequent protests by the IWW in Lawrence and Paterson brought a striking degree of favorable sentiment toward syndicalism from progressives, especially surrounding the formation of the Commission on Industrial Relations to investigate the causes of labor unrest. But disagreements over the acceptability of strikes once a settlement had been reached were a harbinger of continuing differences rooted in divergent long-term visions of economic change.

Chapter three, "Industrialism on Trial," discusses the years of American neutrality during World War I, from 1914 to 1917. This chapter explores the hearings and staff reports of the Commission on Industrial Relations, which investigated syndicalism in-depth. Some of these reports urged taking the syndicalists' indictment of capitalism seriously—a perspective reflected in the commission's final report. But contrary influences began to pull in the opposite direction. From within the staff reports of the CIR, the view that syndicalism was not so much a different form of political economy as

a kind of psychological disorder began to emerge. *The New Republic* began to assert that progressivism was a discrete project from socialism, and the military intervention in Mexico made clear the willingness of progressives to try to bring order out of revolution by the use of force.

Chapter four, "Safe for Controversy," discusses the years of American involvement in World War I from 1917 to 1918. Events began to unfold very rapidly that changed the relationship between progressives and radicals from one of kinship to one of antagonism. Early in the war, the Wilson administration enacted measures of censorship with qualified support from progressives, who identified closely with Wilson's war aims and could not think of themselves as likely targets of suppression. Because the IWW refused to forswear striking in critical industries such as copper mining and spruce timber, its revolutionary ideology began to appear to be a conspiracy to undermine the American state. This perception was heightened after the withdrawal of Russia from the war after the Bolshevik revolution, and progressives supported or consented tacitly to measures of repression. Although investigations into the causes of the strikes emphasized conditions, they also drew on the psychological interpretation of syndicalism to suggest that reform of conditions was an effective way to reduce IWW influence.

The fifth chapter, "The Red Scare and the Rights of Radicals," covers the years 1919 to 1920. This chapter begins with a consideration of the wartime prosecutions under the Espionage Act that led to the "clear and present danger" doctrine, then discusses the factors that pushed progressives away from the Wilson administration. These factors included the Treaty of Versailles, the Steel Strike of 1919, and the Palmer Raids, which together made it appear that the wartime reforms had been undone. The

discussion surrounding the amnesty campaign and the formation of the American Civil Liberties Union suggest that progressives now accepted the necessity of wartime repression and drew a clear distinction between defending the rights of radicals and sympathizing with their views.

The sixth chapter, "Progressive Politics," covers the years from 1920 to 1924. This chapter considers the renewed coalitions that progressives formed with radicals such as the Farmer Labor Party. While these groups endorsed a common set of policies, progressives did not make the same kinds of assertions about the similarities with radicalism that they had in the prewar years. This chapter also addresses the willingness of progressives to defend William Z. Foster, a syndicalist who worked within the AFL and was tried under Michigan's state syndicalism statute, and their sanguine perspectives on the New Economic Policy in Russia.

There is a natural coalition between progressives and radicals to achieve common ends. To put on the agenda what in retrospect appear to have been reforms requires a willingness to accept the outsider status that framing an issue for the first time can bring.[87] Radicals can also generate numbers to support proposals for reform due to their important role in organizing labor unions. But these coalitions cannot survive prolonged military conflicts. Now that the United States has entered a state of seemingly perpetual conflict and acquired vast new powers to abridge basic freedoms, it bears revisiting how and why the architects of the state developed the capacity to repress dissent.

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[87]Nelson Lichtenstein, *State of the Union: A Century of American Labor* (Princeton: Princeton University Press, 2002), 45. Nancy Fraser, "Talking about Needs: Interpretive Contests as Political Conflicts in Welfare-State Societies," *Ethics* 99 (January 1989): 296.

Chapter One: Intellectual Beginnings, 1900-1908

On September 6, 1901, Leon Czoglosz, a Polish-American anarchist, shot President William McKinley, who died eight days later. On September 19, Woodrow Wilson spoke to the students at Princeton, where he was a popular professor of political science, about the assassination. It is not surprising that Wilson denounced the assassination, and perhaps not even that he denounced anarchism. What is surprising was that he attributed the assassination to an insufficient vigilance among the rest of the population against the ideas of revolution. "We had dared to hope that this was the place in all the world where men were free enough to think the thoughts of soberness in place of thoughts of revolution, and where, because the law made the course of reform open men would not with dastardly cunning seek the sudden way of force to gain their objects."[1] The problem was not just Czoglosz, but the atmosphere that tolerated his views: "This pestiferous thing that has grown in our soil must have had some air to feed upon, and we may well ask ourselves, have we supplied any of the air that has fed the fatal plant of anarchy in America?"[2] Wilson suggested that there was a general spiritual failing that had made possible the growth of this form of political activity.

Wilson's remedy consisted of two parts. First, citizens had to improve their intellectual rigor and keep an eye on others: "...I think that any man may exhort his fellow-citizens to cultivate that spirit of moderation which will make the air sweet and safe for controversy; that any man may beg of his fellow citizens to check in any way that

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[1]Woodrow Wilson, "Remarks on the Assassination of President McKinley," September 19, 1901, *Princeton University Bulletin,* October 13, 1901, *The Papers of Woodrow Wilson,* ed., Arthur S. Link, vol. 12 (Princeton: Princeton University Press, 1972), 185 (hereinafter PWW).

[2]Ibid., 185.

they can the factional spirit, in order that the air may be wholesome to breathe."[3] Though Wilson would later refine this phrase as "safe for democracy," he was already working out the idea that certain ideas were inherently destructive of free discussion and had to be resisted by the general population. Paradoxically, Wilson's second remedy was a selective repression of revolutionary ideas. He was concerned that this repression could become too far-reaching, and in doing so would produce the same kind of repression sought by Czoglosz: "I believe that it would be in the spirit of the assassin himself to pursue any set of men for their opinions, no matter what those opinions might be; but it will be in the true spirit of the institutions to check that which is wrong and intemperate, and to stop that with the hand of force which is against the slow process of reform and which makes for the quick process of revolution...."[4] In one sentence, Wilson not only suggested that Czogloz was trying to repress the views of others, but he called for the repression of those who advocated revolution. Wilson perceived no contradiction here. It was that which was inimical to the patient search for truth that had to be suppressed, thus making possible steady, slow debate. Some degree of repression he thought of as consistent with, indeed the precondition for, democracy. Here he not only drew a clear distinction between revolution and reform, he suggested that the desire for the former was threatening to the processes of the latter, requiring the forcible intervention of the state to suppress it. Citizens had to "deal with this thing which eats at our vitals, not in a spirit of haste and passion but in a spirit, as it were, of kindly science, sending the knife where it will cut away that which is diseased, and not sending the knife where it will imperil the

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[3]Ibid., 185-86.

[4]Ibid., 186.

vital organs themselves."[5] Even at this early date, Wilson was in favor of selective repression in order to preserve free institutions, in response to conditions that appeared to threaten the state.[6]

As President, Wilson would in fact resort to repression of radicalism. But many of the reformers that would eventually support Wilson, such as Jane Addams, Florence Kelley, and Louis Brandeis, favored a different approach to dealing with revolutionary agitation and the violence that was perceived to stem from it. These reformers called for improving the conditions of labor that led to radicalism. One of the reasons for these different responses was different experiences of radicalism in the American tradition, specifically Reconstruction. This contrast was most vividly illustrated in the cases of Wilson and Kelley. While Wilson grew up in the South the son of a pro-slavery minister, Kelley's father was a Republican Congressman from Pennsylvania who was instrumental to Reconstruction. Their views of contemporary radicalism were therefore notably opposite, Kelley being much more sympathetic than Wilson. Progressives would continue to advocate both of these kinds of responses in the coming years. Which approach predominated depended on what conditions seemed to require: if revolutionary violence or a threat to national security appeared to be a risk, repression became a more compelling alternative.

Jane Addams: Radicalism as Immature Reform

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[5]Ibid., 186.

[6]See also "Jersey Would Move to Exterminate Anarchy," *Daily Trenton True American,* September 23, 1901, PWW 12: 185-87.

Like Wilson and Kelley, Addams refracted contemporary issues of poverty and labor conflict through her understanding of the Civil War. She took Lincoln, whom she referred to as the "martyred president," to be a source of moral inspiration for herself and the immigrant residents of Hull House. In her autobiography, published in 1910, Addams recalled the death of Lincoln, whom her father described as "the greatest man in the world," as her introduction to the concerns of the outside world when she was four years old. Her father showed her his letters from Lincoln asking him as a member of the Illinois state legislature to vote against secession, and she passed the houses of Civil War veterans with reverence. Visiting the state capitol in Wisconsin, she could sense the image of "Lincoln himself as an epitome of all that was great and good" and "the standard bearer to the conscience of his countrymen."[7] Later in life, Lincoln served as a model of mercy, incorruptibility, and the capabilities of ordinary people. Reflecting on the deployment of U.S. Army troops during the Pullman Boycott, Addams called for heeding Lincoln's words of "charity towards all." Addams celebrated his birthday at Hull House and gave out 25 copies of Carl Shurz's "Appreciation of Abraham Lincoln" to a local boys' club at Christmas. She took as a model in her work with working-class immigrants at Hull House Lincoln's belief that "if this tremendous experiment was to come to fruition, it must be brought about by the people themselves...."[8]

At the time of the foundation of Hull House, Addams was principally concerned with the contemporary forms of radicalism that were teeming in Chicago. She drew a direct connection between the events of the Haymarket Square affair, in which eight

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[7]Jane Addams, "Influence of Lincoln," *Twenty Years at Hull House* (New York: Penguin Books, Signet Classic, n.d.; reprint of n.p.: Macmillan Company, 1910), 33-35, 38, quotations 38, 33, 37.

[8]Ibid., 39-40, 41, quotations 39, 40.

anarchists were framed for throwing a bomb during a protest in May 1886, and the foundation of Hull House: "The terrible experiences connected with the Haymarket Riot were but three years old, and it was felt by the wisest men in the city that an adequate outlet must be provided for rational discussion of social questions if disorderly demonstrations were to be avoided."[9] The single-taxers were holding meetings "of a religious temper and fervor." Least practical of all were the socialists, who "surpassed even them and every one else in fervor and in the conviction that life could be spelled out in terms of irrefutable logic."[10] As Addams remarked in 1905, the popularity of socialism was directly traceable to the lack of reform: "There is no doubt that the rapid growth of the Socialist party in all crowded centers is largely due to their recognition of those primary needs and experiences which the well-established governments so stupidly ignore...."[11]

One of Addams's motives in establishing Hull House was to channel these radical sentiments in the direction of reform, which she understood as a process of maturation or growth. Writing in the *Ladies' Home Journal* in 1906, Addams described the surprise of the head of the British settlement Toynbee Hall during his visit to Chicago in 1890 at the lack of reforms comparable to those in other industrialized countries. There was sufficient "public spirit" for such reforms, he said, but the political process for

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[9]Jane Addams, "Jane Addams's Own Story of Her Work: The First Five Years at Hull-House," *Ladies' Home Journal* 23 (April 1906): 11, reel 46, *frame* 1449, *The Jane Addams Papers, 1860-1935* (Ann Arbor: University Microfilms International, 1984), (hereinafter Addams Papers). John L. Thomas, *Alternative America: Henry George, Edward Bellamy, Henry Demarest Lloyd and the Adversary Tradition* (Cambridge: Harvard University Press, Belknap Press, 1983), 202-204, 207.

[10]Addams, "Jane Addams's Own Story of Her Work," 11.

[11]Jane Addams, "Problems of Municipal Administration," *American Journal of Sociology* 10 (January 1905): 438, reel 46, frame 1319, Addams Papers.

demanding and enacting them was not yet developed. "These matters of detail," Addams wrote, "seemed unimportant to a city in the first flush of its youth." At this stage, public sentiment was expressed in radical agitation rather than in formal mechanisms of improvement. "It was distinctly the period of propaganda as over against constructive social effort." [12]

In these early days of Hull House, Addams felt that one of her chief tasks was getting radicals focused on concrete measures: "...everything was thrown back upon general principles, and all discussion save that which 'went to the root of things' was impatiently discarded as an unworthy halfway measure." She described socialists as utopian to the point of absurdity. In one incident, a socialist was accused of claiming that socialism would cure tooth decay. In his own defense, the socialist "said that it certainly would, that, when every child's teeth were systematically cared for from the beginning, toothache would disappear from the face of the earth ... as the Black Plague had disappeared from the earth with the ill-regulated feudal regime of the Middle Ages." Hull House, by contrast, was attempting to develop social science, which was in its its early stages of organization as a profession. The University of Chicago, for example, was not established until three years later. But the calm discussion of Hull House was unexciting to the radicals. "Radicals are accustomed to hot discussion and sharp differences of opinion, and take it all in a day's work."[13]

Although Addams attempted to distinguish her attitudes and her work from that of previous generations of reformers, she was not entirely free of the prejudices of her social

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[12]Jane Addams, "Jane Addams's Own Story of Her Work", 11.

[13]Ibid.

class and the time in which she lived.[14] One perception that she could not entirely renounce was that of radicalism as a disguise for laziness. In her 1902 book *Democracy and Social Ethics,* she described the visit of a charity worker, most likely herself, to the home of an "agitator" who had been blacklisted in a strike. The purpose of her visit was to check on a child worker who had been injured in an industrial accident. "He is not a very good workman," Addams wrote, "and this, added to his agitator's reputation, keeps him out of work for a long time.... In order to keep up his self-respect ... he yields to the little self-deception that this prolonged idleness follows because he was once black-listed, and he gradually becomes a martyr."[15] Though his wife could see through his deception, she provided for the family in his place in order to avoid confronting him. But the "charity visitor" found out that others who had participated in the strike had returned to work. Yet the visitor cannot "call him lazy and good-for-nothing, and denounce him as worthless as her grandmother would have done, because of certain intellectual conceptions at which she has arrived."[16] Addams may not have given voice to these sentiments during her visits, but she still felt them and expressed them in a different venue.

At times Addams also described working class socialism as a form of incomplete or misdirected assimilation. In a 1905 article in the *Journal of Sociology,* Addams wrote that it was a symptom of the immaturity of American state that voluntary groups had to

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[14]John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (N.p.: Rutgers University Press, 1955; reprint, New York: Atheneum, 1966), 119-20.

[15]Jane Addams, *Democracy and Social Ethics,* ed. Anne Firor Scott (Cambridge: Belknap Press, Harvard University Press, 1964; reprint of New York: Macmillan Company, 1907; originally published 1902), 47. The introduction notes that the contents had been published as articles, which were in turn adaptations of 1890s speeches, xliii.

[16]Ibid., 47-48.

do much of the relief work that should be performed by municipal governments. Addams compared her own disappointment with this lack of development to that of religious persons regarding the "fervor" invested in radical causes: "... as the orthodox Jew sees his son ignoring the Yom Kippur, and pouring all his religious fervor, his precious zeal for righteousness which has been gathered through the centuries, into the Socialist Labor Party, so a patriot finds himself exclaiming, like Browning's Andrea del Sarto: 'Ah, but what do they, what do they, to please you more?'" Addams implied that immigrants were turning away from their native traditions not to American traditions, but to socialism, because of a lack of reform.[17]

Addams made a similar argument about labor unions, contending that the frequency and ferocity of strikes was due to the immaturity of workers' organizations. Remarking on the rapid growth of unions in a 1904 article for the *North American Review,* she drew a comparison between them and the formation of nations, "when the members of the newly conscious nation considered all those who were outside as possible oppressors and enemies" and regarded only those inside the group as worthy of loyalty and sacrifice. Initially, unions regarded their employer, and later the entire employing class, as the enemy. "This stage of trades-unionism is full of war phraseology, with its 'pickets' and 'battle-grounds,' and is responsible for the most serious mistakes of the movement."[18] Addams did not believe there was an inevitable trade-off between the interests of the classes, and felt it was a matter of maturity for union members to perceive that. In a 1907 speech at the American Sociological Society, Addams objected to the

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[17]Jane Addams, "Problems of Municipal Administration," 437.

[18]Jane Addams, "The Present Crisis in Trades-Union Morals," *North American Review* 179 (August 1904): 180-81, reel 46, frame 1286, Addams Papers.

view of the economist John Commons, who argued that national class-consciousness among immigrant workers would eventually evolve into collective class consciousness.[19] In Addams's view, immigrant workers would begin to see not only what they had in common with one another, but the interest in higher productivity they shared with their employer. "Immigration by its very variety is bringing in its own education. An old enemy working by your side has turned into a comrade. It is quite possible that your employer formerly regarded as an enemy, mitigated by feudal survivals, is also not so bad."[20] Addams thus described class consciousness as a kind of parochial or limited view, one that she was confident the process of adapting to American life would broaden.

Addams nonetheless admired the spirit of mutualism and self-sacrifice evident in some of the major strikes of the period. Despite the violence of the 1894 Pullman Boycott, for example, Addams could not help but be impressed at the willingness of railroad workers to go on strike for the workers who built Pullman sleeping cars.[21] The strike began when the Pullman Car Works, in the wake of the 1893 financial panic, imposed a deep wage cut in its plant near Chicago in June. Because George Pullman still charged the workers the same rent and prices in his company town and refused to negotiate, the workers went on strike. In early July, Eugene Debs's American Railway Union called for a nationwide boycott of the Pullman sleeping cars. Though Debs was not yet a socialist, he described the boycott in altruistic terms. The strike was undertaken

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[19]John R. Commons, "Is Class Conflict in America Growing and Is It Inevitable?" *The American Journal of Sociology* 13 (May 1980): 756-766.

[20]Jane Addams, "Remarks on John R. Commons's 'Is Class Conflict in America Growing and Is It Inevitable,'" in *American Sociological Society Papers and Proceedings* 2 (1907), 153, reel 46, frame 1517, Addams Papers.

[21]Addams, *Democracy and Social Ethics*, 148.

out of "fellow-feeling for the woes of others," and manifested "the Christ-like virtue of sympathy." After a federal judge issued an injunction against the ARU, President Cleveland intervened with 2,000 U.S. Army troops in Chicago, provoking violence, and the strike ended with the arrest and conviction of Debs.[22]

Addams understood the strike in terms similar to those that Debs expressed, and urged her readers to look beyond the apparent illegality of the strike to the mutualism that the boycott embodied. "At times of social disturbance the law-abiding citizen is naturally so anxious for peace and order ... that it is difficult for him to see the situation fairly," she wrote. Such an observer "becomes insensible to the unselfish impulse which may prompt a sympathetic strike on behalf of workers in a non-union shop.... He is completely side-tracked by the ugly phases of a great moral movement."[23] Such strikes, while motivated by admirable sentiments, were "uncouth and unruly," especially when contrasted with the efficient operation of a factory.[24]

By this "moral movement," Addams was not referring to socialism specifically so much as an international reform movement that incorporated unions, settlement houses, and emerging social science. This movement was different than traditional charity because it was more aware of the structural causes of poverty and less inclined to attribute it to individual behavior. Strikes, while "uncouth and unruly," had the same spirit of cooperation and mutual concern as the other participants in this movement. In a

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[22]Nick Salvatore, *Eugene V. Debs: Citizen and Socialist* (Urbana: University of Illinois Press, 1982), 127-32, 135, 138, 151, 174, 185-86, quotation, 137, quoting Eugene V. Debs, "Labor Strikes and Their Lessons," in John Swinton, *Striking for Life,* (New York:, n.p. 1894), 324.

[23]Addams, *Democracy and Social Ethics,* 174-75.

[24]Ibid., 171.

speech called "The New Social Spirit" delivered at the National Council of Jewish Women in 1902, Addams said, "The people who take part in this social movement are not merely the philanthropic people, the scholars and the good citizens, but they are also the people whom we usually refer to as the beneficiaries of philanthropy, those whom we regard as the legitimate objects for the study of sociologists and those whom we describe as the 'poor people' that the good citizens must 'elevate.'" Giving the battle against child labor and disease as examples, Addams said, "people are thinking more and more of what may be done in order to prevent those conditions which make for pauperism, and they therefore give less time to the application of mere curative methods and more to preventive measures."[25]

While Addams thought strikes were a transitional phase of unions, she was supportive of other union methods, including collective bargaining and the closed shop. Addams objected to the term "closed shop," with its coercive connotation, and argued that the "contract shop" was a better description because it really meant only that unions were permitted to reach a business agreement with employers.[26] Addams also argued for a flexible understanding of property rights. Employers contended that collective bargaining with unions infringed on their property rights, but she argued that the employers' view "is a confusion between the principle of property, which has been recognized and protected throughout the existence of civilization, and the modes by which it has been governed. The latter are unstable, and destined, like any other manifestation of life, to undergo the law of progressive development." Property was not

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[25]Jane Addams, "The New Social Spirit," in *National Council of Jewish Women Proceedings* (1902), 16-17, quotations 16, reel 46, Addams Papers.

[26]Addams, "The Present Crisis," 182-83.

an unchanging, fixed entity, but had changed over time and would continue to change. When workers asserted that they did not get their fair share of the fruits of their labor, or they sought better hours and conditions, they "are really advocating a gradual change in the present constitution of property, and are pursuing the conservative method when they advocate those changes by means of collective bargaining and trade contracts."[27] Addams understood unionism in its deepest implications to be a challenge to the prevailing regime of property rights and a part of a process for renegotiating those property rights to bring about a more desirable political economy. While she objected to some methods of unionism, especially those that resulted in violence, she embraced its larger goals.

Looking ahead, Addams called on industrial workers and social workers to cooperate in order to improve conditions. In her response to Commons's paper, she said, "the scholar and the working-man are uniting in demand for social legislation, and it may well be possible that the amelioration which we all hope is thus being inaugurated will result in a further lessening of the class conflict." The only power capable of combating the trust, she argued, was the state, which required the cooperation of all classes to be mobilized through the democratic process. She continued, "...the trust can be controlled only by the government which after all in a democracy is composed of all the citizens, a universal class."[28] Addams sought not so much to defuse working-class militancy, as to incorporate it into a constructive project for reform that would involve those of her own class—scholars, charity workers, and other enlightened citizens. This larger project

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[27]Ibid., 190-91.

[28]Addams, "Remarks on John R. Commons," 154, 155.

would not have the same disruptive and violent qualities as the largest of the great strikes, but it would produce a fundamental change in the economy down to the level of property rights.

Yet, Addams herself conceded that her vision might be "rose-colored," and indeed it was.[29] There was a certain condescension in Addams's view of working-class radicalism. Radicals' opinions seemed to her to be manifestly rigid and impractical, and she attributed labor militancy to a combination of factors including incomplete assimilation, the immaturity of unions, the lack of reforms, and hostility from employers. What she did not consider was that workers held their views because they were the best explanation for the situation they faced. This assumption was integral to her belief that benevolent cooperation from social workers or the wealthy would result in an evolution of radical views or militant behavior. In the coming decades events would prove this assumption to be mistaken. Despite the formation of the kinds of coalitions Addams was envisioning, and enactment of reforms beyond those she was advocating, workers would continue to strike for better conditions, and radicals would continue to push for the overthrow of capitalism. The ambitions motivating these acts were not simply a product of poor conditions, but deeply felt views that differed in principle from those of progressives. The view that radicalism could be reduced by improving conditions, however, would prove remarkably resilient.

Florence Kelley: From Reconstruction to Socialism

Even more so than Jane Addams, and with a greater impact on the degree to

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[29]Ibid., 155.

which she embraced working-class radicalism, Kelley derived her commitment to social justice from direct immersion in Reconstruction. Kelley's determination to improve the conditions of women and children workers was strongly influenced by her father, an abolitionist and radical Republican. Elected to Congress from Pennsylvania in 1860, William Kelley was part of the group that told Abraham Lincoln he had received the presidential nomination. Kelley maintained close ties to Lincoln, advising him on the make-up of his cabinet before the war. During Reconstruction Kelley spoke in Congress in favor of black suffrage, free schools, and the use of force against the Ku Klux Klan. He understood black suffrage as a means of forming a sustainable national Republican government, which could bring about economic reconstruction in the South through Northern investment.[30] Florence Kelley's father was her most important early intellectual influence and remained an enduring moral impetus throughout her life. In 1926, she recalled her earliest childhood memory as the death of Lincoln. Schooled largely at home by her father because of her poor health and the childhood death of her five sisters, her early education consisted of reading the books in his study. While she was in college, she remained in close contact with him, and his letters described the conflicts in Congress over such events as the 1875 Civil Rights Bill in a way that intertwined them with her own family fortunes. Her early political views closely paralleled his own in favor of the protective tariff to develop American industry and keep wages high for industrial workers.[31]

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[30]Kathryn Kish Sklar, *Florence Kelley and the Nation's Work: The Rise of Women's Political Culture, 1830-1900* (New Haven: Yale University Press, 1995), 10, 35, 37-40.

[31]Ibid., 3, 27-29, 34, 36-37, 54.

Writing in 1926, Kelley found a common thread through her father's views in opposition to laissez-faire and support for using federal power to remedy the exploitation of former slaves and free workers. Recalling pictures of English working-class children in her first reader, she wrote, "To Father's mind these toiling English children were living evidence of the evils of Free Trade. He felt profoundly the evil of promulgating, for our own new industry, the theory of *laissez faire*. He believed in forty acres and a mule for freedmen, homesteads for immigrants, and tariffs for American manufacture."[32] Kelley's views of the tariff and its effect on workers would later change, but she recalled that her father told her as a child that it was his generation's responsibility to build up industry, while "the duty of your generation ... will be to see that the product is distributed justly." Kelley "cherished his charge" as she visited industrial sites with him and discussed iron and steel production in the years following Reconstruction.[33]

Kelley's understanding of development as a process that took place in discrete stages was influenced by her exposure and conversion to Marxism as a graduate student in Zurich from 1883 to 1885. In Zurich Kelley attended socialist meetings, populated largely by a group of exiled German social democrats, including Eduard Bernstein, the editor of the official party newspaper. Though an orthodox socialist at this point, by the time of Kelley's recollections Bernstein was well known for the ideas of revisionism, which argued that revolution was unlikely and was unnecessary to achieve socialism.[34]

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[32]Florence Kelley, "My Philadelphia," in *The Autobiography of Florence Kelley: Notes of Sixty Years,* ed. Kathryn Kish Sklar (Chicago: Charles H. Kerr Publishing Company, 1986), 27.

[33]Quotation, Kelley, "My Philadelphia," 25. Kelley, "My Novitiate," *Autobiography of Florence Kelley,* 62, 67-68, 74, quotation 62.

[34]Sklar, *Florence Kelley,* 82-83, 86. Carl E. Schorske, *German Social Democracy, 1905-1917: The*

From 1884 to 1885 Kelley undertook a translation of Friedrich Engels's *The Condition of the Working Class in England* and incorporated his historical understanding of capitalism into her own explanation of poverty. As Kathryn Sklar has explained, a dialectical interpretation of history enabled Kelley to reconcile her admiration of her father, who promoted industrial development, with her commitment to social justice.[35]

Kelley developed a dialectical understanding of the different roles of each generation in an 1887 article critical of traditional philanthropy that incorporated the Civil War into the analysis. The capitalist class had destroyed slavery, she said, because capitalism "presupposes the juridical freedom of the worker, and Negro slavery hemmed its progress in America as monarchical and aristocratic reaction had hemmed it in Europe." But because of the basic means by which capitalism functioned—the extraction of surplus value from workers—the liberating class had now become the oppressors of the working class. Noting that Harvard had sent a regiment to fight in the Civil War, Kelley said, "the class to which we students belong has survived its honorable role as champion of freedom against oppression, and has become the defender of the day that now is, living by oppression and plunder as cynically as ever did the feudal aristocracy."[36] Her father's generation had served a critical historical function, but applying her father's moral consciousness to the present now required opposition to capitalism itself.

Development of the Great Schism (New York: Harper & Row, Harper Torchbooks, 1955), 16-20. Peter Gay, *The Dilemma of Democratic Socialism: Eduard Bernstein's Challenge to Marx* (New York: Columbia University Press, 1952), 40.

[35]Sklar, *Florence Kelley,* 105-106, 118.

[36]Kelley, "The Need for Theoretical Preparation for Philanthropic Work," *Autobiography of Florence Kelley,* 96-97, quotation 98.

By the beginning of the twentieth century, Kelley had moderated these views. Though a socialist, Kelley was never in favor of violence to bring about revolution, and except for a brief period believed that the state could and should improve the conditions of workers. According to Sklar, Kelley shared with Engels the belief that by spreading an understanding of socialism, middle-class activists could enable workers to see a political objective beyond their resentment and anger, thereby reducing the violence of the revolution when it came.[37] Indeed, Kelley, along with Engels, believed that socialists should take advantage of the strength of existing labor organizations such as the Knights of Labor rather than isolating themselves within separate parties. When Engels explained this perspective in an English preface to the *Condition* that Kelley helped publish in 1887, she was expelled from the Socialist Labor Party after a year of membership. In the 1890s, Kelley concluded that by advocating gradual expansion of state control over the economy and assisting workers to form trade unions, middle-class women's organizations were making greater material progress toward socialism than working-class socialist ones. Kelley joined the Socialist Party in 1901 and may have privately remained a member as late as 1913, but her public efforts shifted toward the National Consumers League and other progressive institutions.[38]

There is some evidence from her private correspondence that Kelley was still known as a socialist to the people around her. For instance, in a December 1905 letter in which Lola Maverick Lloyd invited her to Christmas dinner with her family she said,

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[37]Sklar, *Florence Kelley,* 105, 108, 126.

[38]Sklar, *Florence Kelley*, 125, 128-129, 215-16, 274. Sklar, ed., "Introduction," *Autobiography of Florence Kelley,* 13-14. Alan Dawley, *Struggles for Justice: Social Responsibility and the Liberal State* (Cambridge: Harvard University Press, Belknap Press, 1991), 101.

"we want to get hold of the young Lloyds and try our best to lead them in the good old road towards socialism we will say. Being new to the business we are enthusiastic enough but inexperienced. We really need your help."[39] On the other hand, Kelley expressed some misgivings about the abolition of personal property, as opposed to the public ownership of productive property. In a letter written in January 1908, William Bross Lloyd addressed her concerns about what would happen under socialism to a family farm in Nasking, Maine. She had asked about this because of a quotation from Allan L. Benson on Lloyd's stationery comparing the private ownership of the means of production to the ownership of the tools of burglars. Lloyd told Kelley that she could keep the farm if she used it for social good, but not for "exploitation." "You probably would not be allowed to have it unless you made full use of it in case there was any pressure of population on the land. Otherwise, I think you should be left in peace."[40]

Like Addams, Kelley was concerned about the violence and illegality of strikes. Though she placed the blame for the character of strikes upon the legal system, Kelley did not see a positive expression of mutualism in these conflicts. Instead, she believed that strikes could be avoided through the proper regulation of hours and conditions. Compared to the views of trade unionists themselves, this was a comparatively narrow view of the right of workers to control the workplace. In the late nineteenth century, the craft unions that made up the AFL often deliberately used strikes to organize workers or

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[39]Lola Maverick Lloyd to Florence Kelley, December 12, 1905, Nicholas Kelley Papers, New York Public Library, Rare Books and Manuscripts Division, box 62, reel 1 (microfilm), (hereinafter Nicholas Kelley Papers).

[40]William Bross Lloyd to Florence Kelley, January 13, 1908, box 2, reel 2, Nicholas Kelley Papers.

enforce work rules.[41] Indeed, even after the advent of national trade agreements between AFL representatives and business leaders in the early twentieth century, AFL officials sometimes called strikes in order to affect the outcome of negotiations.[42] Though Kelley maintained some commitment to the ideals of socialism, her move in the direction of legal reform of the conditions of work did not come without a cost in terms of her sympathy for workers' perspective in the struggles that constituted class conflict.

In part to prevent workers from resorting to strikes, Kelley argued in favor of state legislation to regulate hours of work and criticized state courts for overturning such laws. For instance, in the 1895 decision *Ritchie v. the People* the Illinois Supreme Court overturned an 1893 law establishing an eight-hour day for women and children in manufacturing. If this had not happened, according to Kelley, hours of labor "would have been eliminated as a cause of dischord [sic]" in women's and children's workplaces and "the number and seriousness of the strikes since 1895, in Illinois, would in all probability have been thus materially diminished, together with the lawlessness incident to them...." Kelley also noted the failure of the legislature of Colorado to enact hours legislation following an 1899 constitutional amendment permitting such regulation. "The lawlessness which has disgraced Colorado, like the lawlessness which has long disgraced Illinois, is traceable ultimately to the denial of law by the authorities which alone can constitute and establish it." In both of these states, she continued, "the harm done is irreparable. Lives have been sacrificed; violence has taken the place of civic order; the

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[41]David Montgomery, *Workers Control in America: Studies in the History of Work, Technology, and Labor Struggles* (Cambridge: Yale University Press), 18-19.

[42]David Montgomery, *The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865-1925* (Cambridge: Cambridge University Press, 1987), 263-265.

public conscience has been outraged." By contrast, she argued, Massachusetts had avoided conflict by enacting hours regulations. "Since 1876 the hours of labor of women engaged in manufacture have been determined by statute in Massachusetts, and strikes turning upon this point have been impossible."[43] While Kelley was clearly on the side of workers in these disputes, she did not view the use of the strike as a positive means to accomplish better conditions, but instead as evidence of the failure to enact necessary reforms.

At this point, Kelley did not frame her argument in favor of regulation in the Marxist terms of surplus value, nor in the workers' own terms of control of the pace and practices of production.[44] Instead she argued that workers had a fundamental right to leisure. Kelley linked the right to leisure to the eight-hour movement, incorporating into it holidays and Sundays and efforts to restrict the labor of women and children. She felt that leisure was important so that workers could have time to participate in civic life, recuperate from repetitive labor, and maintain healthier households. This right, "deeply felt by working people to be a human right which they are determined to assert, has been the subject of ceaseless struggle and will continue so to be until its assured possession by all the people takes it out of the realm of contention." Though the Supreme Court had upheld limits to the hours of women and children on the basis of the state's police powers, Kelley argued that all workers were entitled this right. By failing to extend it to

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[43]Florence Kelley, *Some Ethical Gains Through Legislation* (New York: The Macmillan Company, 1905; reprint, New York: Arno and The New York Times, 1969), 139, 161, 145, quotations 144-45, 162, 145. Eileen Boris, *Home to Work: Motherhood and the Politics of Industrial Homework in the United States* (Cambridge: Cambridge University Press, 1994), 79.

[44]Montgomery, *Workers' Control in America*, 10.

adult male workers, the Supreme Court was leaving it to trade unions to achieve leisure "by militant exertions."[45]

Kelley did address the issue of property at the root of strikes, but her criticism was directed narrowly at the prevailing legal conception of the right to contract. "Strikes on the largest scale," she said "are to be expected as an integral part of industrial life so long as the Supreme Court of the United States maintains the position that the freedom of contract cannot be interfered with for the purpose of establishing by statutory provision daily leisure for adult employees...." Kelley implied that if regulatory legislation were put in place, large-scale strikes would no longer occur. Instead, by prohibiting such regulations, the courts turned some sectors into "outlawed" industries, in which unions and businesses had to rely on "trade agreements." "In the occupations thus outlawed, the result of the outlawry is the recourse to extra-legal means of asserting the human right which has not yet become a statutory right."[46]

Louis Brandeis: Autocracy and Anarchy

Compared to Addams and Kelley, who grew up in Republican households, Louis Brandeis's path to reform politics was rather circuitous, stemming not from a family history of antislavery but from a personal and business relationship with small business in the period of corporate consolidation. Raised in Kentucky, Louis Brandeis was the son of Slavic immigrants, who ran a successful grain and produce company. After the Civil

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[45]Kelley, *Some Ethical Gains Through Legislation*, 105, 108-109, 167 quotation 167. Cited in Boris, *Home to Work,* 79-80.

[46]Kelley, *Some Ethical Gains Through Legislation,* 167-68.

War, his father was forced to liquidate the business in the downturn of the 1870s.[47] Brandeis was one of the most exceptional intellects in the progressive movement. He entered Harvard Law School in 1875 at the age of 18 with no college degree and graduated at 20 with a special age exemption granted by the trustees. As of the early 1980s, Brandeis still had the highest grades of any student in the history of the law school. While at Harvard, the legend grew that Brandeis could be relied upon to "know everything," even such arcana as the location of a random student's lost notebook.[48] After Harvard, Brandeis began a lucrative corporate practice with classmate Samuel Warren defending the interests of medium- and small-sized businesses. With entrée into Boston society provided by Warren, Brandeis adopted the thrifty, independent business culture of New England. By the early twentieth century, Brandeis had begun to take on pro bono cases defending workers and smaller businesses against the practices of large corporations, including such landmark decisions as *Muller v. Oregon* in which the U.S. Supreme Court approved limits on hours for women and children.[49]

One of these public interest cases concerned the efforts of the Morgan-controlled New York, New Haven and Hartford Railroad Company in its efforts to acquire the Massachusetts Boston and Maine Railroad Company. Railroads in Massachusetts were prohibited from owning stock in other corporations unless granted permission by the legislature. The Boston and Maine had legitimately acquired street railways under this

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[47]Bruce Allen Murphy, *The Brandeis/Frankfurter Connection: The Secret Political Activities of Two Supreme Court Justices* (New York: Oxford University Press, 1982), 18.

[48]Thomas K. McCraw, *Prophets of Regulation: Charles Francis Adams, Louis D. Brandeis, James M. Landis, Alfred E. Kahn* (Cambridge: Harvard University Press, Belknap Press, 1984), 82-83, 85, quotation 83, quoting William E. Cushing to Mrs. B. M. Cushing, March 17, 1878.

[49]Murphy, *Brandeis/Frankfurter Connection,* 19-21.

provision, but the New Haven Railroad had been acquiring trolley lines without authorization, and now sought legislative sanction for past and ongoing acquisitions.[50] Brandeis's arguments against the merger were partly economic, in keeping with his emerging view that businesses beyond a certain size were inherently the result of inefficient and unfair practices.[51] Testifying before the Massachusetts Commission on Commerce and Industry in 1907, Brandeis argued that the New Haven Railroad was trying to acquire the prudently run Massachusetts company to improve its balance sheet, which was saddled with debt from prior acquisitions.[52]

But Brandeis's argument also had a political dimension. In 1908, he sent a letter to several prominent citizens including Reverend William Lawrence of Boston in order to build public support for defeating the merger. "Massachusetts cannot afford to condone acts which were a deliberate violation of the law," wrote Brandeis, because doing so "would prove in the long run a serious blow to the maintenance of our institutions which rest upon respect for law. It would engender the feeling that the rich are, in effect, above the law. It would be potent as a breeder of anarchical and socialistic sentiment."[53] While Brandeis was concerned about revolutionary radicalism, he was no more in favor of a

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[50]Ibid., 23. Alpheus Thomas Mason, *Brandeis: A Free Man's Life* (New York: Viking Press, 1946), 178-79.

[51]McCraw, *Prophets of Regulation,* 108.

[52]Louis Brandeis, "Argument of Mr. Brandeis before Commission on Commerce and Industry November 22, 1907," Nutter, McClennan and Fish, 1907 Merger, reel 2, The Louis Dembitz Brandeis Papers, 1870-1941, University of Louisville, University Archives and Records Center, Louisville, KY (microfilm, Library of Congress, Manuscripts Division, Washington, DC), (hereinafter Brandeis Papers).

[53]Louis Dembitz Brandeis to Felix Frankfurter April 6, 1916, folder 403; enclosing [Louis Brandeis] to Reverend William Lawrence, Boston, MA, May 14, 1908, LDB Correspondence 1878-1923, container 26, folder 401, reel 15, Felix Frankfurter Papers, Library of Congress, Manuscripts Division, Washington, DC (microfilm).

gradual path to public ownership. In his 1907 testimony, he said, "...if this merger takes place, government ownership in some form, of transportation in New England, seems to me as clear as any fact as to the future which anybody can look forward to...."[54] In a memo to himself on March 27, 1908, he noted that Brooks Adams told him that either private or public monopoly was inevitable, and Brandeis said that this fact should not be brought up publicly until the next session of the legislature.[55] Brandeis no more favored public ownership than he favored private monopoly. It was the small and medium-scale enterprise of New England, financed through prudent accumulation of capital, that he favored.

In his rhetoric against the merger, Brandeis invoked the specter of revolution in another way—not against workers, but against Mellen, comparing him to Napoleon in his overarching ambitions. When asked by the Railroad Commission why Mellen favored the merger if it was financially unsound, Brandeis said, "I attribute very much to a simple motive (which has to my mind reached almost the degree of mental aberration) of a desire for aggrandizement." Brandeis had been told Mellen once built an impractical street railway only "to have more miles of line than any other man on the whole Eastern Coast."[56] In previously acquiring the New York, Ontario and Western railroad line, Mellen was treating the railroad as a "sort of pawn as the Italian principalities were in the times of the Hapsburgs and the Bourbons." Brandeis said that he believed Mellen "will

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[54]Brandeis, "Argument of Mr. Brandeis," 3.

[55]Louis Brandeis, Memo March 27, 1908, Drafts of Misc. Papers and Circulars, reel 3, Brandeis Papers.

[56]Brandeis, "Argument of Mr. Brandeis," 43.

prove a Napoleon of finance and will fail."[57] With this idea Brandeis combined two strands of thought. One was the longstanding tradition of opposition to the spread of the French Revolution.[58] The other was the idea that corporations themselves could be a source of disorder. This was the terminology of the National Civic Federation, an association of large businesses that sought to form labor agreements with trade union leaders in order to reduce strikes, in which Brandeis was active through the Massachusetts chapter. As the founder of the federation, Ralph Easley, put it in 1909, "our enemies are the Socialists among the labor people and the anarchists among the capitalists," meaning large firms that refused to negotiate with labor unions.[59] In Brandeis's variant of this view, the danger from business was not disorder or anarchy, but excessive control or autocracy.

These same kinds of labels were frequently applied to trade unions. For instance, in a clipping among Brandeis's papers on unions, a speaker at a meeting of the National Association of Manufacturers in Pittsburgh drew a connection between the French Revolution and unionism: "'Liberty, Equality, fraternity! was and is the cry of the French. Today that of the American anarchists, socialists, and unionists is 'License, egotism and fraud!"[60] Brandeis was concerned about the reputation for lawlessness among labor unions, and favored measures to counteract it. In a 1903 speech before the

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[57]Ibid., 87.

[58]Higham, *Strangers in the Land,* 8, 111-13.

[59]James Weinstein, *The Corporate Ideal in the Liberal State,1900-1918* (Boston: Beacon Press, 1968), 13, 17, quoting Ralph M. Easley to Joseph L. Bristow, July 17, 1909, 11.

[60]"Calls Unionism Anarchy," *The Chicago Chronicle,* Nutter, McClennen, and Fish (NMF 6-6), 1903-1904 Trade Unions: Labor Strikes and Lockouts—General Correspondence, Brandeis Papers. Regarding the date, the end of the article Brent gives statistics for a strike led by John Mitchell in 1902; also the story is archived in this folder.

Suffolk Bar Association, Brandeis argued that trade unions were effective in reducing hours of labor and improving conditions, raising wages, and protecting women and children. But, "The struggle of workingmen to attain these ends has been attended at times by intolerable acts of violence or by other forms of lawlessness, by intimidation, by oppression."[61] In order to improve their reputation, unions should "take the position squarely that they are amenable to law ... in full sympathy with the spirit of our people, whose political system rests upon the proposition that this is a government of law, and not of men."[62]

One proposal that Brandeis made for improving the accountability and behavior of labor unions was the incorporation of trade unions. Brandeis argued that unions were already legally liable for the acts of their members. "If a union, through its constituted agents, commits a wrong or is guilty of violence or of illegal oppression, the union, and not merely the individuals who are the direct instruments of the wrong, can be enjoined or made liable for damages...."[63] Though this was technically true, argued Brandeis, it was difficult "as a practical matter" to obtain damages from unions for the acts of their members during a strike. Though many labor leaders believed this difficulty was an advantage, Brandeis, said, "To me it appears to be just the reverse. It tends to make officers and members reckless and lawless, and thereby to alienate public sympathy and

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[61]Louis D. Brandeis, "The Incorporation of Trades Unions," p. 1., typescript, Nutter, McClennen, and Fish (NMF 6-2) Labor: Trades Unions—Miscellaneous Papers, reel 9, Brandeis Papers. A published version of this speech is given in "The Incorporation of Trades-Unions," *American Social Science Association* (n.d.), [1903], 16-21, Nutter, McClennen, and Fish (NMF 6-6), 1903-1904 Trade Unions: Labor Strikes and Lockouts—General Correspondence, Brandeis Papers.

[62]Brandeis, "The Incorporation of Trades Unions," typescript, 6-7.

[63]Ibid., 2-3.

bring failure upon their efforts."[64] Therefore, Brandeis argued that unions should make a formal statement accepting their legal liability by incorporating under the law. Incorporation would help to identify the real perpetrators of lawless acts during strikes, who were often not union members: "Hoodlums, or habitual criminals, have merely availed themselves of a convenient opportunity for breaking the law, in some instances even incited thereto by employers desiring to turn public opinion against the strikers."[65] Thus Brandeis wanted to distinguish between responsible and irresponsible unionists.

Brandeis was also in favor of injunctions, or a court order to halt specific strike activities such as pickets or boycotts. The labor injunction emerged in the 1880s alongside the increasing tendency of the courts to recognize an enforceable property right of corporations to the undisrupted functioning of their businesses.[66] Unlike the earlier use of criminal conspiracy laws, injunctions did not require a trial or sorting out who was responsible for damages in a strike.[67] The number of injunctions increased from 28 in the 1880s to 122 in the 1890s to 328 in the 1900s.[68] The AFL was deeply opposed to injunctions, attacking them as a bias in the court system in favor of corporations and calling for anti-injunction legislation. The failure of these efforts were instrumental in

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[64]Ibid., 4.

[65]Ibid., 5.

[66]John E. Semonche, *Charting the Future: The Supreme Court Responds to a Changing Society, 1890-1920* (Westport: Greenwood Press, 1978), 22-23. William E. Forbath, *Law and the Shaping of the American Labor Movement* (Cambridge: Harvard University Press, 1991), 85-90.

[67]Victoria Hattam, *Labor Visions and State Power: The Origins of Business Unionism in the United States* (Princeton: Princeton University Press, 1993), 161-63.

[68]Montgomery, *Fall of the House of Labor,* 271.

turning the AFL against state intervention in the economy.[69]

Brandeis spoke in favor of injunctions in his 1903 speech, saying that violators could be "imprisoned for contempt."[70] He was conscious of the effect of injunctions in pushing AFL unions in the direction of individual negotiations with business and worked to implement them for that purpose. Acting as attorney for the Boston Typothetae, an association of printers, Brandeis obtained an injunction in April 1904 against pressers and feeders who had struck in sympathy with the Typographical Union, which was seeking higher wages.[71] Brandeis considered the terrain of injunctions be quite broad, as indicated in an exchange of letters with John Tobin, general president of the Boot and Shoe Workers Union in Boston, whose newspaper covered the case. Brandeis quoted the journal as saying "The injunction prayed for by the employers would shut the mouths of the strikers, shut them off from benefits, shut the Union treasury against them, and shut the workers in the work shops." Brandeis said this article gave the impression that the court enjoined the workers from going on strike and paying benefits to the strikers. In fact, said Brandeis, the Typothetae wanted to prevent only "the wrongful inciting or inducing of the pressmen and feeders to leave the employ and the payment of strike benefits to them as such inducement," and not the trades from going on strike to advance their own interests. That is, Brandeis considered the efforts of one union to persuade another to go on strike reasonable territory for an injunction, with our without a financial

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[69]Ibid., 165-66. Forbath, *Law and the Shaping of the American Labor Movement*, 130-33.

[70]Brandeis, "The Incorporation of Trades Unions," 2.

[71]Mason, *Brandeis: A Free Man's Life,* 149.

inducement.[72]

Brandeis occupied a middle ground between the two responses to radicalism of reform and repression. He was concerned about the effect of corporate consolidation on increasing sympathy for radical change, and clearly favored a path of gradual reform rather than revolution. He believed that unions had a part to play, but he was closely involved with small and medium-sized business, and urged close legal control of strikes to prevent the use of tactics that could cause labor conflicts to spread or lead to violence. Brandeis would later revise his views on injunctions, but his perspective on strikes would continue to influence his views of radicalism in the coming years, as he developed more elaborate institutions for managing disputes between workers and businesses.

Woodrow Wilson: Reconstruction and Revolution

Woodrow Wilson's upbringing was in many ways the mirror image of Florence Kelley's. While William Kelley was an abolitionist, Joseph Wilson was a firm believer in slavery. Born in Virginia, Wilson soon moved to Augusta, Ga, where he held a Presbyterian ministry and lived on a large manse with slaves. In 1861 Wilson published a sermon, *Mutual Relation of Masters and Slaves as Taught in the Bible,* contending that slavery was at the center of the system of authority by which God ruled over men, and by which the family and the state were organized. Like Kelley, Wilson's earliest memory concerned Lincoln, but in his case it was not Lincoln's assassination, but his election, and

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[72]Louis Brandeis to John F. Tobin, April 25, 1904, Nutter, McClennen, and Fish (NMF 6-6), 1903-04, Trade Unions: Labor Strikes and Lockouts—General Correspondence, Brandeis Papers.

the knowledge that it would bring a war.[73] When the Civil War came, Joseph Wilson was a leader among the faction that broke away from the Presbyterian Church, and became Permanent Clerk of the General Assembly of the Presbyterian Church in the Confederate States of America. His church was used as a military hospital, he served as an army chaplain, and he helped coordinate relief supplies as chairman of the Executive Committee of the Georgia Relief and Hospital Administration. As a child Woodrow Wilson saw the wounded soldiers and prisoners of war at the church, leaving a deep impression of violence and suffering. In 1865 Joseph Wilson became Stated Clerk of the Southern Presbyterian Church, a position he held for 34 years, and in which Woodrow Wilson helped with the meeting minutes. [74]

Biographers of Wilson generally agree that his father had a deep and lasting influence, and Wilson himself acknowledged the ongoing importance of his upbringing.[75] Like Kelley, Wilson was principally home-schooled by his father. Wilson inherited his father's allegiance to the South, for which he was taunted as an undergraduate at Princeton.[76] He also acquired his father's covenanted or contractual religious perspective, which demanded a constant and unceasing effort to perform moral acts and resist evil. Though he gave up his initial goal to follow his father into the ministry, he channeled this moral perspective into his goal of becoming a political leader. By the

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[73]John M. Mulder, *Woodrow Wilson: The Years of Preparation* (Princeton: Princeton University Press, 1978), 7, 9, 29.

[74]Ibid., 10-11, 29-30, 25.

[75]Ibid., 27, 29. Arthur S. Link, *Wilson: The Road to the White House* (Princeton: Princeton University Press, 1947), 2. Alexander L. George and Juliette L. George, *Woodrow Wilson and Colonel House: A Personality Study* (N.p.: John Day Company, 1956; reprint, New York: Dover Publications, 1964), 6-12.

[76]Mulder, *Woodrow Wilson*, 31, 33, 44.

beginning of the 20th century, Wilson's father was living with him in Princeton, where he was now a Professor of Political Science, and at night he would read to him.[77]

Wilson's first historical book, begun while he was teaching at Wesleyan in 1889 and published at the beginning of his professorship at Princeton in 1893, contained important elements of the Southern interpretation of Reconstruction later associated with William Dunning and his graduate students. In this interpretation, after a brief period of reconciliation under Lincoln, a radical Congress, Northern opportunists, and Southern Republicans exploited the South for their personal enrichment by placing incompetent African Americans in power. This tyranny was ended by the heroic redemption of the Southern states. Dunning's seminal *Reconstruction, Political and Economic,* was not published until 1907. In *Division and Reunion* Wilson placed the impetus for radical Reconstruction on the enactment of black codes in the South and the intemperate opposition of Andrew Johnson, but what Eric Foner has termed "negro incapacity" was an important part of his interpretation as well.[78]

Describing the constitutional conventions called under the universal suffrage of the 1867 Reconstruction Act "revolutionary," Wilson said, "The most influential white men were excluded ... while the negroes were all admitted to enrollment." Soon, "unscrupulous adventurers" came to the South and took advantage of "the inexperienced blacks" to gain control of the state governments. In the areas of the largest concentration

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[77]Ibid., 40-41, 48-51, 25-26.

[78]Ibid., 101, 111, 140. David Levering Lewis, Introduction to *Black Reconstruction in America, 1860-1880,* by W. E. B. Du Bois (New York: Harcourt Brace, 1935; reprint, New York: Atheneum, 1992), vii-viii. For the southern school in general, see Eric Foner, *Reconstruction: America's Unfinished Revolution, 1865-1877* (New York: Harper and Row, 1988), xix-xx, quotation xx. The author wishes to thank Derek Musgrove for suggesting this line of thinking.

of blacks, "Negro majorities gained complete control of the state governments," under the direction of manipulative whites, and "an extraordinary carnival of public crime set in under the forms of law.... Taxes were multiplied, whose proceeds went for the most part into the pockets of these fellows and their confederates among the negroes. Enormous masses of debt were piled up ... and most of the money borrowed reached the same destination."[79] What is important to note here is the revolutionary character Wilson attributed to Reconstruction, and the causal connection he alleged between radicalism and the bacchanalian governance of the South. This anarchy he contrasted with the "normal conditions" that followed redemption in which "sober debate" was the "arbiter of future politics."[80] Because of his personal experience of Reconstruction and the influence of his father, Wilson viewed a government of African Americans as ipso facto unjust. This assumption drove his understanding of Reconstruction, and perhaps of radicalism itself, as irresponsible and destructive in its consequences. While Kelley took from her experience of Reconstruction a positive view of radicalism, Wilson derived a negative one.

In his 1902 *A History of the American People,* begun as a series of articles for *Harpers,* Wilson expounded at much greater length of the evils of Reconstruction, and attributed to it the rise of the Ku Klux Klan.[81] Written during the period of formal disfranchisement in the South, the portion of the *History* that dealt with Reconstruction

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[79]Woodrow Wilson, *Division and Reunion, 1829-1889* (New York: Longmans, Green and Co., 1893), 266-68, quotations 268-69.

[80]Ibid., 287.

[81]Mulder, *Woodrow Wilson,* 153.

was in many ways an argument against black suffrage.[82] Wilson developed a more thorough critique of radicalism in this work, describing it as a kind of terror or authoritarian politics animated by passion and a desire for "mastery." Though Wilson would moderate his views of Reconstruction and other forms of radicalism later, he never fully expunged this vision of anarchy from his mind, and at key points in his life it would reemerge. Wilson would conclude that if authoritarian radicalism could provoke a violent response, then it was reasonable to use force to repress grassroots radicalism in its early stages to preserve constitutional government.

Wilson grounded his critique in the foundations of the Republican Party, which he argued was not a traditional political organization but emerged as a hasty coalition assembled to oppose the westward expansion of slavery. Because of this process of development, the party did not learn the normal methods of congressional government: "conciliation it had never learned; compromise and accommodation seemed to it bad things of a past age when men were not bold for the right." Lacking this experience, the de facto leader of the party, Thaddeus Stevens, believed that reconstructing the South should be achieved by "the perpetual ascendancy of his party."[83] The party consisted of a combination of groups, some of whom were motivated by genuine conscience, and others for whom Reconstruction "was the obvious means of party mastery." Together they agreed on a common aim: "By some means they meant to thrust their hands into southern affairs to control them, to make good the freedom and the privilege of the

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[82]C. Vann Woodward, *Origins of the New South, 1877-1913* (N.p.: Louisiana State University Press, 1951), 321.

[83]Woodrow Wilson, *A History of the American People,* vol. 5, *Reunion and Nationalization* (New York: Harper and Brothers, 1901), 8-9, quotation 9.

negroes even at the cost of all privilege to those who had been their masters." It was to be the group that sought mastery that would gain control. "These last it was who, when Mr. Lincoln was gone, ruled Congress, the masters of party strategy...."[84]

Though Wilson had described the 13th Amendment uncritically in *Division and Reunion,* in the *History* he described its passage in a scene that evoked the primacy of passion over prudence. Although Lincoln himself pushed for the Amendment, and it was passed before he died, Wilson attributed to him a willingness to tolerate remnants of slavery temporarily.[85] Wilson argued that the movement for immediate emancipation included genuine reformers, but it also included "the vindictive bigot who wished to wreak exemplary vengeance on the slaveholding rebels." Alluding to the Bible, Wilson wrote that for some in the Republican Party, "moderation" was intolerable "when every fruit of conquest they chose to stretch out their hands and pluck was within their easy reach." In a description almost sexual in its imagery, Wilson said that the passions of the Republicans had been aroused by the war "to the pitch of ecstacy." The representatives of Congress got carried away with the historic significance of their actions. "The extraordinary strain and tension of feeling in the houses of Congress was perceptible to the mere lookers on in the galleries. It had been notably manifest when the House of Representatives agreed, on the last day of January, 1865, to an amendment of the Constitution formally abolishing slavery...."[86] It is particularly striking to note that Wilson believed the 13th Amendment was too radical. From the beginning of the

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[84]Ibid., 8.

[85]Wilson, *Division and Reunion,* 259-60. Foner, *Reconstruction,* 66. Wilson, *History of the American People* 5: 4-6.

[86]Wilson, *History of the American People* 5: 6-7.

twentieth century, in his historical writing as well as in his understanding of contemporary politics, Wilson was opposed to revolution that would overturn the existing regime of property. In this case that regime was slavery, and his critique was motivated partly by racism. But Wilson would take a similar perspective on revolutionary movements directed against capitalism in other times and places. Indeed, Wilson drew a comparison between the actions of Congress and the Constituent Assembly of France.[87]

Wilson's description of the Reconstruction Act of 1867 was notably harsher in the *History* than it had been in *Division and Reunion.* While in the earlier text he recognized the effort to secure political control as a motive for the law, he now argued that the Republicans sought "not only to give the negroes political privilege but also to put the white men of the South, for the nonce at any rate, under the negroes' heels."[88] Black officeholding was worst at the local level. "There the negroes themselves were the office holders, men who could not so much as write their names and who knew none of the uses of authority except its insolence." The result was excessive spending and corruption, but this was no accident. "It was there that the policy of the congressional leaders wrought its perfect work of fear, demoralization, disgust, and social revolution."[89] In this view, black officeholding was a punishment inflicted on the South by the radicals.

Wilson took a sympathetic view of the convict lease system and the black codes, which he described as a reasonable approach to controlling the black population and finding a means to accomplish work previously performed by slaves. "It was a menace to

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[87]Ibid., 7.

[88]Ibid., 38.

[89]Ibid., 47-48, quotation 49.

society itself, that the negroes should thus of a sudden be set free and left without tutelage or restraint.... The country filled with vagrants, looking for pleasure and gratuitous fortune."[90] Perhaps most surprising, Wilson discussed the Ku Klux Klan somewhat sympathetically. The fundamental cause of the formation of the Klan, according to Wilson, was the policy of the radicals to disfranchise the "real leaders of the southern communities," who were now deprived of any legal means of affecting the course of Reconstruction. "They took the law into their own hands, and began to attempt by intimidation what they were not allowed to attempt by the ballot or by any ordered course of public action."[91]

Wilson drew a distinction between what he considered the harmless, theatrical actions of the early Klan and the violent deeds of later members and imitators. Initially the purpose of the Klan was to "'protect their people from indignities and wrongs,'" to help the poor, especially the families of Confederate soldiers, and to protect the people from unjust but formally legal seizures of their property.[92] To modern ears, however, Wilson's indulgent description of the acts of the early Klan is shocking: "It threw the negroes into a very ecstacy of panic to see these sheeted 'Ku Klux' move near them in the shrouded night; and their comic fear stimulated the lads who excited it to many an extravagant prank and mummery." As the Klan grew, however, control passed out of the hands of the more cautious members to "malicious followers of the baser sort."[93] As the

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[90]Ibid., 18-21, quotation 18-19.

[91]Ibid., 58, 59.

[92]Ibid., 61-62, quoting unnamed source 61.

[93]Ibid., 60, 62.

membership changed, "Brutal crimes were committed; the innocent suffered with the guilty...." Wilson defined guilt broadly, however, including those such as teachers who spread ideas of equality. "The lessons taught in their schools seemed to be lessons of self-assertion against the whites: they seemed too often to train their pupils to be aggressive Republican politicians and mischief-makers between the races."[94] Though he criticized violence, and attributed the Klan itself to the rule of the radicals, Wilson came close to saying that those who spread revolutionary ideology were responsible for bringing vigilante violence upon themselves.

Wilson described the radicals during Reconstruction in terms very similar to those he used to describe Czoglosz. Like the radicals, Czoglosz sought to impose his ideas by force rather than through the parliamentary processes of debate and discussion. Wilson also countenanced the use of force to repress those who shared the views of both Czoglosz and the radicals. In both cases he extended his critique beyond violent or authoritarian acts to the propagation of radical ideas. Here was the central contradiction within Wilson's thought. He criticized radicals who resorted to force, yet he endorsed the use of force to repress radical ideas. This contradiction would be an important element of Wilson's thought in the coming years.

Wilson drew some connections between his views of Reconstruction and contemporary political issues. For example, in a 1907 *Atlantic Monthly* article, he drew a comparison between the question of control of corporations and the slave question: "The issue of the day is clearly enough defined in our thoughts, as was the issue with regard to the extension of slavery in the thought of all observant men in 1857," implying that the

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[94]Ibid., 64, 63.

potential for division was just as great. Wilson extended the analogy to the proposed solutions for the corporate question. One group, whose ideas he described as "squatter sovereignty," treated the formation of large corporations as an accomplished fact and sought to deal with them as if they had the rights of persons.[95] The other approach, comparable to free soil, was that of government regulation, which he said was comparable to socialism. This approach "approves of a radical change in the character of our institutions and the objects of our law, which wishes to see government, and the federal government at that, regulate business. Some men who entertain this wish perceive that it is socialistic, some do not. But of course it is socialistic." Wilson contended that it would not be possible to regulate corporations without the intimate knowledge of their operations that would come through expert commissions, and that this would amount to taking control of the corporations. Instead he argued that such deep changes—and, he implied, the conflict that could result from inaction—could be avoided if the anticompetitive behaviors of corporations were clearly defined and the law enforced.[96]

Wilson discussed his ideas on regulation further in a 1907 "Credo." Wilson said that he believed some kinds of new business practices were both immoral and unprofitable. These practices should be brought under the criminal law, and if they caused significant damages they could be prosecuted in civil court. But he opposed "direct supervision and regulation of business" because it would be "to repeat that fruitless experiment, the experiment of paternalism against which our whole political

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[95]Wilson, "Politics," *Atlantic Monthly,* November 1907, 635-46, PWW 17: 322.

[96]Wilson, "Politics," 324, 325, quotation 324. "Of course socialistic" quoted in Mulder, *Woodrow Wilson,* 243.

history has been a brilliant and successful protest."[97] Failure to enforce the law, on the other hand, could ultimately undermine the government itself: "Lawlessness, once condoned, becomes itself law, and when the law is divided against itself our form of government is at an end, and is superceded by anarchy or autocracy."[98] Like Louis Brandeis, Wilson thought that radicalism could threaten from two directions, excessive control from above, or disorder from below.

At this point Wilson was opposed to most forms of radicalism, including Populism, which he felt had co-opted the Democratic Party, resulting in humiliation in the 1900 elections. Referring to William Jennings Bryan, Wilson said that the party had come under the sway of radicals. "By themselves and under the proper designation as populists and radical theorists, contemptuous alike of principle and of experience, these men could never have played any role in national politics but that of a noisy minority."[99] The Democratic Party had historically stood for "moderation" and "careful" use of the federal government in the general interest. There was potential popular support for such a party dedicated to reform, but not for radical change. "The country, as it moves forward in its great material progress, needs and will tolerate no party of discontent or radical experiment; but it does need a party of conservative reform, acting in the spirit of law and of ancient institutions." The public would be willing to vote for such a party

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[97]Wilson, "A Credo," August 6, 1907, PWW 17: 336-37, quoted partially in Mulder, *Woodrow Wilson,* 239.

[98]Wilson, "A Credo," 337.

[99]"A Newspaper Report of an Address on the South and the Democratic Party," Nov. 30, 1904, PWW 15: 547, quoted partially in Mulder, *Woodrow Wilson,* 233.

"once they see it come upon the field properly purged and authenticated."[100] In addition to calling for the suppression of anarchism, Wilson advocated purging the Populists from the Democratic Party.

Few forms of radicalism escaped Wilson's censure. The radicalism of Jefferson, Wilson interpreted in purely individualistic terms. In a speech on Jefferson discussing the conflict between capital and labor, Wilson said, "For one thing, we shall reject, as we would reject poison itself, the prescriptions of Socialism. (Appl.) Thos. Jefferson's creed was a creed of individualism, not of Socialism." To accept Socialism would be the antithesis of individual freedom. "You would enslave the individual by making him subject to the organization."[101] Wilson made a similar point in the *History,* arguing that socialism would only complete the consolidation of industry taking place under the trusts.[102]

As is well known, Wilson at this point in his life was a conservative.[103] It is important, however, to consider the influence of Reconstruction on his views of revolution. Though it is not possible to prove that his memories of Reconstruction as a racial inversion, combined with the influence of his father, were responsible for his later actions of repression, the outlines of his later attitudes are nonetheless striking in his earlier thoughts on radicalism in the American past. That he was writing such views at the same time as he was denouncing contemporary American radicalism is also

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[100]"A Newspaper Report of an Address on the South and the Democratic Party," 548

[101]Woodrow Wilson, "An Address on Thomas Jefferson," [April 16, 1906], PWW, 16: 365.

[102]Wilson, *History of the American People* 5: 267.

[103]Link, *Wilson,* 96-97.

noteworthy. Moreover, his views of both would change in tandem in the period after 1908. Wilson has always been something of an enigma for historians, but it is perhaps more simple than it appears. Partly because of his memory of revolution within America, particularly the black officeholding it entailed, he opposed revolution, both in America and overseas, that would place the subordinate class in a position of power.

George Creel: Radicalism in the Unions

Like Wilson, whom he would later serve as head of the Committee on Public Information, George Creel harbored bitter memories of the Civil War. In his autobiography, written in 1947, Creel claimed his family fled Missouri for California due to the occupation of Northern troops, and a favorite childhood story was his mother's description of hiding her brother, a Confederate soldier, from the Union forces. As late as World War I, Creel claimed, in discussing propaganda of German atrocities, he and Wilson shared the painful memory of Sherman's March. Creel's father, raised on a plantation with 40 slaves, could never adjust to the market economy and descended into alcoholism, while his mother supported the family by taking in boarders.[104] Creel painted an idyllic picture of small-town Southern life. Independence, Missouri, was "super-Southern," with its culture of Civil War veterans telling yarns in storefronts, and "more like a family than a community," in which his mother could obtain credit from local merchants in times of need. This setting he counterposed to the changing economy of the nineteenth century: "The march of industrialism had not yet transferred skill from the worker to the machine, and each town had its cobbler, tailor, saddler, etc., making

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[104]George Creel, *Rebel at Large: Recollections of Fifty Crowded Years* (New York: G. P. Putnam's Sons, 1947), 5-21.

products complete in themselves and in which they took pride."[105] Creel linked the preindustrial economy of the nineteenth century to the culture of the South, interpreting industrialization as a Northern, Republican import.

Without a college degree, Creel got his start in 1896 with the Kansas City *World,* where he was assigned a news beat but chose to focus on features about historical characters like George Washington, Marco Polo, and the English travel writer Richard Burton.[106] Creel adapted his style from the popular English writer Ouida, who created aristocratic heroines whose power rested on their ability to wield the clever epigram.[107] Later assigned to cover Kansas City society, Creel soon became disillusioned about his social status and left for New York, where he found freelance work as a cartoon writer, ultimately taking a staff position for the *American.* In 1899 he became frustrated with this work and returned to Kansas City to start a weekly paper with Arthur Grissom, later of the *Smart Set*, whose wealthy father-in-law provided funding. After a year, Creel took over ownership of the paper as well as most of the writing, including the fiction, with assistance from Civil War veteran Colonel John Calhoun Moore for the editorials.[108]

Though his views were no doubt influenced by the emerging Cold War in 1947, Creel claimed in his autobiography that he immersed himself in theory when he began the *Independent.* He said he read Marx's *Capital,* and while "the theory of 'surplus value'

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[105]Ibid., 11, 16, 19, 24.

[106]Ibid., 35-36.

[107]Talia Schaffer, *The Forgotten Female Aesthetes: Literary Culture in Late-Victorian England* (Charlottesville: University Press of Virginia, 2000), 122-24, 145.

[108]Creel, *Rebel at Large*, 17, 25, 36-43, 49-50, 53-54. James R. Mock and Cedric Larson, *Words that Won the War: The Story of the Committee on Public Information, 1917-1919* (Princeton: Princeton University Press, 1939), 53.

made a certain appeal ... everything else revolted me." Creel did not like the predicted violence, the indictment of private property, or the contempt for "bourgeois morality," and he found the idea of production taking place after the dissolution of the state unrealistic. In short, "Hate oozed from every line...." Creel then moved on to the Fabians, and "for a time I was almost persuaded." In particular he was sympathetic to the argument for public ownership of natural resources such as oil or minerals, but in the end regretted "an unwillingness to appreciate the value of intelligent opportunism." Ultimately, reading *Progress and Poverty* converted him to the single tax doctrine, and he concluded that "while rejecting socialism," he would "stand for the highest degree of socialization short of a deadening level that did away with the incentive motive...."[109]

Creel's newspaper took a hard line on the Civil War and Reconstruction, perhaps reflecting Moore's authorship of some editorials. Emancipation was described as a project of the radicals, with the logic that Lincoln did not intend to free the slaves because the Emancipation Proclamation did not cover the border states and was unenforceable in the rest of the South. Black suffrage, which he said Lincoln did not intend to grant, was described as a disaster. In the contemporary context, the paper supported the segregation of railroad accommodations, and even lynching. So bound up with Reconstruction was the concept of radicalism that the paper objected even to the use of the term "rebel" to describe the South because the Civil War was fought in defense of the right to secession, which "has never yet been proved unconstitutional."[110] Like

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[109]Creel, *Rebel at Large,* 45-47.

[110]"The Right to Secede," *Independent,* January 17, 1903, 3; "Negro Suffrage," *Independent,* February 14, 1903, 3; "The 'Jim Crow' Bill," *Independent,* February 7, 1903, 3; "The Lexington Lynching," *Independent,* August 16, 1902, 3; "Lynch Them," July 13, 1901, 9; "Lincoln and Slavery," *Independent,*

Wilson, Creel drew a comparison between the labor question and the slave question. Referring to the phrase "labor and capital," the *Independent* editorialized, "Born of the demagogue's desire to gain votes by an incitation of class prejudice ... it has steadily grown in importance until now it is the one great dividing line in these United States, even as was 'Mason and Dixon's line.'" The paper raised the specter of bloodshed, but argued that a greater appreciation of social mobility could prevent violent conflict.[111]

Judging by the coverage of the paper, a frequent concern of Creel's was the increasing prevalence of socialism within labor unions. This concern reflected a genuine fact; socialists had gained of one-third of the votes at the AFL's annual convention by 1913.[112] On November 21, 1903, his newspaper warned that socialism was on the increase in the AFL, and that socialists were responsible for a narrowly defeated resolution calling for disobeying labor injunctions.[113] On August 15, the paper noted that a committee on the injunction at an AFL conference reported that its use would force unions to look for more "revolutionary" measures to address their concerns. If strikes were not permitted, "the political history of France will be the industrial history of our country." Creel was incensed. "Aha! So we are threatened in the name of the French commune!" The opposition to the injunction was caricatured as a demand "to control every bit of governmental machinery," and the French Revolution was described in the most reactionary terms: "the horid [sic] revolution that turned Paris into a shambles and

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May 24, 1902, 3.; quotation, "About 'Rebels,'" *Independent,* June 7, 1902, 1.

[111]"Labor and Capital," *Independent,* June 27, 1903, 1.

[112]Montgomery, *Fall of the House of Labor,* 292.

[113] "Without Prejudice," *Independent,* November 21, 1903, 2.

Frenchmen into wild beasts."[114]

Creel's recollection about favoring "socialization" notwithstanding, at this point he not only favored the open shop, but was inclined to describe every effort at worker control as a form of incipient revolution. The unions, according to the *Independent,* wanted "iron-clad legislation that will give everything to the labor unions, and take from the employer the right to run his own business and manage his own affairs." Some of Creel's most frequent targets were those acts that were increasingly coming under the jurisdiction of labor injunctions, such as the boycott and the secondary strike, including a boycott in a 1900 St. Louis streetcar strike and a proposed secondary strike in Kansas City. This latter effort was compared to the great 1877 railroad strike, which "threatened for a time to take the proportions of a revolution." Creel's paper also berated the Amalgamated Steel Workers for attempting a general strike in 1902, concluding, "The man who invented sympathy strikes was a fool, or at least not a friend of labor."[115] Creel was also opposed to union recognition because of what he perceived as coercion of both employers and workers. He believed instead that workers should be free to choose whether or not to join unions, and the employer should have the right "to employ or discharge as he sees fit." Unions instead should serve as a kind of business, competing to offer "the best workmen, the most loyal, the soberest and most intelligent" to employers.[116]

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[114]"The Unions Threaten a Commune," *Independent,* August 15, 1903, 1-2.

[115]Ibid.; "In the Toils Again," *Independent.,* July 21, 1900, 3; "Becoming Permanent," *Independent,* August 18, 1900, 3; 1877 quotation, "Street Car Strikes," *Independent,* May 19, 1900, 3; Sympathy strikes quotation, "The Usual Result," *Independent,* September 7, 1901, 3.

[116]"The Open Shop," *Independent,* September 5, 1903, 1.

While Addams's opinions were arguably tinged with nativism, Creel's nativism was both explicit and developed. Referring to the threatened Paris Commune in 1903, Creel's paper suggested that the majority of workers, who were "sober, honest, and industrious," were being misled by a minority of immigrant workers who had brought anarchism to America. "However ready the unscrupulous leaders of organized labor are to take the field beneath the flaming banner of Anarchy, it must be remembered that the bulk of the membership is American in all that the name implies.... It is from the ignorant alien, imbued with the social bitterness and revolutionary sentiments of his class in Europe" that anarchism came.[117] Creel developed his views of immigrants' effect on the labor movement into a fairly sophisticated theory of political economy. Historically, social mobility within America ensured that disciplined and thrifty workers could expect to rise out of the working class. America turned out to be unable to absorb high numbers of immigrants and at the same time assimilate them to this view of social mobility. "These foreign elements, chiefly manifest in the working classes, have taken possession of the trades unions, and have made practice wander far from preaching." These foreign workers did not share the Americans' optimistic view of hard work and saving, and instead attempted to control the labor market to increase their wages. "By a course of intimidation and open violence they have materially injured the efficiency of non-unon [sic] labor, and by a system of iron-clad restrictions as regards apprentices, they produced a scarcity of good workmen in every craft, and added to the throng of unskilled labor." Thus it was immigrants that had created a permanent class of unskilled and poorly paid workers, susceptible to revolutionary propaganda. "Upon these proletarians the

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[117]"The Unions Threaten a Commune," *Independent,* August 15, 1903, 1-2.

harangues of the demagogue fall like fire upon tow, and as a result a near approach to anarchism is being engendered throughout the land."[118]

Writing after the assassination of McKinley, Creel was naturally concerned about the spread of anarchism. Some of the tools of the propagandist's trade were evident early on, such as guilt by association. For instance, on September 14, 1901, the *Independent* asserted that the primary goal of anarchists was to kill political leaders, and that they chose who among their number was to commit assassinations simply by drawing straws. Given the conspiracy to commit violence at the heart of anarchism, preemptive repression of those who believed in anarchism was justified. "Every anarchist on the face of the earth is an accessory before the fact to the shooting of Mr. McKinley, and would be, in accordance with the terms of their organization, after the fact if the opportunity presented itself." Creel went on to assert that the solution was to discourage anarchists from coming to the country—a remedy that he was not alone in advocating and that Congress in fact adopted in the 1903 Immigration Act.[119] Creel also manifested another tool of the trade, the bogus revelation. In this case he asserted that Paterson, New Jersey, where the conspiracy to assassinate McKinley allegedly originated, "is evidently the head-centre of anarchism in the United States, if not in the world. It is believed that most of the conspiracies to assassinate the heads of governments in Europe have originated there...." Readers discovered that a tenth of the population of Paterson, mostly Italians, were anarchists. Creel called for repression of these radicals, but he recognized that freedom

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[118]"This Country's Danger," *Independent,* August 29, 1903, 1.

[119]"A Plain Duty," *Independent,* September 14, 1901, 3. William Preston, Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933,* 2d ed. (Urbana: University of Illinois Press, 1963), 32.

of speech and the press might be an obstacle to doing so. But, he asserted, "The license of speech and of the press is a different thing."[120]

Creel took a position on the American Revolution similar to that of Wilson, interpreting Jeffersonian radicalism narrowly as democratic individualism. He disputed the efforts of contemporary radicals to associate a critique of capitalism with Jefferson's thought: "To-day, invoking the very name of Jefferson, the demagogue and the malcontent are leading in a bitter attack upon the fundamental principles of Jeffersonian democracy."[121] Creel also drew a comparison similar to that of Wilson between socialism and corporate consolidation: "The Socialist, believing in an universal corporation as the proper mode of governing the world, must take great satisfaction in the trend of things the world over."[122] Creel's sharply antiradical and antiunion opinions in the early part of the century make his transformation in the coming years all the more remarkable. Indeed it is difficult to believe he became a progressive at all. But it is important to remember that progressives formed their opinions in relation to events, and that Creel's views would undergo fundmantal change in the years ahead.

Conclusion

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[120]"Liberty and License," September 28, 1901, 3. Creel also anonymously contributed two dramatic short stories about foiled anarchist plots, "The Plot that Failed: How a Woman's Curiosity Foiled a Blood Thirsty Anarchist Band, and Saved Royalty from a Horrible Death," June 14, 1902, 6-7, and "A Tragedy of the Night: Story of a Faint-Hearted Anarchist, Who Refused to Abide by the Ruling of the Secret Seven," November 4, 1903, 8-9. Elsewhere Creel wrote favorably of the intellectual anarchism of Kropotkin and the Fabian Socialism of George Bernard Shaw, "Widely Different," October 19, 1901, 1.; "A Comedy in Socialism," May 26, 1900, 14.

[121]"Unionism on Trial," *Independent,* June 13, 1903, 1.

[122] *Independent,* May 3, 1902, 3.

The most important cause of negative views of radicalism in these years was the assassination of President McKinley. This act of direct political violence seemed to threaten the state itself and therefore to justify the most extraordinary means to counteract it. Even those who did not call for repression seemed to be concerned about the potential for violence among radicals, or as a result of strikes that crossed over into illegality. Progressive views toward radicalism were a response to conditions, and not a fixed or logical relation to specific views of political economy. Moreover, there was variation among progressives depending on their different experiences of the most important radical intervention in recent American history, Reconstruction. Those who were raised in Republican households, such as Addams and Kelley, drew inspiration from it for contemporary matters of social conflict. Sympathizing with workers, they called for reform of the conditions that led to radical discontent and violent strikes. Those who had a more negative experience of Reconstruction, such as Creel and Wilson, were inclined to take a negative view of other forms of radicalism as well and to call for repression.

It is important to observe the continuity implied by these views. Both Creel and Wilson demonstrated that they were capable of favoring repression under certain circumstances. It would be teleological to suggest that their views were inherently antiradical and simply waiting to spring into action. But one can preserve the specificity of historical actions while linking them to the circumstances that arose in these years: a threat to national security and disruptive or violent strikes. Moreover, there were personal reasons to suggest why Creel and Wilson were inclined toward a more negative view of radicalism and revolutionary violence than Addams and Kelley. Thus one can conclude that given a negative personal experience with radicalism in the context of war

and violence, Wilson and Creel were inclined to look negatively upon radicalism in similar circumstances.

Chapter Two: The Promise of Protocolism, 1908-1914

In the years from 1908 to 1914, Progressivism was still in the process of defining itself. In order to develop an indictment of capitalism as it stood, and to articulate a collective national purpose, progressives drew on ideas from outside the capitalist framework. In doing so they argued that the understanding of capitalism should be more flexible, willing to incorporate influences from socialism and syndicalism without fear of the wholesale adoption of revolutionary programs of change. Together, these beliefs constituted a real change in the conception of political economy.[1] They also constituted a real change in how progressives thought about themselves. Even Woodrow Wilson felt compelled to say when running for president in 1912, "I have acquired the reputation of being a radical.... I don't think anybody is any longer very much frightened by the word 'radical....'"[2]

In addition to contributing ideas, radicals mounted pressure for change. The most important source of this pressure was the series of huge strikes that occurred in the Eastern garment industry involving women and immigrant workers led by socialists and syndicalists such as the Industrial Workers of the World. These strikes were part of a national upsurge in strikes of this character that David Montgomery has described as the "new unionism." Shaped by the continuing shakiness of the economy after the severe Panic of 1907, the strikes took place in response to a brief upturn in 1909 and 1910 and

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[1]Martin J. Sklar, "Thoughts on Capitalism and Socialism: Utopian and Realistic," *Journal of the Gilded Age and Progressive Era* 2 (October 2004): 365-66, argues that socialism should be understood not as ideas but as political economy, and was therefore achieved in part alongside capitalism from 1890 to 1920.

[2]Woodrow Wilson, "A Campaign Speech on New Issues in Hartford, Connecticut," [Sept. 25, 1912], Delivered in Parsons' Theater, PWW 25: 234.

shortly before recovery began in 1912.[3] Without an external threat to national security, or an internal threat of the magnitude of the assassination of McKinley, progressives addressed these strikes by arguing in favor of reform of the conditions that caused them. When successful, the strikes also generated a more favorable view of their organizers, even when those organizers were the IWW.

Progressives were in some cases directly involved in the strikes through coalitional politics involving radicals. Through groups such as the Women's Trade Union League, wealthy and middle-class progressives and working-class radicals organized women into unions, supported strikes, and pressed for union recognition to improve working conditions. These coalitions represented the porousness of the distinction between progressives and radicals during these years. The strikes also brought about new institutions for participation by radicals, such as the Protocol of Peace in New York, supervised by Louis Brandeis. By facilitating such participation, and bringing about a change in the relationship between business owners and workers, progressives believed that the Protocol and other agreements patterned after it took a concrete step toward the hybrid political economy that they were attempting to theorize.

These agreements would prove to be important precedents for the significant changes on the national level that progressives would later introduce.[4] But the precedent was also important for the limitations that it represented in progressives' embrace of radicalism. Their views could turn negative if radicals, due to different long-term

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[3]David Montgomery, *Workers' Control in America* (Cambridge: Cambridge University Press, 1979), 93-95.

[4]See Melvyn Dubofsky, *The State and Labor in Modern America* (Chapel Hill: University of North Carolina Press, 1994), 70-71, for the connection between Brandeis's ideas and the National War Labor Board.

ambitions, continued to demand immediate change in a way that subverted these new institutions.[5] While progressives were articulating a collective national purpose, they were not willing to hand over control of the economy to workers. The plans for national control they envisioned sought to include participation by workers, but they wanted to preserve a managerial role for experts.

Toleration of Radicalism

There was perhaps no greater source of hostility to radicalism before 1908 than the assassination of President William McKinley by an anarchist. Yet in response to an incident of police violence against an anarchist in 1908, Jane Addams publicly called for adherence to due process as the best means for discouraging the belief that the state was fundamentally unjust and should be overthrown. It is difficult to link Addams's views to specific causes, but they are useful for laying out the problem of a more positive public position of progressives toward radicals that must be explained. Indeed, Woodrow Wilson, who took such a negative view of anarchism after the assassination of McKinley, would also take a more moderate position on anarchism after the Lawrence textile strike in 1912.[6]

On March 2, 1908, Chicago chief of police George Shippy shot and killed a Russian Jewish teenager, Lazarus Averbuch, when the latter appeared at Shippy's

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[5]Richard Greenwald, "Bargaining for Industrial Democracy?: Labor, the State, and the New Industrial Relations in Progressive Era New York" (Ph.D. diss., New York University, 1998), 209-210, 259-61.

[6]Woodrow Wilson, "A Campaign Address in Wilmington, Delaware," Opera House, [October 17, 1912], PWW 25: 426-27. This speech is discussed below.

doorway with an envelope.[7] In defense of Shippy, the police claimed Averbuch was an anarchist assassin. In a May article in *Charities and the Commons,* Addams criticized the discrimination that Averbuch's friends and the Jewish community of Chicago suffered as a result of this incident. The police arrested two of Averbuch's friends, investigated his sister Olga, and conducted sweeps of the neighborhood and seized unrelated literature from people's homes and community organizations—including in one case the works of William Shakespeare and Edmund Spenser. After the newspapers ran a photograph of Averbuch, children and students in the Jewish community suffered anti-Semitic harassment.[8]

Addams was clear in her criticisms of anarchism, which she called a "hideous affront on our society, upon the most precious of its inherited institutions…." But she thought that repression did more to cause anarchism than to discourage it. Rather than demonstrating to the Russian community the difference between the czarist government and American rule by law, the incident instead served to convince the immigrants that the Chicago police were even worse than the Russian Cossacks because they had no limits on what they were able to search and seize.[9] Addams also formed a committee to represent Olga Averbuch at the inquest.[10] Addams, however, did not endorse anarchism and still regarded violence as the result of a lack of legitimate avenues for radicals to participate in

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[7]Walter Roth and Joe Kraus, *An Accidental Anarchist: How the Killing of a Humble Jewish Immigrant by Chicago's Chief of Police Exposed the Conflict Between Law and Order and Civil Rights in Early 20th-Century America* (San Francisco: Rudi Publishing, 1998), 10-16.

[8]Jane Addams, "The Chicago Settlements and Social Unrest," *Charities and the Commons* 20 (May 2, 1908): 157-58, 160, *The Jane Addams Papers, 1860-1935* (Ann Arbor: University Microfilms International, 1984), reel 46, frame 1692. (Hereinafter Addams Papers).

[9]Ibid., 158, quotation 157.

[10]Roth and Kraus, *Accidental Anarchist,* 74, 88.

reform. Discussing the revolutionary situation in Russia, for example, she said that it resembled Germany before Bismarck had introduced reforms. She was also still opposed to violence. Commenting on the visit of the Russian revolutionary leader Gregory Gershuni to Hull House, she said, "when the sense of justice seeks to express itself quite outside the regular channels of established government, it has set forth on a dangerous journey inevitably ending in disaster...."[11]

Addams demonstrated a willingness to stand up publicly for the due process rights of those accused of anarchism. Similarly, Herbert Croly demonstrated a willingness to accept that if he were to advocate reforms on the scale that he believed was necessary, he might have to accept the label of socialism. The son of a journalist, Herbert Croly attended Harvard from 1886 to 1887 but left when his father died that year, leaving him a share in the *Real Estate Record and Builder's Guide*, for which he served as editor for two years. He returned to Harvard in 1892, only to suffer a nervous breakdown. He finished his course work by 1899 but did not receive his degree until 1910. While working for the *Architectural Record,* he wrote *The Promise of American Life,* published in 1909, which developed an influential argument for an activist state.[12]

Although he would deal explicitly with the question of how his program related to socialism, Croly began by looking to America's historical radical tradition for a model. While Wilson had earlier described Reconstruction as revolutionary "mastery" and

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[11]Jane Addams, "Echoes of the Russian Revolution," in *Twenty Years at Hull House* (N.p: Phillips Publishing Company, 1910; reprint, New York: Penguin Group, Signet Classic, 1981), 288, 290, quotation 289-90. A version of this chapter was originally published as "Autobiographical Notes upon Twenty Years at Hull-House: Echoes of the Russian Revolution," *The American Magazine* [70 (September 1910)]: 638-46, reel 46, frame 1823, Addams Papers. Arthur W. Thompson, "The Reception of Russian Revolutionary Leaders in America, 1904-1906," *American Quarterly* 18 (Autumn 1966): 458.

[12]Edward A. Stettner, *Shaping Modern Liberalism: Herbert Croly and Progressive Thought* (Lawrence: University Press of Kansas, 199), 16-27, 73.

contrary to democratic reform, Croly now described it as essentially evolutionary. Slavery, according to Croly, was a nearly fatal "disease," "an alien growth" that "had been cut out by a drastic surgical operation." Once that had been accomplished, the nation resumed its normal path of industrial growth, faster than before. Wilson, by contrast, had described slavery as deeply ingrained in the society of the South. [13] While Wilson had ascribed the 13th Amendment to forces more radical than Lincoln, Croly did not dwell on the distinction between Lincoln's pursuit of the war and emancipation, saying only that the abolitionists were responsible for the excesses of Reconstruction.[14] This kind of reconstruction became the template for the thorough national reform policy that Croly hoped a new politics could develop. In the current setting, Croly felt that the leader who best embodied this ideal was Theodore Roosevelt, and that he was the founder of a "New national democracy" that combined democracy and nationality "more than any other American political leader, except Lincoln."[15]

While Croly urged national action to combat a situation of unequal opportunity, he did not fully embrace the most radical solutions. He asserted that in the context of mature industrial corporations, there was a fundamental contradiction between democracy, in the form of equal opportunity, and private property rights. If property rights were absolutely enforced, as conservatives wanted, it was the equivalent of having two people run a marathon when only one had appropriate training. To someone who had "radical ideas," this contradiction was the basis for "drastic criticism" of the

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[13]Herbert Croly, *The Promise of American Life* (Cambridge: Harvard University Press, Beklknap Press, 1965; reprint of New York: Macmillan Company, 1909), 100.

[14]Ibid., 74, 80, 81.

[15]Ibid., 170.

"economic and social order ...." But rather than adopting either a conservative or radical approach, Croly argued that national power had to be asserted to restore equal opportunity and protect democracy.[16] Unions had to play an important part in this effort because "they are the most effective machinery which has as yet been forged for the economic and social amelioration of the laboring classes." Yet he was not willing to embrace the most militant demands of unions and drew a distinction between "good" and bad unions. If unions tried to control hiring and firing in a way that restricted growth, they should be refused government employment, and the state should organize other unions in their market. If they attempted to improve the skill of workers and establish fair hours and pay standards, they should receive recognition from businesses and public contracts.[17]

Although Croly was emphasizing American traditions rather than socialism, he did specifically address the latter. Croly believed that poverty and inequality meant an exclusion of many from what had been the promise of an increasing standard of living. This was just as dangerous to democracy as slavery had been. This situation could be resolved by reform, or it could be ignored, leading to an outcome like the Civil War. If Americans wanted to avoid "another surgical operation," they had to grant new powers to the state. Those who insisted that this ran against national traditions were analogous to the French aristocracy before the revolution. The program to address the current problem would be regarded by many as "socialistic." But he said, "I am not concerned with dodging the odium of the word." He granted that his program was socialistic in the sense

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[16]Ibid., 181-83, quotation 182.

[17]Ibid., 389, 390, 394, quotations 387, 394.

of dedicating the national purpose to addressing the problem of economic inequality, and in using the state to do it. But he insisted that it was not socialistic in the sense of "some doctrines frequently associated with socialism," and was really less socialistic than "nationalistic."[18]

Croly warned that to the extent that the program that he outlined was desirable, it was more likely to occur through piecemeal and gradual progress, rather than through revolution, and often as a result of efforts that took a different name and asserted different goals. Revolutionary agitation, by contrast, was likely to be counterproductive. Abolitionist radicals such as William Lloyd Garrison did not accomplish as much as the moderate Lincoln. The French revolutionaries' attempt to achieve democracy all at once made "another republic out of the question in France for almost sixty years." And the hoped for electoral majority of "the ordinary type of convinced socialists could and would in a few years do more to make socialism impossible" than could "a majority of malignant anti-socialists."[19]

Croly was convinced that a professional middle class, through piecemeal reform, was more likely to move the economy in the direction of state control than the electoral efforts of Social Democrats. This perspective established limits on what Croly meant when he embraced the term socialism. Croly was referring to state involvement in the economy for an explicit collective purpose; he did not mean public ownership of industry. Moreover, far from a classless society, he envisioned the expansion and increased influence of the professional middle class. While Croly would later move in

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[18]Ibid., 204-206, 268-70, 277-78, quotations 269, 209.

[19]Ibid., 440, 427, quotations 439.

the direction of an increased role for labor unions, the primacy of the role of the state and the opposition to revolution within the United States would remain central to his politics.

Croly's book caught the attention of Theodore Roosevelt, who in 1910 wrote to him saying that he would use Croly's ideas in his speeches and asking to meet with him at the offices of the *Outlook.* Roosevelt made good on his promise in the summer, when he began speaking on a platform of Croly's "New Nationalism."[20] In April Lyman Abbott recommended the book to Woodrow Wilson, who was then governor of New Jersey. By October, the political salience of Croly's concept was such that a professor of political economy at Princeton, Winthrop More Daniels, advised Wilson against criticizing the New Nationalism.[21] It may be due to the political potency of the New Nationalism that Wilson incorporated something like Croly's views of Reconstruction into the New Freedom. Wilson moderated his views of Reconstruction in his campaign speeches even though his earlier interpretation of Reconstruction continued to dominate the American historical profession. The persistence of his views came despite publication of W.E.B. Du Bois's more favorable interpretation in the July 1910 *American Historical Review.*[22] For instance, in the 1913 *The New Freedom,* based largely on Wilson's 1912 campaign speeches, Wilson said that even though the country was on the threshold of a revolution, it would not be "bloody," but "silent." "We are upon the eve of a great reconstruction.... Revolution will come in peaceful guise, as it came when we put aside the crude

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[20]Stettner, *Shaping Modern Liberalism,* 76-77.

[21]Lyman Abbott to Woodrow Wilson, April 8, 1910, PWW 20: 350; Winthrop More Daniels, Princeton, NJ, to Woodrow Wilson, Oct. 13, 1910, PWW 21: 321-22.

[22]David Levering Lewis, introduction to *Black Reconstruction in America, 1860-1880,* by W. E. B. Du Bois (New York: Atheneum, 1992), vii-viii.

government of the Confederation and created the great Federal Union which governs individuals, not States...."[23] That Wilson could describe the Civil War as peaceful would be surprising in itself even if he had not taken such a gruesome view of Reconstruction 12 years earlier.

While Croly was contemplating some form of socialism, Florence Kelley was moving in the opposite direction. In 1910 Kelley edited the manuscript of the late Columbia lecturer Edmond Kelly, *Twentieth Century Socialism,* which attempted to argue that socialism did not have to be adopted wholesale, but could be administered in the proper "dose."[24] The evolution of her views from socialism to a form of gradual amalgamation is apparent in a 1910 article Kelley wrote on labor by married women, which called for "cooperative work." Kelley argued that in those cities where women with children had to work either in factories or tenements, children were neglected, crime and disease were tolerated, and employers resisted investment in new machinery. Noting that Engels had made a similar argument in *The Condition of the Working Class in England,* Kelley argued that although minimum wages, pensions, and safer machinery could improve the circumstances of women's work, the "ultimate solution" was an effort to "substitute cooperative work for competitive work." Indeed, she began the article by asking readers to imagine a "prosperous village" with "cooperative intensive culture of gardens and orchards, with cooperative dairy, laundry, bakery, store and workshops." This was not a vision of socialism in the sense of public or collective ownership of the

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[23]Woodrow Wilson, *The New Freedom: A Call for the Emancipation of the Generous Energies of a People,* with an introduction and notes by William E. Leuchtenburg (Englewood Cliffs: Prentice-Hall, 1961), ix, 32.

[24]Rufus W. Weeks, introduction to *Twentieth Century Socialism* by Edmond Kelly (New York: Longmans, Green, and Co., 1910), xiv-xv; Kelly, *Twentieth Century Socialism*, 8-9.

means of production so much as a vision of pastoral, small producers that influenced Henry George and other nineteenth century radicals.[25]

There was a definable pattern in the attitudes of Addams, Croly, and Kelley in this period. They were attempting to outline a form of politics that did not view radicalism as a threat, but as a potential source of positive influences on capitalism. The solutions they recommended were different than those put forward by radicals, but the willingness to incorporate their participation or ideas is important. It represented a willingness to grapple with the ideas of radicals in a constructive way and a public recognition by very prominent people that the mere characterization of a proposal as socialist or radical could not rule it out of court as a positive change.

The Protocol of Peace

Some of the impetus for adopting these ideas was very direct, in the form of strikes led by socialists, syndicalists, and other radicals. Louis Brandeis would play a key role in devising a solution to these strikes that illustrated both the warming in progressives' views of radicalism and the limits of their sympathies. In one sense, the Protocol of Peace and other collective bargaining agreements modeled on it represented a step toward a collective national purpose of the sort that Croly was describing. In addition, the Protocol brought Brandeis into direct contact with radical leaders and may have contributed to a favorable view that he and other progressives took toward the Industrial

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[25]Florence Kelley, "Married Women in Industry," *Academy of Political Science Proceedings* 1, no. 1 (1910), 92-93, 95-96, quotations 90, 96. Cited in Eileen Boris, *Home to Work: Motherhood and the Politics of Industrial Homework in the United States* (Cambridge: Cambridge University Press, 1994), 113, 115. John L. Thomas, *Alternative America: Henry George, Edward Bellamy, Henry Demarest Lloyd and the Adversary Tradition* (Cambridge: Harvard University Press, Belknap Press, 1983), 119-20, 336-37.

Workers of the World after the Lawrence textile strike in 1912. But on the other hand, the Protocol was designed in close consultation with business leaders to prevent strikes, and the degree to which it could advance the demands of radicals was circumscribed.

The experience that Brandeis brought with him to the Protocol was geared more toward resolving grievances than granting union recognition. Brandeis had previously developed a system for hearing workplace grievances at William Filene's Sons' department store in Boston called The Filene's Cooperative Association. Brandeis described the association as an "experiment in industrial democracy," but this arrangement did not involve union representation and gave a stronger voice to employers than to workers. In 1906 Brandeis presided over a Special Committee on Democratic Work which conducted a hearing into complaints about the association lodged by an employee named Miss Hirschler. Hirschler alleged that there was insecurity among the employees, autocratic management, and micromanagement. Under persistent questioning from Brandeis and others, however, these complaints were found to be without merit.[26] The Filene Cooperative Association was similar in spirit to the agreements between businesses and workers mediated by the National Civic Federation from 1902 to 1905, in which both A. Lincoln Filene and Brandeis were active. Principally an organization of large businesses, the NCF sought to cooperate with trade unions to mediate disputes, but its primary purpose was to avoid strikes and ensure continuous production. Many of its

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[26]"Special Committee on Democratic Work," transcript; [Frank Parsons] "Criticisms and Suggestions: Based on Observations Made at the Store of Wm. Filene's Sons' Company, Boston, Mass., March, 1906," Tufts College, May 7, 1906; F. H. Tucker to [Louis D.] Brandeis, March 15, 1906, Nutter, McClennen, and Fish (NMF 7-2) 1903-1910, Industrial League—General Correspondence, reel 10, The Louis Dembitz Brandeis Papers, 1870-1941, University of Louisville, University Archives and Records Center, Louisville, KY (microfilm, Library of Congress, Manuscript Division, Washington DC), (hereinafter Brandeis Papers).

members did not grant recognition to unions within their own plants.[27]

From the other side of the agreement came the grassroots organizing of radicals within the garment industry. The strikes grew out of the sweatshop conditions on the Lower East Side of New York. The number of workers in the garment trade more than doubled from 1900 to 1910, reaching 160,000 workers, which was one-sixth of all workers in New York City. Many of these workers were Irish, Italian, and Jewish immigrants, including many Jewish socialists who fled Russia after the 1905 revolution. Hours in the factories were typically 56 to 59 hours a week, but often reached 70 hours during peak times. Pay was low; it was estimated that a family of four needed $800 to $876 a year to survive, and average wages were $413 for men and about half that for women. Unemployment was normally about 10 percent, but during downturns such as the Panic of 1907 it rose to between 25 percent and 40 percent. Workers were organized into a combination of conservative-led trade unions such as the United Garment Workers and more militant unions of less-skilled immigrant workers with a significant Russian Jewish presence such as the International Ladies' Garment Workers Union (ILGWU). Socialists involved in the strike such as Morris Hillquit and Meyer London were some of the founders of the Socialist Party of America in 1901.[28]

Progressives were also involved on the organizing end of the strike through the Women's Trade Union League. The first strike, which occurred in 1909 in the women's shirtwaist industry, was the end result of years of shop-to-shop organizing by Jewish

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[27]James Weinstein, *The Corporate Ideal in the Liberal State: 1900-1918* (Boston: Beacon Press, 1968), quotation, 7-13, 17. David Montgomery, *The Fall of the House of Labor: The Workplace, the State, and Labor Activism, 1865-1925* (Cambridge: Cambridge University Press, 1987), 263-65, 279-81. Greenwald, "Bargaining for Industrial Democracy," 88.

[28]Dubofsky, *When Workers Organize,* 5, 7-8, 12-13, 29-30, 33, 48.

immigrant radicals allied with progressives through the WTUL. Rose Schneiderman, who was a member of the Socialist Party, was elected to the General Executive Board of the United Cloth and Cap Makers in 1904. She participated in strikes in 1905 and 1907, became vice-president of the WTUL in 1906, and achieved recognition for Brooklyn white goods workers in 1909. Clara Lemlich, who participated in a 1907 strike at Weisen and Goldstein's, was on the executive board of the ILGWU Local 25 in 1909. She frequently attended Socialist Party meetings and drew on socialist politics to recruit workers for the union.[29]

Jane Addams was a founding member of the WTUL and an executive committee member from 1905 to 1908.[30] Her activity centered in Chicago, where she frequently spoke at WTUL meetings in support of women strikers and made Hull House available for union organizing. She spoke in support of the Meat Cutters' Union in a 1904 stockyards strike, and on September 11 presided over a meeting of the Illinois WTUL at Hull House, where many spoke in favor of the strike. At an October 9 meeting at Hull House, Addams said that understanding of unions had to be improved: "What might be raised into a valuable, enlightening, and ennobling experience is lost by the lack of

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[29]Annelise Orleck, *Common Sense and a Little Fire: Women and Working-Class Politics in the United States, 1900-1965* (Chapel Hill: University of North Carolina Press, 1995), 43, 46-48. For the concept of the WTUL as a cross-class alliance, and the participation of Progressives in these strikes, see Meredith Tax, *The Rising of the Women: Feminist Solidarity and Class Conflict, 1880-1917* (New York: Monthly Review Press, 1980), 95-124, 205-240. See also Boris, *Home to Work,* 84-85.

[30]"Woman's Department," *Union Labor Advocate*, April 1905, p. 21, reel 2, Papers of the Women's Trade Union League and Its Principal Leaders, Publications, Tamiment Library, New York University, New York, NY (microfilm), (Hereinafter WTUL Papers); "The Annual Meeting of the Women's Trade Union League of Chicago," "Woman's Department," *Union Labor Advocate*, February 1908, p. 14, reel 3, WTUL Papers, Publications.

unselfish information."[31] At the first National Conference on Women in Industry in the spring of 1905, Addams argued that "the essence of unionism is collective bargaining." The reason for this was that if a "girl" offered to work for a "boss," he could afford to wait for a cheaper employee, but the girl could not afford to wait for a better job.[32]

The WTUL helped organize the strike itself in the fall of 1909, as women workers attempted to extend an agreement for recognition and higher wages won by Local 25 at the Rosen Brothers Shop in New York to the rest of the industry.[33] On November 23, 15,000 women walked out. In January, the WTUL also organized a march of 10,000 women against police brutality.[34] It is important to convey the scale of this strike, which the Women's Trade Union League's newspaper described as "the greatest uprising that has ever taken place among women in America," involving 30 to 40 thousand women, equivalent to "the population of a small city." The strike was also notable because it involved a coalition of workers, trade unionists, wealthy women, and suffragists. For instance, the WTUL reported that although non-obstructive picketing was legal, 10 to 20 strikers were arrested per day, among them Mary Dreier, who was "a woman of wealth and prominent socially." At a suffrage meeting at the Hippodrome in New York, the Rev. Anna Shaw said that the Woman's Suffrage League had sought the cooperation of working women, and "Now that we have been thrown together in sweat shops and

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[31]Mary E. McDowell, "The Strike at the Stockyards," *Union Labor Advocate,* September 4, 1904, p. 19; Anna Nicholes, "Illinois Women's Trade Union League," *Union Labor Advocate,* October 1904, p. 13; quotation, Anna Nicholes, "Meeting of Illinois Women's Trade Union League," *Union Labor Advocate,* November 1904, p. 25, reel 2, WTUL Papers, Publications.

[32]Mary E. Haskell, "Meeting of National Women's Trade Union League," *Union Labor Advocate,* April 1905, p. 25, reel 2, WTUL Papers, Publications.

[33]Greenwald, "Bargaining for Industrial Democracy," 22-24.

[34]Orleck, *Common Sense and a Little Fire,* 59-61.

factories and stores we must learn to stand together." Dreier spoke by invitation on behalf of the strikers on December 16 at the exclusive Colony Club before Mrs. Anne Morgan, Mrs. O. H. P. Belmont, and Mrs. W. K. Vanderbilt. Significantly, the WTUL instructed new strikers on the law of picketing, indicating that the organization was determined not to lose the sympathy of those who would be repelled by violence.[35] Many of the smaller plants settled with the union early in the strike, but talks sponsored by the NCF broke down over union recognition, and the strike was called off by February 15.[36]

Brandeis became involved in the situation at the behest of Filene when the male cloakmakers went on strike for the closed shop the following July. On July 18, Filene wrote to his brother asking him to recruit Brandeis to represent the employers, who had formed the Cloak, Suit and Skirt Manufacturers' Protective Association on July 11. Brandeis wrote to his brother, Alfred, telling him he had been contacted to settle the strike, that "About 50,000 men are out," and that he would try to "bring the parties into conference."[37] On July 24 Brandeis submitted to Julius Cohen, who was representing the employers, a proposal from the Joint Board of Cloak & Shirt Makers Unions of New York, saying that the unions were willing to leave the closed shop out of negotiations. Brandeis then introduced his own solution into the discussions, the preferential union shop. On August 1, he wrote to Cohen telling him that after conferring with Meyer London, he would endorse the employers' proposal if the manufacturers expressed

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[35]"Philadelphia on the Firing Line," "National Women's Trade Union League," *Union Labor Advocate,* February 1910, 15; "The Situation in New York," ibid., 16; "The Strike of the Forty Thousand," ibid., January 1910, Ed. Alice Henry, 20-21, reel 4, WTUL Papers, Publications.

[36]Greenwald, "Bargaining for Industrial Democracy," 28-29, 48-53.

[37]Dubofsky, *When Workers Organize,* 57, 59. Louis D. Brandeis to Alfred Brandeis, July 24, 1910, Melvin I Urofsky and David W. Levy, eds., *Letters of Louis D. Brandeis,* vol. 2, *People's Attorney* (Albany: State University of New York Press, 1973), 365, fn 2.

support for the union and said that "as between Union men and non-union men of equal ability to do the job, they will employ the Union men."[38] The Protocol of Peace also included a dispute settlement procedure. Unions could appeal to a three-member Permanent Board of Arbitration, and a Board of Grievances could hear disputes before resort to formal arbitration.[39]

Brandeis was trying to strike a middle ground between the closed shop and the open shop. But right away a point of disagreement emerged between Brandeis and the radicals within the rank and file. The strike committee rejected the proposed Protocol because it excluded the closed shop. According to the WTUL section of the *Union Labor Advocate,* the strikers rejected the terms in what "amounted almost to a riot in the various meeting halls." They understood trade unionism as "revolutionists," and demanded "complete and immediate organization through the general strike method" and did not seek gains through "progressive stages of collective bargaining." This was because "the great majority of the Cloak Makers are Russians, who have lived under revolutionary influences." And to compromise on the closed shop, in their view, "would be a compromise in solidarity that is a compromise of principle."[40] The discrepancy between Brandeis's vision of labor peace through negotiation and the radicals' ambitions for accomplishing social transformation through the strike produced tensions from the outset.

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[38]Louis D. Brandeis to Julius Henry Cohen, July 24, 1910; Louis D. Brandeis to Julius Henry Cohen, August 1, 1910, Urofsky, *Letters of Louis Brandeis* 2: 366-67, fn 3, 368-69, quotation 368.

[39]Dubofsky, *When Workers Organize,* 64-65. Louis D. Brandeis to Julius Henry Cohen, October 19, 1910, Urofsky, *Letters of Louis Brandeis* 2: 381-82, fn 1.

[40]"The Cloak Makers' Strike and Its Settlement," "National Women's Trade Union League," *Union Labor Advocate,* October 1910, 12, reel 4, WTUL Papers, Publications.

While Brandeis believed the Protocol afforded workers a new democratic means of participation, the strike would be brought to an end by the tried and true method of the labor injunction. Faced with a failure of mediation, Cohen applied for an injunction, arguing that the strike was a criminal conspiracy for the closed shop. He asked Brandeis to allow him to use his correspondence with the union in court to prove the conspiracy, but Brandeis refused because it would compromise his impartiality. The injunction went through on August 28. The General Executive Committee of the ILGWU then changed the voting procedure so that the shop committee would not have to approve the agreement, and instead had it quickly approved by the shop chairmen.[41] The WTUL newspaper said that the principled rejection of the Protocol, like the Russian Revolution, was bound to fail. The trade unionists, by contrast, regarded the Protocol as a victory because it represented a step toward union recognition.[42]

The Protocol was not what either side started out wanting. While some radicals, notably Morris Hillquit and Meyer London, accepted the Protocol, the radical rank and file rejected it initially and was then circumvented. Similarly, the Protective Association did not want to grant union recognition. The Protocol was a compromise, designed by Brandeis to strike a middle ground between the radicals and business leaders. Given the enormous progressive and radical mobilization required to bring about the Protocol, in this sense Brandeis embodied in concrete terms the idea of incorporating socialist influences in order to bring about reform. But what is to be made of the fact that the radicals did not accept the compromise? It was an important precedent that the problem

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[41]Greenwald, "Bargaining for Industrial Democracy," 102-103, 110-11.

[42]"The Cloak Makers' Strike and Its Settlement," "National Women's Trade Union League," *Union Labor Advocate,* October 1910, 12, reel 4, WTUL Papers, Publications.

was settled through the use of force, and an important limitation on the degree to which Brandeis can be said to have incorporated radical thought into his approach to labor.

Unfortunately, the Protocol also failed to prevent strikes. This was because of the requirement that the Board of Grievances settle disputes without formal arbitration, which proved frustrating to workers. According to Richard Greenwald, from April 1911 to October 1913, the clerks of the Board of Grievances settled more than 97 percent of the cases without the intervention of either the full board or arbitration. Because arbitration was so difficult and time-consuming to obtain, workers increasingly resorted to striking.[43] Sometimes these disputes indicated a principled dividing line between Brandeis and the radicals. For example, a disagreement arose in March of 1912 between Hillquit and Brandeis over the issue of dismissal. Hillquit thought that the burden should be on the employer to prove the case, which should be limited to cases of incompetence or misconduct. Brandeis thought that this limitation of the reasons for dismissal was a faulty extrapolation from specific examples given in the Protocol. Hillquit compromised, agreeing to an equal burden of proof for the employer and the workers in cases of dismissal. But because it was difficult for the union to prove wrongful dismissal, it was rare for workers to be reinstated, leading to unauthorized strikes.[44]

A more serious problem arose over a disagreement between the intellectual socialist Isaac Hourwich, Chief Clerk of the Joint Board of Grievances, and trade unionist and business association members of the board. The dispute began in April 1913 over the

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[43]Ibid., 209-210.

[44]Louis D. Brandeis to Henry Moskowitz, March 25, 1912; Louis D. Brandeis to Morris Hillquit, March 28, 1912; Louis D. Brandeis to Hamilton Holt, March 28, 1912; Urofsky, *Letters of Louis Brandeis* 2: 569-72.

use of union members to replace workers who had walked off the job due to conditions. Brandeis refused to call a meeting of the board, and instead urged Hourwich to suggest changes to the Protocol, which he and the rest of the Joint Board did by May 17. Because the changes were drastic, Brandeis overruled the Joint Board and called for an independent study. Hourwich then encouraged a strike in August of 7,000 workers, followed by further unauthorized strikes. Brandeis's reaction is telling. At an October 3-4 meeting of the Arbitration Board, Brandeis described Hourwich as engaging in "an act of insurrection and rebellion against the protocol" and shortly afterward recommended he resign.[45] Brandeis's hostility to Hourwich was an important precedent for how he would react toward radicals when they continued to strike despite the establishment of a collective bargaining framework. Though the immediate disagreement was over the dispute settlement procedure, it was rooted in different long-term goals. Brandeis viewed the Protocol as a means to avoid strikes, as well as to improve conditions for workers. Hourwich and other radicals saw it as a step toward collective ownership or workers' control.

Yet whether to accept agreements like the Protocol was the subject of a real disagreement not only between progressives and radicals, but also between radicals. Some socialists, such as Sidney Hillman, believed that workers should accept the concrete gains presented by a framework modeled after the Protocol, even if all their demands could not be met immediately. Indeed, it was Hillman who was appointed to replace Hourwich in New York in 1914, and it was Abraham Cahan, the socialist editor of the *Jewish Daily Forward* and an important leader in local socialist politics, that

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[45]Greenwald, "Bargaining for Industrial Democracy," 245-61, 255, quoting *Board of Arbitration, Decision October 5, 1913*.

suggested him.[46] Hillman came to the Protocol model by way of Chicago, where a similar agreement was implemented in 1913. As Steven Fraser points out, Hillman was no less a committed radical than the anarchists or syndicalist members of the Industrial Workers of the World involved in the Chicago strike. But he thought that a practical agreement of this kind was the best way to improve conditions for workers, and in fact it improved wages, reduced hours, and limited shop floor abuse.[47]

Jane Addams was also involved in a strike in Chicago that brought together a similar coalition of unskilled workers, trade unionists, and socialists and resulted in a solution similar to the Protocol. The immediate cause of the strike, which began on September 22, was a wage cut of $0.25 at the Hart, Schaffner and Marx plant. Within a month the strike had spread to other firms, eventually encompassing 40,000 workers. More generally, the strike resulted from a lack of legitimate avenues for the expression of grievances, shop floor discrimination against women, and the presence and participation of socialist and anarchist eastern European workers. The strike was also marked by widespread police brutality and some retaliatory violence by strikers.[48]

Brandeis advocated the Protocol to Jane Addams as a way to resolve the strike in November 1910.[49] In the first issue of its new magazine, *Life and Labor,* the WTUL said that the strike was spontaneous among immigrants who had fled oppression and were

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[46]Steven Fraser, *Labor Will Rule: Sidney Hillman and the Rise of American Labor* (Ithaca: Cornell University Press, 1991), 80.

[47]Ibid., 68-69.

[48]Ibid., 45-53.

[49]Louis D. Brandeis to Jane Addams, November 26, 1910, Urofsky, *Letters of Louis Brandeis* 2: 386-87.

disillusioned with "industrial slavery," but that it was supported by socialists and trade unionists. The WTUL mobilized the same coalitional approach it had used in the previous garment strikes: "The League has evolved a regular plan of campaign from experience gained in the historic strikes in the East," and a meeting was held after the walkout at Hull House to organize a strike committee. Support also came from the Chicago Federation of Labor and the United Garment Workers: "The garment workers in their former struggles with the manufacturers have had no such powerful combination to assist them as they were able this time to call to their aid." The socialists of Chicago "were the earliest in the field to help the strikers," and the *Chicago Daily Socialist* was the first to run a notice of the strike and raised $3,345 for the strikers. The Polish socialists sent $200 per week.[50]

[D]uring this strike, Hillman formed a close relationship with Addams and other progressives through Hull House and the WTUL. Hillman approached the Chicago Federation of Labor on behalf of the WTUL to gain support for the strike, and as a result a Joint Strike Conference Board was established consisting of two members of the CFL, one member from the United Garment Workers, and Anges Nestor and Margaret Drier Robbins of the WTUL. The board negotiated an arbitration agreement with a Citizens' Committee representing HSM, but there was widespread opposition, particularly from the IWW. One of the reasons for this was that the agreement required that workers involved in violence not be rehired. The agreement was adopted on January 14 at HSM, but the strikes in the rest of the industry continued until February. With continuing support from Addams and other progressives, Hillman worked to organize the workers of HSM and

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[50]"Chicago at the Front: A Condensed History of the Garment Workers' Strike," *Life and Labor,* January 1911, 4, 5, 6, 10, 11, reel 5, WTUL Papers, Publications.

later visited New York to observe the Protocol of Peace. In the Spring of 1913, as a strike threatened at HSM, the preferential union shop was introduced.[51]

In an endorsement of the Progressive Party in 1912, Addams argued that these strikes were so massive, and pitted both unions and desperate non-union strikers against the law to such a degree, that they took on a political character. "The great labor disturbances of recent years display the characteristics of social uprisings rather than of technical strikes," she said, noting that "The terms of settlement much more often suggest political phrases than industrial: a 'protocol' was the result of the great cloak makers' strike in New York...." Addams argued that these strikes pitted unions against the "entire community" because legislatures were unwilling to enact reforms and the courts issued injunctions against what should be legal strike activity, turning the strikers into "law breakers." If the entire community was responsible for this situation, then it would take the entire community to rectify it. "Political and industrial insurgency having joined forces in a well considered program for wider industrial justice, may initiate that co-operation between the government and trades Unions which the United States has been so much slower than Europe to adopt."[52] Addams interpreted the strikes as an effort to jar a laissez-faire society loose of its structural rigidity against collective action.

The Protocol of Peace and the Chicago strike demonstrated both the potential and the limits of progressive sympathy with radicalism during this period. On the one hand, radicals, in coalition with progressives such as Jane Addams and other middle-class and upper-class members of the WTUL generated the pressure that led to these agreements.

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[51]Fraser, *Labor Will Rule,* 65, 68.

[52][Jane Addams], "The Progressive Party and Organized Labor," [1912] TM carbon, 1, 2, 3, reel 47, Addams Papers.

In addition, these progressives were able to find some radicals such as Sidney Hillman who favored concrete achievements such as the Protocol that they believed improved conditions even if they fell short of the full demands of other radicals at the grass roots. But on the other hand, it does not make one a radical to arbitrate an agreement in which radicals are one of the parties. This was really the position of Louis Brandeis, who furthermore indicated certain real disagreements with radicals. The most important of these was whether or not it was permissible to strike for more just conditions despite the establishment of a collective bargaining framework. This was an important condition under which Brandeis was unwilling to sympathize with radicals.

The Lawrence Textile Strike

The IWW influenced the views of Brandeis and other progressives, including Woodrow Wilson, toward radicalism in a more positive direction during the Lawrence Textile Strike in 1912. Even though this strike resulted in violence, and the IWW as an organization endorsed sabotage, the strike entailed several specific conditions that appeared to point to a very clear moral conclusion for progressives. Conditions were extremely poor, the strikers were clearly victims of violence rather than perpetrators, and the victims included women and children.[53] In 1911, 86 percent of the population of Lawrence was first- or second-generation immigrants. Textile workers earned an average of $8.76 a week, while the unskilled received $6. Lawrence's death rate was as high as that of any other American city, and in 1909 its infant mortality rate was 176 per

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[53]For the IWW's understanding of violence, see Melvyn Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World* (New York: Quadrangle Books/The New York Times Book Co., 1969), 159-64. Dubofsky, *When Workers Organize,* 148, makes this important point about middle-class Progressive sympathy for strikes involving women and children.

thousand. The strike began because when the operators reduced these low wages even further when a state law reducing hours from 56 to 54 went into effect. On January 10, a group of Italian workers at the Wood Mill of the American Woolen Company vandalized machinery and walked out. By the end of the day 10,000 workers were on strike. Led by Joseph Ettor, the IWW took over leadership of the strike, demanding a pay increase, overtime pay, an end to bonus pay, and rehiring of strikers. Notably, the IWW did not call for violence, and instead organized nonviolent picketing and parading. However, on January 29, a police officer was stabbed and Annie LoPezzi was killed in a scuffle, and Ettor, the IWW leader Arturo Giovannitti, and Joseph Caruso were arrested. To generate publicity and strike funds, the IWW arranged for the transportation of the children of strikers to other cities, and it was this tactic that formed the turning point of the strike. On February 24, after the city marshal prohibited children from leaving the city in order to stop the publicity, the police clubbed a crowd of 200 women and children on their way to Philadelphia. On March 12, all the strikers' demands were met, and in September Ettor and Giovannitti were acquitted.[54]

In his public response to the strike, Brandeis argued in favor of promoting conservative trade unions through agreements like the Protocol and implied that the IWW was responsible for the violence. In a letter he sent to Ray Stannard Baker of the *American* and other journalists, and a longer version published in the August 1912 issue of *Human Engineering,* Brandeis wrote, "The rioting at Lawrence and the operations of the I.W.W. are making many reach the conclusion that conservative trade unionism is essential to the maintenance of law and order." Violence was still a key sticking point for

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[54]Dubofsky, *We Shall Be All*, 227-55.

Brandeis. He continued that it is "an essential condition of the advance of trade unionism that the unions shall renounce violence, restriction of output and the closed shop." The IWW, however, was not responsible for the violence at Lawrence and was not calling for the closed shop.[55] Privately, Brandeis spoke favorably of the IWW's success in achieving higher wages. In March, he wrote to the mediator Marlen Edwin Pew that the strike was "a marvelous achievement for the I.W.W. men."[56] Brandeis also demonstrated that he was capable of defending the rights of the IWW when they were wrongly accused. On July 11, Brandeis wrote to Charles Warren Clifford, president of the bar association, "The feeling is widespread and deepening that during the Lawrence strike the powers of the court and of the police were not at all times exercised judicially and fairly, and that our law has been strained so as to thwart the efforts of the strikers and to suppress the propagation of economic doctrine believed to be unsound." Brandeis was aware that because of its advocacy of revolution, the IWW could be construed as guilty of a specific crime in order to repress its views. He therefore recommended that the Bar Association investigate the case of Ettor of Giovannitti. Clifford responded asking for specific recommendations from Brandeis, who in turn suggested the formation of a committee, but no action was taken.[57]

Other progressives also took a positive view of the Lawrence Strike, including Woodrow Wilson. It is well known that from 1908 to 1910 Wilson underwent a

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[55]Louis D. Brandeis to Ray Stannard Baker, February 26, 1912; Louis D. Brandeis to Winthrop Talbot, April 16, 1912, Urofsky, *Letters of Louis Brandeis* 2: 562-63, fn. 1, 586-89, fn 3, quotations 562, 588.

[56]Louis D. Brandeis to Marlen Edwin Pew, March 13, 1912, Urofsky, *Letters of Louis Brandeis* 2: 568.

[57]Louis D. Brandeis to George Washington Kirchwey, July 3, 1912; Louis D. Brandeis to Charles Warren Clifford, July 11, 1912; Louis D. Brandeis to Charles Warren Clifford, July 16, 1912, Urofsky, *Letters of Louis Brandeis* 2: 636-38, fn 2, 646-47, 649-50, fn. 2, quotation 646.

transformation from conservative to progressive reformer. The traditional interpretation of this change is that Wilson was frustrated with his efforts to reform the graduate school at Princeton, which he felt was corrupted by wealthy interests, and given this failure, that he was looking for a political constituency, first as candidate for governor of New Jersey and then as candidate for president.[58] Wilson was influenced by the same forces as other progressives, however, including the upsurge in strikes led by radical unions, such as the Lawrence Strike.

In September 1912, Wilson delivered a campaign speech in Hartford Connecticut in which he urged his audience not to fear radicalism, and described himself as a radical. The radicalism of which he approved, however, did not take society as a blank slate, but attempted to "knit the new into the old" to restore America's traditions of competition in the context of large trusts. Wilson argued that big business had achieved undue influence through the corruption of judges. "This thing that grows like a canker in our vitals must be cut out," he said. "Now that, if you choose to call it radicalism, is the kind of radicalism I believe in. If that be radicalism, then the preservation of our life and purity as a nation is a radical proposition." Wilson argued that the tariff on imports was responsible for excessive profits that gave big business an unfair advantage while leading to strikes like that in Lawrence. "Think of saying that the protective tariff is for the benefit of the workingman, in the presence of all those facts that have just been disclosed in Lawrence, Massachusetts, where the worst [tariff] schedule of all operates to keep men

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[58]Arthur S. Link, *Wilson: The Road to the White House* (Princeton: Princeton University Press, 1947), 122-23. John M. Mulder, *Woodrow Wilson: The Years of Preparation* (Princeton: Princeton University Press, 1978), 259.

on wages upon which they cannot live!"[59] Though Wilson was clearly motivated by his political fortunes, his appropriation of the term radical, and his favorable reference to Lawrence, indicates that the public associations of the term had become positive by this point.

Even anarchists no longer incurred Wilson's wrath. On September 30, protesters in Lawrence held a march for Annie LoPezzi, who was killed during the strike, waving red and black flags and banners saying "No God, No Country." Responding to a counter-demonstration "For God and Country," Wilson said on October 17 that he was heartened to see a protest against those who "deny that there is a God and propose that there should be no law…." But he said "I am not afraid that the red of that flag of protest represents the real spirit of the people of the United States. I am not afraid of revolution." Violent revolution was contrary to American traditions and was only a risk if the Presidential election produced four years of inaction. Wilson was confident that progressivism could reform the "mountain of privilege," which overshadowed Lawrence. He urged repealing the tariff that favored the mill owners, even if it provoked them to shut down. "Let them utter their threats. Let them dare play any longer with the people of the United States. We are not children. We have been schooled in this school of privation too long. We have seen the prices rise so much faster than our earnings could rise."[60] Wilson was clearly taking a negative view of revolution, but he urged national action on the tariff practically in the spirit of the strikers in Lawrence. Radicalism was contributing to

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[59]Woodrow Wilson, "A Campaign Speech on New Issues in Hartford, Connecticut," [Sept. 25, 1912], Delivered in Parsons' Theater, PWW 25: 234, 241, quotations, 235, 241, 243-44.

[60]Woodrow Wilson, "A Campaign Address in Wilmington, Delaware," Opera House, [October 17, 1912], PWW 25: 426-27, 429-30, fn4, quotations, 426-27, 430.

reform in two ways: by threatening revolution and by pointing to injustices that reformers felt could be addressed through non-revolutionary means.

Another progressive to take a positive view of the Lawrence strike was Walter Lippmann, who like Florence Kelley was making a transition away from socialism. While a student at Harvard, Lippmann was founder and, in 1909, president of the Harvard Socialist Club, where he advocated Fabian socialism. After graduation, he joined the Socialist Party in 1911, and the following year on the recommendation of Morris Hillquit became an assistant to the socialist mayor of Schenectady, George R. Lunn. Before the year was out, however, Lippmann had left the Socialist Party.[61]

In 1913, Lippmann argued that the violence in Lawrence and other places was a response to exclusion from the political process, and that inclusion could bring about reforms. In his first book, *A Preface to Politics,* Lippmann said that syndicalists resorted to violence because they did not accept the conditions of unskilled labor. But to keep them away from the bargaining table because of this violence would not only deprive politicians of their ideas, but could provoke them to "wreck the house." Lippmann said that the conditions in Lawrence had been well known before the strike, but that nothing was done about them until the strike garnered attention. Lippmann at this point also took a positive view of the use of force to promote domestic change. Embracing the fact that slavery did not end due to protest, but instead by the use of force, he drew a lesson for the current class conflict: "Those who deplore the use of force in the labor struggle should ask themselves whether the ruling classes of a country could be depended upon to inaugurate a program of reconstruction which would abolish the barbarism that prevails

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[61]Charles Forcey, *The Crossroads of Liberalism: Croly, Weyl, Lippmann and the Progressive Era, 1900-1925* (London: Oxford University Press, 1961), 96, 105-6.

in industry."[62] Lippmann put into explicit terms what Brandeis and Wilson had demonstrated by their actions: radicalism could influence reform in several ways—by forcibly achieving concrete gains, by threatening revolution, and by contributing ideas.

Lippmann developed these arguments in a general discussion of socialism and syndicalism. Arguing that socialism was usually overly rigid, he said that the sentiments behind socialism and syndicalism could nonetheless be harnessed to a new form of politics. Reflecting on his governmental experience in Schenectady, he said that the administration tried to implement socialist policies without a socialist "hinterland." Without the necessary support for their policies, on important issues such as taxation, socialists ended up implementing instead what was popularly desired.[63] Citing the work of the British Fabian Graham Wallas, Lippmann argued that socialism was useful not so much because of the program that it proposed, but because it could tap into the subconscious desires of the people. Politicians had to organize this "largely unorganized drift of desire," which was behind the uprisings of women and industrial workers. These impulses were the "central issues of life, the vital points upon which happiness depends.... They express desire. They are power."[64]

Similarly, Lippmann argued that syndicalism could be channeled in a positive direction. He said that statesmen should not be "terror-stricken" by syndicalists or focus on flaws in their ideas. Quoting Georges Sorel's *Reflections on Violence,* Lippmann wrote, "Revolutionary myths… *are not descriptions of things, but expressions of will"*

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[62]Walter Lippmann, *A Preface to Politics* (New York: Macmillan Company, 1933), 288-89, 277-78, quotations 289, 279.

[63]Lippmann, *Preface to Politics*, 182-83, quotation, 182.

[64]Ibid., 71, 76-78, quotation, 91.

(Lippmann's emphasis). Even if the idea of revolution was unrealistic or illogical, its function was not to serve as a concrete program, but rather as a motivating spirit for a political movement. What was more important than the doctrine was the collective impulse it represented, the "little groups, curious and bewildered, listening in the streets of New York to the story of the battle between the 'master class' and the 'working class,' of little red pamphlets, of newspapers, and cartoons—awkward, badly printed and not very genial, a great stream of spellbinding and controversy through which the aspirations of millions are becoming articulate…."[65] Objecting to the determinism of orthodox socialism, Lippmann felt that aspects of socialism and syndicalism should be assembled into new a composite. "We shall feel free to choose among alternatives—to take this much of socialism, insert so much syndicalism, leave standing what of capitalism seems worth conserving."[66] Without naming it as such, Lippmann here articulated a critical aspect of progressivism in this period—that it consisted fundamentally of an amalgam of other ideologies, among them capitalism and socialism. Radicalism was a central ingredient in the formulation of progressive ideology.

While the Lawrence textile strike did not result in a framework like the Protocol of Peace, it demonstrated several other ways that radicals could influence progressives. First, progressives could point to the threat of violence as an argument in favor of reforms. Brandeis took this approach in advocating a framework like the Protocol of Peace in response to the strike, and Wilson and Lippmann made similar arguments. Second, a successful strike could demonstrate that radicals were indeed in favor of

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[65]Ibid., 96, 222-23, 229, quotations, 95, 229, 238.

[66]Ibid., 241, quotation, 244.

positive changes short of revolution. Progressives such as Lippmann could take a similar tack in arguing that radicals should be permitted to contribute to the political process. Finally, progressives such as Wilson responded to public opinion in terms of what they said about radicalism. When the public took a less frightened and more favorable view, Wilson was inclined to try to identify himself with radicalism rather than as an opponent of it. Lippmann explained this process in a sophisticated way by arguing that radicalism tapped into the desires of the masses and should be harnessed for positive ends rather than feared or refuted in logical terms.

The Formation of the Commission on Industrial Relations

The Commission on Industrial Relations (CIR) is usually held up as a signature progressive entity. With representatives from business, labor, and the public, the commission was appointed by Woodrow Wilson to investigate the causes of industrial unrest.[67] What is relevant here, however, is the degree to which addressing and incorporating the input of radicals was a concern in the creation of the commission. Examining the discussion surrounding its formation also reveals that progressive attitudes toward the IWW became quite favorable in this period, even among those who had denounced radicalism before such as George Creel. The commission itself was understood to embody the ideal, which Lippmann had expressed, of taking elements from syndicalism, socialism, and capitalism and developing a new form of political economy.

Concerns about industrial violence were the immediate impetus to the formation of the commission. In December 1911 Brandeis wrote a letter, signed by 38 other

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[67]Alan Dawley, *Struggles for Justice: Social Responsibility and the Liberal State* (Cambridge: Harvard University Press, Belknap Press, 1991), 154.

reformers including Jane Addams and Florence Kelley, to President William Howard Taft advocating the creation of a commission to investigate the causes of industrial violence. The letter was instigated by the 1911 conviction in Los Angeles of James and Joseph McNamara, members of the Bridge and Structural Iron Workers who pleaded guilty to dynamiting the building of the *Los Angeles Times* in October 1910 because of its open shop editor, killing 21 people. Echoing Lippmann's and Addams's explanations of violence, the letter said that the cause of the resort to violence was the lack of legal channels open to workers to attempt to achieve economic justice. Invoking the specter of the Civil War, the letter concluded, "Today, as fifty years ago, a house divided against itself cannot stand." In an earlier letter to Kellogg, in response to a request to participate in a symposium that included Addams and Meyer London, Brandeis was even more emphatic. He said that what caused the McNamaras to resort to violence was not "individual depravity," but the "huge, indomitable trusts." Taft requested the commission in his annual message to Congress in February of 1912, and Congress established it in August.[68]

Reflecting the positive view of the IWW that was emerging in this period, Brandeis remarkably suggested to Wilson that one of the representatives of labor should be an IWW member. Brandeis was in communication with Wilson about the commission because Wilson had offered him the chairmanship. When Brandeis turned it down, Wilson asked him his opinion of the Kansas City labor lawyer Frank Walsh for chairman. Brandeis said that he knew very little about Walsh, but that he had heard favorably about

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[68]Louis D. Brandeis to the editor of the *Boston Globe,* December 2, 1911; Louis D. Brandeis to William Howard Taft, December 30, 1911; Louis D. Brandeis to Paul Underwood Kellogg, December 19, 1911, Urofsky, *Letters of Louis Brandeis* 2: 517, fn. 1, 531-36, fn. 2, 3, quotations, 535, 522.

him from Boyd Fisher, a 1910 Harvard College graduate who was a suitor of Wilson's daughter Margaret and a colleague of hers in the movement to establish social centers for the New York City public schools. For the IWW position, after conferring with the writers Lincoln Steffens, Walter Lippmann, and John Graham Brooks, Brandeis said that Frank Bohn, who left a position as an instructor at Columbia to join the IWW, would be the best person, but that he was no longer an IWW member. In his place Brandeis considered Vincent St. John, but was told by Brooks that he had a history of violence.[69] Ultimately no IWW member was appointed to the CIR. On June 20 Wilson offered the chairmanship to Frank Walsh, who accepted it the same day.[70]

Walsh, who worked his way through law school as a court reporter, was active in Kansas City reform politics, leading an effort to combat the influence of corporations in the state Democratic Party in 1901 and 1902 and helping advance the legislative agenda of the anticorruption governor Joseph Folk. Walsh also served on the Kansas City Tenement Commission from 1906 to 1908.[71] Walsh was known for a willingness to defend workers accused of even the most serious crimes. In February of 1912 he appeared in court on behalf of W. J. McCain and W. Bert Brown who were accused in a giant federal conspiracy trial of 40 members of the International Bridge and Structural

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[69]Woodrow Wilson to Louis D. Brandeis, April 24, 1913; PWW 27: 353-54; Louis D. Brandeis to Woodrow Wilson, May 19, 1913, PWW 27: 456; Louis D. Brandeis to Woodrow Wilson, May 26, 1913, PWW 27: 476-77, fn 1; Woodrow Wilson to Louis D. Brandeis, May 29, 1913, ibid., 487; Ellen Axson Wilson to Woodrow Wilson, September 7, 1913, PWW 28: 264-65; Ellen Axson Wilson to Woodrow Wilson, September 5, 1913, ibid., 259. Leon Fink, "Expert Advice: The Unraveling of Labor Reform, 1912-1915," in *Intellectuals and Public Life: Between Radicalism and Reform,* ed. Leon Fink, Stephen T. Leonard, and Donald M. Reid (Ithaca: Cornell University Press, 1996), 185.

[70]Woodrow Wilson to Frank P. Walsh, June 20, 1913; Frank P. Walsh to Woodrow Wilson, June 20, 1913 (telegram), PWW 27: 552, 553.

[71]Graham Adams, Jr., "Walsh, Francis Patrick," in *Dictionary of American Biography. Dictionary of American Biography,* s.v. "Folk, Joseph Wingate."

Iron Workers of transporting explosives across state lines in connection with the LA Times bombing and other dynamitings.[72] Walsh's reputation is indicated by a letter he received from president and manager of the Fort Scott *Tribune-Monitor,* George Marble, questioning a speech Walsh gave criticizing the trial on March 2, 1913. While Marble said that he had previously believed he was as "progressive and as radical" as Walsh, indeed, "startled" to find himself "advocating what a few years ago would have been very probably denominated as a political revolution," he was nonetheless certain of the guilt of the defendants.[73] Walsh was not asserting that all the defendants were innocent, but criticizing the procedures of the trial, which charged the defendants as a group with the cumulative penalties for the dynamitings. Walsh responded that given 25 years of experience with criminal conspiracy and his knowledge of the case of one of the accused, the trial was "a travesty upon justice."[74] There can little doubt today about the guilt of the McNamaras, or of many leaders and members of the union, but the trial was part of an ongoing battle for the open shop between National Erectors' Association and the Bridge and Structural Iron Workers, and Walsh understood it in those terms.[75]

When news of Walsh's possible appointment became public, letters of congratulations and advice began to arrive that were indicative of the hopes for

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[72]"Indicted Union Men Placid," *Kansas City Star,* February 2, 1912, volume 41, p. 1, Frank Walsh Papers, New York Public Library, Rare Books and Manuscripts Division, New York, NY (hereinafter Walsh Papers). Sidney Fine, *"Without Blare of Trumpets": Walter Drew, The National Erectors' Association, and the Open Shop Movement, 1903-57* (Ann Arbor: University of Michigan Press, 1995), 123-25.

[73]George W. Marble to Frank Walsh, March 3, 1913, General Correspondence 1913 March, box 1, Walsh Papers.

[74]Frank Walsh to George W. Marble, April 12, 1913 (carbon), general correspondence April 1-12, 1913, box 1, Walsh Papers.

[75]Fine, *Without Blare of Trumpets,* 86-129.

fundamental change surrounding the commission. For example, L. A. Halbert, General Superintendent of the Kansas City Board of Public Welfare, said that he hoped the commission would not just investigate conditions, but ask "how much voice the laborers should have in determining the conditions" of their labor. "Our present industrial system should be placed on trial by this Commission," he wrote. Walsh acknowledged the letter saying it was such sentiments that made him want to take the appointment. On June 27 the *Kansas City Times* reported that Walsh considered the commission the "most potent agency yet" for addressing industrial questions, and that "industrial questions" did not mean settling "temporary disagreements" between workers and employers, but the "cause of all industrial questions," including the "relation of wages and morality" and the "effect of amalgamations of capital or labor."[76]

Boyd Fisher, who had spoken favorably of Walsh to Brandeis, also encouraged Walsh to take the IWW seriously in the investigations. After writing Walsh a note of congratulations on the day of his nomination, on June 27th he told Walsh that the commission should bring out "the good things in the IWW movement."[77] On September 13, just after the confirmation, Fisher wrote to Walsh saying he had been vacationing in Vermont at Woodrow Wilson's cottage and had written to Wilson on Walsh's behalf. "The country is on the verge of great changes of opinion and policy upon industrial matters" due to an "astonishing crystalization [sic] of labor demands and labor

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[76]L. A. Halbert to Frank Walsh, June 13, 1913; Frank Walsh to L. A. Halbert, June 14, 1913, Chairman, U.S. Commission on Industrial Relations, Papers, 1913 June, box 33, Walsh Papers. "The Industrial Commission is a Real People's Lobby," *Kansas City Times,* June 27, 1913, volume 41, p. 35, Walsh Papers. Fink, "Expert Advice," 186.

[77]Boyd Fisher to Frank Walsh, June 20, 1913; Boyd F[isher] to Frank [P. Walsh], June 27, 1913; Frank Walsh to Boyd Fisher June 30, 1913 (carbon), Chairman U.S. Commission on Industrial Relations Papers, 1913 June, box 33, Walsh Papers.

discontent" that would occur by the end of Wilson's term. He was afraid that that the Democratic Party would appear to be the conservative party, and that the Progressive Party would be driven "into more radical statements of its position" and would itself "be surprised at the strength of the appeal which radical statements will have." The only reason that "the masses are silent" was because "aside from the Socialists, no party has sufficiently sounded their deep discontent."[78]

Perhaps the most surprising change in opinions toward radicalism in this period occurred in the views of George Creel, who took such a negative perspective toward anarchism and socialism in earlier years. Creel, who was friends with Walsh from his Kansas City reform days, wrote to Walsh on August 5 saying that he was writing an interview about him for the *Survey*. Creel by this point had broken into mainstream journalism, moving to the *Denver Post* in 1909 and working for the Denver *Rocky Mountain News* from 1911 to 1913.[79] Creel suggested that Walsh should simply tell him his view of the commission and that he would put it in an interview format and send it to Walsh for approval. He urged Walsh to "take up industrial situation, handle the urgency imparted to conditions by great strikes, I.W.W., judicial terrorism, etc. etc."[80] Walsh wrote back saying he was "stumped" and that Creel could do a much better job of writing the interview. He sent him a symposium on the commission published in *Survey* and said

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[78]Boyd Fisher to Frank Walsh, September 13, 1913, Chairman U.S. Commission on Industrial Relations, Papers, 1913 September, box 33, Walsh Papers.

[79]"Home First to Miss Bates," *Kansas City Star,* December 5, 1912, volume 41, p. 19, Walsh Papers. George Creel, *Rebel at Large: Recollections of Fifty Crowded Years* (New York: G. P. Putnam's Sons, 1947), 48-49, 53. James Mock, *Words that Won the War: The Story of the Committee on Public Information, 1917-1919* (Princeton: Princeton University Press, 1939), 52-57. Fink, "Expert Advice," 185.

[80]George Creel to Frank [Walsh], [August 5, 1913], box 33, Chariman U.S. Commission on Industrial Relations, Papers 1913 August, Walsh Papers.

that the commission would investigate the way in which the law governing the industrial situation came from the courts rather than statute. The investigation, he said, could result "in putting our whole industrial system on trial and endorsing or condemning it." Walsh also said that he was relying on Creel and others like him to publicize the commission's proposals. Referring to a suggestion of Creel's for a "little meeting of conspirators in New York," he said that the commission had put him in touch with people nationwide of "genuine radical views and undoubted sincerity," and that if Creel wished, "I will try to establish a sort of quarters for our own people."[81]

Just as the commission was being formed, the IWW was organizing a strike among silk workers in Paterson, New Jersey. Although the IWW lost this strike, it generated a favorable response from Walsh and Creel. Paterson employed 25,000 silk workers, including men, women, and children over 14. The average pay for skilled workers was about $12 a week, and for unskilled workers about $6 or $7, although it was sometimes withheld until the end of the year and reduced by fines. In 1912, silk manufacturers began to increase the number of looms that silk weavers were expected to maintain from two to four, while at the same time reducing the pay rate. When the Lawrence strike ended, the IWW in January 1913 sent organizers to Paterson to demand a reduction from a ten to an eight-hour day, and on February 25 the strike began, reaching 25,000 workers. Although the strike was not violent, 1,850 people were arrested, including the IWW leaders William Haywood, Elizabeth Gurley Flynn, and Carlo Tresca. Some were arrested for seditious speech. For instance, the socialist Fredrick Sumner

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[81]Frank Walsh to George Creel, August 18, 1913 (carbon), box 33, Chariman U.S. Commission on Industrial Relations, Papers 1913 August, Walsh Papers. Also quoted partially in Fink, "Expert Advice," 186-87.

Boyd was arrested for reading part of the New Jersey constitution. To organize money for the strikers, the socialist John Reed, with participation from Walter Lippmann, organized a pageant in New York in June to dramatize the events. The Pageant, however, raised only $150 and diverted personnel and energy from the strike itself. In July the socialists and skilled workers began to advocate individual shop settlements, and the strike ended in defeat by July 28.[82]

The Creel interview, which Walsh described as a "corker," appeared in the October 18, *Collier's* titled "Why Industrial War?" The article placed primary emphasis on resolving industrial violence. It began with a reference to the Paterson strike, asking why 20,000 silk workers there were "locked in a death struggle with their employers." Creel also referred to the Lawrence textile strike, the garment workers in the East, and a strike in West Virginia in which the Constitution had been abandoned "in favor of bayonets and bullets." The true purpose of the commission, he said, was to discover "the facts of industrial strife and the causes of industrial discontent!"[83] In the public discourse surrounding the formation of the commission, the IWW figured prominently. By mounting these strikes, in part because of the violence they entailed, the IWW was drawing attention to the conditions of work. While in one sense Creel was looking for ways to defuse the potential for revolutionary violence, he was careful to say that the commission should consider syndicalism on its merits and adopt those aspects of it that would be beneficial.

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[82]Dubofsky, *We Shall Be All*, 264-70, 277-83. Forcey, *Crossroads of Liberalism,* 165.

[83]Frank Walsh to George Creel, September 3, 1913 (carbon), box 33, Chairman, U.S. Commission on Industrial Relations, Papers, 1913, September, Walsh Papers. George Creel, "Why Industrial War?" *Collier's,* October 18, 1913, 5, volume 41, p. 44, Walsh Papers.

In the published interview, Walsh was quoted to say that there were two approaches to the problem. One was to ask if it was possible for the machinery of the industrial system to be "tinkered into shape." The other was to travel "new paths entirely" and ask "What does Socialism offer? Syndicalism? Collectivism? Individualism? If any one of them, or a combination of them, contains a remedy, we cannot know it too soon." Creel's changing views of industrial violence were evident in a discussion of the McNamara bombing. Walsh discussed a symposium in the *Survey,* which contained an article by William J. Burns, head of the Burns Detective Agency, who wanted an investigation into the McNamara case. Walsh said that this perspective represented a class of people who were "obsessed with the Man Hunt," and that this was not the purpose of the commission. "'It is a point of view that I will never stand for!' he cried, striking his great fist against the desk." Creel was also not willing to endorse the position of William Haywood, who was juxtaposed as one side of a "malign division" with Burns on the other. In his own contribution to *Survey,* commented upon in the interview, Haywood regarded the commission as "tragic joke" and said that "there can be no solution of the problem as long as the distinction between capitalist and worker exists." The commission had to bring "the essential *oneness* home to every man, woman, and child in the country, so that we may have cooperation, not antagonism."[84] Creel no longer called for repression of militant unionism or revolutionary radicalism, but neither did he endorse it. He hoped for, and believed to be possible, a resolution of the differences that could yield a common benefit.

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[84]Creel, "Why Industrial War?" *Collier's* October 18, 1913, 5, 6, volume 41, p. 44, Walsh Papers. Fine, *Without Blare of Trumpets,* 102.

Walsh agreed to the publication of the interview, but he was embarrassed by its forthright and somewhat simplistic embrace of radical positions and perhaps his pugnacious characterization. Walsh described a draft of the piece as "swell" but said that if he were to describe his real feelings about it he would reveal his "bitter hatred for myself." He also told the journalist supplying the photographs for the piece, Bert St. Clair, who had suggested writing a similar interview, that it made him hate himself, and that St. Clair's article, if similar, would have required him to wear "false whiskers" in Washington. He further told Creel that he permitted him to write his "magnificent preachment" as an interview because "we grew into these views together and, perhaps, *only perhaps,* they are mine as well as yours...."[85] The way Walsh had explained his view of the commission was much more cautious, primarily focused on the excessive authority of judges to strike down legislation. This letter reveals a certain unwillingness to embrace publicly the views of radicals, however much Walsh wished to take their testimony into account when devising fundamental solutions for industrial conflict.

Regulation versus Revolution

While the Lawrence and Paterson strikes influenced Brandeis, Wilson, and Creel to take a more positive view of the IWW, Walter Lippmann moved in the opposite direction after the failed Paterson pageant.[86] In his 1914 book *Drift and Mastery,* Lippmann was critical of the IWW and accused them of weakness resulting in violence. He also took a rosy

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[85]Frank Walsh to George Creel, September 11, 1913 (carbon); Frank Walsh to Bert St. Clair, September 8, 1913 (carbon), box 33, Chairman, U.S. Commission on Industrial Relations, Papers, 1913 September, Walsh Papers.

[86]Forcey, *Crossroads of Liberalism,* 166.

view of the institution of the joint stock company governed by professional managers, describing it as comparable to a form of socialism.[87] Like Florence Kelley, Lippmann was moving away from socialism, finding that a hybrid politics that took elements from socialism was achieving greater public acceptance. Some of these experiments in fusion politics were more successful than others, and in the case of his view of corporate management Lippmann was guilty of the very wishful thinking of which he accused more orthodox radicals.

Lippmann was critical of both the press and the employers in the Lawrence and Paterson strikes, but he was also very condescending toward the IWW: "It is the weak unions, the unorganized and shifting workers, who talk of sabotage and flare up into a hundred little popgun rebellions." Lippmann attributed the influence of IWW leaders to the lack of organization of the workers. "The extreme weakness of the unskilled workers had made them listen so eagerly to the large hopes of men like Haywood, Ettor, and Giovannitti" and, striking a fearful note that he avoided in his earlier book, called such unskilled workers "the real peril to the nation from the side of labor…." "From them," he said, "will come most of the street-fights, the beatings and the sabotage. They have no share in the country, they have 'nothing to lose but their chains.'" Although the IWW was the victim of violence in these strikes, Lippmann implied that poverty and belief in revolution led these workers to engage in violence.[88] Contrasting the power of the

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[87]In his argument for understanding socialism as political economy rather than ideology, Martin Sklar has recently described the advent of corporate management in very similar manner to Lippmann, portraying it as a "socialization" of liability and ownership. Sklar, "Thoughts on Capitalism and Socialism," 369. For a more capitalist understanding of socialized risk, see William G. Roy, *Socializing Capital: The Rise of the Large Industrial Corporation in America* (Princeton: Princeton University Press, 1997), 10-20.

[88]Walter Lippmann, *Drift and Mastery: An Attempt to Diagnose the Current Unrest* (1914; Reprint, Westport: Greenwood Press, 1961), 59, quotations 61, 64.

railroad workers with that of the IWW, he said, "This is the paradox of the labor movement, that those who can't overthrow society dream of doing it, while those who could, don't want to." Lippmann repeated other misunderstandings of the IWW, for instance saying that they did not seek to establish permanent unions. The IWW organized 15,000 workers in Lawrence, however, and left leadership in place after the strike to hold on to the gains. These criticisms were more reflective of Lippmann's changing views than any real qualities of the IWW. He was beginning to see revolution as a matter of power and institutional change rather than as a matter of ideology.[89]

While Lippmann had called for a more flexible version of socialism in *A Preface to Politics,* in *Drift and Mastery* he attempted to specify what this form of socialism would mean. He argued that democratic control of industry, consisting of a combination of public stock ownership, professional management, unionized workers, and regulation could produce the equivalent of socialism without public ownership. While a very prescient view of the direction in which liberalism was headed, Lippmann allowed his vision to be clouded by the potential efficiency that he believed such corporations would provide. High productivity, even high average incomes, do not entail equal distribution of property, which most socialists understood as an important characteristic of socialism. "The trust movement," Lippmann argued, "is doing what no conspirator or revolutionist could ever do: it is sucking the life out of private property." Taking railroads as an example, Lippmann argued that public shareholding had dispersed ownership to the point where owners no longer had control of the business, rates were subject to control by the state, and unions controlled wages. Owners of the railroads would actually be better

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[89]Ibid., 61-62, quotation 63. Dubofsky, *We Shall Be All,* 255-57.

off with public ownership, he said, because government bonds would pay a more secure dividend than stock. Lippmann argued that railroads represented only an advanced example of a process that was occurring in all basic industries, "steel, oil, lumber, coal and all the others which are adapted to large scale production. Private property will melt away; its functions will be taken over by the salaried men who direct them, by government commissions, by developing labor unions." Stockholders were "being transformed into money-lenders."[90] There was a sleight of hand going on here, however. Lippmann defined private property too narrowly. When he said "private property," he seems to have had in mind unfettered, unrestricted, and absolute private property. Even if stock ownership was subject to regulation, or the management prerogatives it involved were entrusted to salaried employees or curtailed by labor organizations, it was still private stock ownership. That is a different thing from public or government ownership. Lippmann was frustrated with the common crude understanding of private property as an absolute right, but he mistakenly equated any modification of private property with its public expropriation.

Though it may sound bizarre today, Lippmann was very explicit in his belief that corporate management was a form of public control: "It is evident that the question of nationalizing industries is not a choice between the maintenance of private property and its abolition." This distinction he said was characteristic of "amateur socialist discussions." The reality was that "There is no very essential difference between holding the securities of the Steel Trust and those of the U.S. Government." On the other hand, Lippmann said that there was an important distinction between public and private

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[90]Lippmann, *Drift and Mastery,* 45, 49.

business, but the distinction was more a matter of control than ownership, and how much control lay with employees, consumers, and regional and national interests. The objective was to combine "popular control with administrative power" and the conflict lay between "democracy and centralized authority."[91] Lippmann also made his opposition to orthodox socialism more definitive in this book. He described "state socialism" as utopian, as "an attempt to impose a benevolent governing class on humanity" and Marxist socialism as "fatalist."[92]

Lippmann had also come to be an admirer for the newer methods of management. He felt that agitation against big business had reached the point where there was a "distinct prejudice" against it. "'Big Business,' and its ruthless tentacles, have become the material for the feverish fantasy of illiterate thousands thrown out of kilter by the rack and strain of modern life.... men like Morgan and Rockefeller take on attributes of omnipotence, that ten minutes of cold sanity would reduce to a barbarous myth."[93] This elitism that Lippmann exhibited toward the unskilled extended to small proprietors. He believed that business had become too complicated for the traditional enterprise to manage, and welcomed the growth of graduate schools for business. "Just as it is no longer possible to become a physician by living with doctors, just as law cannot be grasped by starting as a clerk in some attorney's office, so business requires a greater preparation than a man can get by being a bright, observant, studious, ambitious office boy, who saves his money and is good to his mother." Lippmann also had a certain

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[91]Ibid., 49, 50.

[92]Ibid., 171, 106.

[93]Ibid., 23-24.

contempt for the independent small-scale enterprises that had dominated the economy in the nineteenth century, describing merchants as " fundamentally uneducated.[94] Though Lippmann was still drawing some influences from socialism, his politics should not be confused with a worker-oriented vision of socialism, or even the producer-oriented vision that seemed to be influencing Kelley. He had a distinct lack of sympathy for those harmed by the reorganization of industry on its path to greater efficiency. By this point he did not favor equality, or even control by the workers, so much as management of the economy by experts.

Nonetheless, it is important to note the continuing influence of radicalism on Lippmann. What emerged in *Drift and Mastery* was one of the concerns of the earlier period reconfigured as a solution. While Creel and Wilson had both referred to trusts as socialistic, and as a reason to break them up, now Lippmann was saying their socialistic aspects were a reason to encourage their continued consolidation. This act of transformation was not confined to the trust question. Creel, for example, dropped his earlier antiradicalism and began to argue in favor of keeping an open mind toward all possibilities for reorganizing the political economy. Wilson likewise moderated his views toward anarchism and now described his views toward big business as radical. Brandeis, though he was still opposed to strikes, favored representation for radicals in the Protocol of Peace and the Commission of Industrial Relations. Privately, he even took a favorable view of the Lawrence strike. The willingness to experiment, to revisit and change a position that had been held just a few years earlier, even on such fundamental

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[94]Ibid., 43, 44.

issues as capitalism, socialism and syndicalism, was a constitutive aspect of progressivism.

There did emerge, however, one limitation on the degree to which progressives took influences from radicalism. This limitation stemmed from Croly's initial formulation, which had a deliberate sense of national purpose at its core. Any national purpose is in some sense cooperative. But not every national purpose is socialist. In attempting to substitute one for the other, progressives in these years believed they were embracing aspects of radical doctrines that had earlier been deemed to be taboo. And in fact they were. But in doing so they raised the question of whether it was possible to do so without creating something wholly new, that was not the same as the capitalism that prevailed before, but also was not a new version of socialism. And they left unanswered how should be understood those radicals who did not accept this understanding of a national purpose as a substitute for socialism.

Chapter Three: "Industrialism on Trial," 1914-1917

The Final Report of the Commission on Industrial Relations, published in 1916, marked something of a high-water mark of progressive sympathy with radicalism. In addition to recommending recognition of labor unions and regulation of working conditions, the report found a pervasive bias against unions in the court system, criticized undue influence over local law enforcement by corporations, and called for inheritance taxes and social insurance. However, in the course of reaching this conclusion, Frank Walsh delivered such a damning rebuke to the industrial system and to the wealthy that he drove a wedge through the progressive community.[1] While the report seemed to continue and even to further the blurring of the boundary between reform and radicalism that had occurred before the war, Walsh found himself increasingly breaking against the undertow of progressive politics as embodied by the Wilson administration and its advocates.

The pieces were being put in place for a muscular progressive labor policy that could not only enforce the appropriate means of dealing with poor labor conditions and resolving disputes, but also understand and address those who did not accept these solutions. First, the entrance into publication of *The New Republic* marked the creation of a new resource for defining progressivism as a discrete political project that rejected orthodox socialism and the violence of syndicalism. Second, in the research arm of the CIR, the labor economist Carleton Parker developed what would become an influential

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[1]Joseph A. McCartin, *Labor's Great War: The Struggle for Industrial Democracy and the Origins of Modern American Labor Relations, 1912-1921* (Chapel Hill: University of North Carolina Press, 1997), 29. Leon Fink, "Expert Advice: The Unraveling of Labor Reform, 1912-1915," in *Intellectuals and Public Life: Between Radicalism and Reform,* ed. Leon Fink, Stephen T. Leonard, and Donald M. Reid (Ithaca: Cornell University Press, 1996), 182-83, 201, 209-10. Fink is concerned with how corporate influence neutralized the impact of the commission and how expertise eclipsed agitation in progressive reform, rather than with the change in progressives' views of radicalism.

analysis of syndicalism as an irrational response to poor conditions. Without going through the theoretical groundwork of progressives in preceding years to incorporate aspects of socialism or to bring radicals into a negotiating process, Parker simply called for improving conditions as a way of reducing this irrational behavior.

Finally, revolution presented itself as a real possibility with the upheaval in Mexico. In the process of debating intervention in Mexico, influencing the outcome of revolution became an acceptable basis for the use of military power abroad. When the revolution resulted in what would today be called a "failed state," progressives concluded that military intervention for the sake of restoring constitutional government did not constitute an invasion. Together, the new, dynamic view of progressivism, the psychological interpretation of the causes of labor unrest, and the intervention in Mexico formed the cornerstones of an architecture for confronting revolution at home and abroad with federal power in order to manage and shape it in the direction of orderly reform.

Progressive Democracy and The New Republic

Herbert Croly's *Progressive Democracy,* published in 1914, was representative in important ways of the direction of progressives' views of radicalism during the years of American neutrality, but it was written in response to the national electoral politics of the prewar years. Croly sympathized with the active regulation proposed by Theodore Roosevelt's Progressive Party, and he sought to distinguish it from the public ownership of Eugene Debs's socialism and the attempt to restore competitive capitalism asserted in Wilson's New Freedom.[2] Croly reconfigured the debate between laissez-faire and

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[2]Edward A. Stettner, *Shaping Modern Liberalism: Herbert Croly and Progressive Thought* (Lawrence:

regulation as a choice between two different kinds of state involvement in the economy, what he called the "Old Economic Nationalism," and the "New Economic Nationalism." The old system, far from a lack of government intervention, consisted of grants of land to farmers, railroads, and mine operators, a tariff to protect developing industry, and legislation to benefit corporations. "The economic system of the country was conceived as a vast coöperative enterprise, in which the social or the public economic interest was promoted by energetic and promiscuous stimulation of productive agencies in private hands." This system, however, was now creating a situation of "irreconcilable antagonisms between class and class" because "the majority was becoming wage earners rather than large or small proprietors."[3] Croly recognized the role of the state in creating a class of wage laborers, but he was not willing to go so far as to say that the state should do away with wage labor.

Croly was careful to distinguish the new economic nationalism from socialism, arguing that "the immediate abolition of private property would be both unjust and impracticable...." Similarly, even though existing institutions were unfair, "forcible dispossession would merely be to substitute one injustice for another."[4] Instead Croly said that because freedom of contract put wage earners at a disadvantage to property-owners, a "new system of special privilege" had to be created to benefit the wage earner, consisting of workmen's compensation laws, help with forming labor unions, and

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University Press of Kansas, 1993), 90-92, 105. Alan Dawley, *Struggles for Justice: Social Responsibility and the Liberal State* (Cambridge: Harvard University Press, Belknap Press), 135-37, 145.

[3]Herbert Croly, *Progressive Democracy* (New York: Macmillan, 1914), 87, 88, quotations 87, 103, 98.

[4]Ibid., 113, 115.

"minimum standards of security, health, education and remuneration…."[5] Similarly, Croly believed that syndicalists, by claiming that "business belongs by right to the people whose work contributes to its success," were "infusing" into the labor movement a useful idea. But he was concerned that because of their violent methods, and the violent resistance of employers, "Civilization may well perish in the resulting conflict." If the ideal of workers' participation were accepted, "the new unionism may be encouraged to abandon its revolutionary program, and to seek a substitute for it along a more practicable, a more humane and instructive route." As unions participated in collective bargaining, they would incorporate most workers, gain a "definite legal form," and, faced with the responsibility of running a business, have an incentive to improve their own efficiency. This process of inclusion would serve as a means of "industrial education."[6]

Revolution was not an ancillary aspect of syndicalism that could simply be dropped, however, and workers' control through negotiation with employers was a longstanding goal of AFL unions. What Croly wanted to preserve of the new unionism was not syndicalism, but industrial unionism and collective bargaining. This was in fact the approach taken by Sidney Hillman in the Chicago strike, and was the basis for the Amalgamated Clothing Workers which he was now organizing in New York. As Steven Fraser has observed, Hillman said as much about the educational effect of collective bargaining on immigrant workers in Chicago: "To see these people only a few years ago from lands where factories are unknown, meeting to discuss problems of the rights and wrongs of shop discipline, of changing prices, of the rightfulness of discharge is a thing

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[5]Ibid., 119.

[6]Ibid., 388, 389, 391, 390.

to fill one with hope for the future of democracy."[7] Croly was prescient about the approach to syndicalism that the state would eventually take, but his view assumed a more flexible attitude about revolution on the part of workers than would prove to be the case.

Croly's project of defining a discrete progressive politics took an important step forward with the entrance into publication of *The New Republic* in November of 1914. The Roosevelt supporters Dorothy Straight, daughter of the financier William Whitney, and Willard Straight, who was a diplomat and business agent for, among others, J. P. Morgan, financed the journal. The magazine had six editors, including Walter Lippmann, although Croly's was the predominant voice. As Croly explained to Lippmann, the purpose of the journal was "to give a more vigorous, consistent, comprehensive and enlightened expression to the progressive principle," but it would "not be the organ of any party, and it would not tie progressivism down to any fixed or narrow creed." Another founder of *The New Republic* was the Harvard Law School professor Felix Frankfurter, who until recently was working in the office of the United States Attorney under Henry Stimson. Frankfurter turned down a formal editorial connection, but he did serve as a trustee, contributed anonymous articles on legal matters, and sat in on editorial meetings. Frankfurter was being groomed as the protégé and political liaison of Louis Brandeis, who as early as 1918 was making suggestions for the journal to Herbert Croly and, beginning in the early 1920s, contributed ideas for articles and sometimes the full

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[7]Steven Fraser, *Labor Will Rule: Sidney Hillman and the Rise of Amercan Labor* (Ithaca: Cornell University Press, 1991), 72, quoting Sidney Hillman, "The Russian Jew," *Streater-Independent Times,* June 28, 1913.

text of essays and editorials anonymously through letters to Frankfurter.[8]

The importance of preserving the objectives of the new unionism while purging the labor movement of violence, and of adapting egalitarian principles to pragmatic policies, was a consistent theme of the journal. "A Substitute for Violence" in December 1914 suggested that the solution to labor violence was to bring workers into a representative body like that of the Protocol of Peace. The article was focused on the Ludlow Massacre, which ensued in September 1913 when John D. Rockefeller's Colorado Fuel and Iron Company refused to negotiate with the United Mine Workers over demands including union recognition, abolition of company scrip, the eight-hour day, and a 10 percent wage increase. On April 20, 1914, the national guard machine-gunned and burned the workers' tent village, killing 16. In all, 66 people were killed during the strike, most of them strikers or their family members. The Ludlow Massacre did not involve the IWW or any particular revolutionary ideology, but the journal interpreted the violence itself as rebellion. "From Bakunin to the MacNamaras and Alexander Berkman, the terrorist has been more of a nuisance to the labor movement than to the social order which in his fatuous feebleness he hoped to replace," it said. "By refusing any representation," the operators in Ludlow "are closing the school in which men practice and grow to democracy. By refusing responsibility to the men, they make

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[8]Stettner, *Shaping Modern Liberalism,* 106-108, quoting "Croly," TS, 1914, 108. Bruce Allen Murphy, *The Brandeis/Frankfurter Connection: The Secret Political Activities of Two Supreme Court Justices* (New York: Oxford University Press, 1982), 38-39, 89-91. H. N. Hirsch, *The Enigma of Felix Frankfurter* (New York: Basic Books, 1981), 24, 45-46. Joseph P. Lash, "A Brahmin of the Law: A Biographical Essay by Joseph P. Lash," in *From the Diaries of Felix Frankfurter* (New York: W. W. Norton, 1974), 16. Herbert Croly to Louis Brandeis, February 4, 1918, Supreme Court (SC 4-1) 1918 General Correspondence, reel 48, The Louis Dembitz Brandeis Papers, 1870-1941, University of Louisville, University Archives and Records Center, Louisville, KY (microfilm, Library of Congress, Manuscript Division, Washington DC), (hereinafter Brandeis Papers).

them irresponsible."[9]

Socialism also presented a practical dead-end, according to the journal. A series of articles contended that a decline in socialist voting strength indicated that the principles of reform would have to be adapted to a non-socialist program in order to achieve electoral success. "Socialist Degeneration" noted the decline was most marked in those areas in the East where wage labor was thought to be most dominant. The only sources of real socialist popularity were western states where socialists polled over ten percent. These figures were taken as evidence of a "deproletarization of the Socialist party," meaning that small farmers and proprietors were now being appealed to, "so that the flaming red of a generation ago becomes a delicate pink." "The Future of the Socialist Party" suggested that the Socialist Party would be replaced by a progressive one. The article said that while Marx predicted that the middle-class would fall into wage labor, producing an overwhelming majority, only 40 percent of Americans were wage earners, and many of them were disfranchised immigrants and African-Americans. Thus for social democracy to succeed, the Socialists would have to appeal to non-workers. In the process, the party "will doubtless become increasingly opportunistic, less revolutionary in tone, less dogmatic in utterance, more apologetic, more matter-of-fact." Socialism was likely to win electorally only in modified form, through one of the established parties.[10]

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[9]"A Substitute for Violence," *The New Republic,* December 12, 1914, 9, 10. David Montgomery, *The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865-1925* (New York: Cambridge University Press, 1987), 346-47. McCartin, *Labor's Great War*, 28.

[10]"Socialist Degeneration," *The New Republic,* December 12, 1914, 10-11, quotations 11; "The Future of the Socialist Party," *The New Republic,* January 16, 1915, 10-12, quotation 12.

Similarly, the journal stressed the collective power of the labor movement, but criticized the ideology of its leadership. The "machine" leader, like Gompers, "avoids dangerous issues" and practices "a kind of whig liberalism dating from the England of 1850." The "orator" leader of the IWW is "always more radical in what he says, but he has proved himself ineffective in the labor movement." The IWW "consisted of about ninety-five per cent of orators, and the I.W.W. of to-day is nothing but a tradition."[11] Other articles suggested that the compromise of radical principles was a matter of maturity. According to a December 1914 editorial, radicals were usually initially inspired by outrage over poverty. "Every bedraggled slum they visit is a personal horror, every record of wretched wages and overwork and under-nourishment becomes part of their own indictment against society." But soon radicals find that the process of reform is complex and has to be accomplished by "little steps, a constant readjustment of theory, and a depressing amount of compromise."[12]

The emphasis on practical reforms, and criticism of utopianism, was standard fare. In October 1916, Walter Lippmann said that utopia "is a comparatively easy and primitive kind of vision. The modern imagination has a harder task to perform...." A sense of realism in developing a social vision "is a limitation against which only the dilettante rebels, he who would rather dream ten dreams than realize one, he who often mistakes a discussion in a café for an artistic movement, or a committee meeting for a social revolution."[13] The underlying argument here, continuously repeated, was that

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[11]"Toward Labor's Power," *The New Republic,* August 5, 1916, 7-8, quotation 8.

[12]"The Radical," *The New Republic,* December 26, 1914, 6.

[13]Walter Lippmann, "The White Passion," *The New Republic,* October 21, 1916, 294.

practical reforms could accomplish radical objectives more effectively than the grandiose plans and pronouncements of those who were officially designated radicals. This implicit logic demonstrated a continued kinship with, but a deliberate pulling away from, socialist and syndicalist ideology.

Jane Addams in this period was also attentive to the relationship between progressivism and revolution. At a February 1914 meeting of the Progressive National Committee, she noted the significance of the emergence of a Progressive Party. While the problems that accompanied industrial development, had previously been addressed "in spots," she said, "we have not had a discussion of this situation as a National problem. It was not discussed in every hamlet, in every crossroad, until the Progressive Party brought forward these measures...."[14] But despite the institutionalization of a national Progressive Party, Addams still argued that there was a connection between progressivism and revolution. In a November 1914 article, Addams placed woman suffrage in the context of revolutions in other countries for democracy. Woman suffrage was on the one hand part of the "evolutionary conception of self-government which has been slowly developing through the centuries." Unlike the revolutions that constituted this slow development, such as in America and France, obtaining the vote for women was "happily a bloodless one." Even so, there was still a connection between woman suffrage and "contemporary revolutions carried on by men demanding a direct representation in

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[14]Jane Addams, "Social Justice through National Action," in *Nationalism: Its Need in Our Social, Industrial and Political Growth* (New York: Progressive National Committee, [1914]), 8, reel 47, *The Jane Addams Papers, 1860-1935* (Ann Arbor: University Microfilms International, 1984), (hereinafter Addams Papers).

governments which at present ignore them."[15] Like Croly and Lippmann, Addams wanted to preserve some of the goals of revolution, but draw a distinction between progressive reform and revolutionary violence.

Alan Dawley has suggested several reasons, connected to the war in Europe, that progressives may have sought to differentiate themselves from socialists. Before the war progressives took the German welfare state as a model, a centralized national program that developed in response to pressure from the German Social Democratic Party. During the war, however, Germany was widely perceived as a violent aggressor. There may therefore have been an effort to distinguish progressivism from German reform and the Social Democracy as well as from violence. During the war, progressives such as Kelley and Addams helped found the American Union against Militarism and the Women's Peace Party. Moreover, as the Wilson administration enacted a series of legislative reforms, such as the Clayton Act, the Adamson Act, and the Commission on Industrial Relations, progressives began to associate themselves with him. While significant, these reforms did not represent the kind of close state involvement in the economy of the German state and afforded a concrete model for defining progressivism in a way different from social democracy. Finally, along with the administration's program of military preparedness, a grassroots backlash began to arise against radicalism as disloyal, which made the association with radicalism more troublesome than before.[16] More generally, the context of war made national security a concern, which consistently had the effect of creating distance between progressives and radicals.

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[15]Jane Addams, "The Larger Aspects of the Women's Movement," *Annals of the American Academy of Political and Social Science* 56 (November 1914): 1, 2, 6-7, reel 47, Addams Papers.

[16]Dawley, *Struggles for Justice*, 168-70, 173-74, 176.

Carleton Parker and the Commission on Industrial Relations

At the same time as *The New Republic* was attempting to distinguish progressivism from socialism, and Addams was arguing that progressivism was akin to nonviolent revolution, the labor economist Carleton Parker was using the dividing line of violence to draw a border around broader portions of radicalism. Parker was appointed to the California Commission on Immigration and Housing Commission in 1913 by Governor Hiram Johnson, becoming executive secretary the following year, and also worked as a special investigator for the Commission on Industrial Relations. Parker had firsthand knowledge of the conditions of unskilled and migratory labor, having studied a mine in Johannesburg for a brief time after graduating from college and spending three years in California and British Columbia to observe conditions in the mines after finishing his doctorate. He also joined the Western Federation of Miners, the precursor to the IWW, briefly in 1900 or 1901. After finishing college, Parker spent several years working as a bond salesman, and in 1909 went to Harvard to pursue a master's degree in economics. He spent four years in Germany and England studying toward his Ph.D. from Heidelberg and finished his thesis in 1913, "The Labor Policy of the American Trust," while teaching economics at Berkeley. An outdoorsman, Parker spent his honeymoon on a 75-mile camping trip along the Rogue River in Oregon.[17]

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[17]Cornelia Stratton Parker, *An American Idyll: The Life of Carleton H. Parker* (Boston: Atlantic Monthly Press, 1919), 9, 16-63, 69. Carleton Parker's personal papers were destroyed in a fire. Harold Hyman, "Introduction to the 1972 Edition," *The Casual Laborer and Other Essays,* by Carleton H. Parker (New York: Harcourt, Brace and Howe, 1920; reprint, Seattle: University of Washington Press, 1972), xiii, fn 12. Carleton H. Parker, "Report on the Wheatland Hop-Fields Riot," March 30, 1914, U.S. Commission on Industrial Relations, 1912-1915 (microfilm), *Unpublished Records of the Division of Research and Investigation: Reports, Staff Studies, and Background Research Materials* (Frederick, MD: University Publications of America, 1985), reel 16, frames 29-72 (Hereinafter CIR, *Unpublished Records*).

In 1913, Parker investigated a riot in Wheatland, California that had involved the IWW and issued an influential report, a version of which he also submitted to the Commission on Industrial Relations, attributing the riot to poor conditions. More specifically, he understood syndicalism itself not so much as a political ideology but as the state of mind that resulted from extremely poor conditions and preceded violent behavior. The conditions at Wheatland were an example of the kind of raw exploitation facing itinerant agricultural laborers in the West in the early twentieth century. The farmer E. C. Durst attracted about 2,800 people, including men, women, and children, to pick hops on his ranch in the summer of 1913. Despite temperatures upwards of 106 degrees in the shade, Durst provided no water in the fields, which were over a mile from the wells, only 9 toilets, and no garbage removal.[18] Durst also withheld about 10 percent of the wages as a bonus, which, because of the excess of laborers for the 1,500 jobs and high turnover, resulted in significant wage forfeitures. In addition, an unusual insistence on keeping leaves and stems out of the pickings greatly reduced the pickers' yield. Experienced workers reported their pickings and earnings were only one-fourth to one-third as much as in previous years and in other fields. About 30 of these pickers were active IWW members, and when they organized the workers to demand uniform wages and better conditions, Durst called the police, who touched off a riot by firing a warning shot to disperse a crowd listening to a speech by Blackie Ford. The district attorney and a deputy sheriff as well as two workers were killed in the ensuing melee, and Ford and Herman Suhr were sentenced to life in prison for inciting a riot. Although the IWW

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[18]Carleton H. Parker, "Report on the Hop-Fields Riot," 2, 26, 15, 21.

mounted a campaign for a pardon, Governor Johnson refused, in part because the IWW threatened to sabotage the hops harvest.[19]

Parker's report was notable for its vividness and dispassionate sympathy. He included affidavits about the toilets, for instance, a typical one of which read, "The two toilets which I used were also filthy with human manure and the floors and sides of the same were covered with the same from two to three inches thick." There were also no toilets in the fields, so that the workers had no privacy and became filthy over the course of several days. Although Durst did not provide water in the fields, he gave a lemonade and ice cream concession to a cousin and granted a stew concession, both of which provided water to the pickers only if they made a purchase. These provisions were particularly hard for the workers to resist because they had 200 to 300 children with them who in the afternoon became dehydrated.[20] Describing Durst as representative of "a certain type of California employer," Parker said, "The refusal of this type to meet the social responsibilities which come with hiring human beings for labor, not only works concrete and cruelly unnecessary misery ... but they add fuel to the fire of resentment and unrest, which is beginning to burn in the uncared-for migratory labor in California." Even if conscience did not persuade such employers to treat workers decently, they should be aware of "the insanity of stimulating unrest and bitterness in this inflammable labor force."[21]

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[19]Ibid., 6, 8, 11-14, 33, 36. Melvyn Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World* (New York: Quadrangle/New York Times Book Co., 1969), 294-98.

[20]Parker, "Report on the Hop-Fields Riot," 16-18, 20-21, 26-30, quotation 17.

[21]Ibid., 32-33.

While other progressives had spoken of the danger of unrest due to poor conditions, Parker gave this problem a much more precise articulation by thinking about the psychological state that led to violence. His perspective did not imply any less sincere a belief in the need for reform, but it was much clearer about describing radicalism as the target of reform, and did not suggest any need to borrow from or amalgamate with radical thought. Although Parker was critical of the police and suggested that the propaganda of the IWW could be considered a criminal conspiracy, he was more concerned about the underlying causes of the violence: "...the important subject to analyze is not the guilt or innocence of Ford or Suhr as the direct stimulators of the mob in action, but to name and standardize the early and equally important contributors to a psychological situation which resulted in an unlawful killing."[22]

Parker was concerned that Wheatland was only one eruption of the potential for violence present all across California among the poorest workers. "There are five Fords in every camp of seasonal laborers in California," he said. A "small army" of 5,000 IWW organizers in the state was "watching, as Ford did, for an unsanitary camp or a low wage scale, to start the strike which will create, not only a new I.W.W. local, but bring fame to the organizer." Beyond the union's members, the mass of casual laborers "is now fairly impregnated with an appreciation of simple sabotage and direct action," tactics in which "danger lies for organized society." By looking for opportunities to create a disturbance, by spreading propaganda that denigrated law and order and gave a sense of dignity to itinerant workers, the IWW contributed to the mood of the crowd just before

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[22]Ibid., 36, quotation 36-37.

the outbreak of violence. The widespread assimilation of the IWW's propaganda and tactics was "the first stirrings of a class expression."[23]

Despite this seemingly hard line in describing the IWW, Parker did not call for repression, but for reform. Without the conditions of places such as Wheatland, there was no opportunity for the IWW: "The shrewdest I.W.W. leader I found said: 'We can't agitate the country unless things are rotten enough to bring the crowd along.'" California already had regulations for the condition of agricultural workers, and Parker proposed that these be enforced through inspections by the Commission on Immigration and Housing and the Board of Health. If this were done, the workers and owners would be able to negotiate. In Parker's opinion, "the improvement of living conditions in the labor camps will have the immediate effect of making the recurrence of impassioned, violent strikes and riots not only improbable, but impossible...."[24]

Parker was able to bypass the either-or question of whether the ideology of the IWW or conditions were responsible for violence. In doing so, he developed an important synthesis between the two streams of progressive responses to radicalism—on the one hand reform to ameliorate the causes of violent strike activity, and on the other repression of radicalism—by drawing a connection from unfair conditions, to radical agitation, to violence. Parker also detached the solution to radical unrest from the proposals that radicals were articulating. Reform did not require adopting a version of or influences from socialism or granting some radical demands through collective

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[23]Ibid., 33-35.

[24]Ibid., 37-39, quotations 37, 41.

bargaining. Rather, the expression of syndicalism should be understood psychologically, as indicative of a need for changes that could be implemented by an expert commission.

In his Final Report of the Commission on Industrial Relations, Frank Walsh drew a surprisingly similar conclusion to Parker about the danger of unrest. But he took a much deeper historical view of the causes, placed most of the blame on the wealthy, and concluded with a more sympathetic view of the IWW. In his supplemental statement to the final report of the commission, Frank Walsh said that the "basic cause of industrial dissatisfaction" was "low wages," or put more sharply, "the fact that the workers of the Nation, through compulsory and oppressive methods, legal and illegal, are denied the full product of their toil." Workers were resentful not just because of low pay, or even the sense that they were not getting a fair share. They felt that they did not have the opportunity to obtain "those material and spiritual satisfactions which alone make life worth living." In addition, workers resented the "arbitrary power that enables the employer ... to dictate his social, political, and moral environment." At root, the issue was that of freedom itself. "By thwarting the human passion for liberty," the arbitrary power of employers has "kindled a spirit … that lies deeper and springs from nobler impulses than physical need and human selfishness." For these reasons, among workers there was "a spirit religious in its fervor," and this spirit had to be understood for "the aggressive propaganda of the discontented [to] be understood and judged."[25]

Walsh did not flinch from characterizing industrial conflict as violent. But he thought of violence as a structural result rather than attributing it to specific individuals or

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[25]Frank Walsh, "Supplemental Statement of Frank P. Walsh," United States Commission on Industrial Relations, *Industrial Relations: Final Report and Testimony,* (Washington: Government Printing Office, 1916), 1: 153.

organizations. Labor unions with thousands of members "have cheered the names of leaders imprisoned for participation in a campaign of violence...." Without naming the specific strike, he said, "thirty thousand workers in a single strike have followed the leadership of men who denounced government and called for relentless warfare on organized society." Arrayed against the workers were employers who hired private armies and spies, intimidated strikers by "deporting, imprisoning, assaulting, or killing their leaders," and had the backing of the courts, legislatures, governors, and state troops. Despite this alarming picture, Walsh characterized the conflict as a battle for freedom: "We find the unrest here described to be but the latest manifestation of the age-long struggle of the race for freedom of opportunity for every individual to live his life to its highest ends," and compared the labor movement to the French Revolution.[26] While Parker said the IWW were a threat to civilization, Walsh portrayed the rich as a threat to democracy. Walsh also had a different perspective on how deep the problems ran. In suggesting the enforcement of existing regulations as the solution, Parker implied that the current fundamental arrangement of ownership and labor was acceptable. Walsh argued that deeper structural changes, akin to the sweeping changes that occurred in previous revolutionary moments, were necessary.

Walsh was critical of the system of absentee ownership of joint stock corporations. He said that the profits of industry "pour into the coffers of stockholders and directors who never have so much as visited the plants, and who perform no service in return." Walsh also pointed out the unfairness of inherited wealth: "...vast inherited fortunes, representing zero in social service to the credit of their possessors, automatically

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[26]Ibid., 153, 154.

treble and multiply in volume," while two-thirds of the work force made too little money for to afford a decent standard of living. And somewhat paradoxically, in language that resembled that of the IWW, he said that the primary responsibility for this condition lay with the workers who, "blind to their collective strength ... have suffered exploitation and the invasion of their most sacred rights without resistance."[27]

The commission issued two overall final reports, one written by Basil Manly and supervised by Walsh, and the other written by John Commons, which was milder in its conclusions.[28] The Manly report gave a similar central finding as Walsh's supplemental statement. Unrest grew out of "intolerable industrial conditions," and, "if unrelieved, will in the natural course of events rise into active revolt or, if forcibly suppressed, sink into sullen hatred." Even though the IWW had only a few thousand members, the organization gave evidence of unrest. In a comment remarkably similar to Parker's, the report noted that the IWW, "as 'a spirit and a vocabulary' permeates to a large extent enormous masses of workers." And even among those who did not believe in the ideas of the IWW specifically, "there are numberless thousands of workers, skilled and unskilled, organized and unorganized, who feel bitterly that they and their fellows are being denied justice, economically, politically, and legally." The strikes at Lawrence, Paterson, and

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[27]Ibid., 154-55, 155. In his testimony on May 13, 1915, William Haywood, who was secretary-treasurer of the IWW, noted that immigrants, like women, children, itinerant workers and African-Americans in the South, had no vote and no control over their work. "They plod along at their work and have no voice in the control or use of their labor power." By contrast, if he or she were a citizen not of a state or nation but of one industrial union, every worker would have "a voice in the conduct of the affairs pertaining to his welfare." "Testimony of William D. Haywood," May 13, 1915, *Industrial Relations* 11: 10588-89. A 1913 issue of the *Industrial Worker* read, "Our task is to develop the conscious, intelligent minority to the point where they will be capable of carrying out the imperfectly expressed desires of the toiling millions" who were "hopelessly stupid and stupidly hopeless." Quoted in Melvin Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World* (New York: Quadrangle Books, 1969), 169.

[28]Joseph A. McCartin, *Labor's Great War*, 29. Walsh, Austin Garretson, John Lennon, and James O'Connell co-signed the Manly Report. Basil M. Manly, "Report of Basil M. Manly," *Industrial Relations* 1: 1

other places gave clear indication of the "gravity of the situation."[29] The growth of the IWW was an expression of widespread sentiments, not the product of a militant minority inserting itself into delicate situations.

The report said there were four basic causes of unrest: unequal distribution of wealth, unemployment, unfair administration of law, and failure to recognize the right to organize. The discussion of these causes bore deeply upon the basic structure of the economy and reflected not only a sense of outrage toward, but the very novelty of economic developments that have since become generally accepted as normal. For instance, after noting that most workers made between $500 and $2,000 a year, Manly wrote, "Massed in millions, at the other end of the social scale, are fortunes of a size never before dreamed of" that "can only be squandered, hoarded, put into so-called 'benefactions' which, for the most part, constitute a menace to the State, or put back into the industrial machine to pile up ever-increasing mountains of gold." Manly said that the arrangements for estates that the wealthy created had produced a class of heirs who "occupy within our Republic a position almost exactly analogous to that of feudal lords," and compared Rockefeller and Morgan to Louis XVI. Concluding that there was enough wealth if equitably divided to move the entire population into the middle class, the report proposed taxation of inheritances over $1,000,000 to fund education, social insurance, and public works.[30] This was not a proposal for public ownership of industry, but rather a measure to restore through the creation of public facilities the imperfect level of

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[29]Manly, "Report of Basil M. Manly," 29.

[30]Manly, "Report of Basil Manly," 30, 32-35, quotations 32, 34.

equality that had preceded the rapid industrial expansion and consolidation of the late nineteenth century.

Walsh's questioning of witnesses illustrates that he did not give these views as mere propaganda, but that they represented his seriously held criticisms of the current distribution of wealth and power. In January of 1915, Walsh questioned John D. Rockefeller, Jr., about the Ludlow Massacre because Rockefeller was a director of the Colorado Fuel & Iron Co., in turn owned by his father, whose workers had been striking. Walsh asked Rockefeller, who claimed he had no day-to-day knowledge of the events, if he was aware that as far as Sheriff Jefferson Farr knew, many of the 326 men that he commissioned as deputy sheriffs "might have been red-handed murderers and criminals." He also asked him if he was aware that Farr had told the deputies that they were to be paid not by the county but by the Colorado Fuel & Iron Co. Walsh often significantly led Rockefeller with his questions. For instance, he recalled Rockefeller's testimony that his father had received approximately $9.2 million in income from the Colorado Fuel and Iron Company while the workers had together received $92 million. He then asked "Would you consider it socially desirable and just that 15,000 employees should have worked for 12 years, and many of them have been crippled and sacrificed their lives—that they should at least receive 10 times as great a return as one man who has never visited the property through that period....?"[31]

Walsh's questioning of William Haywood, secretary-treasurer of the IWW, on the other hand, was sympathetic, even on the subject of violence. For instance, on May 12, 1915, he asked Haywood whether he considered "the exploitation of children in industry

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[31]McCartin, *Labor's Great War,* 28. "Testimony of John D. Rockefeller, Jr.," January 26, 1915, *Industrial Relations* 8: 7821, 7847.

... a form of violence of a very insidious and brutal sort." After Haywood noted that he had seen thousands of workers arrested without a warrant, Walsh asked, regarding the use of the militia during strikes, "does that sort of handling of men cause or does it not cause the most bitter resentment?" Walsh then pointed out that a judge who had testified before the commission about the use of the militia said that if the governor attempted to arrest the state legislators or judges, the judges themselves would violently resist, with the support of most people. He asked whether workers' position on violence was simply the same, "that when their rights are invaded by the force of military power they feel they ought to resist...." Haywood answered affirmatively and said, "the American people have always fought for their rights, and they are going to fight for them again."[32] Walsh was trying to portray the Wobblies' position on violence as no different from that of most Americans.

Parker's report was only a sample of the kinds of information to which Walsh had access. In addition to the testimony of Haywood, Walsh had the testimony of IWW general organizer Vincent St. John, as well as written statements from participants in free speech fights such as that in Fresno in 1910, in which the IWW overcame wholesale jailing and police brutality to force the city to allow its members to speak in public.[33] Walsh also had reports by other CIR staff members, one of whom was the Wisconsin

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[32]"Testimony of William D. Haywood," *Industrial Relations* 11: 10596, 10597.

[33]*Industrial Relations* 2: "AFL, Socialist Party, and IWW," 1450-1462. Dubofsky, *We Shall Be All,* 143. William D. Haywood, "Reports of the Denial of Freedom of Speech in Various U.S. Communities," 1914, CIR, *Unpublished Records*, reel 9: 0519-0534. H. Minderman, "Fresno Free Speech Fight," CIR *Unpublished Records*, reel 9: 544-554. The report of Daniel O'Regan on Free Speech Fights directly to the commission, on the other hand, was unsympathetic: "...everything we have been taught to respect from our earliest days is the subject of abuse by the members of this organization.... If ... we consider Free Speech a relative right which hinges upon public policy and must be confined within certain limits then in many cases they are more sinners than sinned against." Daniel O'Regan, "Free Speech Fights of the I.W.W.," November 10, 1914, CIR, *Unpublished Records*, reel 9: 588-89.

labor economist Selig Perlman. Perlman was a Russian immigrant who had been a Menshevik while studying medicine in Naples and an evolutionary socialist while an undergraduate at Wisconsin, writing his thesis on socialism in Milwaukee. In 1910, he became a graduate student of John Commons, writing the final volume of his *History of Labor in the United States.* After the war, Perlman continued to work as an assistant to Commons and a research fellow until 1925, when he become a professor at Madison. His work as a researcher for the CIR was his only significant government work, but the distinction he drew between workers and intellectuals would later influence Commons's students William Leiserson and Harry Millis in their work on the National Labor Relations Board. Perlman argued that workers wanted control of the labor market rather than ownership of the means of production, and contended that revolutionary ideas were due to the influence of intellectuals.[34]

Perlman argued that the IWW was fundamentally similar to the Knights of Labor, the chief distinction being that Knights called for "voluntary cooperation," while the IWW called for syndicalism. But he said the IWW did not actually practice violence, while the Knights were in fact "far more syndicalistic than the I.W.W." Rather than the 30,000 members of the IWW, Perlman thought the commission should concentrate on the "condition of the unskilled and floating laborers in general," who numbered 3,000,000. This should be accomplished by sending an investigator into the workplaces to "mingle

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[34]Leon Fink, "A Memoir of Selig Perlman and His Life at the University of Wisconsin: Based on an Interview of Mark Perlman Conducted and Edited by Leon Fink," *Labor History* 32 (Fall 1991): 507, 511-512. Leon Fink, *In Search of the Working Class: Essays in American Labor History and Political Culture* (Urbana: University of Illinois Press, 1994), 218-21.

with the men."[35] In one instance of this kind of investigation, Perlman himself was cleared of suspicions of spying among—and perhaps spared being thrown out the window by—IWW shoe workers by a letter from the socialist William English Walling that happened to be in his pocket.[36]

One of these staff reports underscores the intention of at least some of the commission members to keep an open mind toward all possible economic arrangements, including syndicalism. The author of the report, the economist Paul F. Brissenden, wrote his masters' thesis on the founding convention of the IWW, which was published by the University of California Press in 1913.[37] In 1916, he wrote a letter to the editor of *The New Republic* criticizing its assertion that the IWW was "nothing but a tradition." He pointed out that the Wobblies were involved in an "important" strike in the Mesaba iron range in Minnesota and that its newspapers *Solidarity* and the *Industrial Worker* "teem with reports of I.W.W. activities of a very real and substantial nature."[38] At the height of the Red Scare after the war, Brissenden went on to publish a history of the IWW that disputed both the popular view that the Wobblies were violent subversives and what he called the "liberal" view that the Wobblies were a "social sore" caused by poor conditions. Brissenden emphasized the constructive purposes of the IWW and their emphasis on "economic democracy," meaning the control of the workplace by all those

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[35]Selig Perlman, "A Plan of an Investigation of the I.W.W. and of Unskilled and Floating Labor," February 1914, CIR, *Unpublished Records*, reel 6: 162-64, quotations 163, 164. Number of IWW members is for 1913, from "Testimony of Vincent St. John," *Industrial Relations* 2: 1461-62.

[36]Fink, "Memoir of Selig Perlman," 517-18.

[37]John Newton Thurber, review of *The I.W.W.: A Study of American Syndicalism,* 2d. ed., by Paul Brissenden, *Annals of the American Academy of Political and Social Science* 313 (September 1957): 198.

[38]P. F. Brissenden, "Lively Corpse," *The New Republic,* August 26, 1916, 95.

doing productive work, by means of industrial unions.[39] Brissenden's book remained the definitive history of the IWW until the 1960s.[40]

In his CIR report, Brissenden suggested that Wheatland had to be understood as the result of repression of peaceful methods of IWW organizing. The priorities of the IWW, he said, were first organization on the job and second propaganda, either face to face or through street speaking and rallies, which together were intended to establish control of the workplace as a temporary stage preparatory to cooperative control of industry. Strikes and free speech fights, which involved the IWW in violence, were secondary to these objectives and were used only as a last resort, although they also achieved the most publicity and were usually thought of as the union's primary purposes. Brissenden visited 11 IWW locals and estimated that about half of the state's 5,000 IWW members were "soap-boxers" or "missionary revolutionists," with an additional 200 to 250 who were officers or organizers. These numbers included camp delegates who would organize on the job and spread propaganda in agricultural workplaces. Brissenden described the 1910 Fresno and 1912 San Diego Free Speech fights as attempts to thwart, by filling up the jails, the efforts of municipal authorities to prevent the IWW from organizing through propaganda. Wheatland he placed under the same rubric, although the issues in this case, he said, were organization on the job, the right to discuss

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[39]Paul F. Brissenden, *The I.W.W.: A Study of American Syndicalism,* 2d ed. (New York: Russell & Russell, 1920), xv-xvi, xix, quotations, xviii, xx. Solomon Blum, review of *The I.W.W.: A Study of American Syndicalism,* by Paul F. Brissenden, *American Economic Review* 9 (December 1919): 839-41. Henry A. Rabe, review of *The I.W.W.: A Study of American Syndicalism,* 2d ed., by Paul F. Brissenden, *Journal of Political Economy* 28 (October 1920): 709-710.

[40]Dubofsky, *We Shall Be All,* xii, 220, 290.

grievances, and the right to strike, rather than free speech.[41]

Brissenden's conclusion is likely one of the most favorable federal assessments of the IWW, and more broadly of revolutionary syndicalism, in American history. He said that the IWW "is actually one of the least violent of organizations." Its goal was not violence but "control of the job—by job organization—attained through educational agitation...." However, this did "not mean that it is not dangerous, even destructive." It was both. "But to say that it is dangerous and destructive should not cause the I.W.W. philosophy to be thrown out of court as seditious and revolutionary.... it might conceivably be true that the I.W.W. is only dangerous to systems socially bad and only destructive of systems morally antiquated."[42]

It is interesting to note the similarity between Brissenden's empirical findings and Parker's. Both concluded that the IWW was growing and that the spread of its propaganda was connected to violent flare-ups. But the difference, in addition to Brissenden's broader empirical basis for explaining IWW organizing, was that Parker excluded revolutionary anticapitalism from the range of acceptable recommendations, while Brissenden, although he did not outright endorse it, left it open as a possibility. In short, in describing the IWW, Brissenden remained objective with respect to capitalism. This distinction in turn produced a different understanding of the causes of violence. If revolutionary agitation was inherently obnoxious, then violence it provoked could not be separated causally from the agitation itself. If the propaganda was potentially productive

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[41]Paul F. Brissenden, "A Report on the I.W.W. in California," CIR, *Unpublished Records*, reel 16: 0850-0864, pp. 1, 3, 5-10, quotations 3, 5.

[42]Ibid., 9-10.

of a positive political outcome, on the other hand, repressive violence that it provoked was to be condemned for truncating the range of political discussion.

While Parker, like the larger Commission, pointed to poor conditions as the most important cause of industrial unrest, the Commission did not take an oppositional position toward the IWW. Rather than simply calling for regulation of conditions, it called for unionization of workers and their participation in improving their working lives. This is a subtle distinction but an important one. The Commission did not draw the same intimate causal connection that Parker drew between violence and the IWW. Rather than a cause of violence, the IWW was taken as evidence of broad unrest among workers. This was partly because the Commission developed a much deeper and more structural understanding of the causes of unrest that extended to the historical processes that were placing large numbers of people in the position of unskilled workers and creating vast new sums of wealth. But it was also because the Commission generally held that the imbalance of power in the workplace between workers and employers was unfair.

The work of the Commission demonstrated a high degree of progressive sympathy for radicalism. But its work garnered a split reception in the larger progressive community.[43] For instance, *The Survey* on October 10, 1914, praised the Rockefeller Foundation's private investigation under W. L. MacKenzie King of the Ludlow Massacre and criticized the Commission's effort as diffuse and disorganized due to its tripartite structure, with representatives from business, labor, and the public.[44] Walsh sent a

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[43]Leon Fink also discusses this incident, "Expert Advice," 201-202.

[44]"Editorials," *The Survey,* October 14, 1914, 54.

blistering series of letters to Paul Kellogg, the editor of *The Survey,* published in the November 14, 1914, issue, calling the editorial "cunning and dishonest." He enumerated nine factual and principled objections to the editorial, among them a criticism of the characterization of the head of research of the commission, Charles P. McCarthy, as "a leading spirit in the radical democratic movements of the Middle West." This was intended to label McCarthy as a "radical," he said, "which word, in its everyday use, includes, principally, socialists, anarchists, Industrial Workers of the World, and other groups extremely denunciatory of existing conditions, and not a source from which persons could be obtained possessing the 'ethical and scientific standards' necessary for this class of work." Walsh said this was not his view of these groups, but it was the widespread sentiment to which *The Survey* was appealing. Walsh was already sensitive to the use of antiradical labeling as a way to throw legitimate ideas out of court. Walsh also sent a copy of the editorial to George Creel and suggested that he write something about the "whole business."[45]

Creel delivered an article in the March 1915 *Pearson's Magazine* saying that *The Survey* was until November of 1912 published by the Charity Organization Society, which "is the corporate almsgiver of the Rockefellers, the Astors, the Carnegies and other millionaires who feel that charity, while a fine thing, should be subjected to scientific management." By this time Rockefeller had already testified before the CIR, and Creel emphasized the communication between Rockefeller, MacKenzie King, and J. F.

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[45]Frank P. Walsh to Paul U. Kellogg, October 19, 1914; Walsh to Kellogg, October 28, 1914, box 33, Chairman, U.S. Commission on Industrial Relations, 1914, October, Frank Walsh Papers, Rare Books and Manuscripts Division, New York Public Library, New York, NY (hereinafter Walsh Papers). "Editorials," *The Survey,* November 14, 1914, 175-81. Walsh to George Creel, November 27, 1914 (carbon), box 33, Chairman, U.S. Comission on Industrial Relations, 1914, November-December, Walsh Papers.

Welborn, who was president of the Colorado Fuel and Iron Company, during the strike.[46] It was one thing to criticize property rights in the abstract. It was quite another to accuse an established member of the reform community of bias due to financial connections to a corporation under investigation. Although *The New Republic* argued in December of 1914 that the conditions of Ludlow, in which much of the town and its services were owned by the Colorado Fuel and Iron Company, reflected at root "our antiquated conceptions of private property," the treatment of Rockefeller on the stand gave the journal pause. While critical of Rockefeller as negligent, Lippmann in January 1915 portrayed him as a "victim" of inherited wealth and a corporate bureaucracy that he was incompetent to control and absolved him of personal responsibility for hiring strikebreakers. The editors also felt that Creel had gone too far. On February 20, in an editorial probably written by Lippmann, the journal responded that the Creel editorial was "one of the worst cases of brutal stupidity that muckraking has produced," and called upon Creel to "state the plain fact that he is a reckless and incompetent person who has at last revealed the quality of his mind." Creel responded on March 27 that his "one charge against Paul U. Kellogg was that at this crucial time in the formation of public opinion, he wrote a *Survey* editorial bespeaking confidence for this 'investigation,'" meaning the Rockefeller foundation's own inquiry, "even while disparaging the work of the Commission on Industrial Relations." The editors responded simply that opposition to

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[46]George Creel, "How Tainted Money Taints," *Pearson's Magazine,* March 1915, 294, 295. David Montgomery has documented this communication after the April massacre, Montgomery, *Fall of the House of Labor,* 348-50. Welborn wrote to Rockefeller on July 27, 1914, "My health has never been better than during the past year, and I am hardly conscious of any strain. The knowledge that we have your confidence and support makes everything easy." J. F. Welborn to John D. Rockefeller, Jr., July 27, 1914, *Industrial Relations* 8: "Further Proceedings Relating to Colorado Strike, Large Foundations, and Industrial Control: Testimony of Mr. John D. Rockefeller, Jr.," January 25, 1915, 7794. Alan Dawley asserts that Rockefeller was in touch with the events during the massacre. Dawley, *Struggles for Justice*, 155.

the Rockefellers did not give one license to publish arbitrary charges against others. Walsh wrote Creel that his "letter to Lippmann" was a "corker," and the response "weak."[47]

Woodrow Wilson, for his part, was opposed to the investigation of Colorado. He had sent U.S. Army troops to Colorado on April 30 and believed that it was an "inopportune time" for the CIR inquiry. He was advised against the commission's effort by Seth Low, president of the National Civic Federation, and appointed Low, Charles W. Mills, head of a Philadelphia coal mining company, and Patrick Gilday of the United Mine Workers to conduct a separate mediation effort.[48] In terms of the findings, Wilson was more sympathetic to the Commons report than the Walsh report. In Feburary 1915, he arranged to discuss with Commons the legislation he planned to propose, and as the commission was closing up, he wrote to the CIR commissioner Florence Harriman, who considered Walsh's report "incendiary and revolutionary," that he was "afraid you have had a very laborious and trying time."[49]

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[47]"Property Rights in Colorado," *The New Republic,* December 5, 1914, 7; Walter Lippmann, "Mr. Rockefeller on the Stand," *The New Republic,* January 30, 1915, 12-13, quotation 13; "Paul Kellogg Muckraked," *The New Republic,* February 20, 1915, 61; George Creel, "Correspondence: George Creel Replies," *The New Republic,* March 27, 1915, 210. Fink, "Expert Advice," 207-208. Frank Walsh to George Creel, April 2, 1915 (carbon), box 33, Chairman, U.S. Commission on Industrial Relations, 1915, April 2-20, Walsh Papers. Ronald Steel, *Walter Lippmann and the American Century* (Boston: Little, Brown, 1980), 143.

[48]Edward Mandell House to Woodrow Wilson, November 28, 1914, PWW 31: 363; quotation, Woodrow Wilson to Edward Mandell House, December 1, 1914, PWW 31: 377; Woodrow Wilson, "A Statement on the Colorado Coal Strike," [Nov. 29, 1914], PWW 31: fns 1, 2, 369; William Goodell Frost to Woodrow Wilson, December 11, 1910, PWW 22: 172, fn. 1. Montgomery, *Fall of the House of Labor,* 347-48. McCartin, *Labor's Great War,* 28. Gerald Kurland, *Seth Low: The Reformer in an Urban and Industrial Age* (New York: Twayne Publishers, 1971), 256-57, 335.

[49]Woodrow Wilson to Florence Jaffray Hurst Harriman, August 16, 1915, PWW 34: 217. "Incendiary and revolutionary": McCartin, *Labor's Great War,* 29, quoting Florence Jaffray Harriman, *From Pinafores to Politics* (New York: Henry Holt, 1923), 175.

While Wilson did not exhibit much interest in the Commission, he did receive some political credit for its findings. On June 28, the Chicago Federation of Labor sent Wilson a resolution adopted on June 6 praising the commission, and specifically Walsh, for proving the Rockefellers were responsible for the Ludlow Massacre. The CFL pledged "its enthusiastic support to Chairman Walsh, and to those Commissioners who stood with him in his courageous attack on the enemies of liberty and democracy...." A year later, Arthur Howland, editor of the New York *Christian Herald,* wrote Wilson saying that despite some doubts about Wilson in the labor movement, in settling the Colorado strike, he "made the workers out there feel that you were their friend and champion," and got a positive reaction because he "put and kept Walsh at the head of your Industrial Relations Commission in the face of terrific opposition."[50]

While his reception in the reform community was mixed at best, Walsh also received numerous letters of this kind from workers, radicals, and journalists. Walsh received supportive correspondence from Samuel Gompers, the Socialist Party of La Grande and Union County, Oregon, and the publishing company of the socialist Victor Berger's *Milwaukee Leader.* One letter came from J. J. Moroney, editor of the Okmulgee, Oklahoma *Daily Democrat,* who said, "I think I partly realize the appreciation which encouragement even from the small fry in the newspaper field and profession may invite from you, asailed [sic] as I note that you are by some of the little people who are at the head of the big papers." That Walsh was pleased by this reception gives some idea of the constituency to which he felt he was responsible. In August he wrote to one

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[50]John Fitzpatrick and Ed Nockels to Woodrow Wilson, June 28, 1915, Chairman, U.S. Commission on Industrial Relations, 1915, June 19-30, Walsh Papers. Arthur Hoag Howland to Woodrow Wilson, June 27, 1916 (telegram), PWW, 37: 311, fn 1, quotation, 310.

correspondent, "I have not the slightest doubt, from the first-hand expressions which I have received, that the real heart of the country was more than responsive to the work of the Commission...." He said he had received letters "in immense volume from the 'undistinguished Americans,' who have no outlet through the ordinary avenues of publicity, but who, nevertheless, must be depended upon to establish just conditions, if they are to obtain."[51]

Louis Brandeis did not have much to say about the Commission after the beginning of the war. His only objection to the appointment of Walsh initially was that he was concerned Walsh was not well enough known to bring publicity to the final report. He did send a note to Paul Kellogg saying he was sorry to hear about Creel's attack, however.[52] In his own testimony before the commission in January 1915, he emphasized that unrest and violence were due to autocratic management of corporations that were too large and to a lack of democracy in industry, meaning effective participation of workers in management through unions. In particular, he argued that both sides resorted to violence when it was convinced the other was wrong and there was no machinery for settling disputes. He distinguished industrial democracy from improved material conditions, saying that the latter could never by itself reduce unrest. But he also emphasized that the solution to improving the condition of workers was not

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[51]Socialist Party of La Grande and Union County, Oregon, "To the Public," July 5, 1915 (resolution), box 33, Chairman, U.S. Commission on Industrial Relations, 1915, July; Samuel Gompers to Frank P. Walsh, August 31, 1915; E. Ziegler to Frank Walsh, August 27, 1915; J. J. Moroney to Frank P. Walsh, August 28, 1915, box 33, Chairman, U.S. Commission on Industrial Relations, 1915, August 27-30; [Frank Walsh] to Herbert S. Bigelow, August 24, 1915 (carbon), box 33, Chairman, U.S. Commission on Industrial Relations, 1915, August 23-26, Walsh Papers.

[52]Louis Brandeis to William Gibbs McAdoo, May 22, 1913; Brandeis to Woodrow Wilson, May 26, 1913; Brandeis to Paul Underwood Kellogg, Feburary 16, 1915, Melvin I Urofsky and David W. Levy, eds., *Letters of Louis D. Brandeis,* vol. 3, *Progressive and Zionist* (Albany: State University of New York Press, 1973), 95, 97-98, 433.

simply unionization and more equitable distribution, but rather increased efficiency through scientific management: "If we took all the property that there is in the country to-day and divided it equally among the people of the country, we should not improve conditions materially. The only way in which we can bring that improvement ... is to make not only the worker but all the people produce more so that there will be more to divide."[53] Brandeis was less interested in denunciations of the wealthy than in developing new methods to ensure labor peace.

The reception of the work of the CIR illustrates a conflict within progressivism over the role of large corporations in reform. One position held that some large corporations and their leaders were or could be made to be responsible, and could therefore play a role in reform of labor conditions. The other position held that the advent of large industrial corporations and the wealth of those who owned them was itself the problem. More troublesome, the reception of commission's work reflected the sense that Walsh, as sympathetic as he was to the IWW, had continued to strike forth in this direction only to discover that the rest of the progressive movement had gone in another direction without him. While Creel was still inclined to use the language of class as a mode of reform politics, such new institutions as *The New Republic,* attempting to put progressivism on a more professional plane, deemed such language crude and inadequate. A person who was wealthy could not ipso facto be deemed biased toward corporations. Outside of the commission, the extensive ideological and organizational tissue connecting progressivism and radicalism was beginning to strain.

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[53]Louis Brandeis, "Centralization of Industrial Control and Operation of Philanthropic Foundations," "Testimony of Mr. Louis D. Brandeis," January 23, 1915, *Industrial Relations* 8: 7659, 7664, 7668-70, quotation, 7666.

The Trial of Joe Hill

The IWW was a frequent target of vigilante violence and state and local law enforcement officials in the West. In 1906, for example, Bill Haywood and Charles Moyer were framed for the murder of Idaho Governor Frank Steunenberg, attracting the denunciation of Theodore Roosevelt. In a highly public case, Haywood was tried and found not guilty the following year, and the charges against Moyer were subsequently dropped.[54] The trial of Ettor and Giovannitti, in which Louis Brandeis interceded in 1912, was an example of this kind of treatment in the East. In 1914, a similar case would arise against Joseph Hillstrom, but the commitment of Brandeis and Woodrow Wilson to due process for Hill would prove to be limited. Hillstrom, known as Joe Hill, was a Swedish immigrant member of the IWW best known as the author of many of the songs in the *Little Red Song Book.* In June of 1914 he was convicted for the murder of a grocer and his son the preceding January 10 and sentenced to death, even though he could not be positively identified and had no motive. Reporting surrounding the trial suggested that the murder was an expression of IWW sabotage, which biased the proceedings, and Hill had no counsel until the start of the trial.[55]

Wilson did take some action in this case, but his willingness to defend a radical being persecuted through the criminal justice system proved flaccid, even before the U.S. intervened in the war. On September 29, 1915, William Ekengren, the Swedish minister in Washington, asked Wilson to intervene to stop the execution. Wilson cabled William

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[54]Dubofsky, *We Shall Be All*, 96-105.

[55]Ibid., 307-13.

Spry, the governor of Utah, on September 30 asking him to postpone the execution so that the minister could communicate directly with Spry. Two days later, Wilson wrote a mollifying letter to Spry saying that he had intervened "only because I thought it due to the representative of a foreign nation...."[56] On October 13, Ekengren again wrote to Wilson saying he had reviewed the case and that he was convinced there were irregularities in the trial, but that a new trial was impossible. He asked Wilson to join him in asking for a commutation, with a second request following two days later. On a staff memo, Wilson wrote in longhand, "I do not feel that I can do more than I have done. Even that was apparently resented." He conveyed these sentiments to Ekengren, adding that what he had done had produced no effect, and that the case was outside his jurisdiction. Ekengren called on October 18 to thank Wilson for his efforts.[57]

A month later, three days before Hill was scheduled to be executed, Wilson had a change of heart. Helen Keller, who was a member of the Socialist Party, wrote Wilson saying that Hill did not get a fair trial and asking him "as official father of all the people to use your great power and influence to save one of the nation's helpless sons...." On the same day, Samuel Gompers sent him a resolution adopted at the AFL annual convention saying that Hill was denied the right to a fair trial and calling for clemency and a new trial. The following day, Wilson wrote back to Keller saying that he was "touched," but said "unhappily, there is nothing that I can do," repeating that he had no

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[56]Woodrow Wilson to William Spry, September 30, 1915 (telegram), PWW 34: 539, 540, fn 2; Wilson to Spry, October 1, 1915, PWW 35: 3.

[57]Wilhelm August Ferdinand Ekengren to Wilson, October 13, 1915, PWW 35: 58; White House Staff to Wilson, October 15, 1915, memorandum, PWW 35: 69; quotation, White House Staff to Wilson, October 16, 1915, memorandum, PWW 35: 73; Wilson to Ekengren, October 16, 1915, PWW 35: 73-74; White House Staff to Wilson, October 18, 1915, memorandum, PWW 35: 84.

jurisdiction over the case and no power to intervene. But he did in fact write to Spry the same day asking him to reconsider the case, and the president's secretary, Joseph Tumulty, wrote to Gompers informing him of the communication.[58]

Exasperated, Spry sent Wilson a lengthy telegram on November 18. He said that he had postponed the execution from October 1 to October 15 when he received Wilson's first note, which said that the only reason for the intervention was the request of the Swedish minister. When no new facts were presented, and Ekengren simply asked for mercy, the execution was rescheduled for November 19. Then, "at the eleventh hour you as the President without stating any reasons therefore again wire urging a thorough reconsideration of the case...." He assured Wilson that there could be no fair doubt of Hill's guilt, and that those who appealed for clemency were either biased or wanted Hill to be released even if he was guilty. He said no further postponements would be granted unless "tangible facts" were presented.[59]

Since the outbreak of the war, Brandeis had been growing more concerned about anti-Semitism than anti-radicalism. Head of the Provisional Executive Committee for General Zionist Affairs since 1914, Brandeis was active in fundraising, propaganda, and organization of the American Jewish Congress.[60] In an indication of his loyalties, in

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[58]Helen Adams Keller to Wilson, November 16, 1915 (telegram), PWW 35: 206; Samuel Gompers to Wilson, November 16, 1915, PWW 35: 206-207; Wilson to Keller, November 17, 1915, PWW 35: 210; Wilson to Spry, November 17, 1915, PWW 35: 210; Joseph Patrick Tumulty to Gompers, November 17, 1915, PWW 35: 211.

[59]Spry to Wilson, November 18, 1915 (telegram), PWW 35: 213-15, quotations 214, 215.

[60]Murphy, *Brandeis/Frankfurter Connection,* 26, 31. Brandeis's published correspondence is dominated by Zionist activity at this point. See for example Louis Brandeis to Zionists, September 30, 1915; Louis Brandeis to Horace Meyer Kallen, October 6, 1915; Louis Brandeis to Arthur Menahem Hantke, October 15, 1915; Louis Brandeis to Arthur Menahem Hantke, October 29, 1915; Urofsky, *Letters of Louis Brandeis* 3: 595-96, 598-99, 605-609, 623-625.

October 1915 he urged the *Maccabean* to print an editorial "to the effect that socialism must yield precedence to Nationalism" among Jews.[61] Brandeis's concerns were shaped partly by anti-Semitism he encountered over the New Haven Railroad fight and other cases, but also by the condition of Jews in Palestine, and the hope, held along with other prominent Zionists, that the war would result in a Jewish state.[62] Brandeis's opinion on the fairness of the Hill case appears to have hinged on whether he could consider it comparable to the religious persecution of Leo Frank, who was lynched in August 1915. Frank was a Jewish factory superintendent sentenced to death in Atlanta, under dubious circumstances and widespread anti-Semitism, for the murder of the 13-year old factory worker Mary Phagan. After a commutation from the governor, a lynch mob carried out his death sentence. In a letter to Roscoe Pound, Brandeis asked him to publicize his belief that the trial was unfair, Frank was innocent, and that the case should be understood as "another Dreyfus case," specifically because Pound would have credibility as someone who was not Jewish. In a letter to his brother, Brandeis also linked the Frank case to the suffering of Jews in Palestine.[63]

Initially Brandeis was concerned that the Hill case was comparable to the Frank case. Citing a report on the Hill case, Brandeis wrote to Utah Senator George Sutherland describing it as a "miscarriage of justice" and saying that Hill deserved a new trial. He

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[61]Louis Brandeis to Louis Lipsky, October 20, 1915, Urofsky, *Letters of Louis Brandeis* 3: 617.

[62]Murphy, *Brandeis/Frankfurter Connection,* 26, 56-57. Louis Brandeis to Arthur Menahem Hantke, October 15, 1915, Urofsky, *Letters of Louis Brandeis* 3: 607.

[63]Dawley, *Struggles for Justice*, 125-27. Louis Brandeis to Roscoe Pound, November 27, 1914; Louis Brandeis to Alfred Brandeis, December 12, 1914, Urofsky, *Letters of Louis Brandeis* 3: 373, 383. Interestingly, Florence Kelley also drew a connection between lynching and discrimination against Jews, in her case to pogroms in Russia. Josiah Morse to Florence Kelley, March 3, 1917, box 6, reel 1, Nicholas Kelley Papers, New York Public Library, Rare Books and Manuscripts Division (microfilm), (hereinafter Kelley Papers).

also said that the Frank case harmed the reputation of the court system and warned that if Hill did not receive a fair trial, "the foundation of law and order will be seriously undermined."[64] Those defending Hill to Brandeis, however, did not make this comparison, and although they implied it, they did not explicitly argue that Hill was the victim of political persecution. Brandeis received letters defending Hill from Mary Kenney O'Sullivan, one of the working-class founders of the Women's Trade Union League and a defender of Ettor and Giovannitti during the Lawrence textile strike, and the IWW member Joseph Ettor. On November 7, O'Sullivan wrote Brandeis to say that she had spoken with Ettor, who believed Hill to be innocent. Hill was shot on the same night as one of the robbers, but he claimed the injury occurred in a dispute over a woman, whom he refused to name. Ettor told her he knew this story to be true, and she considered Ettor more trustworthy than those "who would persecute him." Moreover, it was "just such unfairness" as represented by the trial that caused people to join the IWW. Referring to a conversation he had with Brandeis several days earlier, Ettor wrote Brandeis the same day enclosing a statement from Hill on the facts of the case.[65]

Sutherland responded with a letter citing only circumstantial evidence that was nonetheless persuasive to Brandeis. He noted Hill's gunshot wound and said his explanation sounded like the story of a guilty person. Hill had also been seen earlier with a shorter man, and of the two people who committed the crime, the taller one was shot. As the doctor drove him home, Hill discarded his pistol and whistled a warning to the

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[64]Louis Brandeis to George Sutherland, November 6, 1915, Ibid., 632-33.

[65]Mary Kenney O'Sullivan to Louis Brandeis, November 7, 1915; Joseph Ettor to Louis Brandeis, November 7, 1915, Nutter, McClennen, and Fish, 1913-1916 Miscellaneous Correspondence, reel 37, Brandeis Papers. Hill's statement was not in the folder. Meredith Tax, *The Rising of the Women: Feminist Solidarity and Class Conflict, 1880-1917* (New York: Monthly Review Press, 1980), 96, 265-66.

others at his rooming house. Finally, the Bureau of Pardons, the attorney general, and the governor offered a pardon if Hill would reveal the name of the woman he was with, but he refused. Brandeis wrote back on November 18 that he hoped not only that justice would be served but that there would be "recognition of the fact that the functions of the Court are being properly performed." It is possible that Sutherland won Brandeis over, but given the weakness of Sutherland's arguments, it is more plausible that Brandeis was more alarmed about the possibility of an American Dreyfus Affair than discrimination against radicals. Sutherland assured him that Hill had not suffered religious discrimination in Mormon Utah, pointing out that the court officials and district attorney were non-Mormons. "There was certainly no pressure of hostile public sentiment such as existed in the Frank case."[66] Sutherland directly addressed the comparison to Frank, while O'Sullivan and Ettor did not explicitly make the case that Hill was being persecuted for his beliefs. Hill was executed the next day.

Although Wilson said he had no jurisdiction in this case, he was willing to threaten action against those who protested Hill's execution. Spry speculated that there might be other reasons why Wilson was intervening, specifically the "receipt of thousands of threatening letters." In fact, on December 3, 1915, Secretary of State Robert Lansing wrote Wilson that the "White House is being deluged with resolutions of the sort enclosed," which was a statement adopted by a mass meeting of Swedish-speaking people in Rockford, Illinois, on November 14. It said that because the sentence against Hill was being carried out, the American people were collectively responsible, and "we

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[66]George Sutherland to Louis Brandeis, November 8, 1915; [Louis Brandeis] to George Sutherland, November 18, 1915, Nutter, McClennen, and Fish, 1913-1916 Miscellaneous Correspondence, reel 37, Brandeis Papers.

forsware [*sic*] the loyalty and allegiance to American laws...." Lansing included a draft letter which warned each signatory of "the consequences possibly attending the use of such language." Wilson approved the letter on December 5.[67]

With the effort to prepare the United States for a possible entry into the war under way, Wilson was beginning to become attentive to threats to national security within U.S. borders. On October 5, Hiram Johnson and the governors of Oregon, Washington, and Utah asked the secretary of the interior, Franklin Lane, to investigate whether the IWW was engaged in "an interstate conspiracy" and "misuse of mails." Perhaps with an eye on the election in the fall, Wilson asked both Attorney General Thomas Gregory and Postmaster General Albert Burleson to look into the IWW.[68] The impetus for the investigation came from the Wheatland riot. By February of 1916, Gregory had concluded that the IWW consisted of "agitators, men without homes, mostly foreigners, the discontented and unemployed who are not anxious to work, and men of a very low order of intelligence and morals." However he did not feel that they were guilty of criminal behavior or presented much of a danger. He said the IWW preached sabotage, but said that by this they simply meant "deliberate inefficiency," such as "working slowly, doing poor work, telling trade secrets, mis-sending packages, giving over weight to customers, etc. etc." Gregory concluded that the IWW was guilty of no federal crimes other than the mailing of some of their publications and "the writing of obscene and

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[67]Robert Lansing to Wilson, December 3, 1915, PWW 35: 283, fn 1, fn 2; Wilson, Washington, DC, to Lansing, December 5, 1915, PWW 35, 290.

[68]Thomas Watt Gregory to Wilson, February 17, 1916, PWW 36: 188-90, quotation 190, fn 1, quoting Franklin K. Lane to Wilson, October 6, 1915, enclosing H. W. Johnson et al., to Lane, October 5, 1915 (telegram).

incendiary letters," especially to Johnson.[69] The IWW by this point had engaged in propaganda in favor of violence. Indeed, the following year this same propaganda would be judged sufficient proof that the IWW was engaged in a criminal conspiracy to obstruct the war. The key difference was the context—without a war involving the United States in progress, it was apparent that the IWW was harmless. With national security at risk, this same evidence would seem much more persuasive.[70]

The Mexican Revolution

At this stage, the Wilson administration was unwilling to regard the threat of IWW violence as a justification for federal law enforcement. Even so, Wilson's actions further underscore how Walsh had fallen out of step with the administration, which was taking halting steps away from the study of labor radicalism, such as the commission was undertaking, and toward surveillance. But the tenuous connection of domestic radicalism with violence or sedition was not the most concrete manifestation of revolution in these years, and the abortive Justice Department investigation of the IWW was not the most forthright use of federal power to address it. Revolution and the American response to it had begun to present itself as a real foreign policy problem for the Wilson administration. Revolution overseas became an acceptable point of application of state power to bring order out of chaos and remodel societies according to Wilson's understanding of constitutional processes.

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[69]Gregory to Wilson, February 17, 1916, 188-90.

[70]Dubofsky, *We Shall Be All,* 300.

The intervention in Mexico was a complicated story in which Wilson sought to balance economic and security interests and an emphasis on constitutional government. The discontent that led to revolution was rooted in extremely high rates of foreign ownership of land and natural resources. In 1910, Francisco Madero deposed the dictator Porfirio Díaz in a peaceful coup, but in early 1913 one of Madero's generals, Victoriano Huerta, arrested Madero and declared himself president. Under the "Pact of the Embassy," U.S. ambassador Henry Lane Wilson suggested the United States would recognize Huerta if he held elections, but Madero was murdered under murky circumstances, and President Wilson began to lean instead toward the self-proclaimed "constitutionalist" governor of Coahuila, Venustiano Carranza. In April 1914, Wilson took advantage of the arrest of several American sailors to send troops to Tampico and Veracruz, thereby contributing to the exile of Huerta and rise of Carranza. In 1915, Wilson attempted to cultivate Pancho Villa, an agrarian populist, as an alternative to Carranza, but ultimately decided that Carranza could be better trusted to reform landholdings without expropriation of foreign property. In late 1915, Wilson permitted Mexican forces to attack Villa on the border, and in March of 1916 Villa sent 500 soldiers into Columbus, New Mexico. Wilson responded by sending a force of 10,000 soldiers under John Pershing into Mexico to find Villa.[71]

Lloyd Gardner has argued that Wilson was attempting to shape the revolution in Mexico to follow the pattern of the American rather than the French Revolution, to

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[71]Lloyd C. Gardner, *Safe for Democracy: The Anglo-American Response to Revolution, 1913-1923* (New York: Oxford University Press, 1984), 47-65.

safeguard American property and avoid foreign intervention.[72] Wilson had previously discussed his understanding of the relationship between revolution and constitutional government in a 1908 book. According to Wilson, revolution came as the third stage in a four-stage process, after an initial period in which the government was established by force and a subsequent stage in which it maintained the right to rule due to the ability of its leaders. During the third stage, people began to agitate for rule by the people rather than by a small group of notables. If this demand was resisted by government, "It burns irrepressibly in every public assembly; quiet it there, and it gathers head at street corners; drive it thence, and it smoulders in private dwellings, in social gatherings, in every covert of talk, only to break forth more violently than ever because denied vent and air."[73] Wilson understood violent revolution to be a deviation from the proper path to constitutional government, in which the demands for rule by the people were heeded peacefully. This teleological perspective informed his interpretation of the Mexican revolution.

Before the military incursions, Wilson stressed the combination of constitutional government and trade at the root of America's interest in Mexico. In an address to Congress in August 1913 he said, "The peace, prosperity, and contentment of Mexico mean more, much more, to us than merely an enlarged field for our commerce and enterprise. They mean an enlargement of the field of self-government and the realization of the hopes and rights of a nation...." Noting that Central America "is about to be touched by the great routes of the world's trade" because of the Panama Canal, he said

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[72]Ibid., 61-63.

[73]Woodrow Wilson, *Constitutional Government in the United States* (New York: Columbia University Press, 1908; reprint, New York: Columbia University Press, 1961), 28, quotation, 37.

"development can be sound and lasting only if it be the product of a genuine freedom, just and ordered government founded upon law."[74] Wilson also warned of the consequences of revolution in terms reminiscent of his description of Radical Reconstruction as the exploitation of the American South. Past revolutions in Latin America had been the result of "the ambition of some one man, or of some small group of men" who suspended "every guarantee of law or order, not in order to effect useful reforms otherwise impossible, but to afford the leaders of the revolution themselves the opportunity to grow rich by exploiting the resources of the country." These revolutionaries granted concessions to foreigners and left the "despoiled country to fare as best it might...."[75] After the raid by Villa, Wilson argued that government had broken down to the point that Mexico was not a sovereign country, and sending in troops did not require a declaration of war. He painted a desperate picture of anarchy: "Their lives and their property alike have been stripped of all security.... Their homes have been devastated, their fields swept bare, their very money ... made valueless.... Violence has been substituted for authority, force for right...." Yet he insisted that he was opposed to "intervention," meaning a military incursion to change the "form, the circumstances, and the *personnel* of their government...." Sending troops would "set them free to look to their own affairs, bring order out of their confusion."[76] Wilson was developing a view that there were two kinds of revolution, one that led to constitutional government, and another that led to chaos and exploitation. The latter form of revolution justified U.S.

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[74]"An Address on Mexican Affairs to a Joint Session of Congress," PWW 28: 228.

[75]"A Draft of an Address to Congress," PWW 28: 480.

[76]Woodrow Wilson, "A Draft of an Address to a Joint Session of Congress," June [26], 1916, PWW 37: 300, 301, quotations 301-302, 303, 304.

intervention, paradoxically according to the idea that it served as a means of ensuring self-determination.

The idea that intervention was really the opposite of foreign control might sound contradictory, but Wilson was not the only progressive to make this argument. In his 1915 *The Stakes of Diplomacy,* Lippmann connected the intervention in Mexico to the larger project of developing an international institution to police the world as a substitute for imperialism. He argued that "unorganized territory" and "backward countries" provoked intervention by foreign countries seeking exclusive commercial rights, producing violent conflict. In Mexico, the objective was not exclusive control, but to prevent the persistence of anarchy that would invite foreign intervention. "...the Monroe Doctrine, Pan-American action, and the rest of the paraphernalia are the existing machinery through which Mr. Wilson can exercise some of the functions of a world government." Such a world government, which would likely consist of the Western powers, was the preferable long-term objective, but in the short term, American control was preferable to anarchy and international conflict. "Whatever our quarrel with the American Constitution or the German Empire, few will doubt that they are blessings compared to the evils of disunion."[77] Along with Wilson, Lippmann had developed a justification for the use of American military power as a means of ending imperialism. He could stretch this justification not only to a Western-dominated federation, but to American domination of Latin America. In the case of Mexico, the occurrence of revolution was a critical justification for such intervention.

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[77]Walter Lippmann, *The Stakes of Diplomacy* (New York: Macmillan, 1932; reprint of New York: Macmillan, 1917; reprint of [New York: Macmillan,] 1915), 109, 129, 178-79.

The New Republic supported intervention early and often, and focused its criticism on the unwillingness of Wilson to remake the institutions of the country. For instance, in November, 1914 although the journal said the initial reasons for intervention were "a paltry excuse," it objected to withdrawal because "Constitutional government is as far off as it ever was." While in Veracruz, Wilson "had at least tangible leverage on Mexico. It might have been possible to justify the taking of Veracruz if Mr. Wilson had used it as a base from which to exert pressure in the direction of some definite policy." An editorial in January 1915 contained many of Lippmann's ideas. In a statement similar to the present-day "failed states" argument for intervention, the journal argued, "Human liberty is not promoted merely by the refusal of the stronger nations to interfere with the affairs of their weaker neighbors.... A weak and decomposing nation is a threat to the integrity of the whole system, just as surely as bad citizens constitute a threat to the integrity of the state." In a parallel to its criticism of laissez-faire as a dogma, the journal began to try to break down the distinction between nonintervention and liberty, and to make national sovereignty conditional on the ability to maintain internal order. "Not even the most reckless passion for the word liberty can justify its transformation into an immaculate and absolute dogma."[78]

After Villa's raid at Columbus, the journal encouraged intervention and argued that Wilson should make it clear that he "will not continue to allow anarchy to prevail in Mexican states adjoining the territory of this country." Again anarchy, or revolution, required breaking down the distinction between intervention and nonintervention. "It is a crude statesmanship which confines itself to the alternatives of complete intervention or

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[78]"Editorial Notes," *The New Republic,* November 21, 1914, 3. "Mexico and Human Liberty," *The New Republic,* January 23, 1915, 7.

absolute nonintervention." The U.S. should occupy the border states until a "stable and authoritative government is established throughout the rest of Mexico."[79] In April, the journal said that Americans should not "become accustomed to the idea of Mexico as the home of chronic violence and anarchy," and that a strong central government could "grapple with the evils of illiteracy, poverty and disease, and place the country on a civilized plane. The era of the revolution would be closed."[80] Any suggestion that the administration was engaged in an illegal occupation was dealt with explicitly in an editorial on June 10, which urged Wilson to declare that Mexican sovereignty was a "legal fiction."[81]

The hopes of other progressives for a time rested on mediation, under no less a presiding influence than Louis Brandeis. Frank Walsh suggested members for a commission to Wilson and passed word of this to Brandeis. According to Colonel House, Walsh thought the members of the commission should agree with Wilson's Mexican policy, and that he should appoint a Catholic for political reasons. Walsh strategically suggested John Fitzpatrick, however, president of the Chicago Federation of Labor. Fitzpatrick, an Irish immigrant, was committed to Irish independence from Britain, which he viewed in larger terms as part of a group of nationalist movements not only of colonies against the British empire, but of workers against colluding American and British

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[79]"The Problem in Mexico," *The New Republic,* October 2, 1915, 220-221. "Editorial Notes," *The New Republic,* October 16, 1915, 270. "Editorial Notes," *The New Republic,* January 22, 1916, quotation, 287-88. "Editorial Notes," *The New Republic,* March 18, 1916, quotation 164.

[80]"Mexican Intervention," *The New Republic,* April 29, 1916, 333.

[81]"Sovereign Mexico," *The New Republic,* June 10, 1916, 133.

financial interests.[82] Jane Addams was a signatory to a letter from the Executive Board of the Women's Peace Party asking Wilson to engage in mediation "so as to avoid hostile conflict," apparently referring to military intervention The petition held that armed conflict would create resentment and work against the ability of the United States to help Mexico achieve "economic independence and political stability."[83] Brandeis was initially inclined to serve as head of the commission, and he asked Chief Justice E. D. White if it would be permissible for him to do so. But White felt that Brandeis's absence could result in "public harm," and Brandeis informed Wilson that he could not serve on August 14.[84]

Despite her calls for a commission, and a letter in November 1915 from the officers of the Women's Peace Party urging Wilson against preparedness, Addams announced on October 14 in a letter to the Democratic National Committee that she would support Wilson for president, for which Wilson thanked her personally on October 17. Addams had spoken strenuously against the First World War in other venues. For instance in an October 1915 article in the *Independent,* she criticized censorship of socialist publications in belligerent countries and lamented that emotional nationalism dominated their newspapers. Her endorsement focused mainly upon Wilson's domestic policy, such as the LaFollette Seaman's Act, the Adamson Railway Act, the Keating-

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[82]Edward Mandell House to Woodrow Wilson, July 11, 1916, PWW 37: 402. Elizabeth McKillen, *Chicago Labor and the Quest for a Democratic Diplomacy, 1914-1924* (Ithaca: Cornell University Press, 1995), 46, 50-51.

[83]Jane Addams et al. to Woodrow Wilson, June 17, 1916 (telegram), PWW 37: 308. Frank Walsh to Louis Brandeis, August 22, 1916 (telegram), Nutter, McClennen, and Fish, 1916, Mexican Situation, reel 62, Brandeis Papers.

[84]Louis Brandeis to Chief Justice White, [August 1916]; E. D. White to Louis Brandeis, [August 1916], Nutter, McClennen, and Fish, 1916, Mexican Situation, reel 62, Brandeis Papers.

Owens Child Labor Act, and the Clayton Act. But it also entailed a rosy view of Wilson's intervention in Mexico. A two-page endorsement drafted in the fall of 1916 read, "With consistent concern for the man at the bottom, the President has insisted that the Mexicans should have an opportunity to work out their own political institutions, although their present revolution, like that of the French in [17]93, is complicated and prolonged by the attempt to correct unjust land laws." In the *Cincinnati Post* of November 3, 1916, the Mexican policy became "Determination, in spite of almost insuperable difficulties and obvious blunders, to permit the Mexicans to work their way to self-government without recourse to the old imperialistic method of sending soldiers into a weaker nation, first to police property and then to become an army of occupation."[85] It seems difficult to believe that Addams could really have understood the intervention in this way. But perhaps she was persuaded by Wilson's logic that because Mexico was a failed state, sending in a military force was not an invasion, but rather a humanitarian effort to establish peace.

Wilson was well aware of the importance of reform to his electoral support among progressive forces. On October 16, he addressed a meeting of progressives, led by Amos Pinchot and Stephen S. Wise, including Frank Walsh, and which Walter Lippmann was expected but was unable to join, on the Shadow Lawn of the White House. Here he laid out the case plainly: "The problem that America has had to face for some time has been to unite and organize her progressive forces." Out of 15 million

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[85]Jane Addams et al to Woodrow Wilson, October 29, 1915, PWW 35: 134-35; Wilson to Addams, October 17, 1916, PWW 38: 460-61, fn. 1. Addams, "Peace and the Press," *Independent* 84 (October 11, 1915): 55-56; Addams, ["Statement endorsing Woodrow Wilson for President"], [1916 Oct-Nov], 2; Addams, "Jane Addams Sees Progressive Aims Attained thru President," *Cincinnati Post,* November 3, 1916, 1, reel 47, Addams Papers.

votes in 1912, 6 million were cast for the Democratic candidate, and 4 million for the progressive candidate. The country "wants genuine, humane, just, and progressive legislation. It has an instrument at hand which has proved serviceable in obtaining legislation of that sort, and the question for the ten million voters is, will they retain this instrument or reject it?" Like other progressives, Walsh supported Wilson.[86]

Croly and Lippmann both endorsed Wilson. In Croly's case, this endorsement came after he initially argued in February of 1916 that Wilson's New Freedom, with its emphasis on small producers, had proven to be an "unregenerate" copy of Jacksonian and Jeffersonian Democracy. "Oblivion has descended on the New Freedom," he said. But in October he changed his mind, and said that it was the Republican party that had suffered "degeneration" away from Rooseveltian progressivism and back to laissez-faire. The Democrats' abandonment of the New Freedom, by contrast, was positive. "The party program no longer seeks the restoration of a regime of incoherent, indiscriminate, competitive, localistic individualism." In foreign affairs, he thought that Wilson was initially guilty of "procrastination," but looked favorably upon his emphasis on a postwar international institution for security. He noted also that Wilson had been able to carry out preparedness in a way that did not incite class suspicions, as would have been the case had a similar program been instituted by Republicans.[87] Lippmann made a similar point, arguing that Wilson was more flexible than Charles Evans Hughes, the Republican nominee, and that the Democratic Party represented the only real possibility of

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[86]Woodrow Wilson, "An Address at Shadow Lawn to Wilson Volunteers," October 16, 1916, PWW 38: 446, 47. McCartin, *Labor's Great War,* 36.

[87] Herbert Croly, "Unregenerate Democracy," *The New Republic,* February 5, 1916, 17-19, quotation 19. Croly, "The Two Parties in 1916," *The New Republic,* October 21, 1916, 287, 286, 290.

implementing significant reform. "I shall vote not for the Wilson who has uttered a few too many noble sentiments, but for the Wilson who is evolving under experience and is remaking his philosophy in the light of it...." Lippmann specifically mentioned Wilson's Mexican policy, arguing that while it was not perfect, it was better than the alternatives being offered by his opponents. Beyond protecting American property and lives, the policy had to establish self-government in Mexico, if "stability and progress" were to be achieved. Conquest, or support of Heurta, could not accomplish this.[88]

Wilson's logic was not persuasive to Florence Kelley, who apparently still retained enough of an intellectual commitment to international socialism to oppose both the war and Wilson. In November 1915 she received a letter from Mary Dana Hicks Prang, of the Prang Education Company, noting her attendance at the Intercollegiate Socialist Society. In January 1916, Kelley learned from Addams of her nomination to fill a spot on the permanent committee of five women of the International Committee of Permanent Peace that was to have been filled by a socialist or labor representative. In February Prang asked Kelley for literature about the formation of a committee against preparedness and war, and in July Prang noted that she had seen some of their mutual friends at a "meeting against the war with Mexico." On August 22, 1916, Kelley wrote to Norman Hapgood that she could not endorse Wilson, although it is interesting that she did not give international affairs, but rather domestic affairs, as her reasons. She cited his lack of endorsement of woman suffrage, the poor record on women and African-Americans in general in the Democratic party, the failure of progress of an inquiry into

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[88]Walter Lippmann, "The Case for Wilson," *The New Republic,* October 14, 1916, 263, 264.

the cost of living in Congress, and a lack of Supreme Court action on labor legislation as her reasons.[89]

With the support of progressives, Wilson won a close election. For the time being, they had bound their fate to the professor from Princeton. This was the first time he used force to try to shape revolutionary pressures, but it was not the last. He would do so again in Russia in 1918, domestically against the IWW in 1917, and against suspected communists in 1919 and 1920. Progressives had decided that they supported the total package of domestic reform and military intervention abroad. It would remain to be seen whether that support could accommodate forcible intervention at home.

Conclusion

When asked in 1915 if he thought Industrial Democracy could be imposed upon industry, Louis Brandeis said, "I do not believe it can be made compulsory at the present time."[90] In addition, Wilson did not endorse the use of federal power against revolutionary syndicalism. On the other hand, Wilson, Croly, Lippmann, and even Addams felt that constitutional democracy could be made compulsory in a foreign country that was going through a revolution. The key difference is the context of war and the threat to national security. The disorder in Mexico seemed to present a threat to the border and to American property. When revolution appeared to threaten national security

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[89]Mary Dana Hicks Prang to Florence Kelley, September 17, 1915, Prang to Kelley, February 14, 1916; Prang to Kelley, July 14, 1916; Kelley to Norman Hapgood, August 22, 1916, box 6, reel 1, Kelley Papers. Jane Addams to Florence Kelley, [January 1916], box 1, reel 1, Kelley Family Papers, Columbia University, Rare Books and Manuscripts Division, New York, NY (microfilm).

[90]*Industrial Relations* 8: "Testimony of Mr. Louis D. Brandeis," January 23, 1915, 7664.

inside the United States during intervention in the First World War, the use of force to make industrial democracy compulsory would also become more compelling.

At the same time, the reception of the work of the Commission on Industrial Relations indicated an emerging divide in attitudes not just toward the IWW but also toward the wealthy and large corporations. One group, led by Walsh, saw the IWW as the bearer of legitimate ideas and industrial violence as the result of poverty, corporate control of the legal system, and the selfishness of the rich. The other side, represented by Croly, Lippmann, and Wilson, was beginning to view the IWW as dangerous, became skeptical of class-based denunciations of the wealthy, and accepted that large corporations could be made to serve the public interest. In short, the latter group removed class per se as a legitimate target for reform. Class, however, was a fundamental point of departure for radical politics. In the years before the war, it was also an acceptable point of contention among progressives. Division along this line was therefore emerging before the United States entered the war, and the years in which progressivism and radicalism overlapped most significantly were limited to the years between the Panic of 1907 and the First World War.

Chapter Four: "Safe for Controversy," 1917-1918

In the years before World War I, two broad patterns of responses emerged among progressives toward radicalism. One was reform: the idea that agitation for the overthrow of capitalism in the form of propaganda or strikes arose due to unjust conditions that needed to be rectified. The other response was repression. This was the belief that because radicals or revolution threatened to foment violence or put the state in danger, the proper recourse was to respond with legal or military force. Which view predominated depended chiefly on the conditions. If violence appeared to be imminent or the state appeared to be threatened, force was more likely to be favored. In the absence of these dangers, radicals could be understood to be advancing positive ends, and therefore viewed in more benign terms.

During the intervention in the war, with national security clearly at stake, progressives had the opportunity to implement both of these approaches. Reform and repression formed a two-pronged approach for coping with radicalism and ensuring the continuous production needed for the war effort. Syndicalists, socialists, and anarchists fell under the surveillance of the Army, the censorship of the Post Office, and the dragnet of the Justice Department. At the same time, federal investigations concluded that reform of conditions would reduce IWW influence in conflict-ridden areas. This finding was then used to call for official recognition of AFL and other nonrevolutionary unions, which was implemented in a quasi-legal fashion with the National War Labor Board the following spring.

While the turn against radicals was clearest in the case of Wilson himself, other progressives also endorsed censorship, called for improvement of conditions as a way to

reduce radical influence, or simply failed to speak out publicly against the administration. Most progressives were loyal not only to Wilson, due to his domestic reforms and war aims, but to the state, which radicals now appeared to threaten. Once radicals became the objects of federal suppression, it became an unacceptable political and personal liability to appear to share their views.[1] But the parting of the ways occurred in fact before progressives became fully conscious of it. In the effort to deny that radicals such as the IWW were being suppressed for their opinions, syndicalism was understood as a kind of nonideological manifestation of resentment, or even a psychological disorder. This situation intensified as the war went on, especially after the Bolshevik revolution and the Russian withdrawal from the war, when revolution appeared not only to be clearly different from Wilsonian war aims, but to endanger national security in a very concrete way.

Revolution and Intervention

The involvement of progressives in the Wilson administration was extensive. Frank Walsh became head of the National War Labor Board. George Creel became head of the Committee on Public Information (CPI). Felix Frankfurter worked as an Assistant Secretary of War, a diplomat, secretary of the President's Mediation Commission and head of the War Labor Policies Board.[2] Carleton Parker worked for the Cantonments

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[1]According to Alan Dawley, "war nationalism drove a fatal wedge into the fragile coalition from below ... sealing the once-open border between socialism and national progressivism." Alan Dawley, *Struggles for Justice: Social Responsibility and the Liberal State* (Cambridge: Harvard University Press, Belknap Press, 1991), 189. Meredith Tax, *The Rising of the Women: Feminist Solidarity and Class Conflict, 1880-1917* (New York: Monthly Review Press, 1980), makes a similar argument for coalitional politics in women's reform.

[2]Melvyn Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World* (New York:

Adjustment Commission and as an architect of labor policy in the northwest forests.[3] Walter Lippmann worked as an assistant to Secretary of War Newton D. Baker, as a member of Wilson's advisory group called the Inquiry, and in propaganda activity in Germany.[4] While Herbert Croly did not enter the administration he offered Wilson his assistance through the pages of the *The New Republic*.[5] Louis Brandeis continued to give Wilson influential policy advice from the Supreme Court, and succeeded in placing Felix Frankfurter on a diplomatic mission to Turkey and at the head of the WLPB.[6] Even Florence Kelley and Jane Addams went to work for Wilson. Kelley joined the Board of Control for Labor Standards in Army Clothing reporting to Secretary Baker.[7] Addams, although she continued to oppose the war, joined the Speaking Division of the CPI.[8] World War I was not just a total war, it was a progressive total war.

The reasons for the entry into the war are complex, but it is important to observe that shaping the revolution in Russia and another anticipated in Germany was one of them. Wilson believed that overthrow of the German monarchy might be necessary for

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Quadrangle/New York Times Book Co., 1969), 416, Bruce Allen Murphy, *The Brandeis/Frankfurter Connection: The Secret Political Activities of Two Supreme Court Justices* (New York: Oxford University Press, 1982), 58. Harlan B. Phillips, *Felix Frankfurter Reminiscences* (New York: Reynal & Company, 1960), 114-15.

[3]Harold M. Hyman, *Soldiers and Spruce: Origins of the Loyal Legion of Loggers and Lumbermen* (Los Angeles: Institute of Industrial Relations, University of California), 57, 80, 89-90, 113-15.

[4]Ronald Steel, *Walter Lippmann and the American Century* (Boston: Little, Brown, Atlantic Monthly Press, 1980), 116-17, 128-29, 147-48.

[5]E. M. House to Woodrow Wilson, December 29, 1916, PWW 40: 360.

[6]Murphy, *The Brandeis/Frankfurter Connection*, 50-53.

[7]Newton Baker to Florence Kelley, August 13, 1917; Newton Baker to Florence Kelley, memorandum, August 24, 1917, box 6, reel 1, Nicholas Kelley Papers, New York Public Library, Rare Books and Manuscripts Division, New York, NY (microfilm).

[8]Stephen Vaughn, *Holding Fast the Inner Lines: Democracy, Nationalism, and the Committee on Public Information* (Chapel Hill: University of North Carolina Press, 1980), 129-30.

winning the war. He was concerned that if the German revolution came under the domination of either the Allies or Russia without the input of the United States, America could be shut out of the postwar system.[9] Wilson wanted to ensure that open access to trade was part of the settlement that ended the war. In his January 1917 "Peace without Victory" speech proposing a League of Nations, in addition to calling for a peace based upon equality among nations and collective security, he said that all nations should have "free access to the open paths of the world's commerce."[10] In an August 1916 reply to a peace proposal from Pope Benedict XV calling for a return to the status quo before the war, he drew a distinction between the German people and their government, and implied that he favored the overthrow of the monarchy: "We must await some new evidence of the purposes of the great peoples of the Central Powers. God grant it may be given soon and in a way to restore the confidence of all peoples everywhere in the faith of nations and the possibility of a covenanted peace."[11] Wilson also expressed concern about the potential for the domination of the German revolution by Russia. Late in the war, in an October 1918 meeting with the British diplomat Sir William Wiseman, Wilson said, "If we humiliate the German people and drive them too far, we shall destroy all form of government, and Bolshevism will take its place."[12] Democracy was serving as a means to confront revolution and shape it in a direction favorable to U.S. interests.

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[9]Lloyd C. Gardner, *Safe for Democracy: The Anglo-American Response to Revolution, 1913-1923* (New York: Oxford University Press, 1984), 118-20. Dawley, *Struggles for Justice,* 182.

[10]"An Address to the Senate," January 22, 1917, PWW 40: 536-37, quotation 537. Cited in Gardner, *Safe for Democracy,* 122.

[11]Woodrow Wilson to Walter Hines Page, August 27, 1917, encl. Woodrow Wilson to Benedictus XV, August 27, 1917, PWW 44: 59. Cited in Gardner, *Safe for Democracy,* 145.

[12]"A Memorandum by Sir William Wiseman," c. October 16, 1918, PWW 51: 347-48. Cited Gardner,

The Russian Revolution had a noticeable effect on the argument for intervention in *The New Republic*. Before the fact, the editors argued for intervention out of a combination of liberal principle and economic self-interest. An editorial on February 10, 1917, explained that Britain had until then acted as the "policeman" of the "world's highway." This system was beneficial to the United States, but could be closed off nearly at will during times of war and was threatened by the submarine, which could place the seas in "anarchy." Faced with a choice between "absolutism" and "anarchy," the absolutism of the British Empire was preferable, but in the long term a league of nations—which could be secured through intervention in the war—was best.[13] After the March Russian Revolution, the emphasis changed to democracy. In April, the journal noted that before the revolution, "there still remained a doubt whether the defeat of German militarism might not mean a dangerous triumph of Russian autocracy." In June, the journal declared that if the revolution survived, "the eventual liberation of Central Europe looks inevitable."[14]

One source for Wilson's emphasis on democratic outcomes for the revolutions in Europe was Walter Lippmann. In August Secretary of War Newton Baker forwarded Wilson an article in which Lippmann said that with the Russian Revolution and the American intervention, the war was "dissolving into a stupendous revolution." In this article, Lippmann noted the Russian Revolution removed the dilemma facing Wilson

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Safe for Democracy, 197.

[13]"Justification," *The New Republic,* February 10, 1917, 38. Walter Lippmann communicated similar ideas directly to Wilson, on his own behalf and Croly's. Lippmann to Wilson, March 11, 1917, PWW 41: 389, memorandum, 390.

[14]"Who Willed American Participation," *The New Republic,* April 14, 1917, 309. "The New German Attitude," *The New Republic,* June 28, 1917, 346.

over intervention on the side of the czar to further democracy: "When Russia became a Republic and the American Republic became an enemy, the German empire was isolated before mankind as the final refuge of autocracy." Lippmann also argued that the alternative to military victory was "political revolution in Germany and Austria-Hungary." Baker also sent Wilson a report from Lippmann making suggestions for Wilson's reply to Pope Benedict's peace proposal. Lippmann argued for making an appeal directly to the German people against their leaders, but said that to do so, Wilson would have to assure them that a revolution would not turn out like the Russian revolution, rendering them defenseless. In his reply to the Pope, in addition to calling for an uprising by the German people, Wilson said that returning to the prewar status quo would require a combination of nations against Germany, "and would result in abandoning the new-born Russia to the intrigue, the manifold subtle interference, and the certain counter-revolution" of reactionary forces.[15] Wilson, Croly and Lippmann were not opposed to revolution so much as they opposed a specific kind of revolution. They did not want political change in Europe to occur without American influence or in a way that would produce closed economies that threatened to isolate America economically. They also did not want the revolutions to be contrary to self-determination and democracy.

Crowding Out Radicalism

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[15]Newton Diehl Baker to Woodrow Wilson, August 13, 1917, PWW 43: 454. Walter Lippmann, "The World Conflict in Its Relation to American Democracy," *The Annals of the American Academy of Political and Social Science* 72 (July 1917): 3, 8, 9. Newton Diehl Baker to Woodrow Wilson, August 20, 1917, encl. memorandum, Walter Lippmann to Newton Baker, n.d., PWW 43: 532-34. Woodrow Wilson to Benedictus XV, August 27, 1917, PWW 44: 58, quoted in Gardner, *Safe for Democracy,* 145. Steel, *Walter Lippmann and the American Century*, 126-27.

The path to censorship of radical opinion was a circuitous one that began with opposition to censorship by many progressives. Discussion of censorship began before the intervention and initially focused on censorship in principle. Criticism was common, if usually couched in sympathy to the objectives of national security. In February of 1917, Lippmann wrote Wilson on behalf of Croly that if there was to be censorship, it would be better if it were under civilian than military control because the former would be more protective of democracy, and because there was less of a need to "suppress truth" than to "control untruth." *The New Republic* spoke in favor of the Espionage Act in March of 1917 in part for the literal purpose of preventing spying, but also to prevent newspapers from publishing information about the military that could inhibit its effectiveness. In April the journal called for the establishment of an organization to protect freedom of speech, and after the passage of the bill on June 15, the journal spoke favorably about the removal of a provision giving the president authority to censor the press. Senator Hiram Johnson also criticized this provision, saying it would enable the president to repress criticism of the management of the war.[16]

Jane Addams and Herbert Croly signed a letter to Wilson in April saying that while they were "entirely sympathetic" with the purpose of preventing the use of military information to benefit foreign governments, they were concerned that the proposed legislation for the Espionage Act was overbroad and could be used for "the suppression

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[16]Walter Lippmann to Woodrow Wilson, February 6, 1917, PWW 41, 135. "Editorial Notes," *The New Republic,* March 3, 1917, 118-19; "Editorial Notes," April 14, 1917, 307; "Editorial Notes," *The New Republic,* June 9, 1917, 146. "Senators Call Creel Unfit to Censor Press," *New York Tribune,* April 5, 1918, container OV6, p. 96, George Creel Papers, Library of Congress, Manuscript Division, Washington, DC (Hereinafter, Creel Papers). Vaughn, *Holding Fast the Inner Lines,* 215. David Rabban, *Free Speech in Its Forgotten Years* (Cabridge: Cambridge University Press, 1997), 250-51. David M. Kennedy, *Over Here: The First World War and American Society* (New York: Oxford University Press, 1980), 25.

of free speech."[17] Indeed, Wilson himself wrote in a private letter to the editor of the *New York Evening Journal* on April 15, "I can imagine no greater disservice to the country than to establish a system of censorship that would deny to the people of a free republic like our own their own indisputable right to criticize their own public officials." In a fitting irony, this statement was printed on the cover of the statement to the press announcing the formation of the Committee on Public Information by executive order, written by George Creel and corrected by the president on May 17.[18]

The primary function of the CPI was initially intended to be publicity, and indeed that was its largest effort. The committee distributed the *Official Bulletin* of daily official announcements, more than 90 pamphlets, 18 one-reel and 5 feature films, and posters advertising the war stamp and liberty loan drives.[19] Creel also organized speeches by 74,500 "Four Minute Men" in their local communities in every state, usually in movie theaters, as well as longer speeches by administration officials and other reformers, including Addams. Creel even utilized the prowar socialist Charles Edward Russell in this latter function.[20] Creel also placed articles and advertisements in independent publications and, through the Division of News, established control of all information

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[17]Joseph Patrick Tumulty to Woodrow Wilson, April 20, 1917, fn 2, PWW 42: 107. Lillian D. Wald to Woodrow Wilson, April 21, 1917, enclosure, Lillian D. Wald et al to Woodrow Wilson, April 16, 1917, PWW 42: 118-19, quotations 119.

[18]Woodrow Wilson to Arthur Brisbane, April 25, 1917, PWW 42: 129. Wilson's secretary, Joseph Tumulty, drafted the letter. Joseph Patrick Tumulty to Woodrow Wilson, April 20, 1917, encl. Arthur Brisbane to Woodrow Wilson, April 20, 1917; Woodrow Wilson to Joseph Patrick Tumulty, [c. April 20, 1917], PWW 42, 107-108. "Committee on Public Information, Preliminary Statement to the Press," May 17, 1917, container 1, Creel Papers.

[19]Vaughn, *Holding Fast the Inner Lines,* 198-99, 42, 205-208, 155. James R. Mock and Cedric Larson, *Words that Won the War: The Story of the Committee on Public Information, 1917-1919* (Princeton: Princeton University Press, 1939), 139.

[20]Vaughn, *Holding Fast the Inner Lines*, 42, 116-17, 123-25, 128-30.

being released to the public from cabinet departments and government officials. Creel explained his view of freedom of the press to a meeting of journalists in Washington, "You know and I know that this freedom has been often abused.... But you cannot cure such an evil by cutting it out. A better way is to crowd it out."[21]

This insight of Creel's, that it is just as important to occupy space in non-government media sources with the information the government wants the public to see as it is to keep out information the government does not want the public to see, has become conventional wisdom for presidential administrations in wartime. In terms of the popular understanding of America's reasons for its entry into the war, it is difficult to know the extent and duration of Creel's influence. To explain how America was brought into the war defensively and that its aims were benevolent and in keeping with its democratic history, Creel enlisted prestigious scholars in the writing of pamphlets, including James T. Shotwell of Columbia, Carl Becker of Cornell, and Andrew C. McLaughlin of the University of Chicago. Indeed, Creel boasted after the war that many of these pamphlets became source material for popular textbooks. "Many a good and misinformed citizen" who thought that the CPI "was some iniquity of the devil" did not realize that "his children came home with what the teacher had given them from material we had prepared...."[22] It is intriguing to speculate how much of the still widespread

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[21]Ibid., 42, 194. "Remarks of Mr. George Creel," Conference of Press in Washington, [1917?], Speeches and Writings file, Speeches, Typescripts, 1917-1922, 1932-1933, container 5, Creel Papers.

[22]Creel, *How We Advertised America: The First Telling of the Amazing Story of the Committee on Public Information that Carried the Gospel of Americanism to Every Corner of the Globe* (New York: Harper and Brothers Publishers, 1920), 103, 106, quotation 109. Vaughn, *Holding Fast the Inner Lines,* 95.

understanding of America's entry into the war as a defensive, principled measure is due to Creel's efforts.

The committee also served a negative, censorship function, which broadened as the war went on. The CPI created three categories of news: prohibited, questionable (therefore needing review by the committee), and permissible. Into the first category went material such as specific information about the location of military operations. Creel asked editors to enforce these standards voluntarily. As he explained in January 1918, the war could not be won until "every man who writes—from editor to cub reporter—regards himself as being as much a part of the national service as the soldier or the sailor." Even so, the appointment of the CPI generated widespread criticism in the press and the Senate.[23] The Espionage Act already prohibited the mailing of material that violated its provisions, and on this authority in the summer Postmaster General Alfred Burleson excluded the *Masses.* But on August 24, Creel submitted a memorandum to Wilson suggesting the appointment of an assistant Postmaster General to prevent the mailing of "objectionable matter," saying that if this course was adopted "I feel certain that all criticism will be ended." On October 12 Wilson issued an executive order under the Trading-with-the-Enemy Act, passed on October 6, requiring Burleson's prior approval for relevant material in foreign language publications, and also establishing a Censorship Board, of which Creel was a member. Eventually, Burleson suspended the mailing privileges of all radical publications that opposed the war, including

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[23]"Preliminary Statement to the Press," Creel Papers. Vaughn, *Holding Fast the Inner Lines,* 218-19. Quotation, "Address delivered by George Creel, Chairman of the Committee on Public Information, before the City Editors' Association in Columbus, Ohio, January 19, 1918," p. 6, Speeches and Writings file, Speeches, Typescripts, 1917-1922, 1932-1933, container 5. "Keep up Fight on Censorship," April 19, [1917], n.p.; "Current Comment," *The Censor,* Chicago, IL, June 21, 1917; Mark Sullivan, "Creel—Censor," *Collier's,* November 10, 1917, 13, container OV6, pp. 96, 15, 49, Creel Papers.

International Socialist Review, The Milwaukee Leader, Il Proliterio, and IWW newspapers. Wilson also issued an executive order on April 28 establishing censorship of wire service transmissions outside the country.[24]

Wilson and Creel were concerned that radical publications would convey the wrong impression of America's war aims, portraying the intervention not as a democratic effort but instead as an economic, self-interested one. Croly and Lippmann were concerned about the same perception, but they thought that censorship would give that view credibility rather than discourage it. They voiced this concern during the 1917 New York reelection campaign for the fusion reform mayor John Mitchel. In addition to those opposed to the war, Lippmann and Croly warned that some liberals would vote for the socialist Morris Hillquit because of Burleson's policy.[25] In a letter to Wilson, Croly warned that he knew of many Wilson voters who had said they would vote for Hillquit if either the socialist New York *Call* or the Yiddish *Forward* were excluded from the mail. According to Croly, Burleson had said that he would exclude any publications that described the war as a "capitalist conspiracy for the exploitation of the working classes." This allegation was "utterly untrue and sufficiently silly," but Burleson's policy could give it plausibility.[26] In a letter to Colonel House, Lippmann warned that exclusion would drive John Dewey and labor votes to Hillquit. "I have no doctrinaire belief in free

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[24]George Creel to Woodrow Wilson, August 24, 1917, PWW 44: 49. Wilson forwarded the suggestion to Burleson, but the memo has been lost. Woodrow Wilson to Alfred Sidney Burleson, August 27, 1917, PWW 44: 62, fn. 1. Vaughn, *Holding Fast the Inner Lines,* 215-16, 221-26. Dawley, *Struggles for Justice*, 188. Kennedy, *Over Here,* 77. William Preston, Jr., *Aliens and Dissenters: Federal Repression of Radicals, 1903-1933,* 2d ed. (Urbana: University of Illinois Press, 1994), 145.

[25]William Hard, "The New York Mayoralty Campaign," *The New Republic,* October 6, 1917, 270-71. "Socialist Sectarianism," *The New Republic,* July 28, 1917, 350.

[26]Herbert Croly to Woodrow Wilson, October 19. 1917, PWW 44: 408.

speech," Lippmann wrote. "In the interest of the war it is necessary to sacrifice some of it." But Burleson's policy was "breaking down the liberal support of the war."[27] In Lippmann's view, "the overwhelming number of radicals can be won to the support of the war simply by conserving the spirit of the President's own utterances, and by imaginative administration of the censorship and the necessary suppression of disloyalty."[28] Censorship was acceptable in principle, but it would be counterproductive to Wilson's electoral success if it was used too crudely, as well as foster both the socialism and the class conflict it was attempting to suppress. Croly made clear, however, that he placed no credence in the radical critique of the war, and Lippmann was speaking of radicals as allies at most. They no longer took seriously the possibility of radical symbiosis in the sense they had in earlier years. Moreover, Wilson had laid out a clear domestic and international program, and this was now what they endorsed. Socialists had become a potential obstacle to what they were trying to do. If some censorship of radicalism was necessary to accomplish that, then that was what had to be done. This is why it was possible for them to endorse censorship—they could not imagine themselves as the targets.

The suppression of free speech was not the only involvement of the CPI or the Wilson administration in shaping American political culture. Serious as they were, these measures chiefly affected public or published statements. Much more pervasive, and bearing more strongly on the social fabric and industrial organization of the country, was

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[27]Walter Lippmann to Colonel House, October 17, 1917, reel 1, frame 627, Papers of Newton D. Baker, Library of Congress, Manuscript Division, Washington, DC (microfilm), (hereinafter, Baker Papers), quoted partially in Roy Talbert, Jr., *Negative Intelligence: The Army and the American Left, 1917-1941* (Jackson: University Press of Mississippi, 1991), 69-70.

[28]Lippmann to House, October 17, 1917.

the effort to control forms of unionism. The administration made an effort not only to encourage unionism and increase unionization rates, but to encourage loyal and nonrevolutionary unionism. The AFL agreed to support Wilson in 1916, and under the the Council on National Defense, which organized production during preparedness and public speaking campaigns during the war, Gompers agreed to a statement requiring unions not to take advantage of wartime conditions to change existing standards.[29] With financing from Creel, Gompers also established the propaganda organization known as American Alliance for Labor and Democracy. Most importantly, the Wilson administration created the National War Labor Board, with representatives from business, labor and the public, to investigate labor disputes and encourage union recognition.[30] Under these conditions, the AFL increased its membership from 3 million to 5 million from 1917 to 1920, reaching nearly 20 percent of the nonfarm labor force. The IWW, on the other hand, never more numerous than 250,000, was seriously impeded as an alternative to the AFL and its functioning was disrupted by the imprisonment of its leaders, its legal expenses, and its suspension of the use of the mails, which began even before passage of the Espionage Act under the section of the U.S. Criminal Code banning indecent material.[31] Beyond the impact on the numbers and functioning of the IWW, the

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[29]Melvyn Dubofsky, "Abortive Reform: The Wilson Administration and Organized Labor, 1913-20," in *Work, Community, and Power: The Experience of Labor in Europe and America, 1900-1925,* ed. James E. Cronin and Carmen Sirianni (Philadelphia: Temple University Press, 1983), 203. Joseph A. McCartin, *Labor's Great War: The Struggle for Industrial Democracy and the Origins of Modern American Labor Relations, 1912-1921* (Chapel Hill: University of North Carolina Press, 1997), 58, 65-73.

[30]Dubofsky, "Abortive Reform," 207. David Montgomery, *The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865-1925* (Cambridge: Cambridge University Press, 1987), 355-56, 374-75. Dawley, *Struggles for Justice,* 194-95. Vaughn, *Holding Fast the Inner Lines,* 28-29. Kennedy, *Over Here,* 72. McCartin, *Labor's Great War,* 67-68.

[31]Dubofsky, *We Shall Be All,* 445, 449. Melvyn Dubofsky, *State and Labor in Modern America*

policy of the federal government toward the IWW is of central importance for what it reveals about the forms of unionism progressives were willing to tolerate at this time of unprecedented opportunity in fostering labor organization.

An exception to this picture were syndicalists who were members of the AFL rather than the IWW, such as William Z. Foster, who exercised important leadership in the Chicago stockyards strike in 1917, and Thomas J. Mooney. The case of Mooney is useful in illustrating the circumstances under which progressives were willing to defend a syndicalist. By 1916 Mooney was an AFL member, but he had been an IWW member for three months in 1910 after being involved in a free speech fight in Spokane, Washington, the previous year. Later in that year he ran as a Socialist candidate for a judgeship, and in 1911 founded and published the Socialist weekly, *Revolt*.[32] In February 1917 Mooney was convicted of murder and sentenced to death in connection with the bombing of the Preparedness Day Parade in San Francisco in July 1916. Despite clear evidence placing Mooney in a different location at the parade and establishing perjury on the part of a prosecution witness, the district attorney Charles M. Fickert won a recall election in the fall of 1917.[33]

Before the war, Mooney and his co-defendant Warren Billings generated sympathy among a coalition reminiscent of the 1909 women's shirtwaist makers strike. On December 2, 1916, Frank Walsh, the socialist Max Eastman, IWW member Arturo Giovannitti, and the anarchists Emma Goldman and Alexander Berkman solicited

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(Chapel Hill: University of North Carolina Press, 1994), 74. Preston, *Aliens and Dissenters*, 144-49.

[32]Curt Gentry, *Frame-up: The Incredible Case of Tom Mooney and Warren Billings* (New York: W. W. Norton, 1967), 38, 41, 66-67, 193. Michael Kazin, *Barons of Labor: The San Francisco Building Trades and Union Power in the Progressive Era* (Urbana: University of Illinois Press, 1987), 199, 241-42.

[33]Kazin, *Barons of Labor,* 241-42. Gentry, *Frame-up,* 178, 192-98, 206.

donations for Mooney's defense from a large crowd in Carnegie Hall.[34] Walsh maintained his support for Mooney throughout the war. In July 1918 at a speech in Chicago he called on Wilson to demand a pardon from Governor William Stephens.[35] The case gained national attention due to a large demonstration at the American embassy in Petrograd on April 24. On May 5 *The New Republic* criticized the American press for failing to point out the bias against labor at the heart of the case before it had been publicized by the demonstration in Russia.[36] Secretary of State Lansing informed Wilson of the demonstration on May 10 and asked him to petition the governor for a commutation or suspension of Mooney's sentence, and Wilson complied the following day, the first of four times he would write the governor before the end of the war.[37] George Creel was also concerned about the political implications of the Mooney case, telling Wilson on September 26 that it was causing unrest among workers, who were alleging that it was a conspiracy. To assuage this unrest, he urged that the President's Mediation Commission, headed by Felix Frankfurter, investigate the trial.[38] In its January 16 report, the Mediation Commission noted, "Accusation is made against a group

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[34]Gentry, *Frame-up,* 175.

[35]Will Everett to Frank Walsh, July 30, 1918, encl. *Spokesman-Review,* n.d., folder 24-31 July 1918, box 6, Frank Walsh Papers, New York Public Library, Rare Books and Manuscripts Division (hereinafter Walsh Papers).

[36]Gentry, *Frame-up,* 216-17. "Strange News From Russia," *The New Republic,* May 5, 1917, 8-10.

[37]Lansing also enclosed the article from *The New Republic.* Woodrow Wilson to Robert Lansing, May 11, 1917, encl. Robert Lansing to Woodrow Wilson, May 10, 1917, PWW 42: 271-73. Woodrow Wilson to William Dennison Stephens, May 11, 1917 (telegram), PWW 42: 270. Woodrow Wilson to William Dennison Stephens, January 22, 1918, PWW 46: 74. Woodrow Wilson to William Dennison Stephens, March 27, 1918, PWW 47: 160. Woodrow Wilson to William Dennison Stephens, June 4, 1918, PWW 48: 237.

[38]George Creel to Woodrow Wilson, September 26, 1917, PWW 44: 267.

whose leader has been widely associated with views which justify violence at least in industrial conflict. The public mind was therefore easily aroused to belief in the guilt of the accused."[39] Frankfurter demonstrated a precise understanding of the sources of bias that led to a false conviction. Not only was Mooney opposed by business interests because of his labor organizing, but the community was prejudiced in favor of attributing violence to Mooney because he was a syndicalist.

Mooney, however, did not get out of jail for another 21 years. More important, on September 28, 1917, the Justice Department indicted 166 IWW leaders for seditious conspiracy, not to mention the indictment of Berkman and Goldman in June.[40] The Mooney case gained credibility because it was of concern to those who were not sympathetic to Mooney's politics, did not advocate revolutionary violence, and who favored the war. Mooney was believed not to have done what was spelled out in the indictment, so that defending him did not require questioning the fairness of the law he was accused of violating, let alone the exercise of federal power. Most important, Mooney, safely in jail, was not a member of a revolutionary organization and did not present an obstacle to the war effort or the administration's effort to cooperate with the AFL. On the contrary, the persecution of Mooney was sending a damaging political signal, threatening to alienate both the revolutionaries in Russia and the AFL rank and file. Even though the case against the IWW was also biased, progressives did not

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[39]"Report on the Mooney Dynamite Cases in San Francisco Submitted by President Wilson's Mediation Commission," *The Official Bulletin,* January 28, 1918, 14, Papers of Felix Frankfurter, container 194, reel 123, Library of Congress, Manuscript Division, Washington, DC (microfilm), (hereinafter, Frankfurter Papers).

[40]Gentry, *Frame-up,* 420. Dubofsky, *We Shall Be All,* 408. Richard Drinnon, *Rebel in Paradise: A Biography of Emma Goldman* (Boston: Beacon Press, 1961), 188.

understand it in the same way. The charges against the IWW bore a more complex relationship with the involvement of the state in the war.

The Justice Department Raids

The federal government had several laws at its disposal with which to characterize IWW strike activity as criminal. Two of these laws were prewar sections of the U.S. Criminal Code. Section 6 prohibited seditious conspiracy, and Section 19 prohibited conspiracy to prevent citizens from exercising rights guaranteed under the Constitution, in this case the fulfillment of war contracts. The other two laws were wartime measures, the Selective Service Act, and the Espionage Act. The IWW was accused of conspiracy to violate both of these laws by encouraging people to resist the draft or desert.[41] As strikes broke out in the lumber and copper industries in the West, the logic seemed inescapable that the revolutionary ideology of the IWW was responsible for their efforts to disrupt the war effort.

Several things must be pointed out, however. First, while most IWW members opposed the war, the union did not take an official position against it and specifically decided against proposals to hold a general strike to protest the war. Similarly, the leadership decided against suggestions to recommend that its members resist the draft, instead leaving it up their individual conscience. Ninety-five percent of all eligible Wobblies registered for Selective Service.[42] Second, strikes during the war were widespread because of the sharp decline in unemployment due to war purchases.

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[41]Preston, *Aliens and Dissenters,* 119-20.

[42]Dubofsky, *We Shall Be All,* 350-357.

Gompers's pledge notwithstanding, in 1917 there were 4,450 strikes and lockouts, the most in U.S. history up to that point, involving 1.2 million workers. The following year there were 3,353 strikes, again involving 1.2 million workers. Some of the strike activity occurred because of, rather than in spite of, wartime labor policy. When the National War Labor Board was established in April 1918, the possibility of obtaining a investigation by the board spurred a 25 percent increase in the number of strikes in the first month.[43] Only a small number of these strikes involved the IWW, yet the AFL did not become a target of the Justice Department. The administration made the inference that the IWW's ideology was responsible for the effort to obstruct the war in the form of strikes.

Indeed, it was conditions rather than the IWW that were primarily responsible for the strikes. The strike in the Butte, Montana, copper mines, which consisted of a walkout by more than 10,000 workers, occurred because of a June 8, 1917, mine fire that killed 164 men. This tragedy brought to the forefront longstanding dissatisfaction with the rustling card system, in which a card was necessary for employment but would not be issued to union members. Other issues in the strike included inflation and the operators' use of private detectives. The Butte disaster also contributed to the strikes in the copper mines in Arizona, where 25,000 walked out in July. The issues there were inflation as well as hours, wages, and union recognition. The IWW did call for strikes at the end of June, but the AFL-affiliated International Union of Mine, Mill and Smelter Workers also joined in the strike. In the Northwest forests, a source of spruce timber for airframes, the

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[43]David Montgomery, *Workers' Control in America: Studies in the History of Work, Technology, and Labor Struggles* (Cambridge: Cambridge University Press, 1979), Table 2, "Strike Trends in the United States, 1900-1925," 97. McCartin, *Labor's Great War,* 94-95.

IWW played a more direct role, organizing the Lumber Workers International Union in March 1917 and calling an effective general strike on July 17. The issues there were the eight-hour day and decent food and lodging. But also important was the absolute refusal of the operators, organized as the Lumbermen's Protective Association, to negotiate. On October 5, Carleton Parker, who was working as a mediator, wrote to Felix Frankfurter that "The operators have stubbornly refused to face the fact that they never will operate on a profit-making basis here unless they grant the eight-hour day," and that "the real problem here is to get enough of the strong operators to see this to break the Lumbermen's Protective League...."[44] In the final report of the President's Mediation Commission on January 9, 1918, Felix Frankfurter insisted on the primary importance of conditions as a cause of these strikes, and the secondary importance of the IWW.[45]

Third, while the trials against the IWW had the trappings of due process, they did not give evidence of specific acts by individual Wobblies, but instead tried to create a general impression among the jury that the defendants intended to disrupt the war. Much of the evidence consisted of IWW propaganda calling for sabotage or class struggle dating from before the war.[46] For instance, in the Chicago trial, the government introduced the preamble to the IWW constitution, written in 1905, and Elizabeth Gurley Flynn's translation of Émile Pouget's *Sabotage*, published in 1915, as evidence.

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[44]Dubofsky, *We Shall Be All,* 366-67, 372, 360-65. Carleton H. Parker to Felix Frankfurter, October 5, 1917, World War (WW 1-1), 1917 General Correspondence, reel 59, The Louis Dembitz Brandeis Papers, 1870-1941, University of Louisville, University Archives and Records Center, Louisville, KY (microfilm, Library of Congress, Manuscript Division, Washington DC), (hereinafter Brandeis Papers).

[45]*Report of the President's Mediation Commission to the President of the United States* (Washington: Government Printing Office, 1918), 6. Copy in container 194, reel 123, Frankfurter Papers.

[46]Preston, *Aliens and Dissenters,* 120-21, 140-41.

Nonetheless, after a four-month trial, the jury took only one hour to find 100 defendants guilty of all charges under four indictments each in August of 1918.[47]

The legal theory under which the IWW leaders were prosecuted was initiated by John Lind, the head of the Minnesota Commission on Public Safety and former governor of Minnesota, and Hinton G. Clabaugh, head of the Chicago branch of the U.S. Bureau of Investigation, at a conference in Minneapolis in late July and immediately communicated to Attorney General Gregory.[48] On August 21, Gregory wrote to Wilson that "You know of the intended action I have in mind with respect to the I.W.W."[49] Sometime before August 21, 1917, therefore, Wilson approved the strategy of the Justice Department with respect to the IWW. This decision represented an important break in the relationship between progressives and radicals. There had been a real willingness to take the IWW's ideology seriously before the war, but from this point forward, the Wobblies would be on the opposite side not only of the law, but of the federal government. This forced progressives to make an existential decision about whom they identified with: the Wilson administration with its extensive reforms and democratic war aims, or the Wobblies, outlawed, weakened, and trying to overthrow the state. Asked to choose sides, progressives became reluctant to accept any further blurring of the boundaries between them and radicals.

There were several reasons Wilson adopted this course. The first was that Wilson was coming under pressure from several directions to do something about the strikes

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[47]Dubofsky, *We Shall Be All,* 163, 436. Dubofsky and Preston both make clear that the trial was prejudiced. I am unaware of any dispute about this fact among historians.

[48]Preston, *Aliens and Dissenters,* 126-27.

[49]Thomas Watt Gregory to Woodrow Wilson, August 21, 1917, PWW 44: 18, fn 2, quotation, 17.

involving the IWW in the West, in particular following a vigilante deportation of copper miners in Bisbee, Arizona, in July 1917, by local business owners and law enforcement officials. This is somewhat ironic because the IWW were the primary victims of this incident, but it generated pressure on Wilson from the western governors, and especially from AFL president Samuel Gompers, to take action.[50] The deportation occurred the context of the Arizona copper strike, which in Bisbee was led by the IWW and comprised 90 percent the miners. On July 12, 2,000 deputies rounded up 1,200 people at bayonet-point, put them on cattle cars, and dumped them in the desert in Hermanas, New Mexico. Although the idea was to deport radicals, a substantial but unknown number were AFL members. Sheriff Harry Wheeler, the town mayor and city council, and executives from the Phelps Dodge mining company, telegraph, telephone and railroad companies plotted the deportation in a meeting the previous night.[51] Wilson's initial reaction was to deplore the deportation. On July 12, Wilson wired Governor Campbell and warned him of "the great danger of citizens taking the law in their own hands" and the unfavorable effect of such a precedent.[52] But while Wilson did not condone the methods of vigilante violence, the solution he adopted was effectively to expand the power of the federal state to accomplish the same result in a legal way.[53]

On July 20, Gompers sent Wilson three telegrams protesting the Bisbee

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[50]Dubofsky, *We Shall Be All,* 389.

[51]Ibid., 372, 385-87.

[52]Joseph Patrick Tumulty to Woodrow Wilson, July 12, 1917, encl. Thomas Edward Campbell [to Woodrow Wilson], July 12, 1917 (telegram), PWW 43: 156-57. Woodrow Wilson to Thomas Edward Campbell, July 12, 1917 (telegram) PWW 43: 158.

[53]Dubofsky, *We Shall Be All,* 389.

deportation and calling for federal action to return the victims. Two features of these telegrams stand out. First, they were from AFL officials: two former secretaries of the Warren District Trade Assembly in Phoenix, and two secretaries of the Arizona State Federation of Labor. Second, Gompers made clear that his opposition to the deportation did not constitute an endorsement of the IWW's point of view: "I assume it is not necessary for me to give any assurance of how utterly out of accord I am with the I.W.W. and any such propaganda," he said, but some of those deported were law abiding, and deserved a trial if accused of any criminal wrongdoing.[54] On August 10, Gompers presented Wilson with a stark choice: if the government and employers did not "deal with the representatives of the bona fide organized constructive labor movement of the country," they would have to "take the consequences of the so-called I.W.W. with all that it implies."[55] The decision for Wilson was very clear. If he did not take action to placate the AFL, he risked losing its cooperation as well as driving more workers to join the IWW.

The wartime circumstances also created a tendency to intrepret that which had the effect of impeding the United States as having the intention of helping Germany. In an August 31 letter drafted for him by George Creel that Wilson sent to a conference of the AALL in Minneapolis, Wilson suggested that radical ideology was a disguise for sympathy with Germany. Stressing the total nature of the war, Wilson said that the "battle line of democracy for America stretches today from the fields of Flanders to every

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[54]Samuel Gompers to Woodrow Wilson, July 20, 1917, with enclosures, PWW 43: 230-31, quotation 231.

[55]Dubofsky, *We Shall Be All,* 391-92. Samuel Gompers to Woodrow Wilson, August 10, 1917, PWW 43: 418-19, quotation 419.

house and workshop" and warned of "those dangerous elements who hide disloyalty behind a screen of specious and evasive phrases." In language that Wilson struck, Creel went further. "Various organizations," he said "talk much of peace, labor and democracy and would pervert our purposes by draping the propaganda of Berlin in phrases that thinly conceal the selfsame spirit which recently intrigued openly against our lives and national safety."[56] The imperative need to win the war was causing Creel and Wilson to believe that outwardly radical language was a front for sympathy with the enemy.

A second motive for Wilson may have been his longstanding belief, apparent after the assassination of McKinley, that when radicalism threatened violence, it also threatened democracy. On July 30, Haywood wired Wilson "General strike of metal miners of Michigan has been declared; Minnesota next. Harvest workers of North and South Dakota will follow unless miners at Columbus, New Mexico, are returned to their homes and families at Bisbee, Arizona." He followed with another similar telegram. On July 31, Secretary Daniels recorded in his diary that "Presdt was indignant, but said what Haywood desires is to be a martyr."[57] By sending this telegram, Haywood had placed himself right on the border between free expression and what Wilson had described in his treatment of Radical Reconstruction as the desire for "mastery" that sought to dominate political discussion by force and override democracy. Indeed, in his December 1919 message to Congress, Wilson defined sedition in these terms: "The advocacy of orderly political change, however fundamental," was acceptable, according to Wilson. But "passion and malevolence tending to incite crime and insurrection under guise of political

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[56]"A Draft of a Letter to Samuel Gompers," August 31, 1917, PWW 44, 95-100, quotations 96, 95, 97.

[57]William Dudley Haywood to Woodrow Wilson, July 30, 1917, PWW 43: 325-26. Diary of Josephus Daniels, July 31, 1917, PWW 43: 336.

evolution" was not.[58] But there was a contradiction here: by using repression against those who seemed to favor force over discussion, Wilson was favoring force over discussion himself. Wilson resolved this contradiction by focusing on the effect rather than the act itself: expression that leads to revolution consists of violence, while federal repression that preserves democracy does not. But the reason that Wilson was willing to look past the violence of federal force, and the lack of violence on the part of the IWW was his fundamental opposition to revolution that would overturn the system of property. His opposition was the same whether it was revolution against slave property, as in Reconstruction, or revolution against capital, as proposed by the IWW.

A third reason was simply a straightforward calculation of how best to keep war production moving. Arizona accounted for 28 percent of U.S. copper output, and in his telegram to Wilson on July 12, Campbell noted that copper production was down 75 percent. On August 31 Daniels informed Wilson that Governor Vernon Stewart of Montana had reported that all copper mining had been halted. On September 25, Henry Lowndes Maury, a law partner of the federal district attorney in Butte, put the area's normal copper production at a fourth of the U.S. total, and its current output at zero. The lumber strike affected 75 percent of the western lumber industry, including spruce timber critical for airframes, and had reduced logging by half in September. As Wilson put it in

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[58]Woodrow Wilson, *A History of the American People,* vol. 5, *Reunion and Nationalization* (New York: Harper and Brothers, 1901), 6-9. Preston, *Aliens and Dissenters,* quoting Zechariah Chafee, Jr., *Free Speech in the United States* (Cambridge: Harvard University Press, 1941), 188. The speech quoted is "An Annual Message on the State of the Union," December 2, 1919, PWW 64: 111, which was drafted by the president's secretary, Joseph Tumulty. Cf. Joseph Patrick Tumulty to Edith Bolling Galt Wilson, [November 24, 1919], encl. "A Draft of an Annual Message," PWW 64: 81.

his war message to Congress, the war involved "the organization and mobilization of all the material resources of the country to supply the materials of war...."[59]

What could not have motivated Wilson was violence per se on the part of the IWW. Wilson was in the process of fighting the most violent war in history until that point. And the employers and the local authorities, not the IWW, were the parties guilty of violence in the copper strikes.[60] The IWW did advocate sabotage, but that had been true since its founding, and before the war Wilson had deemed that propaganda unworthy of suppression. The problem was the party that was employing violence and the motive behind it. Taking Wilson at his word, he believed that it was legitimate for a state to use violence in order to promote constitutional democracy overseas. He did not believe it was legitimate for a labor union to use violence to achieve revolution at home. By securing a conviction against the IWW, Wilson successfully created the impression that the IWW was engaged in violent acts and created a justification for the federal state to use force to avert revolution domestically. This justification superseded any questions about other motives that Wilson may have had, such as suppressing those trying to bring about changes that he did not want to see.

For other progressives, the combination of vigilante violence in the West and the Justice Department raids forced the question of whether or not to defend the IWW and how best to resolve the problem of unrest. While none condemned the actions of the

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[59]Dubofsky, *We Shall Be All,* 369, 364, 365. Joseph Patrick Tumulty to Woodrow Wilson, July 12, 1917, encl. Thomas Edward Campbell [to Woodrow Wilson], July 12, 1917 (telegram), PWW 43: 158. "From the Diary of Josephus Daniels," August 31, 1917, PWW 44: 107. Henry Lowndes Maury to Woodrow Wilson, September 25, 1917, PWW 44: 259, fn1, 263. "An Address to a Joint Session of Congress," PWW 41: 522.

[60]Dubofsky, *We Shall Be All,* 384-387.

Justice Department, they did suggest that the best solution was collective bargaining to foster the growth of loyal unions. The immense collective effort required to fight the First World War seemed to be a tremendous opportunity to expand the powers of government.[61] So significant did the editors of *The New Republic* consider this opportunity to be that they compared Wilson's gradual path to intervention to Fabian socialism.[62] In addition to a League of Nations, the journal anticipated that the war would bring international cooperation to alleviate food shortages and nationalization of the railroads.[63] But the most important reform the journal called for was federal collective bargaining. On July 7, 1917, *The New Republic* called for granting government contracts exclusively to firms with collective bargaining agreements and hailed Wilson's appearance before the AFL's annual convention as a harbinger of federal recognition of labor unions on November 24. By December, the journal had called for a federal body to implement a collective bargaining framework, the eight-hour day, and tripartite participation of labor, business, and the public in determining conditions. Such an approach was also a strategy to combat IWW influence, since strikes were less "sinister and troublesome" when they were led by the AFL than by an "outlaw organization like the I.W.W."[64]

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[61]Kennedy, *Over Here,* 40.

[62]"Who Willed American Participation," *The New Republic,* April 14, 1917, 309.

[63]"The World in Revolution," *The New Republic,* May 5, 1917, 4-5. "Government Ownership or Railway Reaction," *The New Republic,* July 7, 1917, 262-63.

[64]"The Government and Organized Labor," *The New Republic,* July 7, 1917, 263-65. "Recognition for Labor," *The New Republic,* November 24, 1917, 84-85. "The Winning of Labor," *The New Republic,* December 22, 1917, 199-201, quotation 200.

The New Republic evaluated the IWW and its suppression against the standard of union cooperation with the state and federal recognition of unions. The journal criticized vigilantism against the IWW and, citing strikes going back to Paterson, noted that "they are as clever in the use of phrases that provoke employers and officers of the law to violence as the picador in the use of his lance." Noting that Alexander Kerensky in Russia resisted the temptation to use violence against "the analogues of the I.W.W. in Petrograd," the journal emphasized that the IWW could only flourish where conditions were "un-American and intolerable." The journal made clear that it did not sympathize with the IWW at this point, observing that the union did not seek collective bargaining and even asserting that it did not "have anything in common with the social program for the gradual extension of collectivism and public ownership." Instead the Wobblies sought to impede the business of property owners until they were willing to give up their property to their workers. "Of all the radical philosophies theirs alone continues to support the view that the lot of the wage-worker grows more wretched day by day, and that the only escape from 'wage slavery' is through persistent guerrilla warfare, culminating eventually in revolution." In short, "The I.W.W. is not so much a labor movement as a symptom of industrial disease." The preferable way to reduce the IWW's influence, however, was not repression, but reform: "Under war conditions, the only alternative to some rational form of organization for collective bargaining and the orderly adjustment of disputes is anarchy."[65]

Despite the preference for reform, the journal reacted favorably to the Justice Department raids. "With a swift decisiveness in sharp contrast to the vacillating attitude

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[65]"Organization or Anarchy," *The New Republic,* July 21, 1917, 320-22.

of other government departments toward labor," the journal wrote in September of 1917, "the Department of Justice has swooped down upon the headquarters of the I.W.W. in all parts of the country, seized their records and imprisoned many of their leaders." The journal cautioned against the excessive use of law enforcement as opposed to reform of conditions, but said "Conspiracies to harass the government by the reckless and disloyal fomenting of strikes ought to be put down by a firm hand."[66] Because of their close alignment with the Wilson administration, it was much more difficult for the editors to assume that the federal government was wrong than it was to criticize vigilante violence.[67]

In the same issue of *The New Republic,* Herbert Croly wrote an abstruse article entitled "The Future of the State." Ostensibly a response to Pope Benedict's August peace proposal, the article contained an implicit reaction to the Justice Department raids. Croly argued that the state had to accept multiple loyalties, including to labor unions. If it failed to do so, "A democratic commonwealth which was continually fighting for life against enemies, either domestic or foreign ... could not avoid becoming a Jacobin democracy." To avoid this outcome, the state "must disarm the enmity of its rivals by giving them a clear legal right to exist...." Because of the lack of such recognition, "the rivals of the state within the state ... have been driven to a certain violence of protest."[68] The implication was that the optimal means of discouraging such "violence of protest"

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[66]"The I.W.W. Raids and Others," *The New Republic,* September 15, 1917, 175-177, quotations 175, 177.

[67]Richard Drinnon drew this important distinction between vigilante and bureaucratic repression, *Rebel in Paradise,* 224-25.

[68]Herbert Croly, "The Future of the State," *The New Republic,* September 15, 1917, 179-83, quotations, 182.

was recognition of labor unions because it would facilitate reform. Reliance instead on repression would only foster a more radical outcome—a Jacobin democracy.

As his involvement in the Wilson administration increased, Frank Walsh became less willing to act on behalf of the IWW. Walsh's primary motivation was unionization of workers, and faced with a choice of working to accomplish that goal or defending the IWW, he chose to devote his time and energy to the former. In the fall of 1916 Walsh began organizing the National Labor Defense Council to publicize unfair prosecutions of workers. In a letter in 1917, Walsh named legal cases related to strikes in areas of IWW activity such as Lawrence, Massachusetts, the Mesaba Iron Range, Colorado, and San Francisco as part of the motive for the organization. The NLDC would "give aid and publicity to all persons prosecuted or discriminated against through the courts and other avenues of the law." Walsh worked directly with the San Francisco syndicalist Anton Johannsen in carrying out the work of the organization.[69] The council assembled a report critical of the Bisbee deportations, printed 4,000 copies, and sent two each to labor and radical publications, labor organizations, and 300 newspapers.[70]

After the Justice Department raids, however, Walsh turned down requests from specific unions for legal help due to lack of funding and lack of time. In response to a request from the Italian Bakers Federation in October 1917 to investigate the arrest of Elizabeth Gurley Flynn, Carlo Tresca, and Arturo Giovanitti, Walsh responded that he

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[69] [Frank Walsh] to Fay Lewis, Washington, D.C., June 15, 1917 (carbon), box 4, folder 1-15 June 1917, Walsh Papers. Walsh was part of Mooney's legal defense team as late as 1935 during his habeas corpus hearing before the California Supreme Court. Curt Gentry, *Frame-up,* 394-95. McCartin, *Labor's Great War,* 70.

[70] William P. Harvey to Frank Walsh, [18 August 1917?]; [Frank Walsh] to William Harvey, August 20, 1917 (Carbon), box 5, folder 12-31 August 1917, Walsh Papers.

would "endeavor to do my share to prevent injustice in their cases, though I regret to say that the matter is not one which could be taken up by the National Labor Defense Council." Alex Cohen of the Amalgamated Clothing Workers of America wrote to Walsh objecting to the indictments, arguing that what was really being prosecuted was the use of the strike for better conditions. In response, Walsh said the cases "have become so numerous throughout the country and present such varied phases that it is almost impossible for one man or group of men to encompass them all."[71] There was a rather resigned tone in these letters that contrasted with Walsh's usual can-do attitude when it came to confronting wealthy individuals or state governments. In one sense Walsh was simply telling the workers the facts of the NLDC. But he may also have felt that the federal government carried a legitimacy and power that was simply too great to resist. The conflict in Walsh's views is noticeable in a letter to Daniel McCorkle in December urging him to investigate the IWW cases. He said "it is the duty of every believer in democracy to stand staunchly behind the government in the present crisis" and believed the war would be worth it in the end despite "the necessary breakdown of democratic standards in spots...." But regarding IWW, he still felt that "the very heart of their movement is fundamentally right" and that they were "bound to prevail in the end and help bring about some system that will do justice to the mighty mass of producers...."[72]

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[71] Charles Pabai to Frank Walsh, October 15, 1917; Cesare Lesinio to Frank Walsh, October 17, 1917, folder 1-18 October 1917; Alex Cohen to Frank Walsh, October 26, 1917; William Harvey to Frank Walsh, October 29, 1917; [Frank Walsh] to Louis Connotti, October 30, 1917 (carbon); [Frank Walsh] to Alex Cohen, October 30, 1917 (carbon), folder 19-31 October 1917, box 5, Walsh Papers. McCartin, *Labor's Great War,* 71-73.

[72][Frank Walsh] to Daniel S. McCorkle, December 26, 1917 (carbon), folder 19-31 December 1917, box 5, Walsh Papers.

But to express these sentiments in private was a very different matter from defending the IWW in public. In December, Walsh referred the Defense Council of the IWW to Roger Baldwin of the National Civil Liberties Bureau. The NCLB began as a part of the American Union Against Militarism but separated from it when the organization became divided over the war after the entry of the United States.[73] Walsh initially seemed open to the possibility of assisting with the defense, saying that "I have outlined a little rough plan for a conference which might be gotten together." Baldwin organized the conference for January 9 to discuss a legal defense for the IWW involving Clarence Darrow, but neither Darrow nor Walsh came to the meeting.[74] Also invited to attend was Felix Frankfurter, "not as one of those who are to formulate a plan of proceeding," but as a "representative of the Administration, officially present to hear what is said." It is not clear if he attended. Baldwin also invited George Creel, who replied, "Please omit my name from any lists that you send out, and be at particular pains not to give the impression that I am a part of your organization, or connected with it in any way."[75] These efforts nonetheless came to the attention of the Military Intelligence Section, the internal surveillance branch of the Army established in May 1917. On January 17, the head of Military Intelligence, Ralph Van Deman, sent Frankfurter a report

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[73]Preston, *Aliens and Dissenters,* 143. Rabban, *Free Speech in Its Forgotten Years,* 306-307. "Suggestions for Reorganizing the National Civil Liberties Bureau," 1920, reel 16, folder 120: 32, *American Civil Liberties Union Archives: The Roger Baldwin Years, 1917-1950* (Wilmington: Scholarly Resources, 1996), (microfilm), (hereinafter ACLU Papers).

[74]Frank Walsh to Roger Baldwin, December 26, 1917, reel 4, folder 27: 84; Roger Baldwin to "Dear Sir," reel 4, folder 27: 85; Roger Baldwin to Frank Walsh, [January 10, 1918], reel 4, folder 27: 91; Clarence Darrow to Roger Baldwin, January 7, 1918, reel 4, folder 27: 88, ACLU Papers.

[75][Invitation list], reel 4, folder 27: 86-87; Roger Baldwin to Felix Frankfurter, January 5, 1918, reel 4, folder 27: 87; Felix Frankfurter to Roger Baldwin, January 7, 1918 (telegram), reel 4, folder 27: 88; George Creel to Roger Baldwin, January 7, 1918, reel 4, folder 27: 93, ACLU Papers.

that Walsh, Darrow "and other notorious attorneys" were planning to get an interview with the president through Creel to protest the prosecution of the IWW.[76] As Walsh became increasingly involved in federal collective bargaining, he became less willing to take the risk of being associated with radical views.

In 1918, Walsh pulled away from the IWW defense, limiting himself to Vincent St. John, with whom he had a personal connection and who was no longer an IWW member. In January, he turned down a request from George Vanderveer, who was representing the IWW in the Chicago trial, to join in the general legal defense because he did not have time given his work in settling a strike in the stockyards. Citing the time constraints of his work with the National War Labor Board, in September 1918 he initially turned down St. John, even though he was "satisfied from what you say ... that you could not have had anything to do with the IWW activities for the past few years." By October 1918, however, Walsh changed his mind. As he wrote to Elizabeth Gurley Flynn, "It may be that there are other men who are entitled to assistance just as much as St. John, but it is sort of a personal feeling I have about St. John, knowing that he was out West working so hard in the mine and could not be justly charged with any I.W.W. activities, regardless of what they may have been."[77] Given that he continued to support

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[76]R. H. Van Deman to Felix Frankfurter, January 17, 1918, reel 2, frame 477, *U.S. Military Intelligence Reports: Surveillance of Radicals in the United States, 1917-1941* (Frederick: University Publications of America, 1984), copy in Tamiment Library, New York University, New York, NY, quoted in Talbert, *Negative Intelligence,* 69. Initially the Military Intelligence Section was part of the War College. In February 1918 it was upgraded to the Military Intelligence Branch of the Executive Division of the general staff. Talbert, *Negative Intelligence,* 9, 22.

[77] George F. Vanderveer to Frank Walsh, December 31, 1917, folder 19-31 December 1917, box 5; [Frank Walsh] to Amos Pinchot, January 30, 1918 (carbon), folder 14-30 January 1918, box 5, Walsh Papers. Dubofsky, *We Shall Be All,* 143. Vincent St. John to Frank Walsh, August 2, 1918, folder 25-31 August 1918, box 6; [Frank Walsh] to Vincent St. John, September 9, 1918 (carbon), folder 9-15 September 1918, box 6; [Frank Walsh] to Elizabeth Gurley Flynn, October 22, 1918 (carbon) folder 21-25

Mooney and chose to help St. John, the constraint for Walsh appears not to have been time, but whether or not the accused person was in fact involved with the IWW.

By June of 1918, Walsh had come to believe that it was a Sisyphean task to get the law implemented fairly. As he wrote to Ban Salmon, a conscientious objector who was imprisoned for failing to register, "in the recent past my heart has been wrung over and over again by the efforts of brave, if misguided, friends seeking to hold back an advancing if uncheckable avalanche. The truth seems to be that in a world at war, the dissenting individual, no matter how earnest, logical and brave, will be swept away with the tide."[78]

Collective Bargaining and the Psychological Approach to Syndicalism

The comparison of radicalism to disease that *The New Republic* made in July was not entirely new. After the assassination of President McKinley, Woodrow Wilson had called for expunging anarchism in a spirit of "kindly science, sending the knife where it will cut away that which is diseased, and not sending the knife where it will imperil the vital organs themselves."[79] But during the war this view was placed upon a new scientific basis due to ground-breaking work by Carleton Parker attempting to develop a psychological explanation for labor conflict. After leaving the California Commission on Immigration and Housing in October of 1914, Parker returned to Berkeley in 1915 where he taught a graduate and senior seminar on "Labor Problems." The reading consisted

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October 1918, box 6; [Frank Walsh] to George Vanderveer, Washington, DC, October 22, 1918 (carbon), folder 21-25 October 1918, box 6, Walsh Papers.

[78]Ben J. Salmon to Frank Walsh, June 15, 1918; [Frank Walsh] to Ben J. Salmon, June 16, 1918, folder 13-24 June 1918, box 5, Walsh Papers.

[79]Woodrow Wilson, "Remarks on the Assassination of President McKinley," PWW 12: 186.

largely of works in social psychology and behavioral biology, such as William Thorndike's *Educational Psychology* and George Parker Howard's *Biology and Social Problems,* and books in political economy that emphasized psychology, such as Lippmann's *Preface to Politics.* Frustrated with orthodox economics, Parker left Berkeley in 1916 to research a new book, meeting Lippmann, Croly, and Frankfurter during a trip to the East. In January Parker completed "Understanding Labor Unrest," which he read to Lippmann on January 7.[80]

Parker synthesized many sources, but he relied in particular on the concept of "unlearned tendencies" in Thorndike's *Educational Psychology,* for which he also cited John Dewey.[81] Parker began the essay saying that he wanted to form a general understanding of the passions that erupted in the 1913 Wheatland strike, in which two IWW members were convicted of incitement to riot. In this essay he individualized the general psychological situation that he said had preceded that riot. "Man," he said, was a "mosaic of original, uneradicable, and unlearned tendencies to action...."[82] These tendencies, while repressed, were permanent and still present, "far less warped or modified by the environment than we believe…." During times of extreme stress, they

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[80]Cornelia Stratton Parker, *An American Idyll: The Life of Carleton H. Parker* (Boston: Atlantic Monthly Press, 1919), 93, 98-111. Cornelia Stratton Parker, "Introduction, 1920 Edition," *The Casual Laborer and Other Essays,* by Carleton H. Parker (New York: Harcourt, Brace and Howe, 1920; reprint, Seattle: University of Washington Press, 1972), 4. For another interpretation of the impact of Parker's reports, see Don Mitchell, *The Lie of the Land: Migrant Workers and the California Landscape* (Minneapolis: University of Minnesota Press, 1996), 36-82.

[81]Edward L. Thorndike, *Educational Psychology,* vol. 1, *The Original Nature of Man* (Syracuse: The Mason Printing Corporation, 1913; reprint, New York: Teachers College, Columbia University, 1926), 27. See also John Dewey, *Democracy and Education: An Introduction to the Philosophy of Education* (N.p.: Mamillan Company, 1916; reprint, New York: The Free Press, 1966), 114, 116-17. Parker, "Understanding Labor Unrest," *Casual Laborer,* 30.

[82]Carleton Parker, "Understanding Labor Unrest," *Casual Laborer,* 27-28, quotation 30.

can "dominate singly the entire behavior." In addition,

> if the environment through any of the conventional instruments of repression ... repress the full psychological expression in the field of these tendencies, then a psychic revolt, a slipping into abnormal mental functioning, takes place, and society accuses the revolutionist of being either wilfully inefficient, alcoholic, a syndicalist, supersensitive, an agnostic, or insane.

Syndicalism was one label for the coming to the surface of repressed, primitive sentiments. Parker was to some degree describing this characterization as mistaken, but he was "willing to admit that I am about to hang a psychological wreath about the neck of the rolling stone, the law breaker, the mentally unbalanced."[83] The process of repression began with the blunting of innate desires in children. As the relative freedom of a working-class child gave way to the repression of adulthood, "he strikes or brings on a strike, he commits violence or he stays on the job and injures machinery, or mutilates the materials; he is fit food for dynamite conspiracies. He is ready to make sabotage a part of his regular habit scheme." In short, his condition "could in all accuracy be called a definite industrial psychosis.... He is suffering from a stereotyped mental disease."[84] Syndicalist practices such as Parker described were not so much a form of political economy as a kind of temporary insanity.

Parker's ideas about the IWW might seem to be very negative, but he was in favor of reform of the conditions that led to syndicalism. During the war, Parker was a mediator for the Cantonments Adjustment Commission, a division of the Council on National Defense established by Gompers and Baker to settle disagreements between AFL craft unions and contractors in the construction of military barracks in the West.

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[83]Ibid., 33-34.

[84]Ibid., 45-49, quotation, 49.

Walter Lippmann, who was the head of this commission, suggested Parker's appointment. Because of Parker's success in finding common ground to avert strikes, J.A.B. Scherer, field representative of the Council of National Defense, brought him in to mediate the ongoing strike in the spruce timber industry. Parker's ideas achieved wider circulation with the publication in November 1917 of "The IWW" in the *Atlantic Monthly*. The manuscript was passed to the journal by Scherer, who had brought some of Parker's reports to a Council on National Defense meeting in Washington in September 1917 and cleared the publication with Lippmann.[85]

Coming after the Justice Department raids, in this article Parker addressed the issue of IWW disloyalty. He argued that the IWW's lack of patriotism was due to poverty rather than conspiratorial intent. "Cynical disloyalty and contempt of the flag must in the light of modern psychology come from the mind which is devoid of national gratitude and for whom the United States stirs no memory of satisfaction or happiness."[86] As in his previous paper, Parker argued that the syndicalism of the IWW was less of a well thought-out belief system than a "stomach philosophy" that few of the Wobblies really understood. A typical Wobbly was "as far from a scheming syndicalist, after the French model, as the imagination could conceive." The violence and sabotage of strikes involving the IWW were characteristic generally of strikes involving itinerant workers, and the IWW merely represented the poorest and most "aggressive" wing of the labor movement.[87] The headquarters of the IWW attracted workers primarily for social rather

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[85]Hyman, *Soldiers and Spruce,* 8, 41, 53-57, 89, 91.

[86]Carleton Parker, "The IWW," 105.

[87]Ibid., 108, quotations 103, 106, 111.

than political reasons. "To be short," the syndicalism of the IWW "is a natural psychic outcome of a distressing and anti-social labor condition." The IWW was "purely a symptom of a certain distressing state of affairs" and "the cure lies in the care taking of its psychic antecedents...."[88]

These ideas were reproduced in an April 27, 1918 editorial in *The New Republic*. With respect to the growth of the IWW in the West, "the New Republic," the article said, "has repeatedly emphasized the analogy between this social phenomenon and a communicable disease." The cause of "IWW propaganda" was not "the perversity of malicious individuals" but "unhealthy social conditions for which we as a democratic people are responsible."[89] So great was Parker's emphasis on conditions rather than conspiratorial intent as a cause of syndicalism, that excerpts from his *Atlantic Monthly* article were reproduced in a pamphlet produced by the National Civil Liberties Bureau in April called *The Truth about the IWW* that assembled published writings about the Wobblies in an effort to influence the outcome of the Chicago trial.[90] William Haywood himself ordered 20,000 copies of the pamphlet and asked Roger Baldwin to send copies directly to the members of the Senate Judiciary Committee to discourage the King-Walsh bill, which targeted syndicalist practices.[91] Parker wrote a brief statement for the

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[88]Ibid., 115, quotations, 107, 123, 124.

[89]"Common Sense and the I.W.W.," *The New Republic,* April 27, 1918, 375.

[90]"Outline of proposed pamphlet on the I.W.W. indictment," February 14, [1918], reel 4, folder 27: 246, ACLU Papers. *The Truth About the I.W.W.: Facts in Relation to the Trial at Chicago by Competent Industrial Investigators and Noted Economists* (New York: National Civil Liberties Bureau, 1918), *passim,* reel 5, addendum, ACLU Papers. This pamphlet also reproduced portions of the *Report of the President's Mediation Commission.*

[91]William Haywood to Roger Baldwin, May 3, 1918 (telegram), reel 4, folder 27, frame 154; Roger Baldwin to William Haywood, June 4, 1918, reel 4, folder 27, frame 125, ACLU Papers. William

pamphlet that conveyed his intentions: "No one doubts the full propriety of the government in suppressing ruthlessly any interference by the I.W.W. with war preparation. All patriots should just as vehemently protest against the suppression of the normal economic protest activities of the I.W.W." Until the "revolt-basis of the I.W.W. is removed ... the I.W.W. remains an unfortunately valuable symptom of a diseased industrialism."[92] Parker was trying to help the Wobblies, but in describing their appeal as limited to those of a totally different psychic makeup than "those of us who normally feel loyal to the nation," he also contributed to the growing divide between the IWW and progressives.[93]

As with Walsh, involvement with the federal government limited Parker's willingness to be publicly associated with efforts to defend the IWW. Parker gave Baldwin permission to use his published writing, but he asked him not to reveal this permission, his authorship of the new statement, or his connection with the War Department. As a reason for this in January he said that the "the I.W.W. are striking and rioting in the camps in which I have obtained for them all their demands," and the following month he cited the presence of a federal district attorney in Seattle who was "very aggressive in prosecution for sedition." In March, he referred cryptically to "dangerous developments" that were "exceedingly serious."[94] Baldwin said he would keep Parker's name out, but Parker died of pneumonia shortly afterward, and in the

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Haywood et al. to Woodrow Wilson, May 8, 1918, fn. 1, PWW 47: 574-75.

[92]Carleton Parker to Roger Baldwin, January 9, 1918, reel 4, folder 27, frame 288, ACLU Papers. Cf. *The Truth About the I.W.W.*, 12.

[93]Parker, "The IWW," 105.

[94]Carleton Parker to Roger Baldwin, January 17, 1918 (telegram); Carleton Parker to Roger Baldwin, February 21, 1918; Carleton Parker to Roger Baldwin, March 5, 1918 (telegram), reel 4, folder 27, 300, 303, 305, ACLU Papers.

published pamphlet was listed as a contributor and as a special agent of the War Department for addressing the IWW in the northwest forests.[95] Parker went further than other progressives in speaking out publicly in defense of the I.W.W., but he did so from the grave.

The most important path of influence for Parker's views was through Felix Frankfurter, whom Wilson appointed to head the President's Mediation Commission to investigate western labor unrest. The idea for the commission came initially from Gompers, who developed the proposal in consultation with Secretary Baker and the Council on National Defense as a way to achieve official sanction for AFL unions and to counter the growth of the IWW in the West.[96] The commission itself gave the effect of vigilante violence against the IWW on public opinion as one reason for its appointment. Secretary of Labor William B. Wilson forwarded the proposal to the president on August 31, 1917, adding his own suggestion of Frankfurter as secretary of the commission.[97] Frankfurter came to the project with ideas about the IWW already formed. On September 4, Frankfurter sent a memorandum to Secretary of War Baker, under whom he was serving as an assistant, outlining his views entitled "Plan for dealing with the so-called I.W.W. strikes and western labor troubles," with which he said Brandeis agreed.[98]

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[95]Roger Baldwin to Carleton Parker, March 6, 1918, reel 4, folder 27, 304, 305, ACLU Papers. *The Truth About the I.W.W.,* 6. Cornelia Parker, *American Idyll,* 184-89.

[96]Dubofsky, *We Shall Be All,* 415-16.

[97]William Bauchop Wilson et al. to Woodrow Wilson, November 6, 1917, PWW 44: 516. William Bauchop Wilson to Woodrow Wilson, August 31, 1917, PWW 44: 103-104.

[98]Felix Frankfurter to Newton D. Baker, September 4, 1917 (memorandum), reel 1, frames 401-403, pp. 1, 5, Baker Papers.

The basic thrust of Frankfurter's analysis was that the IWW was "very small," but that radicalism within the labor movement, particularly socialism, was growing and was at odds with the AFL leadership.[99] Moreover, the AFL was unable to organize the immigrant workers who predominated within the war industries. What the government should do was encourage loyal leadership that had credibility with radicals who were not IWW members, such as Sidney Hillman of the Amalgamated Clothing Workers. As he put it, "It is necessary to separate the constructive and responsible radicals from the I.W.W. and to endeavor to deal with them. Specifically, we must sift the I.W.W. from unorganized immigrant labor, from the radical wing of the A.F. of L. who are opposing Mr. Gompers' leadership, from labor that is organized but not associated with the A.F. of L...." To accomplish this, more information about labor conditions was necessary, but it should not be obtained through a public commission because it would have the appearance of "the Administration's recognition of the I.W.W. movement...."[100]

Frankfurter recommended that Baker send someone to the West to gauge IWW influence, find responsible leaders, and assist in forming plans for the administration. Baker sent H.W. Tornwy to Seattle in mid-September where he worked with Henry Suzzallo, president of the University of Washington and head of the state Council of Defense, and Parker, whom Suzzallo had brought to the University as an economics professor.[101] Parker's general approach to mediation was apparent in a letter to Frankfurter in October. He said that there were two primary areas of strikes: the metal

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[99]Frankfurter to Baker, September 4, 1917, p. 1, quoted in Talbert, *Negative Intelligence,* 92.

[100]Frankfurter to Baker, September 4, 1917, pp. 1, 2, 3.

[101]Ibid., 4. Hyman, *Soldiers and Spruce,* 80.

trades workers in the Seattle shipyards, and the lumber workers in the Northwest forests, which still involved the IWW. In the Northwest forests, he emphasized the lack of efficiency due to the strike and felt it was in the operators' own interest to establish the eight-hour day, which would require overcoming the resistance of the Lumbermen's Protective Association. In general he recommended that the commission hold private hearings in five cities. He also asked that Frankfurter "make some more or less official demand for my time" so that he could get released from university work.[102]

Frankfurter and Parker brokered similar arrangements in settlements among copper miners in Globe, Arizona, and longshoremen in Puget Sound, both of which excluded the IWW. In Globe, Frankfurter provided for a system of workmen's committees to hear grievances and report them to management. If they could not settle the dispute, it would be submitted to binding arbitration. The agreement also made ineligible for reemployment those strikers who "have been guilty of utterances disloyal to the United States or who may be members of any organization who refuses to recognize the obligations of contracts," to be determined by the arbitrator. Brandeis was aware of this settlement because Sam Rosenthal in the War Department forwarded him a copy on November 1, with a promise of a second settlement to follow. Frankfurter also discussed the settlement directly with Brandeis on October 20.[103] Parker stipulated similar conditions for the Puget Sound longshoremen in a December 18 proposal under the

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[102]Carleton H. Parker to Felix Frankfurter, October 5, 1917, World War (WW 1-1), 1917 General Correspondence, reel 59, Brandeis Papers. *Report of the President's Mediation Commission,* 17.

[103]Felix Frankfurter to F.A. Keppel, October 20, 1917 (telegram, copy), quotation p. 2, World War (W.W. 1-1), 1917 General Correspondence, reel 59, Brandeis Papers. Sam Rosenthal [?] to Louis Brandeis, November 1, 1917, ibid. Felix Frankfurter to Louis Brandeis, October 20, 1917, ibid. Dubofsky, *We Shall Be All,* 418.

auspices of the National Adjustment Commission, part of the Council on National Defense. In place of the rustling card system, a tripartite Board of Control would oversee hiring. These halls would not discriminate against union members, although formal recognition would not be granted to the International Longshoremen's Association. The halls could also "refuse to hire agitators for movements or organizations which are openly opposed to the government of the United States." This was a reference to the 800 out of 3,600 longshoremen who belonged to the IWW. The ILA objected to this provision, and it was removed from the final agreement.[104]

Frankfurter took the view that the followers of the IWW did not really understand syndicalism. As a standard question, on November 1 in Bisbee he asked Fred W. Brown, a volunteer organizer for the AFL, "How many were I.W.W.'s, in your judgment, by conviction because they understood and believed in the philosophy of the movement." Brown answered "A very, very small number," saying that of all those who carried the red card, no more than 25 understood the philosophy. Police court judge Frank A. Thomas answered this question by saying that many of the IWW members could not have understood syndicalism because they were Mexicans.[105] In its report on the Bisbee deportation, the commission found that the strike was nonviolent, that the deportation

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[104]"Memorandum Submitted by W. C. Dawson and A. F. Haynes on Behalf of the Employers of Waterfront Labor in the Ports of Puget Sound, Particularly Seattle and Tacoma, May 18, 1918," reel 3, frames 754-55, *The President's Mediation Commission* (Frederick: University Publications of America, 1985), copy in Tamiment Library, New York University, New York, NY. [Carleton Parker,] "Memo Relating to the Settlement of Longshoremen's Dispute at Puget Sound, 1918," reel 3, frame 744, ibid. Parker gave IWW documents seized by the Justice Department and "confidential reports" as the source for these numbers.

[105]"Sessions at Bisbee, Arizona, November 1st to 5th, 1917," *President's Mediation Commission,* frame 573, 608, 622, quotation 575.

was wholly illegal, and that the claims on the part of the perpetrators that it was undertaken to prevent violence were without merit.[106]

Several important points stand out in the final report of the commission, issued January 9 and sent to Wilson on the 28th. First, the commission emphasized the military importance of the copper and spruce timber industries. The strikes had cost 100 million pounds of copper in the summer, and the logging industry was critical for the construction of ships and airplanes. Second, conditions and not the IWW were the cause of the strikes. The copper districts suffered from "autocratic" management, weak trade unions, and large numbers of migratory workers, who provided "inflammable material for beguiling agitators to work upon." High profits contributed to a widespread belief that "all wars are capitalistic." These "underlying conditions" and a lack of "processes of orderly government in industry," not "sinister influences nor the I.W.W," caused the strikes. In the northwest forests, conditions were "unfit for men," and the antiunion posture of the operators had driven the workers to the IWW, "an organization of destructive rather than constructive radicalism."[107] Third, the commission's description of the IWW was similar to Parker's. In the copper districts, the report summed up the causes of the strikes as "unremedied and unremediable industrial disorders." In the northwest forests, the commission noted that "Membership in the I.W.W. by no means implies belief in or understanding of its philosophy. To a majority of the members it is a bond of groping fellowship." Interestingly, the commission attributed a demand for an

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[106]William Bauchop Wilson et al to Woodrow Wilson, November 6, 1917, PWW 44: 516-20.

[107]*Report of the President's Mediation Commission,* 4, 5, 6, 13, 14. William Bauchop Wilson to Woodrow Wilson, January 28, 1918, PWW 46: 127-47.

end to "autocratic" management to the copper miners, even though it was "not expressed in so many words."[108]

Thus while workers were part of an organization that professed revolutionary syndicalism and abolition of the wage system, they did not really mean it, but while they did not express a demand for collective bargaining, that is what they wanted. It was a short step from saying that workers did not really understand syndicalism and that the solution to syndicalist agitation was collective bargaining to saying that the unconscious demand of syndicalists was in fact for collective bargaining. Once this move was made, exclusion of the IWW from the agreements did not seem to constitute repression, since revolutionary beliefs were not sincerely held.

One source for this attribution of reformist objectives to syndicalists was Louis Brandeis, with whom Frankfurter discussed the key points of the report in his October 20 letter from Globe, Arizona. "You are right," Frankfurter said. "Sitting in your office in Stoneleigh Court, you could comprehensively diagnose the difficulty here.... Autocracy and anarchy sums it up...." The problem was that labor relations took only two forms: either business owners dictated conditions, or there was full-blown conflict. What was lacking was some means of negotiating a solution. "The basic trouble is lack of government in the industry...." Yet, contrary to the final report, Frankfurter said that conditions and wages were good, and the workers' demands were heeded. "The bottom

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[108] *Report of the President's Mediation Commission*, 6, 13-14. Cf. "Ninety per cent of those in the camps are described by one of the wisest students of the problem, not too inaccurately, as 'womanless, voteless, and jobless.'" Ibid., 13. Robert W. Bruere wrote, "Parker directed attention to the fact that ... ninety per cent of the migratory workers ... are *womanless, jobless, voteless men*...." Emphasis in original. "Carleton Hubbell Parker," *The New Republic,* May 18, 1918, 83. Parker wrote, "Very few of these migratory workers have lived long enough in any one place to establish legal residence and vote, and they are also womanless." Parker, "The IWW," 113. He also discussed high unemployment, ibid., 119-21. Harold Hyman has also suggested that the final report reflected Parker's views. Hyman, *Soldiers and Spruce,* 162, fn 20.

complaint is as to their position as wage-earners. It's not as at all a matter of dollars and sense [sic], but a fight for the status of free manhood. In a word the issue is not material but really spiritual." Frankfurter understood exactly what was at issue, but he and Brandeis believed the solution to discontent with wage labor lay not in the abolition of wage labor, as the workers said, but in collective bargaining. Frankfurter continued, "If the main industrial foundations were sound, there would be very poor factories for the IW.W."[109]

Frankfurter was determined to believe that the problem could be resolved through improvement of conditions. He did not want to accept that the members of the IWW simply had a different view of political economy from his own. Syndicalism could not be accepted as the real beliefs of these workers. Instead, they must have really wanted collective bargaining, which was the solution that he and Brandeis were trying to erect. At root of this interpretation of the situation was the unwillingness to accept that syndicalism was a legitimate political ideology that was different from progressivism. Yet it was in this process of denying difference that Frankfurter and Brandeis were creating the very institutions that came to be known as the progressive labor apparatus.

To reduce unrest, the commission recommended the implementation of a collective bargaining framework. In the copper districts, it described the settlements as incorporating arbitration, non-discrimination against union members, and the rehiring of strikers—except for those "few in number—who were guilty of seditious utterances ... or who were members of any organization whose principles were opposed to belief in the obligation of contract." In the timber districts, no settlement was reached, but the

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[109]Felix Frankfurter to Louis Brandeis, October 20, 1917, World War (WW 1-1) 1917 General Correspondence, reel 59, Brandeis Papers.

commission recommended the eight-hour day and some means of collective bargaining. Overall, the commission called for "continuous administrative machinery by which grievances inevitable in industry may be easily and quickly disposed of" without resort to the use of force. Upon release of the report, *The New Republic* pointed out that the findings contradicted the claims of conspiracy underlying the vigilante violence against the IWW as well as the Justice Department raids and endorsed the efforts of the commission to use collective bargaining to remove the causes of unrest. Noting that this "many-minded attitude of the government toward labor" might itself be a cause of unrest, the journal called for a "unified national labor policy."[110] Radical agitation was providing a motive for an expansion of progressive state capacities, in this case the implementation of a federal framework for collective bargaining.[111]

While Frankfurter was working publicly for such a framework, Brandeis was working privately. On January 9 he wrote to Colonel House from the bench, "You have asked my opinion on the work of the War Department and the War Industry Board and Committees. I consider the situation very serious—imperiling success abroad and also the ascendancy of the Democratic Party upon which we must rely for the attainment of our ideals at home." He said that the labor problem regarding munitions could not be handled by the munitions administration, and suggested that a separate labor administration be set up to "deal with labor problems for all departments of the Government," headed by a single director with full power, advised by a committee

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[110]*Report of the President's Mediation Commission,* 14-15, quotations 8, 18. "Conflicting Labor Policy," *The New Republic,* February 16, 1918, 73-74, quotation 74.

[111]The terminology is from Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (Cambridge: Cambridge University Press, 1982), 209.

representing each department.[112] Because of his success in representing the Stockyards Labor Council in arbitration hearings in December under the auspices of the President's Mediation Commission, Frank Walsh was appointed as co-chair of the War Labor Conference Board, which was formed in January and renamed the National War Labor Board in April. Like the Commission on Industrial Relations, the board included representatives from business, labor, and the public. Frankfurter was appointed to the head of the War Labor Policies Board, although this agency did not have the same power to investigate and settle labor disputes as the Walsh agency.[113] By contrast with its criticism over the divided approach of the government in February, *The New Republic* greeted Frankfurter and Walsh's appointments as a "Unified Industrial Strategy."[114] Whether Brandeis accomplished his specific aims for labor policy or not, the wartime labor agencies embodied an expansion of state power, and one impetus for this expansion was the effort to defuse the conditions that led to unions like the IWW.

Mediation failed in the Northwest forests, and there Colonel Brice P. Disque of the Army Signal Corps and Parker established instead what was known as the Loyal Legion of Loggers and Lumbermen under the auspices of the Army on October 25, 1917. By January 1, 1918, the 4L comprised 20,000 workers, and 115,000 by August 1. Each local of the 4L was headed by a non-commissioned officer of a separate Army unit called the Spruce Production Division, which had 30,000 troops by mid-1918, two-thirds of

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[112]Louis Dembitz Brandeis to Colonel House, January 1, 1918, LDB Correspondence 1878-1923, container 26, folder 404, reel 15, Frankfurter Papers. Also quoted partially in Murphy, *Brandeis/Frankfurter Connection,* 52.

[113]McCartin, *Labor's Great War,* 82-90. McCartin suggests that Brandeis was "outflanked" by Gompers and William B. Wilson in the final form of the National War Labor Board, 86. Dubofsky, *State and Labor in Modern America,* 73. Murphy, *Brandeis/Frankfurter Connection,* 52-53.

[114]"Unified Industrial Stategy," *The New Republic,* May 18, 1918, 70.

whom worked as woodcutters under military conditions.[115] These troops were available to suppress strikes if necessary, and the officers who served as secretaries had the responsibility to forward the names of disloyal loggers to the Military Intelligence Section. The 4L also made use of Military Intelligence agents and members of the American Protective League, a volunteer offshoot of the Justice Department. The 4L was highly successful in increasing spruce production, from 200,000 feet in August 1917, to 22 million feet in November 1918, enough to supply all the Allies.[116]

Induction into the 4L consisted of taking a loyalty oath under the supervision of an SPD officer, which required the members to abjure strikes ("faithfully perform my duty toward this company by directing my best efforts, in every way possible, to the production of logs and lumber") and to confront disloyalty ("I will stamp out any sedition or acts of hostility against the United States Government which may come within my knowledge").[117] An important boost to the 4L's recruitment efforts, including among IWW members, came with the establishment of the 8-hour day in March 1918. Parker had consistently urged this course, but a decisive moment came in January when Frankfurter agreed to find funding for the 4L in the War Department in return for a promise from Disque to get an 8-hour agreement from the operators. This agreement appears to have been necessary to placate Frankfurter because in December he wrote

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[115]Hyman, *Soldiers and Spruce,* 119, 236, 296. Parker and Disque presented the basic blueprint for the proposal to Suzzallo, Scherer, and Tornwy at the University of Washington on October 18. Ibid., 112-118.

[116]Hyman, *Soldiers and Spruce,* 229-35, 176, 253. Talbert, *Negative Intelligence*, 9, 106-107. Dawley, *Struggles for Justice,* 186. Robert L. Tyler, "The United States Government as Union Organizer: The Loyal Legion of Loggers and Lumbermen, *The Mississippi Valley Historical Review* 47 (December 1960), 446.

[117]Tyler, "United States Government as Union Organizer," 442, quoting Cloice R. Howd, *Industrial Relations in the West Coast Lumber Industry,* Bureau of Labor Statistics, Bulletin No. 349 (Washington: N.p.: 1924), 78.

Brandeis from Seattle saying that the failure of the Mediation Commission in the forests was due to maneuvering by Baker, Gompers and Assistant Secretary of Labor Louis F. Post for the 4L without his knowledge "while the eight-hour issue was still unsettled." Although the 4L is usually thought of as repressive, and the NWLB as a historic progressive achievement, Wilson's message in authorizing the NWLB suggests a basic continuity in the purposes of the Cantonments Adjustments Commission, the 4L, and the NWLB: "To settle by mediation and conciliation controversies arising between employers and workers in fields of production necessary for the effective conduct of the war...."[118] Indeed, *The New Republic* described the 4L as a collective bargaining agreement, stressing the eight-hour day, cleaner conditions, and higher wages. The journal took a benign view of the coercion implicit in the arrangement, saying that Disque "like the President's Commission, was not prepared to negotiate with the I.W.W., but he did have to deal with the men who belonged to that organization. So he hit upon the ingenious device of changing their name!"[119]

The problem presented by the IWW strikes in the West was a familiar one. How were progressives to understand radicals who refused to agree not to strike despite the implementation of collective bargaining? This problem initially presented itself in the breakdown of the Protocol of Peace in 1913, but now the setting was different. While Brandeis's reaction to striking radicals was negative in that case, in a war setting continuous production was simply too important to acquiesce in the undermining of

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[118]Hyman, *Soldiers and Spruce,* 223, 305, 162, 200, 202, 209. Felix Frankfurter to Louis Brandeis, December 1917, World War (WW 1-1), 1917 General Correspondence, reel 59, Brandeis Papers. Phillips, *Felix Frankfurter Reminiscences,* 173. Woodrow Wilson, "A Proclamation," April 8, 1918, 283.

[119]"Colonel Disque and the I.W.W.," *The New Republic,* April 6, 1918, 284-285, quotation 284.

structures of reform. Thus Frankfurter developed arrangements that not only had positive incentives not to strike but also that excluded those who belonged to revolutionary organizations. Using the theories of Carleton Parker, the Mediation Commission and other institutions could interpret the refusal to accept collective bargaining as a kind of irrational behavior rather than a legitimate form of politics, and therefore exclude intransigent workers without conceding that they were repressing certain views. These reformist efforts of the administration were also ways to reduce the influence of the IWW, and formed a new synthesis with repression.

The Russian Revolution

One factor contributing to the apparent hardening of attitudes toward the IWW between the fall of 1917 and the spring of 1918 was the November Russian Revolution. In July of 1917 *The New Republic* said that the IWW was a symptom of industrial disease, but in April of 1918 the journal suggested that the IWW itself was analogous to a communicable disease. In July of 1917 *The New Republic* ridiculed suggestions in the press that the IWW was financed with German money. By September it was willing to wait and see the outcome of the trials. And by the time of the conviction of the IWW in August of 1918 it was saying that the public would no longer tolerate violent opposition to the "constituted social order" and warned, "Let revolutionary agitators take notice."[120]

The language of this latter editorial made clear that *The New Republic* shared a fundamental change in perception with the public that revolutionary strikes were illegal:

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[120]"Organization or Anarchy," *The New Republic,* July 21, 1917, 322. "Common Sense and the I.W.W.," *The New Republic,* April 27, 1918, 375. "The I.W.W. Raids and Others," September 15, 1917, 176. "Editorial Notes," *The New Republic,* August 24, 1918, 89.

"Although the I.W.W.'s have had not only one but a good many days in court, their counsel was unable to convince the jury of their right to carry on a class conflict during war at the expense of American national success." Public opinion had "undergone a radical change" since the intervention, and it would not tolerate "opposition to the government which arises from enmity to the constituted social order ... and which advocates the use of violence to overthrow that order."[121] There was an implied connection here between the IWW and opposition to American success in the war, which was given credence by the Russian withdrawal from the war and later by the administration's assertion of direct links between the Bolsheviks and Germany. Indeed, by October Woodrow Wilson told Sir William Wiseman, "The spirit of the Bolsheviki is lurking everywhere, and there is no more fertile soil than war-weariness. There is grave unrest all over the world. There are symptoms of it in this country—symptoms that are apparent though not yet dangerous."[122]

Another index of this change were the amendments to the March 1917 Espionage Act that made up the May 1918 Sedition Act. While the Espionage Act chiefly concerned revealing information about or impeding the armed forces, the Sedition Act specified penalties for anyone who "shall willfully by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of the production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged...." Statements by Senator Lee Overman of North Carolina and Lee King of Utah make clear

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[121]"Editorial Notes," *The New Republic,* August 24, 1918, 88.

[122]"A Memorandum by Sir William Wiseman," PWW 51: 347.

that the IWW was understood to be a target of this legislation.[123] In criticizing this measure, Hiram Johnson emphasized that he favored the suppression of disloyalty, but he said that the Sedition Act was overbroad: "...in my desire as well to see that every individual who in any degree retards the progress or prosecution of this war shall be punished, and punished to the fullest limit and extent, nevertheless fundamentally I never could and never would vote for a measure such as is proposed here to-day." He was concerned not that the legislation would permit the suppression of radicalism, but that it would be used to suppress legitimate criticism of the government.[124]

Indeed, although they tried to distinguish themselves from radicals, progressives were not immune to the mechanisms of repression. In October, Ralph Van Deman, head of the Military Intelligence Section, sent a memorandum to Secretary Baker on Florence Kelley's son John. During a government search in September, John had been heard praising the IWW strikes as a way to impede the war and boasting about the necessity of his mother's cooperation for the production of uniforms.[125] It was in this atmosphere that Jane Addams turned down a request from Roger Baldwin to sign an appeal from the National Civil Liberties Bureau for funds to defend the IWW, telling him "I am obliged

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[123]*Espionage Act, Statutes at Large* 40, title 1, 217-19 (1917). [Amendments to the Espionage Act], *Statutes at Large* 40, sec. 3, 553 (1918). Congress, Senate, Senator Overman of North Carolina speaking for a Conference Committee report on a bill to amend Sec. 3, Title I of Espionage Act of June 15, 1917, H.R. 8753 (Sedition Act), 65th Cong., 2d sess., *Congressional Record* 56, pt. 6 (May 4, 1918): 6050-51; Senator King of Utah, *Congressional Record* 56, pt. 6 (May 4, 1918): 6045.

[124]Quotation, Congress, Senate, Senator Johnson of California speaking on Sedition Act, 65th Cong., 2d sess., *Congressional Record* 56, pt. 5 (April 4, 1918): 4566. Hiram Johnson Speaking on Conference Committee report on Sedition Act, ibid., pt. 6 (May 4, 1918): 6037.

[125]R. Van Deman, "Confidential memorandum for the Secretary of War," October 6, 1917, reel 2, frame 111, Baker Papers. Cited in Talbert, *Negative Intelligence,* 70.

to walk very softly in regard to all things suspect."[126] Florence Kelley, on the other hand, did sign a statement by Baldwin, published by the National Civil Liberties Bureau in November 1918, protesting his own imprisonment for resisting the draft. In this statement, he said that he shared the views of "the world-wide radical movements" such as "socialism, the I.W.W.[,] European syndicalism, and anarchism." But the signers distanced themselves from these sentiments, saying that they were "not actuated by a desire to spread Mr. Baldwin's entire philosophy" and that "some of them disagree heartily with certain of his opinions."[127] This nascent distinction between defending the rights of radicals and endorsing their views would become more pronounced after the war, when other progressives became willing to step forward.

The change in the position of *The New Republic* on the Russian Revolution can be dated fairly precisely to the beginning of the Bolsheviks' negotiations for peace with Germany. As late as November 17, the journal was willing to call the Russian revolution "the greatest net gain which the war has bestowed upon western civilization." This was true "whatever the outcome of the existing struggle between the extreme and the moderate parties...." The editors believed that neither party would reach a separate peace with the German monarchy, the only risk of such an outcome being the success of reactionary forces. In short, "In word, thought and deed, Americans should be loyal to the Russian revolution." By December 8, however, the Bolshevik regime was described as that "which calls itself the government of Russia," and the negotiation of a separate

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[126]Preston, *Aliens and Dissenters,* quoting Addams to Baldwin, June 11, 1918, 143-44.

[127]American Civil Liberties Union, *The Individual and the State: The Problem as Presented by the Sentencing of Roger N. Baldwin* (November 1918; Glen Rock, NJ: Microfilming Corp. of America, 1976), 8-9, 3.

peace, because it would allow Germany to divert resources to the Western front, "converts Russia into the military accomplice of Germany."[128]

Wilson used a combination of force and diplomacy in an effort to thwart the second phase of the Russian Revolution. On July 6, 1918, Wilson authorized a joint U.S.-Japanese force of 14,000 troops ostensibly to protect a large force of liberated Czech prisoners of war from Austro-German forces. Although Wilson insisted this policy was not designed to influence Russia's form of government, he refused an earlier invitation from Trotsky to permit a landing of Japanese forces in exchange for quasi-diplomatic recognition and assistance in building the Red Army.[129] In June, *The New Republic* spoke positively of intervention to ameliorate "disorder, epidemics, and starvation." "If we can aid Russia, it is our right as well as our duty," even if the Bolshevik government objected. "But who are the Bolsheviki, after all...? Is not their hold upon the Russian people so feeble that a show of vigorous action on the part of the Allied governments would dislodge them?" The journal concluded, however, that intervention should not be undertaken without the consent of the Bolsheviks because it might fail due to resistance, and if it succeeded it would put the Allies in the position of conquerers. In October, when asked why he would not simply coordinate intervention in Russia with the other allied governments Wilson described his policy to Sir William Wiseman as "very similar to my Mexican policy." Because he considered the Russians "a lot of impossible folk, fighting among themselves," he would "shut them all up in a room and lock the door and tell them that when they have settled matters among themselves you will unlock the door

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[128]"Editorial Notes," *The New Republic,* November 17, 1917, 57. *The New Republic,* December 8, 1917, 134.

[129]Gardner, *Safe for Democracy,* 178-79, 181, 183, 186-87.

and do business." *The New Republic* also recognized that the Russian intervention was an effort to shape the internal composition of the state analagous to the Mexican intervention, but it was pessimistic about its prospects.[130]

The second part of Wilson's response was diplomatic. Because of his assistance in formulating Wilson's reply to the Pope, Lippmann was chosen by Colonel House in October to participate in the Inquiry, a secret council funded by the president to draw up plans for postwar Europe. New pressure to complete this project came about when the Bolsheviks published the secret treaties struck between the Allies, among them an agreement granting Britain Germany's African colonies. The Bolsheviks also began to use Wilson's principles as an argument against continuing the war. On November 8, the Bolshevik government issued a peace decree, calling on the workers of belligerent countries to stop the war. On December 29, Trotsky asserted that the allies would not accept the Soviet peace proposal on the basis of self-determination because they were not willing to grant self-determination to their own colonies. In this context, on December 22, Lippmann delivered a lengthy memo to House containing disposition of specific territorial claims in Europe. On January 5, Wilson and House developed a group of general points to precede a distillation of these recommendations, forming the 14 Points, which Wilson delivered to Congress on January 8. The introduction of the speech made explicit that it was a response to the peace negotiations at Brest-Litovsk. "There is no good reason why that challenge should not be responded to, and responded to with the utmost candor." World War I was a battle of ideas just as much as arms. As Lloyd

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[130]"Intervention in Russia," *The New Republic,* June 1, 1918, 130-31. "Editorial Notes," *The New Republic,* August 10, 1918, 30-31. "A Memorandum by Sir William Wiseman," PWW 51: 350, quoted in Gardner, *Safe for Democracy,* 197.

Gardner has observed, this speech was an effort to recapture the meaning of the war from Lenin and Trotsky.[131]

The third part of Wilson's response was propaganda, which bore a porous relationship with diplomacy. George Creel later claimed personal credit for Wilson's January 8 speech, saying it resulted from a direct appeal to Wilson after he forwarded a cable from Edgar Sisson, who worked for the CPI in Russia, requesting a statement of "anti-imperialistic war aims and democratic peace requisites of America thousand words or less, almost placard paragraphs," so that he could "get it fed into Germany in great quantities in German translation and can utilize Russian version potently in army and elsewhere." Creel had drafted such a succinct statement of Wilsonian principles before. In an omitted portion of his draft letter to the AALL convention of August 31, 1917, Creel drew up a similar list of 11 points, including freedom of the seas, national self-determination, no annexations, no indemnities, and a league of nations, specifically as a "re-statement" of American war aims to help the AFL deal with "enemy propaganda" when combating disloyalty among domestic groups. Creel also carried out a massive distribution of the 14 Points speech in Russia. To counter Soviet posters and propaganda, Sisson managed to have the speech published in full in *Isvestia,* the Soviet official newspaper, reproduced on posters in Petrograd, and circulated in the streets in a distribution of 300,000 pamphlets in Petrograd and in a separate printing for Moscow. Describing a smaller distribution of a December message from Wilson, Sisson said the

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[131]Steel, *Walter Lippmann and the American Century,* 126-27, 131-34. Gardner, *Safe for Democracy,* 160-1, quotation 148. Sindey Edward Mezes, David Hunter Miller, and Walter Lippmann, "The Present Situation: The War Aims and Peace Terms It Suggests," [December 22, 1917], PWW 45: 459-75. "The First Versions of the Fourteen Points," [January 5, 1918], PWW 45: 476-85. "From the Diary of Colonel House," January 9, 1918, 550-59. "An Address to a Joint Session of Congress," January 8, 1918, PWW 45: 535.

pamphlets were given out "in the street-cars, in the theaters, hotels, stores, and to the street crowds." Sisson also had one million copies printed in German, of which half were sent across German lines, and the other half distributed to German prisoners. Altogether, the Russian division of the CPI distributed over 4 million copies of the speech in Russian, German, and Hungarian.[132]

Creel also distributed conventional propaganda in Russia. On June 20, 1917, in response to more expansive recommendations from a commission headed by Elihu Root, Creel called for $500,000 for a news service, $300,000 for film, and $810,000 for a solders' newspaper. According to Malcolm Davis, who was working in Siberia for the committee, "It had been decided not to attack Bolshevism or discuss political questions in Russia directly, and to get across as much information as possible about the principles of democratic government."[133] In October, Creel dropped a bomb by publishing a cache of forged documents alleging that Lenin and Trotsky were paid agents of the German Reich. At the time, the authenticity of these documents was doubtful at best. After the decision to publish the documents had been reached, in September, House warned Wilson about their authenticity and told him that publishing them "meant a virtual declaration of war on the Bolsheviki Government." Wilson responded that he believed they were authentic

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[132]George Creel, CPI, note, n.d., container 1, Creel Papers. Creel was probably exaggerating his influence. In the third scrapbook Creel wrote an inscription to his son dated March 21, 1931, describing his correspondence with Wilson contained therein as an indication of his influence. George Creel to Son, March 21, 1931, container 3, Creel Papers. "A Draft Letter to Samuel Gompers," PWW 44: 98, August 31, 1917. It is also possible he changed the date of the letter to Gompers from 1918 to 1917 because it is preceded by a letter from Wilson dated August 24, 1918, referring to alterations to an enclosed document. The date on the letter itself is in a typescript apparently added later. Woodrow Wilson to George Creel, August 24, 1918; "Written by George Creel for the President, and corrected by him August 31, 1917," Woodrow Wilson to Samuel Gompers, container 1, Creel Papers. Link, however, dates the letter in 1917. Also it is unclear why Creel would state the 14 Points in more rudimentary form after the fact. Edgar Sisson, quoted in Creel, *How We Advertised America,* 376-77, 379, quotation 377.

[133]Malcolm Davis, quoted in Creel, *How We Advertised America,* 384-85, quotation 385. George Creel to President [Wilson], June 20, 1917, container 1, Creel Papers.

and that he "admitted" the impact with respect to Russia. Creel, who had insisted on autonomy from the State Department, had published the documents without State Department approval on direct authority from Wilson.[134]

Wilson made a partial effort to give Russia economic aid to avert starvation and win the population away from the Bolsheviks. This was the policy favored by Brandeis and preferred by *The New Republic*. Initially Secretary Lansing suggested that a relief commission patterned after the Belgian Relief Commission should be sent to Northern Russia, at the same time as an army was sent to assist the Czech Legion, but Wilson decided that this would be contradictory.[135] By this time *The New Republic* took a position on the Bolshevik regime similar to its position on the IWW. The Bolsheviks were the result of the failure of democratic nations to improve conditions within Russia: "The Bolshevik terror is at bottom an ugly eruption on the body of the Russian nation. It is the result of impurities which for generations have been infecting its blood and tissues.... Bolshevism ... may have to be exterminated by force. But the surgical operation will not do away with the infection." Only economic aid could restore the long-term health of the Russian nation. On October 10, the State Department did authorize $5 million in aid, although Lansing denied the Red Cross permission to give aid directly to the Bolshevik government because it would send the signal to Russians

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[134]Gardner, *Safe for Democracy,* 176, 192-96, 196, quoting "From the Diary of Colonel House," PWW 51, 104-105. United States, Committee on Public Information, *The German-Bolshevik Conspiracy,* by Edgar Sisson, War Information Series, no. 20. (Washington, 1918)' "Introduction," 1. George F. Kennan, "The Sisson Documents," *The Journal of Modern History* 28 (June 1956), 130-54. George Creel to President [Wilson], June 20, 1917, container 1, Creel Papers.

[135]Garner, *Safe for Democracy,* 182. George F. Kennan, *Soviet-American Relations, 1917-1920,* vol. 2, *The Decision to Intervene* (New York: Atheneum, 1967), 385-87.

opposed to the regime that the U.S. did not intend to take military action against it.[136]

Louis Brandeis requested information about Russia from various people with firsthand experience, two of whom he found through Herbert Croly and another through Ben Rosenblatt, a New York lawyer who had worked in the mayoral campaign against Hillquit. Two of them, Jonas Lied and William Rosenblatt, were businessmen who had been working in Russia, and the third, Michael Farbman, was a Russian journalist. Lied was founder and manager of a shipping and manufacturing business worth 74 million rubles that was expropriated by the Bolsheviks. Lied and Farbman both called for economic aid in order to turn the population against the Bolsheviks, with Farbman specifically calling for a relief commission modeled after the Belgian effort. Rosenblatt was more inclined toward combined military and economic intervention, and was also more stridently anticommunist. In the initial letter Ben Rosenblatt forwarded to Brandeis, William Rosenblatt specifically denounced "the philosophy of equal wealth and equal position—*not of equal opportunity,*" warned that the Bolsheviks "offer to the common solders and workingmen the management of factories and Government Departments," and even compared the Bolsheviks to the IWW. But from him Brandeis was looking only for specific information about the state of the transportation system.[137]

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[136]"The Rescue of Russia," *The New Republic,* October 12, 1918, 302. Gardner, *Safe for Democracy,* 197.

[137]Ben Rosenblatt to Louis D. Brandeis, April 5, 1918, encl. Will [Rosenblatt] to Ben [Rosenblatt], February 16, 1918, 6, quotations, 3; William Rosenblatt to Louis Brandeis, June 30, 1918; William Rosenblatt to Louis Brandeis, June 30, 1918; William Rosenblatt to Louis Brandeis, July 3, 1918; E. C. Pratt to Louis Brandeis, July 16, 1918; Jonas Lied to [Louis Brandeis?], July 17, 1918, 2; Herbert Croly to Louis Brandeis, July 23, 1918; Eugene Meyer, Jr., to Louis Brandeis, August 6, 1918, encl. Vladimir Simkhovitch to Eugene Mayer, Jr., August 1, 1918; Herbert Croly to Louis Brandeis, September 21, 1918; Herbert Croly to Louis Brandeis, September 21, 1918; Michael Farbman to Louis Brandeis, September 28, 1918; Herbert Croly to Louis Brandeis, encl. [Michael Farbman] to [Robert Lansing], September 26, 1918; Michael Farbman to Louis Brandeis, October 11, 1918, World War (WW 2-1), Correspondence About

Brandeis's synthesis of this information was that past relief efforts were too limited and were hurting America's reputation among those Russians who were trying to foster "stabilization and recovery." On November 18, he advised Hoover's secretary, Louis Strauss, that an economic mission was needed to repair the transportation and production systems. But the Bolshevik government should be "dealt with in the utmost caution until its intentions are clear...." This had to be done quickly so as not to "allow the focus of the disorganization to fester and spread." Whether the intervention was military or economic, the purpose, beyond humanitarian aid, was clearly to prevent the rooting and spread of communism.[138]

Outside the compass of these four responses, Jane Addams took a positive view of the withdrawal of Russia from the war and continued to offer cautious support for the Bolsheviks. In *The New Republic* in September 1917, she argued that the Russian soldiers should be supported in their refusal to fight, describing it as one expression of the democratic principles called for by the Allies. Addams remained consistent in this position after the November revolution and the Treaty of Brest-Litovsk. In an unpublished manuscript, Addams wrote that the Bolshevik government "merely recognized the fact that the Russian soldiers had ceased to fight," which any other government, including Kerensky's, would have had to recognize eventually. Also, no government could have been "upheld by the Russian people unless it had declared for peace and for free land...." In these respects, the Bolsheviks, even if a minority, were

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Russia, reel 59, Brandeis Papers.

[138]Louis Strauss, memorandum, November 1918, World War (W.W. 2-1) 1917-1918, Correspondence about Russia, reel 59, Brandeis Papers. Also quoted in Murphy, *Brandeis/Frankfurter Connection,* 51. Gardner, *Safe for Democracy,* 192-93. George F. Kennan, *Memoirs 1925-1950* (New York: Pantheon Books, 1967), 329-30. "The Rescue of Russia," 303 also expressed concern about the threat that the Bolsheviks presented to Germany.

representative of the people. With respect to the allies, on the other hand, Addams was inclined to ask, "have the slogans—this is a war to end war and a war to safeguard the world for democracy—become so necessary to united military action that the Allies shrink from this naive attempt to accomplish their own aims...." In August, Addams was critical of Trotsky's own "abstraction" and the Bolsheviks' "theoretical socialism" in attempting to bypass a democratic regime on the road from autocracy to socialism. This approach she said was out of keeping with the sentiments of the people and required the use of force. But she was still supportive of the ideals embodied in the effort at Brest-Litovsk and critical of the refusal of the Allies to assist in it.[139] Addams was also consistently concerned about the possibility of famine in Russia and sympathetic to the suffering of the peasants during the war. It is notable, however, that Addams' view, which was the most sympathetic to communist revolution, was also the furthest from what was actually adopted by the Wilson administration. Even those such as Brandeis who favored aid to the Russian people were careful to distinguish between aid and recognition of the Bolshevik regime.

Conclusion

It is tempting to view the measures taken during the war as simply necessary or prudent, but doing so would be to take sides. It is important to think of these approaches as new historical formations and to appreciate them as part of an emerging set of progressive solutions. These solutions created capacities and set precedents that had a historical

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[139]Jane Addams, "Tolstoy and the Russian Soldiers," *The New Republic,* September 29, 1917, 240-42. Jane Addams, "Russia—A Touchstone," [1918?], 1-2; "Three Efforts of Contemporary Russia to Break Through Current Abstractions," August 1918, 5-8, quotations 6, The Jane Addams Papers, 1860-1935 (Ann Arbor: University Microfilms International, 1984), reel 47.

impact beyond their specific effect during the war. A quick survey of subsequent wartime suspensions of freedom of speech and habeas corpus, right down to the present day, should serve to make the risk of these new capacities clear. Indeed, this basic principle of constitutional government did not escape Wilson, scholar and historian of constitutional government. As Richard Hofstadter has observed, on the night before he delivered his war message, Wilson told Frank Cobb of the New York *World,* that he did not think the Constitution could survive the war.[140] In an important sense, he was right because the political spectrum was more or less permanently circumscribed to no longer encompass the right to advocate revolution at those moments when it might be successful.

The suppression of the IWW and other radicals also raises important questions about how progressives understood democracy. For Wilson, it is possible to understand these measures simply as a consistent expression of a limited conception of freedom that predated the war. In this view, freedom is not the same thing as license because it is possible to become enslaved to one's passions. Instead, freedom consists in the ability to follow some higher religious or moral calling.[141] For other progressives, there was a sense that it was acceptable to sacrifice some freedom of speech and some forms of unionism if it was necessary to preserve national security. This calculus was made more compelling by the opportunities the war afforded for accomplishing long-sought reforms. The specific content of the repression was important, however, because it targeted those

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[140]Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (New York: Alfred A. Knopf, Vintage Books, 1989), 350.

[141]John M. Mulder, *Woodrow Wilson: The Years of Preparation* (Princeton: Princeton University Press, 1978), 31, 34-37.

who opposed capitalism. This situation forced the differences between progressives and radicals over long-term objectives into the open. When the possibility of undermining the state appeared imminent, progressives were opposed to it. In this conception of democracy, radicals were free to advocate revolution or to oppose capitalism so long as it did not threaten the state. But given that overthrowing the state was the eventual objective of radicals, this was freedom to advocate, but not really to compete on equal terms for how the political economy should be structured.

In diverging from radicals in their view of the state, progressives may have been influenced by their own class situation. By 1907, by virtue of strict frugality, Louis Brandeis was a millionaire, and by 1917 he was paying Frankfurter a salary of $1,000 a year for his lobbying efforts. With Frankfurter's aid, Lippmann was able to avoid the draft and land a job with Baker. Addams was a member of the Daughters of the American Revolution. Croly, Parker, Kelley, Creel, Walsh and Wilson—all were comfortably ensconced in professional government or editorial positions. Among unskilled workers typical of the IWW membership on the other hand, wages were very low. Unskilled workers in the Chicago packinghouses earned $0.17 an hour, good for $6.37 a week. Unskilled workers in the steel industry earned $0.18 an hour.[142] As Parker, *The New Republic,* and the Mediation Commission made clear, syndicalism was a response to poverty, one that the progressives did not share. What was being restricted was a view of the world that was not compelling to people in the position to suppress it.

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[142]Murphy, *Brandeis/Frankfurter Connection,* 20, 40. Steel, *Walter Lippmann and the American Century,* 116-17. Francesca Constance Morgan, "'Home and Country': Women, Nation, and the Daughters of the American Revolution, 1890-1939" (Ph.D. diss., Columbia University, 1998), 241. Parker, "The I.W.W.," *Casual Laborer,* 116-17.

To think about what taking the side of those who favored revolution would have entailed, it is interesting to compare Wilson with Lincoln, as *The New Republic* was inclined to do.[143] Lincoln is often remembered as a moderate because before the Civil War, he opposed the extension of slavery into the West but not its abolition in the South. But during the war, when faced with mass desertions of slaves, Lincoln ordered Sherman and other generals forcibly to overturn the slave economy.[144] When faced with revolutionary pressures against capitalism in the West and in Russia, Wilson incarcerated the IWW and intervened militarily against the Bolsheviks. In one respect, Wilson and Lincoln both favored free labor and constitutional democracy. But in terms of their contemporary relation to the class structure, during wartime Lincoln gave in to pressures against the existing arrangement of property, albeit reluctantly, and because it seemed the only way to win the war. Wilson took sides with those in the West that committed vigilante violence, embraced those workers who were willing to forswear the strike, and gave military aid to counterrevolutionary forces in Russia. In this respect, Lincoln was perhaps more similar to Lenin than to Wilson. When faced with massive strikes and peasant land seizures in the context of a war, Lenin took advantage of the wartime crisis to overturn property relations, calling for the redistribution of land and the control of factories by soviets.[145] In addition, while Wilson believed that 13th Amendment overturned slavery too quickly, Lenin took the overturning of slavery as one example of a

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[143]"Who Willed American Participation," *The New Republic,* April 14, 1917, 309. The author wishes to thank Moises Delgado for his insights into the connection between war and revolution.

[144]Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York: Oxford University Press, 1970), 213-16. Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper and Row, 1988), 3-7.

[145]Fitzpatrick, *The Russian Revolution,* 44-57.

dialectical process that would also overturn capitalism.[146] Unlike Lincoln, however, Lenin intended to overturn property relations from the start. In addition, in the Civil War, overturning slavery was a way to win the war and preserve the state, while during the First World War, overturning capitalism would have meant losing the war and, it was believed, endangering national security. Even for those progressives who looked back fondly on Lincoln, overturning the state was inconceivable.

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[146]Wilson, *Reunion and Nationalization*, 6-7.

Chapter Five: The Red Scare and the Rights of Radicals, 1919-1920

Previous chapters have focused on how progressives understood the relationship with radicalism in terms of political economy: what was the best way to incorporate socialist and syndicalist ideas into a new synthesis, and how could conflicts that arose between radical unionists and business be managed to accomplish greater fairness and efficiency or to prosecute the war successfully. There was another important realm in which these debates took place, however, which was that of the law. To what extend did radicals have the right to express their views, and how should the law be interpreted in order to ensure the security of the state? These questions became the focus of intense discussion during the years following World War I.

These debates were important for two reasons. First, the legal decisions that emerged from them upheld the legitimacy of much of what the Wilson administration had been doing during the war through the Espionage Act. The principle that was developed to approve of these practices, the "clear and present danger" doctrine, became the permanent governing standard for freedom of speech. This doctrine came at the end of two decades of development in the views of progressives toward radicals, and should be understood as a statement of those views, expressed as law.

Second, in the process of establishing this doctrine, progressives made an important conceptual break from radicalism. Ironically, this break came when defending the rights of radicals.[1] Several factors disrupted the calculus by which progressives had previously decided to support the Wilson administration. The Treaty of Versailles failed to deliver on the promises of the war, and a massive postwar strike wave seemed to throw

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[1]I am indebted to Beverly Gage for suggesting this line of thinking.

the United States back to nineteenth-century class warfare. The raids of Attorney General A. Mitchell Palmer seemed an excessive response to the danger of radicalism given that the war was over. Reform apparently coming undone, progressives moved away from Wilson and began again to speak favorably of radicals. This more favorable view was particularly marked in the case of the syndicalist William Z. Foster, who led the great steel strike of 1919. Progressives also formed organizations seeking amnesty for wartime political prisoners and new coalitions with radicals such as the American Civil Liberties Union. But in doing so, they focused on the rights of radicals and sometimes made explicit statements disavowing their views. Progressives did not return to their prewar efforts to appropriate aspects of socialism and syndicalism or endorse their critique of capitalism.

In the process of defending these rights, progressives also conceded that repression was necessary in wartime. This approach of conditioning the right of free speech on the circumstances had two important weaknesses. As a legal matter, it was necessary for the Wilson administration to deny that the basis for repression was the content of the ideas being suppressed. Wilson could not concede, as other progressives did, that the wartime prosecutions were in fact for political reasons. In addition, progressives attempted to attribute the ongoing repression to irrational hysteria or reactionary interests. At moments progressives contended that wartime repression itself was the work of amateurs or zealots. This sleight of hand attributed the Palmer Raids to abuse rather than confronting directly the capacity to repress dissent that they had a hand in creating.

The Free Speech Cases

The legality of the wartime prosecutions of radicals was considered in a series of cases that came before the Supreme Court in 1919 and 1920. The cases were decided in two groups, one in March 1919 and the second beginning in November. The first group of cases, which were unanimous, included the decision *Schenck v. United States*, written by Oliver Wendell Holmes and articulating the "clear and present danger" principle.[2] This group of cases establishes that Brandeis as of March 1919 considered at least some of the wartime repression undertaken by the Wilson administration to have been legitimate. In the second group of cases, Brandeis and Holmes began to dissent from the majority, arguing that in specific instances the danger was insufficiently demonstrated to justify suppression, but preserving the principle that the state could repress dissent when in fact necessary to protect itself. Some authors have emphasized the importance of this transition, arguing that it led to greater free speech protections in the postwar period.[3] But what is important to establish here is that these decisions represented a break from the prewar view in which progressivism and radicalism were not clearly distinct. At this point, radicalism provided the occasion for approving and refining a new capacity of the

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[2]David Rabban, *Free Speech in Its Forgotten Years* (Cambridge: Cambridge University Press, 1997), 343.

[3]Ibid., 342-80. Rabban emphasizes the continuity of the "clear and present danger" doctrine with the prewar "bad tendency" doctrine, and suggests that the November decisions limiting this doctrine were the significant change. Rabban emphasized the general transformation in Progressive thought from an emphasis on limiting individual rights in order to accomplish collective goals before the war to an emphasis on safeguarding individual rights after the war. Rabban suggests as reasons for this transformation on the court the failure of the League of Nations, the Red Scare, the 1919 strikes, and Felix Frankfurter's difficulties at Harvard, but his emphasis is on internal intellectual change. Ibid., 351-52. See also Louis Menand, *The Metaphysical Club* (New York: Farrar, Straus and Giroux, 2001), 423-433.

state, established by Wilson, to repress dissent when it threatened national security.[4]

Charles Schenck, general secretary of the Socialist Party, was accused of violating the Espionage Act by mailing 15,000 copies of a leaflet denouncing the draft to men eligible for Selective Service in the fall of 1917. The anticapitalist content of the leaflet was part of the substance of the crime because of the effect it could have on conscription. In Holmes's summary, the leaflet "intimated that conscription was despotism in its worst form and a monstrous wrong against humanity, in the interest of Wall street's [sic] chosen few," and "described the arguments on the other side as coming from cunning politicians and a mercenary capitalist press...." Holmes's decisive words ring with the gravity of precedent: "...in many places and in ordinary times the defendants, in saying all that was said in the circular, would have been within their constitutional rights" but "the most stringent protection of free speech would not protect a man in falsely shouting fire in a theater.... The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger..."[5] This doctrine is so familiar that it is easy to forget that it was specifically a response to socialist expression during the First World War.

In the same month, the court unanimously upheld Eugene Debs's conviction under the Espionage Act for a speech in Canton, Ohio, against the war in June 1918.

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[4]Abraham Lincoln instituted sweeping measures of detention and suppression of dissent during the Civil War, but he did so under the authority of Article I, Section 9 of the Constitution, which specifically permits suspension of habeas corpus in the case of "rebellion or invasion." He did so initially while Congress was not in session, and Roger B. Taney ruled Congressional approval was necessary because the clause applied to the powers of Congress. He obtained approval retroactively, however. James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 288. Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859-1877* (New York: Cambridge University Press, 1990), 139-42. The Wilson administration established a new precedent in which a war overseas justified such suppression.

[5]Schenck v. United States, 249 U.S. 50, quotations 51, 52 (1919).

Debs was of course the country's most prominent socialist and had been a serious candidate for president in 1912, so it is worth keeping in mind the inherent narrowing of the political spectrum this conviction implied. The socialist content of the speech was relevant to the conviction because it established legal intent to disrupt the draft by means of a reasonable expectation of its effect. Holmes noted that an hour before his speech, Debs had spoken approvingly of a 1917 Antiwar Proclamation and Program, which "contained the usual suggestion that capitalism was the cause of the war and that our entrance into it 'was instigated by the predatory capitalists in the United States.'" Evidence from his speech included Debs's contention, in Holmes's words, "that the master class has always declared the war and the subject class has always fought the battles."[6] This decision effectively made illegal the expression of socialist opinions about the war or the conscription in a way that might influence people not to enlist.

A more limited interpretation of the suppression power began to take hold in November 1919 when Holmes, with Brandeis concurring, began to argue that political ideas were in fact being made criminal. In Abrams v. United States, the majority upheld the conviction of four anarchists and one socialist for distributing 5,000 leaflets opposing the intervention in Russia in August of 1918. The leaflets said such things as "Socialists, Anarchists, Industrial Workers of the World, Socialists, Labor party men and other revolutionary organizations *Unite for action* and let us save the Workers' Republic of Russia." Initially, Holmes tried to rest his dissent on the defendants' lack of what he called "specific intent," although he had said no such intent was necessary in the March

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[6]Menand, *Metaphysical Club,* 423. Debs v. United States, 249 U.S. 215, 213 (1919).

decisions.[7] But also important is a changing perception of the danger of radicalism: "the surreptitious publishing of a silly leaflet by an unknown man" did not present a clear and present danger. But most fundamentally, Holmes began to argue that the impact on opinion itself was important. "Even if I am technically wrong" in terms of the legal basis for overturning the conviction, he wrote, only a minor punishment was justified "unless the defendants are to be made to suffer not for what the indictment alleges, but for the creed that they avow...."[8] While Holmes and Brandeis in this dissent asserted a new defense of the right to free expression, they also clearly distanced themselves from the sentiments expressed. Moreover, the decision preserved the clear and present danger test, applying it flexibly to determine that in this case there was no danger.

In Pierce v. United States, in March 1920, Brandeis exempted broad opinions from the charge of being false in a legal sense, including opinions about the motives behind intervention in war. Four members of the Albany Socialist Party were convicted under the Espionage Act for distributing antiwar pamphlets in July and August of 1917, one of which attributed the intervention in the war to the influence of the Morgan financial interests. Citing "common knowledge" and Wilson's April 2 war message to Congress, the majority said the pamphlet was false. In his dissent, Brandeis said that the pamphlet was not a "statement of fact," but "merely a conclusion or a deduction from facts." Quoting an earlier case, Brandeis said, "There is no standard of absolute truth by

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[7]Abrams v. United States, 250 U.S. 618, 627 (1919), quotation, 629. Rabban, *Free Speech in Its Forgotten Years,* 290-92, 329-30, 346-50. In Frohwerk, Holmes upheld a conviction against the publisher of the Missouri *Staats Zeitung* for encouraging disloyalty and mutiny in the armed forces based on the effect the newspaper might have. Holmes wrote for the court, "it is impossible to say that it might not have been found that the circulation of the paper was in quarters where a little breath would be enough to kindle a flame...." Frohwerk v. United States, 249 U.S. 205, quotation 209 (1919). Menand, *Metaphysical Club,* 428-430.

[8]Abrams v. United States, 628, 629.

which to prove the assertion false and a fraud." Moreover, citing the *Congressional Record,* he said, the debate in Congress on the declaration of war reveals that "the loans to the Allies and the desire to insure their repayment in full were declared to have been instrumental in bringing about in our country the sentiment in favor of the war."[9] Brandeis was suggesting that certain radical statements were in fact true, and therefore could not serve as the basis for a prosecution.

In Schaefer v. United States in March 1920, which concerned a German-language newspaper accused of altering translated news articles in a tendentious way, Brandeis showed a concern for the prejudices of a wartime climate. "If the words are of such a nature and were used under such circumstances that men, judging in calmness, could not reasonably say that they created a clear and present danger ... then it is the duty of the trial judge to withdraw the case from the consideration of the jury...." Looking closely at each of the cited articles, he concluded that the trial judge and jury had misjudged them. But he upheld the standard, saying it was "a rule of reason" that, if "correctly applied … will preserve the right of free speech both from suppression by tyrannous, well-meaning majorities, and from abuse by irresponsible, fanatical minorities."[10]

Brandeis wanted to preserve the federal war power embodied in Holmes's formula but to refine it so as to provide a clear guideline for constitutional interpretation. "I have never been quite happy about my concurrence in Debs and Schenk [sic] cases," he told Frankfurter in August 1921. "I had not then thought the issues of freedom of

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[9]Pierce v. United States, 252 U.S., 251, 266, 267, 268 (1920). Rabban, *Free Speech in Its Forgotten Years,* 351, 363.

[10]Schaefer v. United States, 251 U.S., 484-95, quotations 483, 482. Rabban, *Free Speech in Its Forgotten Years,* 364-65.

speech out—I thought at the subject, not through it." The Espionage Act should have been placed more clearly on a "war power," he said. That way "in peace the protection against restrictions of freedom of speech would be unabated. You might as well recognize that during a war—" here Frankfurter offered, "All bets are off." "Yes," Brandeis continued, "all bets are off. But we would have a clear line to go on. I didn't know enough in the early cases to put it on that ground." Brandeis also alluded to the pervasiveness of the chilling effect during the war: "But in the Schaefer and Pierce cases I made up my mind I would put it all out, let the future know what we weren't allowed to say in the days of the war and following."[11] Brandeis was not removing the capacity for suppression so much as narrowing it to wartime. But it is telling of the extent of repression during the war that even a justice of the Supreme Court felt constrained in what he could say in a legal opinion.

At root, developing a carefully calibrated power to repress dissent was linked to the progressive legal effort to limit property rights subject to the public interest. In the latter part of the nineteenth century, corporations had taken on the status of individuals in traditional legal jurisprudence. An important progressive achievement, to which Holmes was instrumental, was to observe that this entity was a legal creation, and therefore could not be construed apart from a court's own conception of the public interest. The decision that Holmes and other progressive jurists took with respect to this legal creation, however, was not that it should be struck down, but rather that it should be preserved for its efficiency but regulated to counteract its negative effects. With property rights

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[11]"Conversations between Louis Dembitz Brandeis and Felix Frankfurter," *The Louis Dembitz Brandeis Papers* (Frederick: University Publications of America, 1985), (microfilm), Felix Frankfurter, box 114, folder 14, frames 450-479, p. 23. Also quoted in Rabban, *Free Speech in its Forgotten Years,* 362-64.

limited, subject to the public interest, the question was now whether rights to free expression should be limited in the same way.[12]

This problem came up in a discussion between Frankfurter and Brandeis regarding whether the 14th Amendment applied in cases involving the protection of foreign language instruction in 1921. The question was whether the 14th Amendment required the extension of the protections of the Bill of Rights, which initially applied only to the federal government, to state governments. Brandeis was in favor of extending the 14th Amendment to freedom of speech because it already applied to property. Not doing so "means—you are going to cut down freedom through striking down regulation of property but not give protection" to freedom of speech. But Holmes was opposed to the extension because he considered freedom of speech to be a different kind of right than the right to property. "Property, it is absurd as Holmes says, to deem fundamental in the sense that you can't curtail its use or its accumulation or power.... Whereas right to your education and to utter speech is fundamental *except* clear and present danger."[13] Holmes seemed to mean that the right to freedom of speech was more fundamental than the right to property. While property could be limited according to the public interest, free speech should be limited only in cases of a clear and present danger. For this reason, he was opposed to extending the 14th Amendment to freedom of speech because it would make the latter subject to the same calculations of public interest as property.

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[12]Menand, *Metaphysical Club,* 422-423. David Rabban makes this point with respect to Herbert Croly and John Dewey, *Free Speech in Its Forgotten years,* 242, 338-340. Morton Horwitz, *The Transformation of American Law, 1870-1960: The Crisis of Legal Orthodoxy* (New York: Oxford University Press, 1992), 104-105, 127-129, 138.

[13]"Conversations between Brandeis and Frankfurter," pp. 20-21.

Brandeis, on the other hand, seemed to regard both the right to free speech and the right to property as subordinate to the public interest. In a sole dissent in Gilbert v. Minnesota in December 1920, which concerned a state law restricting the advocacy of pacifism, Brandeis applied the 14th Amendment to overturn a conviction of a pacifist under a state law. "I cannot believe that the liberty guaranteed by the 14th Amendment includes only liberty to acquire and to enjoy property," he said. While this decision seemed to grant additional protections to freedom of speech, it implied that free speech would be entitled only to the same limited protection that property had under the 14th Amendment. Indeed, Brandeis gave the Justice Department's wartime enforcement of the Espionage Act as an example of a proper exercise of the suppression power, "prohibiting only certain tangible obstructions to the conduct of the existing war with the German Empire, committed with criminal intent."[14]

The League of Nations

To understand why Brandeis began to view socialism—even the same kinds of wartime socialist expression—as less of a clear and present danger, it is helpful to examine the events that brought about a similar change among other progressives in the years after the war. One factor in the alienation of other progressives from Wilson was disillusionment with the final form of the League of Nations. Frank Walsh's opinion is illustrative of how the League initially seemed to be a force opposing capitalist interests, but eventually seemed to be co-opted by those interests. Initially Wilson seemed to be a force for opposing the financial interests of Great Britain. On November 23, 1918, Walsh's friend

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[14]Gilbert v. Minnesota, 254 U.S., 343, 340 (1920). Rabban, *Free Speech in Its Forgotten Years,* 367-68.

Harry Fagin, a Texas oil speculator, wrote to him that "the London Daily News characterizes Woodrow Wilson as the world's most dangerous man. And he is—to everything that The News stands for." By February 17, Fagin began to think that Wilson would be outmaneuvered. Fagin wrote that "any 'League' that that crowd in Paris will agree to ... will be solely for purpose dividing up the world permanently for purposes of exploitation among the big capitalists of a few nations...." Walsh said he was also concerned about reactionary forces, but he thought there were competing groups in Paris, and that the League proposal worked to put Irish independence on the agenda. But on February 27, Fagin began to characterize Wilson as loyal to the British empire: "According to Assoc. Press today Wilson admitted at White House Dinner last nite that the proposed League Constitution is *the one submitted* by *England!*" By March 19, Walsh wrote to William Lyons, he was "all mixed up on the 'League of Nations.... If it meets my notions on the labor question, free Ireland, preserves the Monroe Doctrine, insures freedom of the seas, and a few other small matters of that kind, I may be for it; otherwise, not." By September he had turned against it: "I think the Democratic forces of the country have a big hole kicked through the Covenant of the League of Nations" he wrote to Fagin; "yet, you never can tell! You know what the 'interests' can do to that Republican majority in the Senate."[15] While Wilson initially seemed to be a force

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[15]H. L. Fagin to Frank Walsh, November 23, 1918, General Correspondence 18 November 23-26. [Frank Walsh] to H.L. Fagin, December 18, 1918 (carbon), General Correspondence 1918 December 5-10. Harry L. Fagin to [Frank] Walsh, February 17, 1919, General Correspondence 1919 January 29-31. [Frank Walsh] to H. L. Fagin, February 25, 1919 (carbon), General Correspondence February 12-21. H. L. Fagin to Frank Walsh, February 27, 1919, General Correspondence 1919 February 26-28, box 7. [Frank Walsh] to William E. Lyons, March 19, 1919 (carbon), General Correspondence 1919 March 9-19. [Frank Walsh] to H. L. Fagin, September 24, 1919 (carbon), General Correspondence 1919 September 20-24, box 8. Frank Walsh Papers, New York Public Library, Rare Books and Manuscripts Division (hereinafter Walsh Papers).

opposing "the interests," the League now seemed to be a means to advance the interests of the British empire.

An important factor in Walsh's turn against the League was the treatment of the Irish question. It may be difficult to imagine in the wake of the Versailles Treaty, but Walsh took Wilson's promise of self-determination of peoples seriously, even to the extent that he expected the principle to be applied neutrally against Great Britain. On March 20, he wrote to Peter Brady of the League of Free Nations that "When the call was made for the establishment of the League of Free Nations, I noted the fact that representatives of Ireland were included, and that was one of the things which impelled me to lend my name." Walsh himself attended the Paris Peace Conference in May and June to advocate Irish independence. On March 24, he wrote to Ed Nockels that "Confidentially, I am likely to go to Paris at any time, if the Government will give me passports in order to present the case of Ireland, if possible, to the Peace Conference." In April, Harry Fagin warned "Ireland et al will get Justice *only* if the hand of Imperialism be *forced*—only if the peoples of the earth become sufficiently revolutionary."[16] Such was the idealism with which Walsh participated in the Wilson administration that when Wilson failed to deliver on Irish independence, it helped turn Walsh against him.

Although he remained personally loyal to Wilson, George Creel warned him of the possibility of losing political support should Britain fail to grant self-determination to Ireland. Creel was himself an advocate of Irish independence. At a speech in Boston in

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[16][Frank Walsh] to Peter J. Brady, March 20, 1919 (carbon). [Frank Walsh] to Ed Nockels, March 24, 1919 (carbon), General Correspondence 1919 March 20-24, General Correspondence 1919 May; General Correspondence 1919 June; H. L. Fagin to Frank Walsh, April 13, 1919, General Correspondence 1919 April 12-30, box 8. Elizabeth McKillen, *Chicago Labor and the Quest for a Democratic Diplomacy, 1914-1924* (Ithaca: Cornell University Press, 1995), 117.

February 1920 he described the 1916 Easter uprising as "one of those futile uprisings that are at once the glory and the despair of Ireland." In 1919, Creel wrote a book advocating Irish independence, for which Frank Walsh wrote an admiring "appreciation." In Paris on March 1, Creel wrote to Wilson regarding the Irish question, "In my opinion, this is one of the most important questions with which you will have to deal. I know the Irish in America. They mean to unite as never before, and they will be joined by every German in the United States eager to take advantage of the opportunity to embarrass our relations with Great Britain."[17]

Disillusionment with the Treaty of Versailles was widespread among progressives, even if opposition to the League was not. The peace was formed by "a dependence upon the old political motives," wrote Jane Addams in *The New Republic* in November 1920. What could save the League, she wrote, was to channel the "primitive emotion" that had been "reserved to purposes of destruction" during the war instead for purposes of alleviating starvation. The international cooperation needed for coordinating war production was "the beginnings of an organized economic government of the world," which the League should have maintained and democratized. By doing this now, the League would be made more popular in America. While before the war, Addams had been inclined to regard nationalism as a force for reforming capitalism according to collective goals, the negotiations at Versailles were making it appear to spring from darker impulses. Contrasting the national aspirations founded on "the higher claims and

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[17]"American Aspects of the Irish Problem," Speech by George Creel at Ford Hall, Boston, Sunday Evening, February 8 [1920], p. 9, container 5, Speeches and Writings file, Speeches, Typescripts, 1917-1922, 1932-1933, George Creel Papers, Manuscript Division, Library of Congress, Washington, DC (hereinafter Creel Papers). "Ireland's Fight for Freedom, by George Creel. An Appreciation by Frank P. Walsh." (pamphlet), folder "no date," box 37, Walsh Papers. George Creel, Paris, to President [Wilson], March 1, 1919, container 2, Creel Papers.

obligations of humanity" she saw in Europe in the 1880s with the competitive "dogmatic and ruthless" nationalism she witnessed in 1919, she wrote, "Had I been a fool in those old discussions of student days, when I cared so much more for Mazzini than for Carl Marx…?"[18]

Herbert Croly warned that a peace developed out of allied self-interest could have the unintended effect of fomenting revolution. He argued that "it is chiefly capitalism which is on trial at the Peace Conference…." To avoid undermining financial elites through high taxation and intrusive state regulation, the Allies were trying to push the costs of the war onto Germany. But this would backfire by bringing about revolution instead of orderly reform. "By pressing Germany too hard," the representatives at the Peace conference were condemning "the German nation to revolutionary socialism." Rather than exhibiting an enlightened self-interest, they were "behaving very much as the Marxian formula predicted they would behave.... they are tending to bring on the revolutionary catastrophe which has already occurred in Russia and which they most desire to avoid." Walter Lippmann believed that instead of insulating Germany against Bolshevism by engaging the moderate socialist government of Friedrich Ebert, the treaty had attempted to create a cordon sanitaire of small nations in Eastern Europe. This he thought would be unstable because it would depend on the willingness of the Allies to intervene militarily, and "anyone who supposes that the populations of France and Great Britain will endure the human and economic cost of such an occupation is suffering from a severe case of reading nothing but censored news." He even argued that integration of

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[18]Jane Addams, "Feed the World and Save the League," *New Republic,* November 24, 1920, 325, 326, *The Jane Addams Papers, 1860-1935* (Ann Arbor: University Microfilms Interational, 1984), reel 48, frames 343-344 (hereinafter Addams Papers). "Has Nationalism Become a Dogma," TM carbon, [1920s], pp. 2, 4, reel 48, frames 211-222, Addams Papers

Russia into the western economy could undermine the Soviet regime.[19] By reverting to a self-interested form of nationalism, the Allies were furthering the very revolution they were attempting to suppress. Neither Croly nor Lippmann advocated revolution, but they believed that the best way to contain it was to adopt a more enlightened form of nationalism that could defuse revolutionary tensions. Disillusionment with the League of Nations was an important factor helping to push progressives away from Wilson and prompting a rethinking of the longstanding belief that nationalism was a collective effort akin to socialism.

The Great Steel Strike

A second factor pushing progressives away from Wilson, and giving a more favorable view of radicals, was the steel strike of 1919. The steel strike was one of 3,600 strikes in 1919 involving over 4 million workers, more than twice as many as the previous high-water mark of 1.6 million reached in 1916.[20] Several aspects of this strike helped to win progressives over to William Z. Foster's National Committee for Organizing Iron and Steel Workers. The strike consisted of an assertion of wartime rights to collective bargaining but occurred amid the Wilson administration's dismantling of the wartime structures. U.S. Steel Chairman Elbert Gary, gambling that Wilson would not force him to do so, refused to negotiate with the union because he saw an opportunity to reverse the

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[19]Herbert Croly, "The Obstacle to Peace," *The New Republic,* April 26, 1919, 405, quotations 403, 404, 406. Walter Lippmann, "The Political Scene," supplement to *The New Republic,* March 22, 1919, 12-14, quotation 13.

[20]David Montgomery, *Workers' Control in America: Studies in the History of Work, Technology, and Labor Struggles* (Cambridge: Cambridge University Press, 1979), Table 2, "Strike Trends in the United States, 1900-25," 97.

trend toward unionization of basic industry that had begun during the war.[21] This open shop position struck progressives as an alarming retrogression to the 19th century class warfare that was such an important impetus to reform. Meanwhile, syndicalism took on a less threatening public expression in the guise of Foster, who focused on building union power as a means of making the transition to socialism rather than forming explicitly revolutionary unions.

Indications that the owners of major companies were conducting a holding operation with the National War Labor Board until a planned retrenchment after the war began to reach Walsh shortly before the signing of the armistice. On November 4 Stuart Chase of the Federal Trade Commission wrote Walsh of a conversation he had overheard between "two portly gentlemen" in the smoker of a Pullman car, one of whom he concluded was a mine operator: "The War Labor Board is a bunch of radicals and I.W.W.'s.... Walsh is the worst appointment that the Administration ever made. The labor situation is too damned serious to have an agitator of his stamp in charge." The board was "trying to bluff employers into thinking they have power to demand that we employers unionize our works.... They haven't got the power. All we've got to do is to sit tight and tell them to go to hell." Citing a need to attend to his law practice, Walsh resigned from the War Labor Board on November 19. But in December he wrote to Victor A. Olander of the International Seamen's Union, "I believe that the employers, by some sort of agreement, are holding things back, both at Washington and throughout the country, so that, especially after the cessation of hostilities, the Board cannot

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[21]David Brody, *Labor in Crisis: The Steel Strike of 1919* (Philadelphia: J. B. Lippincott Company, 1965), 126, 147.

function...."[22] There is also direct evidence that Elbert Gary, the chairman of U.S. Steel, believed that unionization of the entire country is what was really at stake in the steel strike. On August 31, 1919, he wrote to Wilson, "If we should now recognize labor unions as such, the whole steel industry, of which our Corporation is perhaps 40 or 45 per cent, would become unionized, and this would spread to all other lines."[23]

Although he had moderated his public pronouncements by the time of the steel strike, Foster harbored a deep-seated understanding of the wages system as form of violent warfare that emerged from the rawest exploitation of unskilled labor. One of 23 children, most of whom died in infancy, Foster grew up the son of a stableman in a working-class Irish neighborhood of Philadelphia in the 1880s and 1890s. After leaving school for full-time labor at age 10, he spent much of his adult life as an itinerant railroad worker, where frequent gruesome accidents contributed to his belief that violence against workers was an integral part of the profit system. Foster read extensively in Marxist and syndicalist literature at the Portland branch of the Socialist Party from 1904 to 1907 and in the office of the Chicago Syndicalist League, a propaganda organization which he founded with Jay Fox in 1913.[24] In his 1912 pamphlet *Syndicalism,* Foster wrote that a syndicalist was "accustomed to risking himself in the murderous industries and on the

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[22]Stuart Chase to Frank Walsh, November 4, 1918, General Correspondence, 1918 November 2-8. [Frank Walsh] to President [Wilson], November 19, 1918 (carbon), General Correspondence, 1918 November 16-22, [Frank Walsh] to Victor A. Olander, December 4, 1918 (carbon), Walsh Frank P, General Correspondence, 1918 December 1-4, box 7, Walsh Papers. McKillen, *Chicago Labor and the Quest for a Democratic Diplomacy,* 72. Joseph A. McCartin, *Labor's Great War: The Struggle for Industrial Democracy and the Origins of Modern American Labor Relations, 1912-1921* (Chapel Hill: University of North Carolina Press, 1997), 122.

[23]Elbert H. Gary to Woodrow Wilson, August 31, 1919, PWW 62: 599-600.

[24]Edward P. Johanningsmeier, *Forging American Communism: The Life of William Z. Foster* (Princeton: Princeton University Press, 1994), 12, 17, 68, 54.

hellish battlefields in the niggardly service of his masters" and argued that capitalists understood only "naked" power in the form of strikes. Although in 1912 he called for industrial unions, by 1916, he was arguing that it was the size rather than the form of unions that determined how much power they could wield, so that even trade unions could overthrow the wages system.[25]

Foster worked directly with Walsh in the 1917 stockyards strike, in which Walsh successfully represented Foster's Stockyards Labor Council and achieved an eight-hour day. With the SLC, Foster put his ideas about unions into practice, incorporating various trade unions involved in the meatpacking industry into an overarching structure, ranging from butchers, to railroad carmen, to electricians, to office workers.[26] The Steel Workers Committee, organized on August 1, 1919, followed a pattern similar to the SLC. The super-organization included 24 unions, incorporating not only the blacksmiths, iron and steel workers, and foundry workers, but also workers in related industries such as miners, machinists, and railway carmen. In March, Foster wrote to Walsh to ask him to speak before the workers in Johnstown, Pennsylvania. He emphasized the size of the union backing and of scale of the unionization at stake: "Should a strike be declared, it will have the backing of 16 big international unions, and will probably be one of the bitterest ever fought in the industry." Foster also placed the strike on an issue that was clearly sympathetic to Walsh: "The issue, the right to organize, is fundamental. We must fight to the last ditch to maintain it." On the other hand, despite his long-term revolutionary objectives, Foster did not want to advertise the strike as a revolutionary act. "One

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[25]Ibid., 59-65, 80, quotations, 59.

[26]Ibid., 94, 101-102. McCartin, *Labor's Great War*, 83.

especial reason we are axious to have you speak at Johnstown is because the company is using every stratagem to brand this a bolshevik, hence an illegal, movement," he said.[27]

Walsh was eventually won over because he believed that the rights workers had won to collective bargaining and a decent wage were at stake. On September 24, he wrote Fagin that "It looks as though I am going to be forced to act as counsel for the workers in the steel industry. Am leaving for Washington in an hour on that job."[28] The key issue in the strike according to Walsh was postwar inflation, which at bottom constituted an effort by employers to increase their profits at the expense of both real wages and the prices paid by the public. "If a strike is called," Walsh said in an undated interview, "it will not be like any other strike in labor history. It will not be for higher wages, shorter hours, or altered working conditions. It will be a strike wholly in behalf of the public to compel industries which have long and notoriously exploited the public to lower the initial price of their products."[29] Inflation, in turn, was a way for employers to break the promise of a living wage that had been made to workers during the war in exchange for workers' agreement to legislation such as the Lever Act, designed to keep production moving, but now being used to enjoin strikes. In December, Walsh argued that the strikes of 1919 were an effort by workers to hold the administration to its stated principles during the war of "the right of workers freely to bargain collectively through

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[27]William Z. Foster to Frank Walsh, March 22, 1919, General Correspondence, 1919 March 20-24, box 8, Walsh Papers.

[28][Frank Walsh] to H. L. Fagin, September 24, 1919 (carbon), General Correspondence, 1919 September 20-24, box 8, Walsh Papers.

[29]"Memorandum: Postponement of th eSteel Strike," 63.13, folder n.d. but between 1919 and 1921, box 37, Walsh Papers. Walsh is identified as a representative of the steel workers in this interview.

their chosen representatives" and "that every worker was entitled to compensation for his labor sufficient to maintain a home and family in health and decency."[30]

Foster took a similar approach to pressure Wilson to hold a conference to discuss the steel industry, presenting himself as peacemaker rather than an instigator of labor conflict. On September 4, Foster, Gompers, John Fitzpatrick, and the other members of the executive committee of the Steel Workers Committee told Wilson that by relying on his promise of a conference, they had been able to persuade the men "not to engage in a general strike." But they warned that "if the men can no longer be restrained it is impossible to foretell what the future may hold in store for an industrial crisis...." So convincing was the position staked out by Foster that, even though the strike began on September 22, before the conference convened on October 6, union recognition appeared to Franklin Lane, the conference chairman, as an alternative to revolution. Urging Wilson to appeal to the employers to give ground on union recognition, Lane wrote, "...we cannot have industrial war without raising a cynical smile on the lip of every red revolutionist the world round...." Wilson signed a letter to the conference Lane drafted saying "At a time when the nations of the world are endeavoring to find a way to avoid international war, are we to confess that there is no method to be found for carrying on industry except in the spirit and with the very method of war?" By positioning himself on the side of avoiding conflict, and focusing disagreement on a principle that the president had endorsed, that of union recognition, Foster to some degree even won over

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[30]Frank P. Walsh, "Walsh on Wilson Administration's Turn against Labor," *Reconstruction,* January 1920, 3-5, quotation, 3, folder 1920, box 37. Walsh wrote this article on December 3, 1919. [Frank Walsh] to Basil M. Manly, Washington, DC, December 4, 1919 (carbon), General Correspondence, 1919 December 1-11, box 8, Walsh Papers.

the antiradical Wilson.[31]

Wilson sounded a similar theme regarding labor unrest in his December annual message to Congress, in a portion drafted by Tumulty in November. Wilson called for comprehensive reform of the conditions of labor, which afforded workers a decent standard of living and recognized the right to strike and bargain collectively. "The only way to keep men from agitating against grievances is to remove the grievances. An unwillingness even to discuss these matters produces only dissatisfaction and gives comfort to the extreme elements in our country which endeavor to stir up disturbances in order to provoke governments to embark upon a course of retaliation and repression." The revolutions in Europe, "whence has come the unrest which now holds the world at bay," were an example of what would happen if the United States tried to return to prewar conditions. "The evidences of world-wide unrest which manifest themselves in violence throughout the world bid us pause and consider the means to be found to stop the spread of this contagious thing before it saps the very vitality of the nation itself." Wilson's strident antiradicalism makes Foster's penetration of his counsels all the more remarkable.[32]

The coverage of the steel strike in *The New Republic* seemed to release sympathetic impulses that the editors had pent up during the war. For instance, on October 1 the journal described Gary as "an industrial barbarian." The key reason for

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[31]Samuel Gompers et al to Woodrow Wilson, September 4, 1919 (telegram), PWW 63: 30. Franklin Knight Lane to Joseph Patrick Tumulty, [October 20, 1919], encl. Franklin Knight Lane to Woodrow Wilson, October 19, 1919, and Woodrow Wilson to the Industrial Conference, October 20, 1919, PWW 63: 583, 584. Brody, *Labor in Crisis*, 112, 115, 117.

[32]"An Annual Message on the State of the Union," December 2, 1919, PWW 64: 113, 115, 114. Cf. Joseph Patrick Tumulty to Edith Bolling Galt Wilson, [November 24, 1919], encl. "A Draft of an Annual Message," PWW 64: 83-85.

this was Gary's refusal to submit to mediation, while the Steel Workers Committee was willing to do so. Noting this disparity, the journal remarked sarcastically on October 8, "As we catch the drift of the argument this is conclusive proof that Mr. Gary is standing for law and order, and that Mr. Gompers and Mr. Fitzpatrick and Mr. Foster are engineering social revolution." The editors were willing to say this despite the frenzy of red-baiting in the Pennsylvania and national press that followed the discovery of Foster's 1912 pamphlet and his testimony before the Senate in October in which he attempted to distance himself from it. Alluding to the 1892 Homestead Strike, the journal said that U.S. Steel had been antiunion since long before the Russian Revolution, and "began destroying every vestige of unionism when Lenin was a boy." Referring to Foster's pamphlet, the journal said that the company's "line to-day has no relation to any follies that William Z. Foster enunciated years ago. For Mr. Gary there are no distinctions between Gompers and Foster, between Fitzpatrick and Haywood, between the late John Mitchell and the reddest rebel. There are no distinctions between the A.F. of L. and the I.W.W. Anything that suggests collective bargaining, he will fight to the end."[33] Clearly there was no embrace of the IWW here, and indeed the article went on to argue that Foster's syndicalism had been an earlier phase that he had since repudiated. But the willingness to identify antiradical labeling as a smokescreen for antiunionism was a marked departure from the journal's understanding of IWW strikes during the war.

Unlike the IWW in 1917 and 1918, Foster did not get in the way of the social arrangments *The New Republic* advocated, but on the contrary, he seemed to advocate negotiation. Because of the dissolution of the National War Labor Board and the absence

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[33]Brody, *Labor's Great War,* 136-44."The Steel Strike," *The New Republic,* October 1, 1919, 245. "The Depth of Garyism," *The New Republic,* October 8, 1919, 289.

of any effective replacement, a strike did not appear to be undermining a desirable collective bargaining framework. Moreover, by working within the AFL, Foster made it possible for the editors to overlook his real objectives and past revolutionary statements. This was possible even though revolution was still understood to be undesirable—Gary was simply accused of fomenting it rather than really suppressing it: "He will call it a fight against Bolshevism if that happens to be a good excuse, although there is no greater maker of Bolshevism in all America that [sic] he himself."[34] This anticommunist objective therefore bounded the editors' embrace of radicalism in a way that differed from the porous coalitional politics of the prewar years. Paradoxically, establishing this leftward political boundary freed the editors to indulge in the kind of name-calling and imputing of class bias that they had criticized as irresponsible muckraking before the intervention, for instance in the exchange between Walter Lippmann and Creel over the Ludlow Massacre in 1915.[35]

Lippmann further developed the idea that reform was an "antidote" rather than a prelude to revolution. This theme allowed him not only to defend progressivism against charges of Bolshevism, but to advocate progressivism as a form of anticommunism. In a November article in *The New Republic,* Lippmann disputed the tendency to "confuse the American liberal with the pacifist, the pro-German, the Bolshevik." This kind of labeling was not only mistaken, but dangerous: "…from Louis XVI to Nicholas II the confusion between constitutional reform and violent revolution has been the true source of revolution." Lippmann argued that far from a species of revolution, the progressive

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[34]"The Depth of Garyism," *The New Republic,* October 8, 1919, 289.

[35]"Paul Kellogg Muckraked," *The New Republic,* February 20, 1915, 61.

politics that motivated Americans to vote for Roosevelt and Wilson embodied a belief that "citizenship shall overpower class," and remarked that "a spirit more unrevolutionary is not conceivable." Lippmann made a parallel interpretation of the AFL, designating it "the one labor organization which throughout the world stands as a symbol of anti-Bolshevist labor." In using the steel strike as an opportunity to have a "show down" with the AFL, Gary and the other steelmakers were foreclosing the best means of heading off revolution: "If a constitutional regime is established in industry under which organized labor is given a genuine share in the management, the break with the I.W.W. temptation will probably be final."[36] The effort to secure a share in management had been a demand of radical unionists such as the clothing workers in New York since the cloakmakers strike of 1910. By working within the AFL, Foster made it possible for Lippmann to embrace this goal in a more explicit way than he had before the war, but to do so without returning to his prewar tolerance for the IWW.

The defense of the workers in *The New Republic*, sympathetic as it was, increasingly rested on the idea that pro-union workers were being subject to discrimination rather than upon a shared collective vision. While this approach involved creative new thinking about rights and permitted explosive denunciations of U.S. Steel, it was a defensive reaction that attempted to put some distance between progressivism and radicalism. By the end of the strike, *The New Republic* was willing not only to describe the open shop, far from a policy of neutrality with respect to unions, as a "war of extermination on organized labor," but to compare the open shop to slavery, and U.S. Steel to the slave power. The latter "would suffer gradual extinction unless the whole of

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[36]Walter Lippmann, "Unrest," *The New Republic,* November 12, 1919, 317, 316, 320, 319.

the national domain was converted into possible or latent slave states. So it is with the anti-unionism of the Steel Corporation." The basis for this view was the idea that the Bill of Rights was advantageous to property owners, and that until workers acquired an equivalent set of protections, they were "protected only by the right to refuse to work." Yet the article went on to say that the strike was a "dangerous and disorderly weapon" that could serve only as a temporary expedient to bring about a more equal footing.[37] Because the attempt to formulate a defense of workers according to individual rights was a defensive reaction, it was not a full-throated endorsement of the right to strike.

The steel strike ended in defeat for the Steel Workers Committee because the employers, due to their profits during the war, were able to wait it out, and Wilson did not force them to compromise. Wilson's one use of the army came in Gary, Indiana on October 6, to suppress riots against strikebreakers, which the employers interpreted as favorable to themselves. Indeed the Department of Justice detained hundreds of immigrant steelworkers to be held for deportation. In his January 1920 article in *Reconstruction,* Walsh described Wilson's industrial conference as a "fiasco," and declared that the Wilson administration had "absolutely turned its back upon the producing masses of this country...."[38] The administration also used spies and mobilized federal troops to enforce an injunction in West Virginia, where the United Mine Workers attempted to disrupt U.S. Steel's supply of coal. In December of 1920, Louis Brandeis asked Felix Frankfurter to urge *The New Republic* to run a series of articles on the

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[37]"The Industrial Conflict," December 29, 1920, 122, 123, 124. "Americanism in the Present Crisis," *The New Republic,* November 12, 1919, 304, 305.

[38]Brody, *Labor in Crisis*, 147, 152-53, 134. Frank P. Walsh, "Walsh on Wilson Administration's Turn against Labor," *Reconstruction,* January 1920, 3, 4, folder 1920, box 37, Walsh Papers.

domestic use of the army to repress "riots" under the running title, "Our Ireland," taking West Virginia as the starting point. He also suggested authors for a series of articles on industrial espionage, which he described as "an infringement of our liberty as in the Red Campaign. *It is un-American. It is nasty. Its nauseating."* However, Brandeis still believed that labor "ought to be advised to look for a substitute for the closed shop and also for strikes. The courts and public opinion are closing in on both."[39]

Like Lippmann, Walsh attempted to turn the language of antiradicalism against the antiunion forces. For instance he denounced a Kansas Industrial Court Bill that would have empowered a three-man tribunal to set wages and prices under penalty of fine or imprisonment as "state socialism." Testifying in Topeka on January 8, Walsh argued that the bill would effectively proscribe union bargaining, but the basis on which he made the argument was that of individual rights, saying that the bill amounted to involuntary servitude. "These men on the board not only have the power they claim Lenine and Trotzsky assert with a gun, but they are given that power by law."[40] As a remedy to industrial unrest, in April he sent Secretary of State Bainbridge Colby an "Industrial Constitution," enumerating the "Rights of Employers and Employees." These consisted of the right to join a union and bargain collectively, an eight-hour day, and a "living wage."[41] As the potent combination of popular anticommunism and federal sweeps of

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[39]Louis Brandeis to Felix Frankfurter, December 1, 1920; Louis Brandeis to Felix Frankfurter, November 26, 1920, container 26, folder 406, reel 15, Papers of Felix Frankfurter, Library of Congress Manuscript Division, Washington, DC (microfilm). Cf. "Garyism in West Virginia,"*The New Republic,* September 21, 1921, 86-88. Brody, *Labor in Crisis,* 170. Melvyn Dubofsky, *The State and Labor in Modern America* (Chapel Hill: University of North Carolina Press, 1994), 79.

[40]"Court Would Down Labor—Walsh," [Topeka *Tribune*,] January 8, 1920." For details on the bill, see "A State Socialism Scheme," [Kansas City *Post,*] January 17, 1920, volume 18, Walsh Papers.

[41][Frank Walsh] to Bainbridge Colby, April 13, 1920 (carbon), encl. "Industrial Constitution," folder

suspected radicals and immigrants intensified, the pattern of defending radicals in the language of individual rights would persist. This approach reopened the possiblity for coalitional politics, but it did not reopen the porous prewar borders, preserving the ideological break with socialism that occurred during the war.

The Amnesty Campaign

The campaign for amnesty was an effort to persuade Wilson to grant pardons or clemency to people convicted under the wartime Espionage and Conscription Acts. This campaign did not require concluding that these persons should not have been convicted, or renouncing the power of the state to suppress free expression when really necessary. Nonetheless, amnesty was a position that was only gradually adopted in connection with several postwar developments: the Wilson administration's response to the 1919 strikes, the popular upsurge of anticommunism, and the Palmer raids. Together, these developments undermined the confidence of progressives in majorities or public officials to use good judgment in the exercise of repression, and made it appear that the chief obstacle to reform no longer came from the left, but from the forces of reaction. For these reasons, it began to appear that the power to repress free expression should be limited to wartime.

In March 1919, Frank Walsh told New York Attorney Harry Weinberger that out of a group of issues including the single tax and a new labor party he thought "Amnesty for Political Prisoners" was the "leading" proposition. After the Supreme Court upheld Debs's conviction that month, Walsh wrote to Wilson personally asking him to grant a respite "in his case and others like his until we can have a chance to present to your

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1920 April 13-30, box 9, Walsh Papers.

consideration certain facts and circumstances that we are sure you will deem of important bearing." Walsh told the socialist Kate Richards O'Hare a year later that he had told Tumulty in this meeting "why I thought that it would be outrageous and stupid to allow Debs and yourself to go to the penitentiary." Walsh still felt that he and Wilson shared a similar understanding of the issue. In an undated article, Walsh argued that as part of an effort to reduce labor unrest, Wilson should "see his way clear to at once declare a general amnesty in favor of all prisoners convicted of violation of wartime statutes." Walsh was still willing to grant that "it became necessary, at least in the judgment of the representatives of the people in the Congress of the United States, during the time of war, to pass laws which seemed to the average man to take away, for the time being, the most sacred rights of democratic citizenship in a free republic." But he felt "that sentences were imposed ... with a ferocity unparallelled [sic] in the most backward autocracies of Europe."[42]

In a 1919 article regarding the growing suspicion of immigrants, Jane Addams put forward a similar view about the changed circumstances that no longer justified restrictions on free expression: "Many of the liberties supposedly inherent in a system of self-government were doubtless necessarily canceled during the war, but it is as if we were now willfully prohibiting their normal and natural restoration." Brandeis himself was sympathetic to amnesty. On January 18, 1920, he wrote to Frankfurter, "If anyone

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[42]Harry Weinberger, to Frank Walsh, March 20, 1919; [Frank Walsh, New York, NY] to Harry Weinberger, New York, NY, March 21, 1919 (carbon), General Correspondence 1919 March 20-24, box 8, Walsh Papers. Francis Patrick Walsh et al to Woodrow Wilson, March 24, 1919, PWW 56: 245. [Frank Walsh] to Kate Richards O'Hare, May 24, 1920 (carbon), General Correspondence 1920 May 17-31, box 9; "The Industrial Volcano," n.d., pp. 4, 2, folder "no date," box 37, Walsh Papers. This article was probably written in 1919 because it speaks of industrial unrest and does not speak negatively of Wilson, as the 1920 articles in *Reconstruction* do. By April of 1920 Walsh was providing legal assistance for amnesty. [Frank Walsh] to Fay Lewis, April 13, 1920 (carbon), General Correspondence 1920 April 13-30, box 9.

applies to the President it ought not to be the dissenters. And if anyone's sentence is reduced it (the reduction) should extend to many."[43] Even political violence could be understood as an impetus for amnesty. On May 1, a failed attempt was made to mail bombs from New York to 36 cities, and on June 2, bombs were successfully detonated in 8 cities, including one in front of Attorney General Palmer's house.[44] On June 19, Florence Kelley wrote to Secretary of War Newton Baker asking him to urge Wilson to grant clemency to all "not proven guilty of actual crimes of violence," request the repeal of the Espionage Act, and appoint "your least beloved colleague in the cabinet ambassador to Timbuctu or Booriogoolaga." She warned, "It is my rooted conviction that every day while these three measures are delayed is time for acres of seed-sowing for the I.W.W., the anarchists and the bomb throwers...."[45]

As early as August 1919, *The New Republic* advocated amnesty on the grounds that the danger that had justified suppression had passed. One feature of these articles is the frank admission that repression during the war was not only necessary, but consisted of the curtailment of specific political opinions. On August 27, 1919, the journal said, "The one and only ground on which a democracy can conceivably imprison men because of their political or moral scruples is self defense." On January 7, 1920, the journal said, "Any one who looks at the sentences imposed upon the heretics of the war knows that

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[43]Jane Addams, "Americanization," in *American Sociological Society Publications* 14 (1919), 212, reel 47, frame 1805, Addams Papers. Louis D. Brandeis to Felix Frankfurter, January 18, 1920, Melvyn I. Urofsky and David W. Levy, eds., *Letters of Louis D. Brandeis,* vol. 4, *Mr. Justice Brandeis* (Albany: State University of New York Press, 1971), 444.

[44]Stanley Coben, *A. Mitchell Palmer: Politician* (New York: Columbia University Press, 1963), 203-205. "From the Diary of Dr. Grayson," June 4, 1919, PWW 60: fn2, 117.

[45]Florence Kelley to Newton D. Baker, June 19, 1919, Papers of Newton D. Baker, Library of Congress, Manuscript Division, Washington, DC (microfilm). Cited in Roy Talbert, Jr., *Negative Intelligence: The Army and the American Left, 1917-1941* (Jackson: University Press of Mississippi), 172.

sooner or later amnesty must be granted." The reason given was a fairly clear explanation of the motive for supporting wartime suppression: "Any trespass upon liberty of conscience must be clearly justified by proof that it will threaten the security of the state in the face of an enemy or that it will produce directly a crime." Regarding Eugene Debs specifically, the journal said on February 16, 1921, "It was, if we must admit it, an ugly necessity of the institution of war that we should lock up the most honest and undisguised critic of the institution of war who stood by his convictions in this country.... He is in prison because, during the war, it seemed to interfere with the immediate purposes of the nation to have his voice heard." Wilson's denial of amnesty at this point, by contrast, was incomprehensible other than as an exercise of his "righteous ego."[46]

But the articles in *The New Republic* exhibited a clear trend not only in favor of extending the range of persons entitled to amnesty, but of an increasing willingness to question the specific application of wartime suppression. By July of 1921, the journal was willing to advocate amnesty for the IWW defendants in Chicago and to question their wartime conviction, arguing that "the circumstances are such as to cast doubt on the validity of the trial." The editors pointed out that Captain Alexander Sidney Lanier, a lawyer for the Military Intelligence Division, had argued in an open letter in *The New Republic* that although there may have been sufficient evidence to convict some defendants, there was not enough evidence to prove a conspiracy among them, and that for the other defendants there was not "one scintilla of evidence." Indeed, during the war, the government "failed in its duty of affording protection to citizens in the exercise

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[46]"Political Amnesty," *The New Republic,* August 27, 1919, 107. "Amnesty," *The New Republic,* January 7, 1920, quotation, 158, 159. "Debs," *The New Republic,* February 16, 1921, 337.

of constitutional rights." The IWW was "everywhere the object of special persecution. Their meetings were broken up, headquarters were sacked, members were pursued even to death by mobs, with a concerted violence that suggests that the foreign war was made a pretext for the levying of industrial warfare."[47] Now that *The New Republic* did not perceive any vital interests of the state, or institutions of reform, to be threatened, it was easier to interpret the wartime suppression as a form of class conflict.

But the amnesty campaign was hobbled by a contradiction. Its advocates argued that the wartime convictions were fundamentally political, but they did this only to oppose the enforcement of the sentences in peacetime, not to oppose the wartime repression in principle. The Wilson administration, on the other hand, was unwilling to concede that its enforcement of the Espionage Act had been political. To preserve the legality of that enforcement, the administration instead attempted to differentiate between those persons who were fairly convicted and those whose cases were prejudiced by their political beliefs. While this distinction may in fact have been specious, from a legal point of view it was a more narrow interpretation of the war powers than the frank acceptance of political incarceration that advocates of amnesty were making. More important, it was also the view of the Supreme Court. In none of the free speech cases did the Supreme Court majority, or Brandeis and Holmes in their dissenting opinions, explicitly construe the Espionage Act to call for the suppression of mere opinion. At most, Brandeis and Holmes dissented from specific implementations of the act on this basis. Like the Brandeis-Holmes doctrine, the amnesty campaign was an attempt after the fact to limit the damage being caused by the war powers while still preserving them, but unlike that doctrine, it was willing to concede the political nature of the wartime repression. In

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[47]"The Case for Amnesty," *The New Republic,* July 20, 1921, 204.

recognizing this truth, the campaign rendered itself incompatible with the Holmes-Brandeis doctrine and unacceptable as a constitutional legal principle.

Initially there was some expectation that Wilson would declare a general amnesty. On November 28, Harry Fagin wrote to Walsh, "I expect to see very shortly—before his departure for Europe—to see the President proclaim a general amnesty for all purely political offenders."[48] On March 1, 1919, Joseph Tumulty urged Wilson to consider general amnesty, but Attorney General Thomas Gregory advised him instead to grant clemency on a case-by-case basis. He noted that "there naturally have been some cases in which the evidence of willful intent was indirect or circumstantial in character and that in close cases of this type injustice resulted to certain defendants because of the all-prevalent condition of intense patriotism and aroused emotions on the part of the jurors." But there was an effort here to avoid the implication that the Espionage Act itself was fundamentally political, and to attribute bias instead to the enforcement of the law. Indeed, Gregory took exception to the description in the petitions of the amnesty campaign of the persons held for violating the Espionage Act as "political prisoners": "The persons convicted and sentenced for a violation of this statute are in no sense 'political prisoners,' and they have not been convicted for *mere expression of opinion.*"[49] Wilson would ultimately adopt the case-by-case approach recommended by Gregory.

On March 26, Wilson wrote to Tumulty from Paris that he was willing to grant a respite in Debs's case as requested by Walsh, but he was concerned about the public

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[48]H.L. Fagin to Frank Walsh, November 23, 1918, General Correspondence, 1918 November 23-26, box 7, Walsh Papers.

[49]Joseph Patrick Tumulty to Woodrow Wilson, March 1, 1919, encl. Thomas Watt Gregory to Woodrow Wilson, March 1, 1919, PWW 55: 344-47, quotations 346, 47.

effect and asked Tumulty to discuss it with the new attorney general, A. Mitchell Palmer. Palmer is usually remembered for the raids that he would conduct in 1920, but he was in fact a longtime reformer and ally of Wilson, as well as a trusted adviser. Elected to Congress in 1908 as an anti-tariff trustbuster, from the floor in 1911 he asserted that the tariff enabled Bethlehem Steel in his home state to build its capital stock by the millions while paying its workers as little as four cents an hour. Far from a fringe member of the Democratic Party, Palmer was elected head of the party's congressional caucus in December 1913, and was head of the national party's executive committee in 1915. He served as one of Wilson's lieutenants in the battle for the Underwood tariff in 1914, and also pushed a child labor bill through the House in February of 1915.[50] What changed Palmer into an anticommunist were the political pressures of holding a cabinet office during a time of revolution, disruptive strikes, and political violence, particularly the bomb that blew up in his foyer.[51] As late as February 1920, Palmer was still drawing the well-worn distinction between lawful agitation and incitement to violence. Advocating a more limited domestic criminal sedition act than had already passed the Senate the previous month, he said, "It is perfectly proper for a man to stand on a soap box here on Pennsylvania Avenue and harangue a crowd to the effect that he believes the Government of the United States is wrong, built upon the wrong principle, and that the Congress is a useless appendage of this Nation."[52]

The exchange between Wilson and Palmer concerning clemency for Debs formed a pattern whereby Wilson would refer requests for clemency to Palmer, who would then

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[50]Coben, *A. Mitchell Palmer,* 15, 49, 77, 84, 88, 113.

[51]Ibid., 203. PWW 60: "From the Diary of Dr. Grayson," June 4, 1919, fn2, 117.

[52]Quoted in Coben, *A. Mitchell Palmer,* 243.

deny them. On April 4, Palmer opposed clemency, noting that the Supreme Court had unanimously affirmed Debs's conviction. On the same day, Palmer recommended commutations of sentences in 151 cases, based on the case-by-case inquiry recommended by Gregory in March.[53] On June 28, the day Germany signed the Versailles Treaty, Wilson cabled Tumulty to communicate to Palmer that "it is my earnest desire to grant complete amnesty and pardon to all American citizens in prison or under arrest on account of anything they have said in speech or print concerning their personal opinions with regard to the activities of the Government during the period of the war." However, he said that he did not "wish to include any who have been guilty of overt crimes, of course…." On July 30 Palmer informed Wilson that he believed Debs's sentence was "too long," but was concerned that releasing him would require releasing "two or three other leaders of the same class" and would be construed by opponents of the peace treaty as "leniency toward law violators of the radical element." He therefore recommended postponing clemency until after the treaty was signed by the Senate, and Wilson concurred. This was a month before Wilson's collapse on September 26.[54]

On August 4, 1919, Wilson sent a request for general amnesty from John Nevin Sayre of the National Civil Liberties Bureau to Palmer, asking him to have the matter "carefully gone over" and asking for a memorandum recommending action. Tumulty raised Wilson's June cable again on March 23, 1920, which Wilson told him to refer to Palmer, Baker, and Postmaster General Alfred Burleson. On April 12, Wilson went so

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[53]Woodrow Wilson to Joseph Patrick Tumulty, March 26, 1919, PWW 56: 310. Joseph Patrick Tumulty to Woodrow Wilson, April 4, 1919, PWW 56: 618. Alexander Mitchell Palmer to Woodrow Wilson, April 4, 1919, PWW 56: 619.

[54]Woodrow Wilson to Joseph Patrick Tumulty, June 28, 1919 (telegram), PWW 61: 351-52. Alexander Mithcell Palmer to Woodrow Wilson, July 30, 1919, PWW 62: 58. Woodrow Wilson to Alexander Mitchell Palmer, August 1, 1919, PWW 62: 98. Arthur Link, *Woodrow Wilson: A Brief Biography* (Cleveland: World Publishing Co., 1963), 166.

far as to ask his staff to draw up a proclamation of general amnesty.[55] On April 19, 1920, Palmer put these stirrings to rest with a remarkable piece of circular reasoning that illustrates clearly the problem at the heart of the amnesty campaign: "It seems to me that a proclamation of general amnesty of the character which is being considered would be a confession on the part of the Government that we have made many prisoners for political reasons, or have convicted them for a mere expression of political opinion, and would constitute a serious reflection upon the administration of the laws by the courts of the country," he wrote. This would set an unacceptable precedent "if such an emergency should again arise in future and it should become necessary to pass laws of similar character...." As a legal matter, to preserve the wartime capacity to repress expression required denying that the content of such expression was in fact the basis of the wartime repression. To admit it would have required the release of all the prisoners.[56]

To support his case, Palmer reported the results of the review of cases authorized by Wilson. Out of 1,894 persons charged under the Espionage Act, only 499 were still in jail or had cases pending. The rest had their cases dropped, or had been acquitted, pardoned, or granted clemency. This careful review meant that "it cannot be successfully or sincerely urged that these convictions were the result of a general hysteria and inflamed condition of the public mind." On the contrary, a general amnesty would forgive "the worst opinion, expressed for the worst purpose, under the worst circumstances, and having the worst effect," including persons such as Debs, Haywood,

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[55]Woodrow Wilson to Alexander Mitchell Palmer, August 4, 1919, encl. John Nevin Sayre to Woodrow Wilson, August 1, 1919, PWW 62: 126-128, quotation 126. Edith Bolling Galt Wilson to Joseph Patrick Tumulty, [c. March 26, 1920], encl. Joseph Patrick Tumulty to Woodrow Wilson, March 23, 1920, PWW 65: 128. Woodrow Wilson to the White House Staff, [c. April 12, 1920], encl. "A Memorandum by the White House Staff," [April 12, 1920], PWW 65: 177.

[56]Alexander Mitchell Palmer to Woodrow Wilson, April 19, 1920, PWW 65: 208.

and the IWW members awaiting trial in California. The remaining defendants were in fact "enemies fighting in the rear." To dispense with the claim that the indicted activity consisted of the expression of opinion, and therefore absolved the defendants of criminal charges, Palmer cited the Supreme Court's decision in Schaefer, from which Brandeis dissented, but in which the majority cited Holmes's opinions in *Schenck, Frohwerk* and *Debs*.[57]

Wilson refused clemency to the more than 60 IWW members held at Leavenworth.[58] And it was Wilson, not Palmer, who was the last holdout on Debs. Palmer, Baker, and Secretary of the Navy Josephus Daniels recommended clemency for Debs on August 10, 1920, but Wilson turned it down. Secretary of Labor William B. Wilson made the same recommendation on December 18. Even Palmer personally recommended commuting Debs's sentence on January 29, 1921, citing changed conditions. According to one observer, however, Wilson, turned down the commutation and "blamed Palmer for a foolish action." George Creel appealed directly to Wilson to pardon Debs during a visit to the White House in early 1921, which Wilson also turned down. Even after President Harding commuted Debs's sentence in December, Wilson remarked to Ida Tarbell on May 5, 1922, "Debs should never have been released. Debs was one of the worst men in the country. He should have staid [sic] in the penitentiary."[59]

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[57]Ibid., 206, 208-209, 204-205, quotations 207, 208, 209.

[58]*William Preston, Jr., Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933,* 2d ed. (Urbana: University of Illinois Press, 1994), 258.

[59]"From the Diary of Josephus Daniels," August 10, 1920, PWW 66: 25. William Bauchop Wilson to Woodrow Wilson, December 18, 1920, PWW 66: 533. Alexander Mitchell Palmer to Woodrow Wilson, January 29, 1921, PWW 67: 98-102, quotation 101. "From the Shorthand Diary of Charles Lee Swem," February 22, 1921, PWW 67: 157. Woodrow Wilson to George Creel, March 2, 1921; George Creel to Woodrow Wilson, March 11, 1921, PWW 67: 186, 231. "A Memorandum by Ida Minerva Tarbell," May 5, 1922, PWW 68: 48.

One explanation for Wilson's seemingly irrational stubbornness was of course his incapacitating stroke on October 2.[60] But to attribute Wilson's actions to his illness does not explain why he chose the actions he did. The question is not what would Wilson have done were he healthy, but why he in fact made the decision to deny clemency. Perhaps the most straightforward explanation is that he accepted Palmer's logic. Like most progressives, he wanted to preserve the capacity to repress dangerous expression in wartime. But doing so required enforcing those wartime convictions he believed were not based on mere opinion but addressed a genuine danger to the state. Debs fell under this latter category because he was a socialist with a large following, so his speech against the draft could be expected to prevent people from complying or enlisting.[61] The fact that this opinion consisted of a circumscribed understanding of democracy is not a good reason to reject it as Wilson's motive, whether he was sick or healthy. What Wilson failed to see was that it was fundamentally a political matter to restrict speech that could potentially endanger the state.

The Palmer Raids

What generated more intense opposition among progressives than the continuing incarceration of wartime political prisoners was the ongoing repression of radicals after the war. The most spectacular instance of this repression came in January 1920, when Palmer arrested 10,000 people in two days of sweeps aimed at deporting alien members of the Communist and Communist Labor Parties, both formed the previous year. In

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[60]Link, *Woodrow Wilson,* 166.

[61]Alexander Mitchell Palmer to Woodrow Wilson, January 29, 1921, PWW 67: 100-101 discusses the opinion of Judge Edwin Slusser Wertz opposing clemency because of the size of Debs's following at the time of his speech. Palmer personally favored clemency by this point, however.

Palmer's thinking, the the raids and the amnesty campaign were linked because the denial of a general amnesty was necessary in order to preserve the authority to conduct the raids. In his April 1920 memo, Palmer warned Wilson that "The country is not yet entirely free from enemies within," and that he would be unable to enforce the law "with unfaltering hand and clear conscience" if he did not advise Wilson of the appearance of inconsistency that a general amnesty would produce. Wilson's earliest direct comment on the raids came in an April 14, 1920, cabinet meeting, in which Palmer and Secretary of Labor Wilson debated the actions of Assistant Secretary of Labor Louis Post. Post had decided to release those persons who had joined local Communist Parties but had been enrolled automatically in the national party when it formed in September 1919. The president "told Palmer not to let the country see red," according to Josephus Daniels.[62] On the one hand Wilson was urging Palmer not to be overzealous, but he was also advising him to be vigilant in enforcing the law.

Long before the raids, on October 16, 1918, Wilson signed the legislation under which Palmer would act, an amendment to the 1917 Immigration Act entitled "An Act to Exclude and Expel from the United States Aliens Who Are Members of the Anarchistic and Similar Classes." The 1917 act had empowered the Secretary of Labor to deport any alien who advocated anarchism or the violent overthrow of the government. The new law expanded this provision to apply not only to persons who advocated anarchism but also to "aliens who are members of or affiliated with any organization" advocating these

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[62]Alexander Mitchell Palmer to Woodrow Wilson, April 19, 1920, PWW 65: 210. Preston, *Aliens and Dissenters*, 220-21. "From the Diary of Josephus Daniels," April 14, 1920, PWW 65: 187. Arthur Link notes, "There is no evidence that Wilson knew anything about the Palmer raids prior to this cabinet meeting," fn 6, 188. "Decision of Louis F. Post, Assistant Secretary of Labor, in re Thomas Truss," April 10, 1920, R. G. Brown et al., *To the American People: Report upon the Illegal Practices of the United States Department of Justice* (Washington: National Popular Government League, 1920), exhibit 16, 60-61. Coben, *A. Mitchell Palmer*, 232, 236.

beliefs. The 1917 law permitted the deportation of persons who had been members of an anarchist organization at the time of entry within five years. But the 1918 law removed this time limit and for the first time provided for deportation of persons on the basis of membership not only at the time of entry but who "have become thereafter" members of such organizations.[63]

Signing this legislation was a change of course for Wilson, who had twice vetoed the February 1917 law. This change no doubt reflected the difference between a peace and war footing, but it was also indicative of Wilson's distinction between desirable and undesirable kinds of revolution, as well as his changing perception of which kind of revolutionary agitation was more prevalent. Before the war, Wilson was concerned that the legislation would exclude advocates of constitutional change who had historically been important to American progress. In his 1915 veto message, Wilson stated that the bill deviated from "the very mission and spirit of the Nation" by excluding those "who could find nowhere else the right and opportunity of constitutional agitation for what they conceived to be the natural and inalienable rights of men." Had such restrictions been enacted earlier, they would have "altered the course and cooled the humane ardors of our politics." Wilson did not comment specifically on the 1918 legislation, but the tenor of the congressional debate gives some indication of how its supporters presented it. Commenting on Wilson's 1915 veto message in June 1918, Representative Albert Johnson warned that the new radicals were "Revolutionists of a new school," who "do

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[63]Congress, House, Message from the President approving An Act to Exclude and Expel from the United States Aliens Who Are Members of the Anarchistic and Similar Classes, H.R. 12402, 65th Cong., 2nd sess., *Congressional Record* 56, pt. 11 (October 24, 1918): 11474. *An Act to Exclude and Expel from the United States Aliens Who Are Members of the Anarchistic and Similar Classes, Statutes at Large* 40, sec. 1, 1012, sec. 2, 1012 (1918). Cf. *Immigration Act of 1917, Statutes at Large* 39, sec. 3, 875, sec. 19, 889 (1917). Preston, *Aliens and Dissenters,* 66-67, 83, 182-83.

not know just what kind of a revolution they want, but they want one" and who "fall in readily with the teachers and anti-Government agitators in the United States."[64]

Wilson also made comments in his 1919 State of the Union Address revealing general sympathy for the course being undertaken by the attorney general, if not for his excesses. He called on Congress to "arm the Federal Government with power to deal in its criminal courts with those persons who by violent methods would abrogate our time-tested institutions.... Legislation to this end has been recommended by the Attorney General and should be enacted." There is also little question that Wilson did not by this point sympathize with communism. He warned that "there are those in this country who threaten direct action to force their will upon a majority. Russia today, with its blood and terror, is a painful object lesson in the power of minorities."[65] Despite his veto, Wilson enforced the 1917 legislation. In the winter of 1918 the Justice Department cooperated with the Bureau of Immigration to detain 150 IWW members for deportation in Seattle. In these cases, Wilson did not endorse mass roundups based on membership, but he did condone detention based on individual guilt. Under this standard, 27 people were deported, in proceedings that persisted until June 1919. The first sweep under the revised

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[64]Congress, House, Representative Sabath of Illinois speaking against An Act to Regulate the Immigration of Aliens to and the Residence of Aliens in the United States, H.R. 6060, 63rd Cong., 3rd sess., *Congressional Record* 52, pt. 3 (February 4, 1915): 3064, quoted in Preston, *Aliens and Dissenters,* 80. Congress, House, Representative Johnson of Washington speaking for An Act to Exclude and Expel from the United States Aliens Who Are Members of the Anarchistic and Similar Classes, H.R. 12402, 65th Cong., 2nd sess., *Congressional Record* 56, pt. 8 (June 21, 1918): 8111.

[65]Woodrow Wilson, "An Annual Message on the State of the Union," December 2, 1919, PWW 64: 111, 116. These sections were written by Tumulty. Cf. Joseph Patrick Tumulty to Edith Bolling Galt Wilson, [November 24, 1919] encl. "A Draft of an Annual Message," PWW 64: 81, 87. The legislation had been proposed by Palmer on November 15 and would have imposed fines and imprisonment for sedition in peacetime and provided for the deportation of aliens, including naturalized aliens, convicted of sedition. Ibid., fn 5, 81.

legislation came in November 1919, when approximately 300 members of the Union of Russian Workers were arrested.[66]

It is not possible to attribute the Palmer Raids to Wilson, nor is it possible to deny that Wilson's stroke in October may have removed an important restraint from Palmer. But while the raids cast a wider net than Wilson endorsed, he did continuously support the deportation of those radicals he considered guilty of advocating anarchism. This continuity is what is pertinent here, because the question is not whether Wilson was responsible for the raids, but rather, what do the raids reveal about Wilson's understanding of radicalism. What seems clear is that Wilson was sympathetic to revolution so long as he understood it to to possess constitutional objectives, and that he opposed revolution that would involve violence, undermine organized government, or bring about minority rule. Increasingly he came to believe that it was the latter and not the former kind of revolution that both immigrants to the United States and radicals in the United States were advocating. The reason for this would seem to be clear as well: the Russian Revolution and the formation of the American communist parties in 1919. But what is perhaps less evident is that his view of the same radicals within the United States also began to change, from relatively harmless advocates of positive, if rapid, change to subversive advocates of violent revolution. Why did he think Eugene Debs, who always advocated democratic change, was dangerous enough to keep him in jail even after the war? Why did he think members of the IWW, whom Felix Frankfurter cleared of violence in the western strikes, merited deportation? Wilson was inclined to view those who favored the expropriation of private property, as both Debs and the IWW did, as favoring the wrong kind of revolution when he perceived them to constitute a threat to

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[66]Preston, *Aliens and Dissenters,* 169-172, 205-206, 216.

the state. During the war, the threat consisted of obstruction of the war effort. After the war, the example of the Russian Revolution caused him to generalize about the intentions of communists and other radicals in the United States.

The Red Scare would eventually prompt *The New Republic* to draw a connection between the influence of class and the curtailment of democracy. On February 4, 1920, "The Mob in High Places" dealt specifically with the suspension of five Socialist members of the New York State Assembly, which it linked to the "general campaign" of the state and federal governments and the press against "the 'Reds.'" If the expulsion succeeded, the journal wrote, the American state would no longer rest on the "free competition of ideas," but would "become the incarnation of the particular political social and economic system known as capitalism." That is, if capitalism was not open to negotiation, democracy was excessively limited in what it was capable of changing. The journal also clearly explained how the accusation of violence could be used to legitimate the use of violence to suppress radical opinion. Referring to advocates of "hundred per cent" Americanism, the journal wrote, "It is not force and violence which horrifies their conscience. It is the prospect or threat of radical political and economic changes. They are perfectly willing to use force and violence as an agency not of social change but of social stagnation." Indeed, "They are at bottom far more afraid of ideas than they are of force and violence."[67] Those in favor of repression claimed to be defending the process of peaceful democratic change, but were in fact using violence to stop it.

The editors gradually adopted this position because of a belief that repression was being overzealously applied. By attributing repression to irrational hysteria, it was possible to preserve the capacity to suppress real dangers to the state and avoid

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[67]"The Mob in High Places," *The New Republic,* February 4, 1920, 280, 279, 281.

implicating the wartime suppression. In its coverage of the deportation campaign, the journal initially echoed Wilson's 1915 veto message. On February 15, 1919, *The New Republic* editorialized that "deportation of aliens who abuse the hospitality of the United States by conspiring for the violent overthrow of its government is doubtless a necessary political measure," but warned that the law could exclude advocates of constitutional revolution, such as counterrevolutionaries from Russia. After the mail bombs of May 1, the theme of irrationalism began to appear: "…the eradication of such mental defectives is a long and difficult task of eugenics and education," the journal said, but it warned about the reverberations of a panicked or violent reaction: "For the real source of violence lies in that atmosphere of unreason which incites the defective mind."[68] After the Supreme Court's Abrams decision, which preserved the capacity to suppress dissent in wartime, the charge of irrationalism began to shift from radicals to those who sought to repress them. "The really dangerous instability and insecurity exists, not in the fabric of American political and social institutions, but in the violent and enervated state of mind of our articulate and educated people." If the educated and wealthy subverted freedom of speech to preserve constitutional government, "they will end by sacrificing constitutional government to the dictatorship of one class." Under the security of the Abrams formula, it was possible for the journal to recognize explicitly the class bias behind the ongoing repression.[69]

What the journal did not explore, however, was whether even rational applications of suppression, such as wartime suppression, involved class bias. The state

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[68]"Editorial Notes," *The New Republic,* Feburary 15, 1919, 67. "Bombs," *The New Republic,* May 10, 1919, 38. Coben, *A. Mitchell Palmer*, 203-204.

[69]"The Call to Toleration," *The New Republic,* November 26, 1919, 362.

in wartime was implicitly assumed to have a neutral character with respect to capitalism. Thus it was possible to heap opprobrium on Palmer without calling into question the legitimacy of the state. The journal began to criticize the deporations in December, giving several examples of harmless Wobblies who were being deported.[70] The journal criticized the January raids immediately, arguing that Palmer ironically gave credibility to the "absurd" communist argument that "the present government does not rest on the consent of the governed, and that it is only by forcible suppression of radical criticism that it protects itself against violent overthrow."[71] "Hysteria," became the byword to describe the Palmer raids, and by April, Palmer had earned the title of "Vice-Regent": "For sheer incompetence, for mischievous meddling, for braying and bragging, for ignorance of fact, ignorance of history, for lawlessness and disorderly conduct, there is none to compete with Mr. Palmer."[72]

For Walter Lippmann, irrationalism would take on central importance in his explanation for repression both during and after the war. This is ironic because he was involved in war propaganda in Europe and favored censorship in principle, but attributing repression to irrational behavior gave him an alibi.[73] For instance, in a March 1921 review of Everett Dean Martin's *The Behavior of Crowds,* Lippmann noted that "liberalism" had, since the "tragedy" of the Paris Peace Conference, served as "the

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[70]"The Anarchist Deportations," *The New Republic,* December 24, 1919, 96-98.

[71]"Deporting a Political Party," *The New Republic,* January 14, 1920, 186. This was Croly's idea. Cf. Herbert David Croly to Woodrow Wilson, October 19. 1917, PWW 44: 408-09 and "The Mob in High Places," *The New Republic,* December 7, 1918, 149-50.

[72]"The Red Hysteria," *The New Republic,* January 28, 1920, 251. "Palmer Vice-Regent," *The New Republic,* April 28, 1920, 260.

[73]David Kennedy attributes this discrepancy to disillusionment, *Over Here: The First World War and American Society* (Oxford: Oxford University Press, 1980), 91-92.

spearhead of opposition to the crowd-mindedness engendered by war" and had made a "courageous analysis of the violence of crowd-mindedness as it appears both in the patrioteer and revolutionist." With this formulation, Lippmann separated both himself and liberalism from repression, attributing it to the irrational crowd.[74] This irrationalism was rooted in a kind of reactionary paranoia. Writing in 1920 about the repression of the strikes of the previous year, Lippmann wrote that Americans sided with the "Garys and Palmers" because the public "saw revealed a power that might someday be violently abused, and they were ready to crush that power or anything that symbolized it regardless of whether it was then actually being abused. In other words they chose to treat as if it were actually here, a danger which at the moment was only potential."[75] Lippmann lumped Gary and Palmer together here, arguing that both opposed the aspirations of workers. But although Palmer was an easy target, he had been a longtime reformer, while Gary was an open-shop industrialist. It was inaccurate for Lippmann to imply that Palmer was a conservative like Gary, although it did effectively distance himself and other liberals from repression.

Besides conservatives, also capable of misleading the public were amateur journalists peddling false information. The remedy for this, according to Lippmann, was greater professional control of the news. In this view, repression during and after the war took place not because progressives had aggregated too much power on behalf of the state, but because the press had not yet been wrested from the control of "the untrained

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[74]Walter Lippmann, "The Behavior of Crowds," review of *The Behavior of Crowds—a Psychological Study,* by Everett Dan Martin, *The New Republic,* March 2, 1921, 22.

[75]Walter Lippmann, "Can the Strike Be Abandoned?" *The New Republic,* January 21, 1920, 225-26. Coben, *A. Mitchell Palmer,* 178-83.

amateur." In *Liberty and the News,* published in 1920, Lippmann argued that every defense of freedom of speech, from Milton to Mill, contained exceptions. Milton excluded "Popery," "open superstition," and "evil," while John Stuart Mill excluded opinions expressed in circumstances that would constitute "a positive instigation to some mischievous act." Indeed, freedom of speech was extended only to areas of "indifference." But in a democracy, nothing seemed to be a matter of indifference, in particular at moments of crisis. "War and Revolution, both of them founded on censorship and propaganda, are the supreme destroyers of realistic thinking... Both breed fanatics of all kinds...."[76] If liberty was to be preserved in a democracy, the best defense was not to attempt to tolerate all opinion, but to exclude false information from the news that informed public opinion. To this end, Lippmann called for documentation of all news stories with legal penalties for false documentation, greater accountability for publishers, perhaps including "courts of honor," and consideration of an educational degree requirement for reporting. There was a similarity here to the position that Lippmann took in February 1917, when he advised Wilson that if there was to be censorship, it should not "suppress truth," but "control untruth."[77] But Lippmann could now present this idea as the defense of the experts against amateur propaganda and the suppression of free speech by an irrational public.

Lippmann was probably referring to Creel in his discussion of amateurs, of whom he was critical while working in Europe. The acrimony went back to the two men's

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[76]Walter Lippmann, *Liberty and the News* (N.p.: Harcourt, Brace and Howe, 1920; reprint, New Brunswick: Transaction Publishers, 1995), 69, 28, 32, 35, 52. Two of the three essays were published in 1919 in the *Atlantic Monthly.*

[77]Ibid., 57, 63-64, 66, 67-68, 72, 82-83, quotation 67. Walter Lippmann to Woodrow Wilson, February 6, 1917, PWW 41, 135.

exchange over the Ludlow massacre in 1914, when Lippmann described Creel as irresponsible for accusing Paul Kellogg, editor of the *Survey*, of bias toward Rockefeller. In the fall of 1918, Lippmann wrote to Colonel House that Creel's staff did not understand English journalism or European politics, and that his propaganda was harming relations with the allies. When Creel complained to Wilson, Lippmann was confined to a small office in Chaumont, France, where he wrote leaflets to be dropped among German soldiers. Indeed, his description of the CPI after the war reveals his contempt for Creel's amateurism: "The outfit which was abroad 'selling the war to Europe' (the phrase is not my own) gave shell-shocked Europe to understand that a rich bumpkin had come to town with his pockets bulging and no desire except to please."[78]

There is a pattern here of trying to blame repression on fanatics and amateurs, the irrational public, and greedy industrialists. On December 7, 1919, Brandeis wrote to Susan Goldmark, "The intensity of the frenzy is the most hopeful feature of this disgraceful exhibition;—of hysterical, unintelligent fear—which is quite foreign to the generous American nature. It will pass like the Knownothing days, but the sense of shame and of sin should endure."[79] But within these criticisms lies a kernel of complicity. Repression per se was not the problem, but the overzealous implementation of repression. By avoiding blanket condemnations of repression, and focusing criticism on excess, narrow repression of clear and present dangers could be salvaged and self-incrimination avoided.

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[78]Ronald Steel, *Walter Lippmann and the American Century* (Boston: Little, Brown, 1980), 143-47, quotation 147, quoting Walter Lippmann, "For a Department of State," *The New Republic,* September 17, 1919, 196.

[79]Louis Dembitz Brandeis to Susan Goldmark, December 7, 1919, Urofsky, *Letters of Louis Brandeis* 4: 441.

The significance of the focus on abuse was clear in the May 1920 *Report upon the Illegal Practices of the United States Department of Justice,* signed by Frank Walsh, Felix Frankfurter, and 10 other attorneys, legal scholars, and judges. While a potent denunciation of Palmer, this report also marked an important moment in which progressives chose to defend the rights of radicals while at the same time making clear that they did not share their views: "We make no argument in favor of any radical doctrine as such, whether Socialist, Communist or Anarchist. No one of us belongs to any of these schools of thought.... We are concerned solely with bringing to the attention of the American people the utterly illegal acts which have been committed by those charged with the highest duty of enforcing the laws...."[80] While not a denunciation of radicalism, this statement is a negative judgment, further implied by the report's emphasis on the eminence of its authors. According to an internal memo of the non-partisan Popular Government League, which formed the committee, the mandate was explicitly limited: "The merits or demerits of any political or economic doctrine were not to be considered...." This was an important difference from the earlier Walsh and Frankfurter reports, such as the 1916 Commission on Industrial Relations final report and the 1918 report of the President's Mediation Commission. Both linked the causes of radicalism to injustices in the industrial system. But by May of 1920, in order to generate sympathy from the public, it was advantageous to avoid any tincture of shared purposes with the organizations being repressed. As the memo put it, "The committee, however, are all non-socialists, men whose ability, integrity and standing will have great weight

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[80]*Report upon the Department of Justice*, 2-3. Walsh gave his permission to use his signature on this report on May 21, 1920, indicating he did not assist in its drafting. Frank P. Walsh to Jackson H. Ralston, May 21, 1920 (telegram), General Correspondence, 17-31 May 1920, box 9, Walsh Papers.

with the American people." In October, Walsh wrote to a Scottish editor who had asked for a copy of the report, "The entire twelve who served upon the committee, with the possible exception of myself, had great influence with what might be called the conservative public, so I believe the report, made at the time it was, caused the lash to, at least, fall more lightly upon the backs of the disinherited ones."[81] Ironically, the heightened repression of radicalism generated both a more forceful defense of the rights of radicals and a clearer dissociation from them.

The report also reflected an effort to focus on specific individuals responsible for the raids without implicating Wilson or his administration. In a December 1919 letter to Wilson that Frank Walsh and George Creel agreed to sign, Basil Manly, who had worked with Walsh on the National War Labor Board, attempted to attribute the raids to a cabal within the Wilson administration attempting to reverse his reforms. As the letter put it, "Taking advantage of your necessary absence from the nation upon affairs of the gravest consequence and of your recent unfortunate illness, false friends in positions of authority have perverted the great powers conferred upon them by the American people for war purposes into instruments of tyranny and terrorism." In his cover letter to Walsh, Manly said this cabal had set out "to destroy and nullify everything for which he [Wilson] had stood in the past." Manly was trying to dissociate the raids not only from Wilson, but from the progressivism he symbolized. The letter was to be signed by hundreds of "loyal democrats," and given to Wilson, but apparently it was never sent.[82]

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[81]"Memorandum Concerning the Report of Attorneys on the Methods of Attorney-General Palmer," enclosure, Judson King to Frank Walsh, May 23, 1920, 17-30 May 1920; [Frank Walsh] to Alexander Scott, October 4, 1920, General Correspondence, 1920 October 15-31, box 9, Walsh Papers.

[82]Basil Manly to Frank Walsh, December 6, 1919, encl. "To the President of the United States," n.d.

Initially Walsh was willing to accept Wilson's health as an excuse, but after the Palmer Raids he concluded that ultimate responsibility for the infringement on constitutional liberties lay with the president. In his January 1920 article in *Reconstruction,* which he wrote in early December 1919, he asserted that "The most moderate and conservative labor organizations are being raided in the hunt for so-called 'Reds'...." Generally speaking about the administration's turn away from support for collective bargaining, he said, "As to the attitude of the Administration at this time, I am one who believes that if President Wilson had been spared his health and strength the attitude of the administration towards labor would have remained unchanged." By March 1920, however, after the Palmer raids, Walsh was no longer willing to absolve Wilson of responsibility. "Believers in President Wilson have hoped against hope that he would reassume the vigorous democratic leadership" that he had exhibited before the war. "But no word comes from him." Illness was no excuse: "If the physical condition of the President has been such that he could not personally act in this governmental crisis," he should have asked his cabinet not to take part in "this savage onslaught upon democratic principles." The legislation under which Palmer was acting, and not just its implementation, was also to blame. "The part which the Administration has taken in the initiation and passage of such repressive and unconstitutional legislation is the last word in political stupidity and treachery."[83] While the report to which he signed his name singled out Palmer, Walsh had begun to suspect that Palmer had Wilson's confidence.

[Frank Walsh] to Basil M. Manly, 8 December, 1919 (carbon), 1-11 December, 1919, box 8, Walsh Papers. This was apparently superseded by the formation of the ACLU.

[83][Frank Walsh] to Basil Manly, December 4, 1919 (carbon), General Correspondence, 1919 December 1-11, box 8; Frank P. Walsh, "Walsh on Wilson Administration's Turn against Labor," *Reconstruction,* January 1920, 5, 4; Frank P. Walsh, "Frank P. Walsh Again Sharply Criticizes Wilson Administration's

The report focused on egregious violations of the Bill of Rights, especially the Fourth Amendment's protection against search and arrest without a warrant. Violations of the Eighth Amendment's protection against cruel and unusual punishment and the Fifth Amendment's protection against self-incrimination were also alleged, but notably not the First Amendment.[84] This had the effect of, first, making it appear that the raids had victimized people who were not anarchists or communists, and second, avoiding the question of whether or not a more judicious deportation of communists according to the 1918 immigration law would have been politically, if not legally, unacceptable. For instance, in a November 7 sweep on the Russian People's House in New York, which contained an office of the Federated Unions of Russian Workers, many of those arrested were beaten and then released. A teacher named Mitchel Lavrowsky said that a Justice Department agent walked into his classroom at 8:00 p.m. with his revolver drawn. "I wear eye-glasses and the agent of the Department of Justice ordered me to take them off. Then without any provocation, struck me on the head and simultaneously two others struck and beat me brutally." The agent then threw him down the stairs where he was beaten with pieces of the banister by other agents. He was then taken to the Department of Justice office, questioned, and released.[85] An attempt was also made to demonstrate that those arrested were tortured. For instance, Russians kept in a Hartford jail were put

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Terrorism," *Reconstruction,* March 1920, 109, folder 1920, box 37, Walsh Papers.

[84]This was probably because, in light of the Supreme Court rulings, radical groups had become associated with the effort to assert First Amendment rights. The right to free speech was the basis for the Manly letter as well as Walsh's March *Reconstruction* article, although Walsh had discouraged Manly from obtaining the signatures of radicals on the letter: "And I think, too, that it would be well, splendid as they are, not to have the names of the outstanding radicals, who have been compelled to work overtime lately at signing protests. Am sure you will understand the spirit of this, and that I do not mean to belittle any of them, for without them, in these late crises, no telling where the Government would have landed." [Frank Walsh] to Basil M. Manly, December 8, 1919 (carbon), folder December 1-11, box 8, Walsh Papers.

[85]Report upon the Department of Justice, exhibit 2, 16, exhibit 2b, 18.

in a special hot room. Peter Musek, a tailor who was arrested December 24 when he attempted to visit a detained friend, was kept in this room for two days: "When I came into the cell it was quite warm. Soon thereafter the floor became hot and I nearly roasted. I took my clothes off and remained absolutely naked but the heat was unbearable." After lying on the floor all night he "felt terrible pain in my chest and half of my body was almost roasted from contact with the floor." He was carried out of the room on February 8.[86]

The report placed particular emphasis upon the lack of warrants and the effort to obtain evidence of membership in the communist parties through searches and interrogations before permitting communication with counsel. Confidential instructions reproduced in the report, sent by Frank Burke, assistant director of the Bureau of Investigation, to George Kelleher, head of the bureau's Boston office, indicated that warrantless searches were condoned: "I leave it entirely to your discretion as to the method by which you should gain access to such places. If, due to the local conditions in your territory, you find that it is absolutely necessary for you to obtain a search warrant for the premises, you should communicate with the local authorities a few hours before the time for the arrests is set...." When people were arrested, "you should endeavor to obtain from them, if possible, admissions that they are members of either of these parties...." Membership lists, literature, and financial records should be seized, and "the ceilings and partitions should be sounded for hiding places." Individual members should be searched, and "if found in groups in meeting rooms, they should be lined up against the wall there and searched; particular attention should be given to finding the

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[86]Ibid., exhibit 1b, 14.

membership book...." Another set of instructions stated that "Person or persons taken into custody not to be permitted to communicate with any outside person until after examination by this office and until permission is given by this office."[87]

The right of the government to deport those who genuinely advocated the violent overthrow of the government, however, was not questioned. For example, after the first set of instructions, dated December 27, the report noted that the Secretary of Labor had not found the Communist Party to be unlawful for immigrants until January 24, 1920, and decided on May 5 that the Communist Labor Party was not unlawful. No exception was taken to either of these findings—the objection was that the Department of Justice acted as if both parties were prohibited and did so before the finding had been made. Similarly, the report quoted with approval Louis Post's decision not to deport members of the Communist Party who had been enlisted automatically from local parties at its foundation, without criticizing his decision to deport those who joined knowingly.[88]

One reason for the emphasis on abuse rather than freedom of speech may have been the involvement of Louis Brandeis. On March 25, 1920, Brandeis obtained the December 27 confidential instructions to agents from circuit court judge George Anderson. Anderson had raised the possibility of a defense according to the Fourth and Fifth Amendments on March 8, when he congratulated Brandeis for his dissent in Pierce. Referring to himself, he said, "It is not of much moment what some lower court Judge thinks about the application of the 4th and 5th Amendments to aliens or hysterial raids as distinguished from dispassionate official action." Anderson thus proposed a different

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[87]Coben, *A. Mitchell Palmer,* 207, 238. *Report upon the Department of Justice*, exhibit 11, 38, 39, exhibit 12, 41.

[88]*Report upon the Department of Justice, e*xhibit 11, 41, exhibit 16, 58-64.

basis for the deportation cases from the First Amendment while maintaining the distinction between abuse and legitimate deportations. Anderson also underlined and discussed specific places in the text of the December 27 instructions where arrests were planned without warrants in violation of the Fourth and Fifth Amendments, arrests of citizens were anticipated, and membership in the Communist Party, without any evidence of belief or understanding, was taken as a sufficient basis for arrests. These underlined portions were italicized in the published report, and the main thrust of the report paralleled Anderson's argument. Finally, Anderson presided over the April 1920 Colyer Case, from which the report produced a lengthy partial transcript, and whose remarks criticizing the lack of due process the report singled out for approval.[89] Perhaps Brandeis passed along the December 27 instructions to Frankfurter.

While the report did not raise the First Amendment, there is also some reason to believe that the Palmer Raids influenced Brandeis and Holmes in their changing view of the wartime cases. The Palmer raids came between the two sets of Supreme Court decisions, in March of 1919 and March of 1920. The exception was the Abrams dissent, which came on November 10, 1919, just a few days after the first wave of arrests was beginning. Brandeis's opinion of these raids is noticeable in his December 7 letter to Susan Goldmark. Brandeis also had another reason to be concerned, which is that the

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[89]Anderson also sent two other sets of instructions and a letter from Burke to Kelleher to Brandeis, although these are not the sets of instructions reproduced in the report. George W. Anderston to Louis Brandeis, March 8, 1920, Supreme Court (SC 5-1) 1920 General Correspondence, reel 48; George W. Anderson to Louis Brandeis, March 24, 1920, enclosing "Instructions," n.d. Frank Burke to Geo. E. Kelleher, December 27, 1919, [Frank Burke] to Kelleher, December 31, 1919 (telegram), Burke to Kelleher, December 31, 1919 (telegram), World War (W.W. 9-1), 1918-1920, Correspondence about Russia, Miscellaneous Materials, reel 62, University of Louisville, University Archives and Records Center, Louisville, KY (microfilm, Library of Congress, Manuscript Division, Washington DC), (hereinafter Brandeis Papers). *Report upon the Department of Justice,* exhibit 13, "The Colyer Case," 43. Also c.f. *Report upon the Department of Justice,* exhibit 11, "Confidential Instructions, Dec. 27, 1919," 39-41.

Red Scare was beginning to reach his inner circle. On April 24, 1920, Roscoe Pound informed Brandeis that the Harvard Corporation had denied the recommendation of the faculty that Frankfurter be given a Byrne Professorship. This denial came amid a concern about the "radical tendencies" of the law school, as Thomas Perkins put it in a letter to Brandeis on March 20, 1920. In June of the previous year, after meeting with Pound, Brandeis had written to Alice Goldmark Brandeis, "Old Boston is unregenerate.... F. F. is evidently considered by the elect as 'dangerous' as I was." Even if Brandeis was unwilling to extend the First Amendment to alien communists, he did have reason to narrow its exclusions. On May 2, 1920, Brandeis wrote to Frankfurter, "Judge Holmes was much distressed about reports on Byrne Professorship. He said he was glad to think Harvard affairs were settled, & begins to realize that freedom of speech is not a dead issue in America." Frankfurter won the appointment on June 1 after intervention by Pound.[90]

The importance of irrationalism and the distinction between fair and unfair procedures also informed Jane Addams's understanding of the Red Scare. The current "overzealous officialism as a method of Americanizing the alien" Addams attributed to the passions aroused by the war. This method of Americanization overgeneralized about immigrants: "To ticket bodies of men by a collective name, and to regard the men as we believe the principles [they hold] deserve to be regarded, is an egregious blunder…." Addams did not advocate toleration so much as assimilation by less coercive means.

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[90]Thomas N. Perkins to Louis Brandeis, March 20, 1920; Roscoe Pound to Louis Brandeis, April 24, 1920, April 28, 1920, Supreme Court (SC 5-1) 1920 General Correspondence, reel 48, Brandeis Papers. Louis Brandeis to Alice Goldmark Brandeis, June 14, 1919; Louis Brandies to Felix Frankfurter, May 2, 1920, Urofsky, *Letters of Louis Brandeis* 4: 400, 463, fn 2, 464. Rabban, *Free Speech in Its Forgotten Years,* 352.

Philanthropists before the war approached Americanization as a "cultural task," Addams argued. Through such devices as the "New England town meeting" philanthropists had "urged upon the immigrant that he talk out his preconceived theories and untoward experiences. We believed that widespread discussion might gradually rid the country of the compulsions and inhibitions, the traditions and dogmatisms, under which newly arrived immigrants suffered." The result of this effort was "thousands of instances in which the radical young man ... has become a typical prosperous bourgeois citizen...."[91] However, Addams's description of the causes of unrest paralleled the prejudices of those engaging in persecution. For instance, she said, "...the world is full of social unrest which the immigrant is more acutely conscious of and perhaps understands better than do native-born Americans. We forget that there are re-distributions in land, recognition of peasant proprietorship continually being carried on in the various countries of Europe...." Immigrants were "very eager" to know what was their own share in these redistributions, and while some Hungarian immmigrants were beginning to receive letters, the lack of word from Russian families was making some immigrants "disturbed and very unhappy for these purely human reasons."[92] This description implied a collective mind for each national group, and substituted emotional reactions for political unrest in a condescending way.

Addams objected to deportations of immigrants, noting that they were being punished for the same kinds of meetings in which they had been engaging since they had come to America. After the January raids, Addams focused on the methods that had been

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[91]Jane Addams, "Americanization," 211, 212, 210, reel 47, frames 1807-1808, Addams Papers.

[92]Jane Addams, "The Immigrant and Social Unrest," in *National Conference of Social Work Proceedings* (1920): 59, reel 48, frame 224, Addams Papers.

used: "...while many of these arrested aliens might be legitimately liable to deportation, the methods employed were not those to give them an impression of even handed justice and of lawful procedure ... the entire situation was a dangerous departure from the Anglo-Saxon tradition of arresting a man for his overt act and not for his opinions." This description made the raids appear discontinuous from the wartime suppression, and indeed out of keeping with native traditions. Addams did, however, put the raids in political context, likening them to the reaction in England after the French Revolution. "England then feared the doctrines of the French Revolution, as we now fear bolshevism." Addams was still arguing in favor of a gradual transition from capitalism to "a more socialized form of society." If the public could accept that this transition was normal, much like the continuing process by which capitalism was replacing feudalism in Europe, the panic could be overcome.[93] However, the idea of change so gradual as to be almost imperceptible, whether one was referring to the transition from feudalism in Europe or to a mixed economy in the United States, was clearly at odds with the contemporary situation.

The Formation of the ACLU

In January of 1920, the National Civil Liberties Bureau became reorganized as the American Civil Liberties Union. An internal memo explained the connection of the end of the war to the opportunity for expanding the organization: "The Bureau was organized to deal with war-time problems. Because of the sharp division of opinion it was

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[93]"Miss Addams' Views on the Deportations," *Chicago Tribune,* February 24, 1920, 8, reel 48, frame 250; "The Immigrant and Social Unrest," 61, reel 48, frame 226; Jane Addams, "Americanization," 213, reel 47, frame 1809, Addams Papers.

practicable to secure the support and interest only of those who opposed the war or who supported it with reservations. That issue now past, a new line-up is necessary if the bureau is to serve the cause of freedom of expression in the industrial struggle." The Bureau did not expect the end of the war to make possible a non-partisan basis for the organization. Instead it proposed embracing the pro-labor position implied in the application of the principle of free expression. "We are frankly partisans of labor in the present struggle. It would be absurd to expect opponents of the cause of labor to join with us in the application of the general principle." To expand the membership of the national committee, it suggested including three groups: people in the labor movement, people active on behalf of labor, and liberals who sought to uphold civil liberties on principle.[94] A solicitation letter for the reorganization emphasized the labor issues involved: "The application of the principle [of free expression] in the United States today centers in the struggle of labor for an increasing control in industry. The whole gamut of activities aimed at 'reds, radicals, Bolshevists, and the I.W.W.' is in substance [for] only the one purpose of suppressing the revolt of labor against intolerable industrial autocracy." The letter also called for coalitional politics. The new organization "should be representative of all interests involved, even the 'radicals' most under attack."[95] This coalition was reminiscent of the prewar coalitions such as the Women's Trade Union League and the cooperation embodied in the Protocol of Peace and the Commission on

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[94]Quotations, "Suggestions for Reorganizing of the National Civil Liberties Bureau," n.d., *American Civil Liberties Union Archives: The Roger Baldwin Years, 1917-1950* (Wilmington: Scholarly Resources, 1996), (microfilm), reel 12, folder 95: 336, 338 (hereinafter ACLU Papers). John Nevin Sayre, Albert DeSilver, and Roger N. Baldwin to the members of the directing committee, December 13, 1919, reel 12, folder 95: 341-42, ACLU Papers.

[95]"Proposed Reorganization of the Work for Civil Liberty," [December 31, 1919], reel 5, folder 44: 180, 181, ACLU Papers.

Industrial Relations. Labor had provided a common set of interests to unite this coalition, but what disrupted it was intervention overseas and the confrontation with revolution in Russia. When both liberals and the AFL supported the Wilson administration, it left radicals in a vulnerable position when they appeared to threaten national security. Now that many liberals believed the threat to national security was irrational, and the administration had turned its back on labor, the coalition could be reformed.

Jane Addams and Felix Frankfurter both agreed to serve on the national committee, while Florence Kelley and Frank Walsh declined. Frankfurter agreed to ACLU Director Roger Baldwin's request to offer his "judgment from time to time on tactics and policies." Both Kelley and Walsh said they sympathized with the organization but did not have time to contribute to it in any substantive way. On September 1, Walsh did, however, recommend several of the personnel from the Commission on Industrial Relations staff to help Baldwin with publicity, expert investigation, and legal assistance in the West Virginia coal strike.[96] Illustrative of the coalitional character of the organization, William Z. Foster also agreed to serve on the national committee. "Altho I make it an inflexible rule to belong only to strictly trade union organizations, I feel that I should make an exception in the case of your body. If there is anyone in this country who should realize the necessity of free speech and do all possible to achieve it, it is my humble self." The socialist Morris Hillquit, Rose Schneiderman, president of the Women's Trade Union League, and Elizabeth Gurley Flynn, formerly of the IWW and

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[96]Jane Addams to [L. Hollingsworth] Wood, January 8, 1920, reel 16, folder 120: 106; [Roger Baldwin] to Felix Frankfurter, February 13, 1920, reel 16, folder 120: 166; Felix Frankfurter to [Roger] Baldwin, February 18, 1920, reel 16, folder 120: 50; Roger Baldwin to Felix Frankfurter, February 28, 1920, reel 16, folder 120: 51; Florence Kelley to Norman Thomas, January 6, 1920, reel 16, folder 120: 68, ACLU Papers. Frank Walsh to L. Hollingsworth Wood, January 1920 (carbon), General Correspondence, 1920 January 20-31; Roger Baldwin to Frank Walsh, August 31, 1920, folder 1920 September 1-10; Frank Walsh to Roger Baldwin, September 1, 1920, folder 1920 September 1-10, box 9, Walsh Papers.

still active in its legal defense as an organizer for the Workers Defense Union, also joined the national committee.[97]

Felix Frankfurter had some input into the ACLU's Statement of Principles that illustrates the interplay of the forces surrounding the organization's founding. An early draft of the statement contained the following section entitled "The Right to Strike": "The right of workers to strike should at all times and in all places be inviolate. This should apply equally in the public service and in private employment." Perhaps thinking of his management of strikes in the war industries, on March 31, 1920, Frankfurter wrote to Baldwin, regarding this section, "I'm not at all sure this is *your* job. It's a more complicated problem than your few sentences cover. In disposing of strikers in public service you are freely cavalier and not at all constructive. Mere negatives are but a small fraction of the story[—]to wit how to devise ways and means to make strikes silly and wasteful." The original statement was an effort to describe the strike as an inviolable individual right, but Frankfurter did not understand it this way. In a revised version of the principles issued to the national committee on May 24 and marked "sent to press," this section was changed to read, "The right of workers to organize in organizations of their own choice, to bargain collectively through representatives of their own choosing, and to strike, should never be infringed by law." Frankfurter was clearly trying to pull the statement in the direction of the Protocol of Peace, which did not permit strikes, and

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[97]William Z. Foster to Roger Baldwin, February 18, 1920, reel 16, folder 120: 120; Morris Hillquit to Al. Hollingsworth Wood, January 6, 1920, reel 16, folder 120: 123; Minutes of th e meeting of the conference to reorganize the work of the National Civil Liberties Bureau, January 12, 1920, reel 16, folder 120: 9; "National Committee of the American Civil Liberties Union," [1920], reel 16, folder 160: 1-2; "Proposed Reorganization of the Work for Civil Liberty," reel 5, folder 44: 183, ACLU Papers. Melvyn Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World* (New York: Quadrangle/The New York Times Book Co., 1969), 425. On Gurley Flynn's legal activities, see, for example, Elizabeth Gurley Flynn to Frank Walsh, July 29, 1920, General Correspondence, 1920 July 21-31, box 9, Walsh Papers.

the President's Mediation Commission, which tried to avoid them. Yet the right to strike remained, and in a separate clause a new objection was made to compulsory arbitration. These changes marked a move in the direction of greater sympathy with radicalism, and away from the wartime version of collective bargaining, with its exclusions of and sanctions for striking Wobblies.[98]

Frankfurter also commented on a section entitled "Immigration, Deportation, and Passports," the first clause of which read: "No person should be refused admission to the United States on the ground of holding objectionable opinions. The present restriction against anarchists is wholly opposed to our tradition of liberty." Frankfurter wrote, "As to 'anarchists' that's too loose. Please bear in mind you are trying to persuade people who do not feel as burningly or see as simply as you do. Why not get [Harvard professor Zechariah] Chafee to write the position dealing with deportation as freedom of speech &c." Only small changes were made to this section to make it more palatable to those who opposed anarchism, however: "anarchists" was changed to "so-called 'anarchists'" and "tradition of liberty" was changed to "ideals of liberty."[99]

The final document also included the rights of free expression, a fair trial, and against warrantless searches and seizures. The rights were expressed in such a way as clearly to include radical opinion. For example, the section on freedom of assemblage said, "There should be no laws or regulations prohibiting the display of red flags or other

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[98]"Civil Liberty: The Position of the American Civil Liberties Union on the Issues in the United States Today," n.d., reel 16, folder 120, p. 17; Felix Frankfurter to Roger Baldwin, March 31, [1920], reel 16, folder 120, p. 173; Harry F. Ward to the members of the national committee, May 24, 1920, enclosing "Civil Liberty: The Position of the American Civil Liberties Union on the Issues in the United States Today," reel 16, folder 120: 23, 25, ACLU Papers.

[99]"Civil Liberty," first version, p. 17; Frankfurter to Baldwin, March 31, [1920], pp. 172-73; "Civil Liberty," second version, pp. 24-25, ACLU Papers.

political emblems." The immigration section specifically opposed deportation for "membership in a radical or revolutionary organization." A section on liberty in education called for "no dismissal for radical views" and for opposition to "attempts of educational authorities to inject into public school and college instruction propaganda in the interest of any particular theory of society to the exclusion of others...." The end of the war had made possible a renewal of the coalition with radicals, while the Palmer raids made it imperative. This reformed coalition, however, while grounded in the objective of increasing workers' control, reached explicit agreement on a set of individual rights. The protection of these rights would enable labor to make use of its collective power. As the initial suggestions for reorganization put it, "Every civil right we have, has, of course been won only by ceaseless agitation, developing the organized power to take and hold a right."[100] Shared collective goals did not form the explicit program of this coalition, which distinguished it from prewar coalitions. Liberals and radicals reached agreement on civil liberties, but the line distinguishing the two groups remained much clearer than it had been before the war.

Conclusion

In one sense, the period in which progressives, Wilson excluded, acquiesced in the repression of radicalism was limited to the eleven months of 1918 before the end of the war. But this period was long enough to establish the precedent for the federal government and state governments to bring about a great change in American politics. Eighteen states would eventually pass criminal syndicalism legislation that outlawed the

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[100]"Civil Liberty," second version, pp. 23-25; "Suggestions for Reorganizing of the National Civil Liberties Bureau," p. 337.

practices of the IWW, and also used them to prosecute suspected communists.[101] In New York State, the Lusk Committee investigated Russian subversion in the public schools, and many states passed laws against teaching foreign languages.[102] In Minnesota the business community, organized as the Minneapolis Citizens Alliance, managed to revive the Justice Department's volunteer spy auxiliary, the American Protective League, under private auspices.[103]

Together, federal and state repression took a toll on membership figures. In 1917, the IWW had at least 100,000 members, and in 1915 the Socialist Party had 79,000, which increased to 109,000 by the end of the war. Socialist Party membership declined after 1924, and although the IWW experienced a postwar resurgence in official membership, by 1930 it had no more than 8,000 members. The Communist parties had an official membership of no more than 60,000 in 1919, which declined to 15,000 by 1923.[104] Although membership numbers did not follow a straight line, the trend in the combined figures is clear.

Beyond the numbers, repression also affected the content of American politics. As was stipulated during the foundation of the ACLU, freedom of speech and freedom of assembly are not empty concepts. At times the exercise of these rights will bring about

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[101]Dubofsky, *We Shall Be All,* 381-82. David Montgomery, "Thinking about American Workers in the 1920s," *International Labor and Working Class History* 32 (Fall 1987): 8. Johanningsmeier, *Forging American Communism*, 191.

[102]Alan Dawley, *Struggles for Justice: Social Responsibility and the Liberal State* (Cambridge: Harvard University Press, Belknap Press, 1991), 245, 259.

[103]William Millikan, *A Union Against Unions: The Minneapolis Citizens Alliance and Its Fight Against Organized Labor, 1903-1947* (St. Paul: Minnesota Historical Society Press, 2001), 214.

[104]James Weinstein, *The Decline of Socialism in America, 1912-1925* (New York: Vintage Books, 1967), 27, 327, 332. Harvey Klehr, *The Heyday of American Communism: The Depression Decade* (New York: Basic Books, 1984), 4. Dubofsky, *We Shall Be All,* 349, 445-46.

substantive change, in particular by facilitating the formation of labor unions. As Walsh himself observed, the toleration of repression during the war for the sake of gains in labor organization backfired when repression continued after the war and the wartime labor institutions did not. Repression also brought about a subtle change in progressive ideology. Even if progressives retained substantial material similarities to social democrats, they would no longer accept the socialist label. In 1909, Croly was willing to say, "... if any critic likes to fasten the stigma of socialism upon the foregoing conception of democracy, I am not concerned with dodging the odium of the word." By 1919, by contrast, he said, "Some of my readers may interpret the foregoing indictment of capitalism as a vindication of the economic determinism of Marxian socialism. That is precisely the opposite of what it is."[105] This rhetorical change had the effect of ghettoizing explicit opposition to private property, even if some progressives continued secretly to hope something very similar to socialism might come about gradually.

But in an important sense, progressives other than Wilson continued to favor repression, if only as a capacity to be exercised in the proper way and during the proper times, such as during wartime. What they favored was a limited, expert, efficient application of the repressive power, rather than an ignorant, hysterical, amateur zealotry. In short, they favored a progressive implementation of repression, not a policy of tolerating radicalism under all circumstances. Moreover, while it is easy to dismiss Wilson as a former progressive, or a conservative temporarily disguised as a progressive, he did not share this view. He believed he was upholding the distinction between mere

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[105]Herbert Croly, *The Promise of American Life* (Cambridge: Harvard University Press, Belknap Press, 1965; reprint of New York: Macmillan Company, 1909), 209. Herbert Croly, "The Obstacle to Peace," *The New Republic,* April 26, 1919, 406.

expression of opinion and incitement to crime. The fact that his implementation of this distinction may have been clumsy or disingenuous in the view of other progressives does not alter how Wilson understood himself. That he no longer was representative of other progressives illustrates a change in their thought more than his.

This clear and present danger doctrine, even in the narrowest implementation, placed inherent limitations on democracy because of the changes in the economy and international politics that had occurred over the last several decades. The advent of total war and the attendant mobilization of integrated managerial corporations created a situation in which revolutionary unionism or expression could create a real danger to national security. But it is important to remember that progressives had not been neutral with respect to the development of this situation. Croly, Lippmann, Brandeis and others had spoken of the possibilities of greater efficiency through the development of peaceful methods of resolving disputes between business and workers. The decision to accept the large corporation as a party in this process created a situation in which radical expression, by threatening to undermine the functioning of wartime production, could present what appeared to be a clear and present danger. Progressives believed that democracy simply had to be limited to preserve the modern state, but the modern state in which it had to be limited was very much part of the progressive vision. Brandeis and others tried to move as far in the direction of toleration of political opinion as possible while preserving the capacity of self-defense in wartime, but the state that was being preserved was a very different form of political economy from what radicals envisioned. As *The New Republic* observed, if the political system could not potentially change or even do away with capitalism itself, democracy was curtailed.

Chapter Six: Progressive Politics, 1920-1924

> ...as an American who called himself a reformer from 1890 to 1908, a Republican insurgent from 1908 to 1912, and since 1912 a progressive, and who shared most of the mistakes and illusions of the reformers, insurgents and progressives, I shall vote for the Farmer-Labor candidate for the presidency.
>
> –Herbert Croly, October 27, 1920[1]

Progressivism is often thought of as an ideology that can be defined in terms of a set of reforms or a way of thinking about political economy. In this perspective, progressivism began in the late nineteenth century, reached its apogee during the First World War, and then lost popular support due to widespread disillusionment with the ideals with which the war had been sold and the excesses of repression under Attorney General Palmer.[2] This dissertation has asked what modifications could be made to this view by instead examining how specific reformers' reactions to contemporary events, in particular those that involved working-class radicalism, changed over time. Progressives have sometimes been described as radicals, but the question in this study has been, what did progressives themselves think about radicalism?

While it is true that progressives lost power after the war, they did not adopt some of their most important ideas until the 1920s. Ironically, as demonstrated in the last chapter, it was only in the context of the Palmer raids of 1919-1920, when some progressives became willing to defend the rights of radicals against federal repression, that they explicitly distinguished themselves from radicals. It was in this process of self-definition that individual rights became an integral part of the progressive lexicon. Moreover, in the 1920s progressives began to recognize explicitly the necessity of

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[1]Herbert Croly, "The Eclipse of Progressivism," *The New Republic,* October 27, 1920, 215.

[2]Michael McGerr, A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870-1920 (New York: Free Press, 2003).

coalitional politics with working-class radicals in order to achieve power. Foreign policy had disrupted the prewar coalition because it made national security a salient political issue and made alliances with radicals who opposed the state untenable. With the war over, progressives begin to see the benefits of numbers and appealing to the self interest of workers with the formation of the Farmer-Labor Party and later the Progressive Party. In forming this coalition, progressives revised their view of wartime repression and began to see it not as a grim necessity but as a kind of hysteria. In reaction to the trial of the communist William Z. Foster and the Railroad Shopmen's Strike of 1922, progressives would articulate a sympathetic view of communists, oppose the labor injunction, and advocate industrial unionism. These changes completed the transition of progressivism from a nineteenth-century version of fabian socialism to a twentieth century emphasis on fostering labor unions and individual rights.

While coalitional politics between middle-class reformers and working-class radicals were critical to the progressives' achievement of power before the war, progressives tended to view themselves as radicals at that time, blurring the distinction between the two groups. When working-class radicals appeared to threaten national security during the war, because progressives were not yet willing to concede that radicals had different objectives from themselves, they tended to describe radicals as something else, as destructive or even mentally ill. During the 1920s, in defending the rights of radicals, progressives explicitly distinguished themselves from radicals. In forming a new coalition with radicals in the Farmer-Labor Party on a specific programme, the differences with radicals were explicitly recognized, and the language of

pathology tended to be left behind. Paradoxically, the conscious acceptance of difference made progressives more tolerant.

The Farmer-Labor Party

Growing awareness of the potential power of a progressive-labor coalition was evident in the discussion surrounding the formation of the Farmer-Labor Party. The party grew out of the Cook County Labor party formed by Chicago unionists in January of 1919. The new party gained its initial impetus from disillusionment with the AFL's support of Wilson despite industrialist obstruction of the National War Labor Board. Especially among the large Chicago Irish community, there was also anger over Wilson's acquiescence in British imperialism, particularly rule of Ireland. The platform of the party called for recognition of the right to organize, an eight-hour day, a graduated income tax, and public ownership of utilities.[3] Frank Walsh was initially enthusiastic about the party. On December 7, 1918, he wrote to Ed Nockels, secretary of the Chicago Federation of Labor, "I find an exceedingly lively interest in your proposed new political party.... All of the liberals, radicals and uplifters here are intensely interested and all seem to look upon your proposed new party as the 'real thing.'" Walsh also put Nockels in touch with J. A. H. Hopkins and D. C. Coates of the National Party, which he described as "the new party started a year or two ago, having for its nucleus those Americans who left the Socialist Party...." Walsh endorsed the National Party, and while, according to Hopkins "for obvious reasons, I do not wish to use his name, he has told me that I was free to say this to any of the friends whose signatures we were asking."

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[3]Elizabeth McKillen, *Chicago Labor and the Quest for a Democratic Diplomacy, 1914-1924* (Ithaca: Cornell Unversity Press, 1995), 86-87, 127-33.

Among those who signed a call for a parallel convention was Herbert Croly.[4]

The Labor party became a statewide organization in May 1919 and held its first national convention in November. The Farmer-Labor party name was adopted during the July 1920 nominating convention in Chicago. Walsh's description of his reasons for supporting the party consisted of a fusion of collective goals and individual rights. By upholding the individual rights of workers, the party would enable workers to organize and exercise greater collective power. He contrasted this approach with the wartime limitation of individual rights in the name of collective goals. In an unpublished interview given ahead of the July conference, Walsh said that he favored "government ownership and control of the railroads, public utilities, coal mines, and perhaps certain of the basic industries, such as the packing houses and steel industry." But he also said that he favored a "sort of bill of rights for labor," which would incorporate the right to collective bargaining, an eight-hour day, and a minimum wage, as well as amnesty for political prisoners and a restoration of "the constitutional guaranties [sic] taken away under the guise of war legislation; absolute freedom of speech, liberty of the press, the right of the people to assemble..."[5]

The July convention was held in conjunction with the liberal Committee of 48 and Senator Robert LaFollette. Tensions remained in the area of foreign policy, however, and La Follette broke with the party due to what he considered "revolutionary language" in its

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[4][Frank Walsh] to Edward N. Nockels, December 7, 1918 (carbon); [Frank Walsh] to Ed Nockels, December 10, 1918 (carbon), General Correspondence, 1918 December 5-10; J. A. H. Hopkins to Frank Walsh, December 27, 1918, enclosing J. A. H. Hopkins to George P. West, December 27, 1918, folder 1918 December 27-31, box 7, Frank Walsh Papers, New York Public Library, Rare Books and Manuscripts Division (hereinafter Walsh Papers).

[5]McKillen, *Chicago Labor,* 137, 142, 146. "Interview of Mr. Frank P. Walsh, June 22, 1920," box 121, Walsh Papers. This box was not organized into folders.

platform concerning opposition to imperialism and the Versailles Treaty. Instead the party nominated Parley Christensen of Utah. In addition to the labor planks, the platform opposed the League of Nations and called for recognition of the Soviet regime and the independent Irish government.[6] Robert LaFollette, Jr., wrote to Walsh after the conference, "the chief difficulty lay in the fact that the doctornaires [sic] in both groups attempted to dominate the situation," and due to a lack of understanding on the part of the Committee of 48, "all tricks were taken by the left wing of the Labor Party group." On October 11, Walsh wrote to Fagin that he was disappointed with Christiansen and that "the only protest vote, which can be cast in this election, is one for Eugene Debs."[7] Walsh had broken with Wilson and the Democratic Party, but this required several years and multiple affronts including the end of federally sanctioned collective bargaining, the failure to deliver on Irish independence, and the Palmer raids. The end result was support for a nascent independent liberal-labor party, and for the time being a socialist vote.

In endorsing the Farmer-Labor Party in 1920, Herbert Croly argued that wealthy had come to exert a disproportionate influence in politics, and that in order to restore a balance, progressives had to embrace class-based politics and ally themselves with workers. "The one group whose interests, whose numbers and whose existing social disfranchisement qualify it to redress the balance is that of the workers." To accomplish such a coalition, however, progressives had to overcome "class misunderstanding and prejudice" toward workers. Croly explained, "The great majority of American

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[6]McKillen, *Chicago Labor,* 147, 152, 154, quotation 154.

[7]Robert La Follette, Jr., to Frank Walsh, August 17, 1920, General Correspondence 1920 August 11-19; [Frank Walsh] to Harry Fagin, October 11, 1920 (carbon), General Correspondence 1920 October 1-14, box 9, Walsh Papers. McKillen, *Chicago Labor,* 155.

progressives are educated and comparatively well-to-do business and professional men. They have never sought social contacts with the leaders of organized labor and their understanding of the wage-earners' point of view has suffered from ignorance of the impulses, necessities, and the ideals which give form to labor unionism." Croly did not accept that the classes were fundamentally in conflict, and he still held out the ideal of an ultimate "class concert." Moreover, Farmer-Labor did not "call for blood as does the red flag of Socialism." But in positing the imbalance of power between the classes as the central problem, Croly was able to pinpoint the disruptive effect of middle-class identification with the wealthy, expressed as prejudice toward the workers, on coalitional reform politics.[8]

The organization that would nominate La Follette in 1924 was the Conference for Progressive Political Action, formed in February 1922. When the conference refused to accept delegates from the communist Workers Party, the Chicago Farmer-Labor party quit the organization in 1923 and formed the Federated Farmer Labor party with the communists. This organization initially supported the Minnesota Farmer-Labor party, which had won important electoral victories in 1922, including two seats in the U.S. Congress and control of the state legislature.[9] The following year, Walsh regarded the election of Farmer-Labor candidate Magnus Johnson as Senator from Minnesota as "likely to change the face of American politics." Walsh received reports on the broad popular support for Farmer-Labor and La Follette in Minnesota from Workers Party member Jay Lovestone in 1923, who told him that Chicago Federation of Labor President

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[8]Herbert Croly, "The Eclipse of Progressivism," *The New Republic,* October 27, 1920, 213, 215, 216.

[9]Edward P. Johanningsmeier, *Forging American Communism: The Life of William Z. Foster* (Princeton: Princeton University Press, 1994), 207. McKillen, *Chicago Labor,* 200-203.

John Fitzpatrick and La Follette were likely to attend the party convention in May 1924. Alluding to these reports, Walsh wrote to his veteran Chicago trade unionist friend Ed Nockels, "I am intensely interested in all the Farmer-Labor activities.... Of course, nowadays, when I read about the Farmer-Labor party, I cannot tell whether I am reading about you or the Communists."[10]

The Federated Farmer Labor Party became an empty shell, however, after the communists dominated the first convention in July 1923 and the Chicago group abandoned the party. In 1924 the Workers Party chose to run William Z. Foster on its own ticket for president. Meanwhile, La Follette gained the endorsement of the AFL, the Socialist Party, and the remainder of the Chicago Labor Party. At the Socialist national convention, Morris Hillquit said, "We have in mind ... not merely ordinary business of nominating a candidate. What we are doing is simply laying the foundation for a new dawn in political life." Of La Follette's 4.8 million votes in 1924, 14 percent of the total popular vote, about 900,000 were Socialist.[11]

In the 1924 election, Walsh initially supported Al Smith for the Democratic nomination, whom he considered the most progressive contender in the party. Walsh was drawn to Smith's positions on taxation, fair use of natural resources, and public ownership of utilities, but he considered "the test of his democracy and moral bravery" to have been his defense of radicals in his opposition to the Lusk Committee, which

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[10][Frank Walsh] to John Hearley, July 18, 1923 (carbon), General Correspondence, July 1923, box 12; Jay Lovestone to Frank Walsh, December 3, 1923; Jay Lovestone to Frank Walsh, December 6, 1923; [Frank Walsh] to Edward N. Nockels, December 10, 1923 (carbon), General Correspondence, 1923 December 1-12, box 12, Walsh Papers. *The National Cyclopedia of American Biography,* s.v. "Johnson, Magnus."

[11]McKillen, *Chicago Labor,* 205, 207-208, 210-11. Johanningsmeier, *Life of William Z. Foster,* 207-209. Nick Salvatore, *Eugene V. Debs: Citizen and Socialist* (Urbana: University of Illinois Press, 1982), 335, 337. "La Follette Enters Presidential Race," *The Liberal,* July 1924, p. 1, box 133, Walsh Papers.

investigated alleged Russian revolutionary radicalism in the New York State public schools in 1920.[12] When the lawyer John Davis won the Democratic nomination, Walsh gave his support to La Follette. Walsh was concerned about Davis's litigation on behalf of major corporations. While Walsh felt that a lawyer should uphold the right to counsel without prejudice in criminal cases, he though that it was "immoral and unethical" for a lawyer to take civil cases on behalf of corporations that would harm labor unions or consumers. In a statement issued in September 1924 through the Committee of 48, Walsh said "In court contests between the people and entrenched privilege, Mr. Davis is always found serving the same masters and opposing the public weal." Speaking of the United Mine Workers, Walsh said that if Davis had persuaded the Supreme Court to uphold damages sought by the Coronado Company for a 1917 strike, "that great organization would have been destroyed and along with it the American labor movement."[13]

When Croly endorsed La Follette in 1924, he made his case in terms of the need for a class-based party. The Democratic and Republican parties, Croly argued, were led by people who "belong to the classes whose conduct, outlook and personal welfare are determined by profitable abuses." Therefore, they could not understand progressivism to mean any more than "a little mild squeamishness about such matters as child labor and the denial to organized labor of the right of collective bargaining." Similarly, the old

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[12][Frank Walsh] to Basil Manly, April 11, 1924 (carbon), General Correspondence, 1924 April 1-11, box 13; "Governor Smith a Presidential Possibility," n.p. [April 1924], box 130, Walsh Papers. Alan Dawley, *Struggles for Justice: Social Responsibility and the Liberal State* (Cambridge: Harvard University Press, Belknap Press, 1991), 245.

[13][Frank Walsh] to William Zimmerman, July 21, 1924 (carbon), General Correspondence, 1924 July 16-31, box 13; political scrapbook 1924, p. 22; "John W. Davis's Seven Cases before the U.S. Supreme Court," *The Sun,* October 1, 1924, box 132, Walsh Papers.

Wisconsin program, even though it was allied with the current Progressive Party, "was a program of middle-class legislative reform," and did not require the formation of a separate working-class party. What could be accomplished only with such a party was "an improved distribution of economic and political power." But to accomplish this redistribution required an issue of equal intensity to that which produced the Republican party in the 1850s. Public opinion "does not sufficiently realize that the ownership of property brings with it a power over human life which in existing circumstances is certain to be abused and which, like Negro slavery, tends morally to impoverish both the beneficiaries and the victims of the institution."[14] Croly was calling chiefly for a share for labor in management, but it is nonetheless striking that he was willing to implicate private property itself, and not simply a lack of government action, in the unfair situation of labor.

Croly's perspective was indeed a sharp contrast from that of Wilson at the beginning of the century, when he wrote his *History of the American People.* Croly recognized the link between taking a position in favor of fairness for workers and being willing to criticize the institution of private property itself. Arguing that property was inherently coercive, he invoked slavery, the most coercive of property relations, as a reference point to make his case. So momentous did he feel the necessary renegotiation of property rights to be that looked to the Republican Party of the 1850s as a model. For Wilson, on the other hand, even slavery itself was not a justification for overturning the system of property and placing the subordinate class in power.

In endorsing La Follette, Jane Addams also took a positive view of the coalition

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[14]Herbert Croly, "La Follette," *The New Republic,* October 29, 1924, 222, 223, 224.

underlying the Farmer-Labor party. "At this moment, under his trained leadership, is taking place for the first time in the United States, that which has already been achieved in other countries of Anglo-Saxon tradition—a welding together of the forward-looking voters, whether they have called themselves Socialists or liberals, proletarians or agriculturalists." Addams said this coalition was new in America, but she also harked back to the Progressive moment of 1912, recalling "almost with a lump in the throat, the precious planks so enthusiastically put into a Progressive platform...." In portraying this coalition as unprecedented, however, Addams left out the wartime disruption of the coalition between progressives and radicals that had led to the election of Wilson. In other places, Addams attempted to conceal this disruption by revising what had been her stance toward the IWW during the war. For instance, in January 1922, regarding the IWW leaders who were arrested and held in Chicago during the war, she wrote in *The Christian Century* that "Some of us started a 'milk fund' for those who were plainly far on the road to tuberculosis." However, in 1918 she had told Roger Baldwin of the National Civil Liberties Bureau that she was unwilling to write to the president to obtain the release of the IWW's mail and refused to sign a statement to be published in *The New Republic* appealing for IWW defense funds.[15]

Writing in *Survey* in 1922, Addams gave a clue as to why she kept silent during the war in a way that illustrates the kinds of conversations that were going on among

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[15]Jane Addams, "Why I Shall Vote for La Follette," *The New Republic,* September 10, 1924, 37, reel 48, frame 662; Jane Addams, "The Aftermath of the War," *The Christian Century,* January 5, 1922, 11, reel 48, frame 533, *The Jane Addams Papers, 1860-1935* (Ann Arbor: University Microfilms Interational, 1984) (hereinafter Addams Papers). Jane Addams to Roger Baldwin, June 7, 1918, reel 11, folder 86: 211; Jane Addams to Roger Baldwin, June 11, 1918, reel 11, folder 86: 217, *American Civil Liberties Union Archives: The Roger Baldwin Years, 1917-1950* (Wilmington: Scholarly Resources, 1996). William Preston, Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933,* 2d ed. (Urbana: University of Illinois Press, 1963), 143-44.

progressives: "We were constantly told by our friends that to stand aside from the war mood of the country was to surrender all possibility of future influence, that we were committing intellectual suicide, and would never again be trusted as responsible people or judicious advisers." She had begun to fear that pacifism had become a kind of "quietism" or "fanaticism." Repetition of pacifist principles seemed inadequate to answer the arguments of "statesmen" of "conscience" who favored intervention in order to make "all future wars impossible," or leading pragmatic intellectuals who published persuasive arguments for intervention. But there was also a darker motive, although Addams described it as something she confronted rather than felt: "a genuine human trait with its biological basis, a trait founded upon the instinct to dislike, to distrust and finally to destroy the individual who differs from the mass in time of danger."[16]

Although his reasons were related more to contemporary strikes than to a modus vivendi with working-class radicals, Felix Frankfurter also endorsed La Follette for president. In 1924, Frankfurter said that the chief issue in the campaign was "the great inequality of property." Comparing the La Follette candidacy to such previous insurgencies as John Frémont's Republican presidential campaign in 1856, Frankfurter wrote, "The La Follette candidacy represents a determined effort to secure adequate attention for the great interests of the workers and of agriculture in those economic and social compromises which, in the last analysis, underlie all national action." Frankfurter was motivated as much by opposition to Davis as by support for La Follette. In an unsigned editorial in *The New Republic* in August 1924, republished in a La Follette

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[16]Jane Addams, "Peace and Bread II: President Wilson's Policies. III: Personal Reactions During the War," *Survey,* January 28, 1922, 703, reel 48, frame 555, Addams Papers. Lloyd C. Gardner, *Safe for Democracy: The Anglo-American Response to Revolution, 1913-1923* (New York: Oxford University Press, 1987), 60.

campaign pamphlet, Frankfurter accused Davis of insensitivity to constitutional rights "when not invoked on behalf of property." Davis, though president of the American Bar Association, was silent in 1921, "at a time when the 'Red' hysteria and proscription of 'radicalism' were in full swing." Similarly, in a 1923 speech before the American Bar Association, Davis was silent on the injunction of the 1922 Railroad Shopmen's Strike, which was so sweeping as to amount to a prohibition "of those means of association and activities which *are* a trade union."[17]

Frankfurter, however, did show some softening in his attitudes toward the IWW. In a December 1918 article advocating the preservation of some form of wartime labor standards, Frankfurter had written that if the forces of social unrest "are repressed too ignorantly and coercively," the result would be vigilante violence, poor labor conditions, and "the various movements which we have had, such as the I.W.W. movement." In this view, collective bargaining between workers and employers was a way to remove the impetus for movements such as the IWW. There was a subtle but real difference in a 1920 article in favor of the eight-hour day. In this case, he described a specific use of an IWW tactic, rather than the entire organization, as the result of a failure to address a legitimate grievance. In 1917 in the Northwest forests, the IWW conducted an on-the-job strike for the 8-hour day, meaning that they simply stopped working after eight hours. To establish that this form of sabotage was not motivated by lack of patriotism or by laziness, he noted that a forestry service worker successfully recruited IWW workers to

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[17]"Abstemious Liberalism," *John W. Davis: The Democratic Candidate for President of the United States, a Reprint of Two Editorials from The New Republic* (Boston: LaFollette-Wheeler Campaign Committee, n.d.), 9, 10, 13; cf. "Abstemious Liberalism," *The New Republic,* August 6, 1924, 285-87, "Writings of Felix Frankfurter, 1913-1924," container 194, folder 3632, reel 123, Felix Frankfurter Papers, Library of Congress, Manuscripts Division, Washington, DC (microfilm), (hereinafter Frankfurter Papers)

fight a forest fire: "Never in the history of forest fighting," according to the forestry worker, "was such competent, effective such whole-hearted work ever done as by that mass of I.W.W. lumber jacks...."[18]

By contrast with his former supporters, Woodrow Wilson continued to view radicalism in much the same way as he did during the war. In October of 1921, Wilson drafted the initial version of what would become "The Document," a proposed platform for the 1924 Democratic National Convention. It contained the following statement about revolution: "The present menace to political liberty and peaceful economic prosperity lies, not in the power of kings or irresponsible governments, but in hasty, passionate, and irrational programmes of revolution. The world has been made safe for democracy; but democracy has not yet made the world safe against revolution." While not quite calling for a cold war, Wilson went on to say that America, "the greatest of all democracies," should set an example for the rest of the world by demonstrating how to "defeat the irrational programmes of revolution" by means of "sober and practical legislative reforms." Perhaps humoring Wilson, Brandeis suggested changes for four paragraphs in the document and later drafted a section on enforcing the Volstead Act.[19] In January 1924, Wilson sent the document to former Secretary of War Newton Baker, seeking his feeling on whether it should be submitted to the Democratic Committee on

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[18]Felix Frankfurter, "The Conservation of the New Federal Standards," *Survey,* December 7, 1918, 292; "Social Unrest: Solution of Industrial Problems Rests Upon Application of Scientific Principles and Not Upon Arbitrary Force," *Current Affairs,* January 5, 1920, 6, "Writings of Felix Frankfurter, 1913-1924," (bound volume), container 194, folder 3632, reel 123, Frankfurter Papers.

[19]Woodrow Wilson to Louis Dembitz Brandeis, June 20, 1921, PWW 67: 319-20, fn. 1. Woodrow Wilson to Bainbridge Colby, October 24, 1921, PWW 67: 431. Bainbridge Colby to Woodrow Wilson, April 5, 1922, PWW 67: 594-95. Bainbridge Colby to Woodrow Wilson, April 5, 1922, PWW 67: 588-601. Louis Dembitz Brandeis to Woodrow Wilson, April 15/23, 1923, PWW 68: 334-36. Melvin I. Urofsky, *A Mind of One Piece: Brandeis and American Reform* (New York: Charles Scribner's Sons, 1971), 125-30, takes Brandeis's participation more seriously.

Resolutions. After Wilson's death, Baker sent a copy to Brandeis "in deep confidence," saying that he did not think anyone "has the right to give these papers to the public as expressive of President Wilson's views" and that he would not send on the document to the committee.[20] The document was generally incoherent and did not reflect contemporary political concerns, which was probably the main reason for Baker's concern. But it is also true that Wilson's views of radicalism, still using the language developed by Carleton Parker during the war, had become increasingly anachronistic as the main focus of progressive activity had again become coalitional politics.

Russia: From Intervention to Constructive Engagement

The pattern with respect to Russia was similar to that with respect to the Farmer-Labor Party. Wilson's position remained much the same as it had been during the war, viewing Bolshevism in negative terms, although shifting from efforts to uproot it in Russia to efforts to contain it. Especially during the New Economic Policy after 1921, however, other progressives began to see in Russia the potential for transformation not only to capitalism, but to a "cooperative capitalism" that incorporated some of the best elements of reform politics.[21] As Lloyd Gardner has demonstrated, at Versailles and immediately afterward, Wilson was caught between several competing imperatives. First, there was the central dilemma of the conflict between the ideology of self-determination and the

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[20]Newton D. Baker to Louis Brandeis, April 15, 1924, encl. Woodrow Wilson to Newton Baker, January 20, 1924 and "Confidential Document," The Louis Dembitz Brandeis Papers, 1870-1941, University of Louisville, University Archives and Records Center, Louisville, KY (microfilm, Library of Congress, Manuscript Division, Washington DC), (hereinafter Brandeis Papers).

[21]The phrase is Steve Fraser's, "The 'New Unionism' and the 'New Economic Policy,' in *Work, Community, and Power: The Experience of Labor in Europe and America, 1900-1925,* ed. James E. Cromin and Carmen Sirianni (Philadelphia: Temple University Press, 1983), 186.

reality of anti-Bolshevism. Second, the Allies continued to believe it was possible to defeat Bolshevism militarily within Russia. While Wilson became increasingly uneasy about this policy, he did not confront the Allies about it and in fact supplied American forces in the effort. Finally, there was the problem of the spread of Bolshevism. Confronted with communist revolution in Hungary, revolutionary agitation in Germany, and massive strikes at home, Wilson was determined to prevent the spread of Bolshevism into Europe and the United States. Rhetorically, Wilson took to describing Bolshevism as "poison" and argued that the cure for it was a combination of food relief, reform of international relations, and reform of economic relations at home.[22] As has been demonstrated, Wilson at a minimum also tolerated Attorney General A. Mitchell Palmer's assault against domestic communists in 1919 and 1920.

Wilson's sense was that Bolshevism was tolerable within Russia, so long as it did not spread to other countries because it would prove a temporary phase. In a March 1919 meeting of the Council of Four discussing the military intervention, he said that his policy was to "leave Russia to the Bolsheviks—they will stew in their own juice until circumstances will have made the Russians wiser—and confine our efforts to keeping Bolshevism from invading other parts of Europe."[23] To this end, he warned French Prime Minister Georges Clemenceau that the reparations he was demanding of Germany would "be the greatest encouragement that could be held out to the German people to go over to Bolshevism" because they would require an unbearable tax burden.[24] Wilson was

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[22]Gardner, *Safe for Democracy*, 234-36, 244-45, 250, 258-61, 333.

[23]"Mantoux's Notes of Meetings of Council of Four," March 25, 1919, PWW 56, 254.

[24]"From the Diary of Dr. Grayson," March 25, 1919, PWW 56: 247.

also privately concerned about the spread of Bolshevism to America, specifically by means of black soldiers who had served in France. As evidence, he told his personal physician about a friend's black laundress who asked for a raise saying that the "money is as much mine as it is yours."[25] Wilson had described Bolshevism as a "poison" as early as December 1918 in a private meeting of the Inquiry. In January at a meeting of the Supreme War Council, he said that the greatest danger in Germany was Bolshevism and that "the only real protection against it was food and industry."[26] Wilson referred to "that ugly, poisonous thing called Bolshevism" publicly in a speech to the Democratic National Committee in February of 1919.[27] And in a September speech in Kansas City campaigning for the League of Nations, Wilson denounced the Bolsheviks as a minority government of only "thirty-four" men.[28]

Although Wilson was soon incapacitated by illness, these remarks contained the essential ingredients of the statement of Russian policy issued by Secretary of State Bainbridge Colby on August 9, 1920, which Wilson approved the same day. Ironically, this document was principally written by the prowar socialist John Spargo.[29] In it, Colby

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[25]"From the Diary of Dr. Grayson," March 10, 1919, PWW 55: 471, quoted in Gardner, *Safe for Demoracy,* 242.

[26]Isaiah Bowman, "Memorandum on Remarks by the President to Members of the Inquiry on December 10, 1918," PWW 53: 355. "Hankey's Notes of a Meeting of the Supreme War Council," January 19, 1919, PWW 54: 245.

[27]"Remarks to the Members of the Democratic National Committee," February 28, 1919, PWW 55: 314.

[28]"An Address in Convention Hall in Kansas City," [September 6, 1919], PWW 63: 70. Gardner, *Safe for Democracy,* 259-60, discusses Wilson's "poison" metaphor and his emphasis on minority rule in his speeches for the League.

[29]Ronald Radosh, "John Spargo and Wilson's Russian Policy, 1920," *The Journal of American History* 52 (December 1965): 558.

stated that the United States would not grant recognition to Russia because the Bolsheviks were unrepresentative of the people and continued to seek revolution elsewhere. If granted recognition, "the diplomatic service of the Bolshevist Government would become a channel for intrigues and the propaganda of revolt against the institutions and laws of countries, with whom it was at peace, which would be an abuse of friendship to which enlightened governments cannot subject themselves." The document also distinguished between the Russian people and their government, stating that the United States would oppose the "dismemberment of Russia" and would not interfere with the "internal affairs" or Russia or try to affect its economic or political structure.[30]

Wilson made a final public pronouncement on the Russian Revolution in 1923, with the help of George Creel, who was acting as his literary agent. In "The Road Away from Revolution," published in the August *Atlantic Monthly*, Wilson further developed his statement on revolution in "The Document" into a brief article. The reasons for the Russian Revolution, he wrote, were the long-term frustration of the mass of the population at being excluded from "the rights and privileges which all normal men desire...." The current widespread agitation against capitalism therefore raised the question, "Is the capitalistic system unimpeachable?" While Wilson did not address the question in systematic terms, he said that too many capitalists used men "as mere instruments of profit." The United States had to lead the democratic countries in making the world safe from "irrational revolution" by applying the highest standards of "justice

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[30]Banbridge Colby to Woodrow Wilson, August 9, 1920, with enclosure, PWW 66: 20, 22, quotations 23-24, 22, 20. Gardner, *Safe for Democracy,* 326.

and right dealing."[31] Wilson wanted Creel to syndicate the statement in the newspapers, but Creel, concerned for Wilson's reputation, cautioned Edith Bolling Wilson that the article was underdeveloped. Wilson responded that Creel did not understand his purpose—the essay did not need to follow a conventional structure because it was not an article but a "challenge."[32]

Wilson took a harsher position with respect to Russia than other progressives. While this was partly because he initially faced problems of national security in his negotiations with the Allies that the others did not have to, his positions stagnated after he became ill. Other progressives' positions evolved with the development in Russia of the New Economic Policy. *The New Republic,* which had mixed feelings about the intervention in Russia during the war, turned sharply against it afterward. In December 1918, the journal concluded that the intervention "was a mistake from first to last."[33] The journal also denounced on moral grounds the inaction of the Allies in remedying the Russian famine with the idea that it would undermine the Bolsheviks.[34] The journal was also concerned about the spread of Bolshevism, and similarly to Wilson, in 1919

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[31]"The Road Away from Revolution," Ray Stannard Baker and Willim E. Dodd, eds., *The Public Papers of Woodrow Wilson, Authorized Edition: War and Peace,* vol. 2 (New York: Harper and Brothers, 1927), 536, 537, 538. Lloyd Gardner interprets this article as a statement of foreign policy, *Safe for Democracy,* 346.

[32]Woodrow Wilson to [George] Creel, April 9, 1923; [George Creel] to Mrs. [Edith] Wilson, April 19, 1923 (carbon); Edith Bolling Wilson to [George] Creel, April 20, 1923; Edith Bolling Wilson to [George] Creel, April 24, 1923, container 2, George Creel Papers, Manuscript Division, Library of Congress, Washington, DC.

[33]"Black Prospects for Russia," *The New Republic,* December 28, 1918, 240.

[34]"The Week," *The New Republic,* December 21, 1918, 208.

recommended food aid to Germany to prevent the victory of the "Sparticides."[35] In reaction to the Hungarian Revolution, the journal warned "The whole of Europe east of the Rhine-Isonzo line is open to revolutionary inundation, and the dykes have been breached."[36] However, by September, the journal was taking a more conciliatory approach than Wilson. In response to his contention that 34 persons were in control of Russia, the journal said, "Revolutions, so history calmly asserts, are always affairs of the minority. In every society, those are always in a minority who are ready to die for their opinions." And so far as violence was concerned, "Revolution is a hideous, bloody business.... Every revolution we have ever heard of has gone too far."[37]

Walter Lippmann also had harsh words for the intervention. In August 1920 Lippmann and Charles Merz wrote a 43-page analysis of *The New York Times*'s news coverage of Russia and found that it was consistently biased against the likelihood of survival of the Bolshevik regime and in favor of the victory of the Whites. Describing this distortion as "nothing short of a disaster," Lippmann attributed it to the "chief censor" and "chief propagandist" of "hope and fear in the minds of the reporters and editors."[38] So unrealistic did Lippmann find the possibility of reestablishing a two-front war that he concluded in his 1922 *Public Opinion* that the entire idea of reopening the

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[35]"The Week," *The New Republic,* January 4, 1919, 263.

[36]"The Break in the Dyke," *The New Republic,* March 29, 1919, 261.

[37]"Wilson on Russia," *The New Republic,* September 17, 1919, 189.

[38]Walter Lippmann and Charles Merz, "A Test of the News," *The New Republic,* August 4, 1920, 1-42, quotiations 3.

eastern front indicated a basic human incapacity to comprehend 5,000 miles of space.[39]

While Wilson's views did not change much after he became ill, in the period of Lenin's New Economic Policy, *The New Republic* became much more favorably disposed toward the U.S.S.R. In March 1922, the journal argued that the State Department should open trade with Russia because Lenin's New Economic Policy meant that the U.S.S.R. was moving away from communism.[40] Arguing for what is now known as constructive engagement, by January 1924 the journal urged that recognition of Russia would further the transformation of the country to capitalism.[41] In June of 1922, the journal said that while Russia was not a perfect democracy, it was comparable to New York's Tammany Hall, "a combination of government and political machine." Moreover, like that of the United States, the Russian economy was neither purely communist nor purely capitalist, but some combination of the two: "In practice, the Soviet government makes a great array of concessions to the principle of private interest, and we make a great array of concessions to the principle of community interest."[42] In terms of violence, the journal asserted that figures indicating 1.5 million people had been executed were "a preposterous falsehood," and cited the U.S.S.R.'s own figures that 20,000 had been executed.[43] It is a striking change from the wartime period that *The New*

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[39]Walter Lippmann, *Public Opinion* (New York: Harcourt, Brace and Company, 1922), 133.

[40]"The Question of Recognizing Russia," *The New Republic,* March 8, 1922, 33-34.

[41]"Mr. Hughes and Russian Realities," *The New Republic,* January 2, 1924, 134.

[42]"Premises of a Russian Policy," *The New Republic,* June 21, 1922, 88, 89.

[43]"The Week," *The New Republic,* September 27, 1922.

Republic was willing to condone this level of political violence, far out of proportion to anything the IWW was accused of plotting.

The New Republic's position of constructive engagement was fairly common among progressives during the New Economic Policy. As Steven Fraser has demonstrated, many progressives, including Felix Frankfurter, backed the Russian-American Industrial Corporation in 1922. Developed by Sidney Hillman in consultation with Russian officials, this project, which lasted until 1925, consisted of nine factories that adopted scientific management, modern machinery, and modern methods of arbitration. As Fraser points out, this project was more than a cooperative venture. It was a demonstration project for an idealized vision of "cooperative" capitalism.[44]

The vision of the New Economic Policy as an idealized cooperative capitalism is visible in Frank Walsh's understanding of Russia. In addition to offering Hillman legal advice on the Russian-American Industrial Corporation in June 1922, Walsh made several efforts to alleviate the Russian famine.[45] He served on the executive council of the American Committee for Russian Relief, even after Secretary of Commerce Hoover attacked the organization for dispensing aid through the Russian Red Cross due to the prohibition on aid distributed through the Russian government. "No person without the soul of a coward or hypocrite will refuse to aid starving human beings on account of government or politics," Walsh wrote Walter Liggett, the secretary of the organization in

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[44]Fraser, "The 'New Unionism' and the 'New Economic Policy,'" 173, 181-87, quotation 186.

[45][Frank Walsh] to Sidney Hillman, June 6, 1922, General Correspondence, 1922 June, box 11, Walsh Papers.

February 1922.[46] Walsh also wrote to trade union leaders asking them to join the executive committee of this relief organization and served as legal counsel and a member of the National Committee for the Trade Union National Committee for Russian Relief, which collected funds from American labor unions.[47] Joseph Manley, the organizer of the committee, proposed floating a bond issue in the United States to raise money for Russian relief, but Walsh advised that, though legal, the "attitude of the administration ... backed and stimulated by the powerful ones in finance and commerce" made such a course unwise.[48] The following summer, Walsh accepted $7,500 to travel to Germany and Russia on behalf of Friends of Soviet Russia to explore setting up a Soviet Russian Relief Loan that could sell bonds in the United States.[49]

Walsh left for Berlin at the end of June, went to Moscow on July 14, and returned to the United States on September 15.[50] Acting as go-between for Willy Münsenberg of the German Auslands Committee and A. B. Martin of the Friends of Soviet Russia, Walsh advised setting up a subsidiary of a German corporation under the laws of an American state. Selling bonds on behalf of a Russian company, while legal, would be

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[46]Walter W. Liggett to Frank Walsh, January 28, 1922, General Correspondence, 1922 January 27-31; Walter W. Liggett to the members of the national advisory committee, American Committee for Russian Relief, [February 14, 1922?], [Frank Walsh] to Walter W. Liggett, February 14, 1922 (carbon), General Correspondence, 1922 February 1- 14, box 11, Walsh Papers. Gardner, *Safe for Democracy,* 335.

[47][Frank Walsh] to T. C. Cashen, January 9, 1922 (carbon), General Correspondence, 1922 January 9-22; Joseph Manly to Frank Walsh, n.d.; [Frank Walsh] to Joseph Manley, March 7, 1922 (carbon), General Correspondence, 1922 March 1-11, box 11, Walsh Papers.

[48][Frank Walsh] to Joseph Manley, March 7, 1922 (carbon), General Correspondence, 1922 March 1-11, box 11, Walsh Papers.

[49][Frank Walsh] to A. B. Martin, May 25, 1922 (carbon); [Frank Walsh] to A. B. Martin, May 31, 1922 (carbon); A. B. Martin to Frank Walsh, May 31, 1922, Russian Trip Corres., 1922, box 98, Walsh Papers.

[50][Frank Walsh] to William Harmon Black, July 1, 1922, General Correspondence, 1922 July; [Jerome Walsh] to B. M. Sandusky, September 7, 1922, General Correspondence, 1922 September 1-23, box 11, Walsh Papers.

politically unfeasible. The American company could sell both stocks and bonds and would be backed by the Russian concessions of the German parent company. Münsenberg provided a list of these concessions: the estates of the International Workers Relief in Kasan, Chalispinsk and Moscow; agricultural projects in the Urals; shoe, soap and cooperage factories in Moscow, Petrograd and Kasan; forest concessions in Kasan; fisheries in Tsaritsin and Astrakhan; an interest in the cinematograph monopoly; and manganese mines in the Black Sea area. Walsh advised Martin that while it was not possible to determine the value of these concessions, "there is no doubt that they will be of an extremely important and profitable character."[51]

When he returned to America, Walsh wrote to H. H. Tammen of the *Denver Post,* "The experiment going on in Russia is one of the most stupendous ever attempted by any government in the world."[52] To counter anticommunist propaganda about Russia and to encourage investment and aid, Walsh wrote a series of four articles for syndication by the International Speakers Service of America in newspapers reaching 20 million people nationwide.[53] He sent these articles personally to Senators Robert La Follette, George Norris, and William Borah.[54] Although he was favorably disposed toward Russia, Walsh

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[51][Frank Walsh] to A. B. Martin, July 14, 1922 (copy); quotation, [Frank Walsh] to A. B. Martin, August 29, 1922; [Frank Walsh] to Herr. Willy Münzenberg, August 10, 1922; Juliet Stuart Poyntz and Willy Munsenburg, resolution on the formation of German company and American subsidiary, July 20, 1922, Russian trip corres., 1922 box 98, Walsh Papers.

[52][Frank Walsh] to H. H. Tammen, Denver Post, Denver, CO, September 19, 1922 (carbon), General Correspondence, 1922 September 1-23, box 11, Walsh Papers.

[53][Frank Walsh] to Alexander V. Eiduck, October 4, 1922 (carbon), General Correspondence, 1922 October 2-14, box 11, Walsh Papers.

[54][Frank Walsh] to William E. Borah, Washington, December 4, 1922 (carbon); [Frank Walsh] to Robert M. LaFollette, December 4, 1922 (carbon); [Frank Walsh] to George W. Norris, December 4, 1922 (carbon), General Correspondence, 1922 December 1-16, box 11, Walsh Papers.

was still not in favor of communism. In a manuscript for one of these articles, Walsh argued that under the New Economic Policy, "communism clearly does not exist." Walsh noted that since the spring of 1921 stores and factories had been opened to private investment and private commercial activity had been made legal. He likened cooperative or public features of the economy in Russia to reforms that had long been sought within the United States. Walsh argued that farming cooperatives had existed in Russia since long before communism, and cooperative living arrangements were similar to those in capitalist countries. In factories, workers' committees negotiated with government representatives over wages and conditions, and government decree took the place of the labor injunction. "The present land system follows, in rough outline at least, the well known single tax theory. Absolute government ownership of natural resources, railroads, and public utilities, seems an acomplished fact. Banking and credit are government functions." He concluded that one would have to be a "weary pessimist" to believe that Russia, with its abundant natural resources and hard-working population, would not emerge into "a well ordered and happy state."[55] While Walsh was optimistic about Russia, he saw it in an idealized way, not as communist, but a model of progressivism.

Jane Addams also found some of her own beliefs realized in the Russian Revolution, particularly pacifism. Using her wartime manuscripts, Addams wrote a remarkable defense of the revolution in *Survey*. Addams interpreted the Revolution as "the spontaneous effort ... to break through the belief that any spiritual good can be established through the agency of large masses of men fighting other large masses...." Addams did discuss the hope of the peasants to at last rectify "'the great crime,'" by

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[55][Frank Walsh], ["Has Communism Collapsed in Russia?"] 4-6, quotation, 8, miscellaneous Papers, 1922 Russian trip, box 98.

which they did not own the land they worked. But she attributed the primary force driving Russian soldiers to cease fighting to the quasi-religious desire of the peasants to work for their bread, especially amid the privation on the eastern front. Describing the 1917 revolution itself as "bloodless," Addams said that the Russian peasants "were applying a touchstone of reality" to Wilsonian slogans such as a war to end all wars or a war to make the world safe for democracy, which had become critical to motivating the allies to fight. This was the real source of resentment against the Russian Revolution, which threatened to undermine that support through a "naive attempt on the part of the Russian peasants to achieve democracy without war."[56] Addams argued that the revolution had become "absolutely militaristic" by the time of an international pacifist conference in 1919, but it is still striking that she was willing to see the revolution itself as a nonviolent, indeed pacifist event by 1921.[57]

As for Creel, after a humiliating Senate investigation into the finances of Committee on Public Information and a stint as a staff writer at *Collier's,* he settled upon an anonymous weekly column called "Uncle Henry," in which a bespectacled gray-haired midwesterner held forth from a leather armchair on politics and society.[58] He devoted his March 1922 column to ridiculing Emma Goldman and Alexander Berkman, whom the Justice Department deported in December 1919, for their flight from Russia at the end of 1921. Goldman and Berkman had left Russia due to the repression of anarchists

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[56]Jane Addams, "Peace and Bread I: A Speculation on Bread-Labor and War-Slogans," *Survey,* December 31, 1921, 527-28, quotations, 530, 527, 528, reel 48, frame 457, 454, 455, Addams Papers.

[57]Jane Addams, "Peace and Bread IV: The Witness Borne by Women," *Survey,* February 25, 1922, 844, reel 48, frame 567, Addams Papers.

[58]George Creel, *Rebel at Large: Recollections of Fifty Crowded Years* (New York: G.P. Putnam's Sons, 1947), 223-24, 267. "Uncle Henry: Everything was Lovely—Till the Party Adjourned to the Back Room," *Collier's,* February 11, 1922, 13, 28.

following the Kronstadt Rebellion, and against the grain of liberal opinion had turned against the Bolsheviks' authoritarian methods.[59] "They've had about all the freedom they can possibly stand," gloated Creel. "Another month of liberty an' the doctors won't answer for the consequences. They want to come back to this land of bondage for a rest cure." Creel depicted their prewar life as a posh lecture tour on the bourgeois parlor circuit.[60] Creel had developed this cultural critique of postwar radicalism in a speech before the Wilmette Club in Chicago in February 1921: "The so-called radical movement, as it exists today, is a tragic parody of the great spiritual crusade of pre-war days." Its leaders were "Men and women who masked desertion under the guise of conscientious objection.... Its field of battle is the parlors of novelty seekers and its principles are a wierd [sic] motley of freaks and fads that change with the moment." Sympathy for Russia was only the latest fashion in this circle.[61] In Creel's view, the true radical movement was the progressive movement before the war. The current radical movement was effete and phony, more interested in appearances than in fighting for real progress. Sympathy for Russia was still intolerable to Creel. Indeed, in his autobiography in 1947, Creel was unapologetic about the Sisson documents and still claimed they were authentic.[62]

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[59]Richard Drinnon, *Rebel in Paradise: A Biography of Emma Goldman* (Chicago: University of Chicago Press, 1961), 220-22, 237-42,

[60]"Uncle Henry: On the Casting Away of Emma an d Alexander on Freedom's Shores," *Collier's,* March 4, 1922, 15, 26, quotation 15.

[61]"A Talk by George Creel before the Wilmette Club of Chicago," February 20, 1921, container 5, Speeches and Writings File, Typescripts 1917-1922, 1932-1933, 1, quotation 2, George Creel Papers, Library of Congress, Manuscript Division, Washington DC (hereinafter Creel Papers).

[62]Creel, *Rebel at Large,* 179-85.

By this point it had become an inescapable fact that progressivism and at least the predominant form of radicalism, communism, were very different, but progressives interpreted this fact in different ways. Unlike Walsh and Addams, Creel was still unwilling to concede that those who favored more thorough-going and immediate change than himself were real radicals, so he tried to describe them as something else, as poseurs or as agents of Germany. Wilson too was inclined to denigrate that with which he differed, describing communism as poison or as "irrational revolution," as distinct from the kind of constitutional revolution he always favored. Walsh was also somewhat inclined to associate approval with sameness, hence he saw in the Russian Revolution perhaps more of what he wanted to see than was warranted. Likewise, Jane Addams perhaps placed too much emphasis on peace and the simple desires of the peasants as an explanation for the Russian Revolution at the expense of the thornier issues of political economy. *The New Republic,* on the other hand, played down what it did not want to see, making light of political violence and the lack of democracy in the U.S.S.R.

The 1922 Railroad Shopmen's Strike

A moderated attitude toward Russia and toward domestic radicals had as a critical component the decline of the wartime Wilsonian labor regime. The Railroad Shopmen's Strike provides a particularly clear example of the decay of this regime. With Warren Harding in office, the system of government arbitration set up under Wilson, to the extent it was preserved, became clearly disposed toward the owners. It neither prevented strikes nor resolved them equitably. Moreover, the Shopmen's Strike also demonstrated the dependence of unions that achieved large increases in membership with the aid of the

government during the war on the continued support of the government. With the reforms they had worked for dismantled, progressives became less inclined to regard government-supervised collective bargaining as a panacea and more sympathetic to those dissatisfied with the existing forms of labor unions.

The railway shopmen comprised more than 400,000 blacksmiths, boilermakers, machinists, electricians and carmen who built and repaired locomotives and railroad cars. Under the Wilson administration's wartime control of the railroads, they achieved practically one hundred percent unionization by 1920.[63] After the railroads were returned to private management under the 1920 Transportation Act, the employers immediately began to lay off workers and contract out repairs to external equipment factories to reduce costs. In October, the Railroad Labor Board permitted the operators to resume the use of piecework, and in June of 1922, accepting the owners' claims of an increase in real wages, the board ordered a seven-cent reduction in wages. These three issues formed the basis for the July 1 strike, which incorporated 420,000 members of the Railroad Employees' Division (RED).[64]

Over the course of the strike, the railroads would spend more than $15 million on guards and replacement workers, and on commissaries and camps to feed and house them, and would lose nearly $222 million in foregone revenue. The strike was marked by widespread violence on both sides, especially in railroad towns where attempts to keep replacement workers out of the roundhouses took on the character of communal riots. Later, as national guard and company forces established control of some workplaces,

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[63]Colin Davis, *Power at Odds: The 1922 National Railroad Shopmen's Strike* (Urbana: University of Illinois Press, 1997), 11, 37, 39-40, 46.

[64]Ibid., 49, 52, 56, 60, 63.

strikers resorted to drive-by shootings.[65] On September 1, federal judge James H. Wilkerson issued a sweeping injunction prohibiting not only picketing, but also attempting to persuade others to picket or go on strike by any means, and any communication between the strike leaders and their members. Faced with this injunction, the same month representatives on railroads employing one-fourth of the shopmen agreed to return to work in exchange for retaining their seniority but without any progress on the initial causes of the strike. All but two of the remaining strikes were called off in 1923 and 1924, with some strikers losing their seniority or their jobs.[66]

Although Walsh was in Russia during the strike, he represented the RED before the Railroad Labor Board in 1920 and in the spring of 1922 against the practice of contracting out.[67] Indeed, the Transportation Act of 1920, which not only returned the railroads to private hands but also guaranteed them a fixed rate of profit for five years, was one of the reasons that Walsh originally cooperated with La Follette. Repeal of the Transportation Act was one of the agenda items foreseen by Basil Manly in a Chicago conference organized in October by La Follette, other progressive congressmen, and the railroad brotherhoods to develop a voting bloc in Washington.[68] Although Walsh could not make it to the conference, at La Follette's request, and with the support of the railroad brotherhoods, he campaigned for James Thompson for Senate in Wisconsin on the basis

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[65]Ibid., 161-62, 85, 96.

[66]Ibid., 131, 137-38, 140-42, 157.

[67]Ibid., 52, 59-60.

[68]Robert M. La Follette, Madison, Wisconsin, to Frank Walsh, New York, NY, September 28, 1920, General Correspondence, 1920 September 11-30; Frank Walsh, to Robert M. LaFollette, October 5, 1920 (telegram); Basil M. Manly, Washington, DC, to Frank Walsh, September 28, 1920, General Correspondence, 1920, October 1-14; box 9, Walsh Papers.

of opposition to the Transportation Act and the League of Nations.[69] The railroad brotherhoods and the International Association of Machinists were active in the formation of the Conference for Progressive Political Action in 1922 and made support of the Wilkerson injunction into a campaign issue.[70]

In covering the Shopmen's Strike, *The New Republic* exhibited an uncharacteristically militant tone. In May, the journal noted that contracting out often involved the use of dummy corporations for the sake employing non-union workers and that workers had the right to refuse the recommendations of the Railroad Labor Board.[71] In June, the journal said the arguments of the owners that railroad workers' wages had actually increased were specious and persuasive only to those who wanted to avoid a strike. The journal concluded, "there does not seem to be a single valid argument on the basis of which an appeal to the confidence and cooperation of the men could be made."[72] Taking a surprising stance against the arbitration process after the outbreak of the strike, the journal argued that the Railroad Labor Board was not really representative of workers because the labor member on the board did not represent a majority of the unions and the public member was appointed by routine political processes. It concluded that given the power of private business, any government-sanctioned reduction in wages "without the

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[69]Davis, *Power at Odds*, 49. [Frank Walsh] to Robert M. LaFollette, October 22, 1920 (carbon), General Correspondence 1920, October 15-31; Basil M. Manly to Frank Walsh, October 7, 1920, General Correspondence 1920, October 1-14, box 9. Herbert F. Margulies, *Senator Lenroot of Wisconsin: A Political Biography, 1900-1929* (Columbia: University of Missouri Press, 1977), 353-54. Dawley, *Struggles for Justice,* 239.

[70]Davis, *Power at Odds,* 147-48.

[71]"More Trouble on the Railroads," *The New Republic,* May 17, 1922, 330.

[72]"Why a Railroad Strike?" *The New Republic,* June 21, 1922, 90, quotation 91.

consent of the employed ... amounts to an exhibition of capitalist tyranny."[73] Perhaps most striking, the journal continued to side with the shopmen despite the violence of the strike. Reacting to President Harding's speech on the strike, in which he attributed partial responsibility for it to the railroad owners, the journal facetiously applauded him for realizing that "a war is being waged against labor," but criticized him for failing "to learn that violence is not a monopoly of labor."[74] So hostile had the process of collective bargaining toward labor unions become, that *The New Republic* turned against the peaceful settlement of differences and in favor of the decision to strike.

In response to the Shopmen's Strike, Felix Frankfurter developed a blistering indictment of the labor injunction. In an unsigned article in *The New Republic,* Frankfurter quoted the Wilkerson injunction to demonstrate the sweeping quality of its prohibitions: "In any manner by letters ... word of mouth ... oral persuasion or suggestion ... or otherwise in any manner whatsoever ... encouraging any person ... to abandon the employment of said railway companies." This broad prohibition, he argued, effectively proscribed the activities that together constituted a trade union. Since the Supreme Court had declared trade unions legal, to do so was "to make a hypocrite of law." Inadvertently, however, this specific injunction demonstrated the futility of all injunctions. "For more than thirty years the injunction has been used as a familiar weapon in American industrial conflicts. It does not work. It neither mines coal, nor moves trains, nor makes clothing. As an adjustor of industrial conflict, the injunction has been an utter failure." Frankfurter in his indictment reached back to the 1894 injunction

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[73]"Railway Arbitration Fails," *The New Republic,* July 19, 1922, 199, quotation, 201.

[74]"The President's Strike Message," *The New Republic,* August 30, 1922, 4.

against Eugene Debs's American Railway Union, noting that the injunction had been a source of "discord" ever since. To the extent that an employer could demonstrate civil damages, he should pursue them through the courts, and criminal charges against union members should be adjudicated through a jury trial.[75]

So compelling was the situation of the shopmen that even Louis Brandeis did not condemn their rejection of the Railroad Labor Board's decision. In a letter to Felix Frankfurter that was published as an unsigned article in *The New Republic,* Brandeis reflected on both the railroad and the coal strikes of that year. Brandeis argued that strikes had to be permitted on privately owned coal mines and railroads, and that workers should be permitted to use all means of persuasion, as opposed to coercion, to induce other workers to join unions. The use of armed guards should be prohibited, and the labor injunction should be abandoned. Brandeis echoed Frankfurter's position on the use of the courts to settle damages and to prosecute crimes. "Like most 'easier ways' the use of the injunction in this connection is fraught with evil and grave dangers." Although this "enlargement of the rights of unions" might seem to encourage strikes, it would in fact reduce them because it would remove causes of grievances, revoke a sense of protection from employers and thus encourage them to negotiate, and reduce the arbitrariness of unions.[76] This was the same Louis Brandeis that only two years earlier had told Felix Frankfurter that labor unions should look for a substitute for strikes.[77]

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[75]"Labor Injunctions Must Go," *The New Republic,* September 17, 1922, 109-110, "Writings of Felix Frankfurter, 1913-1924," container 194, folder 3632, reel 123, Frankfurter Papers.

[76]"What to Do," *The New Republic,* October 4, 1922, 136-37, quotations 136. Cf [Louis Brandeis] to Felix Frankfurter, September 4, 1922, container 26, folder 413, reel 15, Frankfurter Papers.

[77]Louis Brandeis to Felix Frankfurter, November 26, 1920, container 26, folder 406, reel 15, Frankfurter

Perhaps the greatest impetus for the negative views of radicalism during the war was the collective bargaining apparatus set up to deal with labor unrest, which the IWW had appeared to threaten. Walsh, Brandeis, Frankfurter and Carleton Parker were directly involved in establishing and running this apparatus, so it created a source of loyalty to the administration in addition to any sense of loyalty they already felt for the state. It also put the IWW in a weak position when they claimed to be representing the interests of the working class when the administration could point to concrete and immediate gains for workers through the negotiated settlement of conflicts. But ironically, the wartime turn against radicals helped usher in the conservative politics that dismantled the very apparatus that progressives were trying to protect. With the decline of this apparatus as occurred during the Shopmen's Strike, progressives were more inclined to see even violent strikes, and indeed advocacy of revolution itself, as a useful stimulus to positive change.

The Trial of William Z. Foster

The turn toward Russia and the dismantling of the wartime collective bargaining apparatus had a positive, albeit mixed, effect on the views of progressives toward domestic radicals. One of the most spectacular antiradical cases to come to public attention from 1922 to 1924 was that of the syndicalist William Z. Foster, who was defended by Frank Walsh. Although the focus of antiradicalism shifted from the IWW to communism during the 1920s, the IWW had an important lasting effect on the antiradical crusade. The laws that were used to prosecute communists were usually state-level criminal syndicalism statutes designed to outlaw the practices and ideology of the IWW,

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Papers.

such as Michigan enacted in 1919.[78] According to section 1 of the Michigan law, criminal syndicalism was "the doctrine which advocates crime, sabotage, violence or other unlawful methods of terrorism as a means of accomplishing industrial or political reform." Notably, the law prohibited not just the commission of sabotage or violence, but also the advocacy of such practices. Section 1 further stipulated that "the advocacy of such doctrine, whether by word of mouth or writing, is a felony punishable as in this act, otherwise provided."[79] It was under this law that Foster would be tried.

Foster was arrested for attending a meeting of the Workers Party, which was the public organization attached to the underground Communist Party, at Bridgman, Michigan in August 1922. Foster joined the Communist Party in 1921, but he had not yet made his membership known publicly. He appeared at Bridgman to advocate working for the revolution not through party propaganda but through expanding and restructuring existing trade unions. This was the program of his Trade Union Educational League, which he founded in 1922 to advocate amalgamation of trade unions into industrial unions. From 1922 to 1923, the TUEL was active among the International Association of Machinists in the railway shop crafts, the United Mine Workers, and the International Ladies Garment Workers Union.[80] Foster, Roger Baldwin, and others organized the Labor Defense Council to raise funds for the trial, and the organization retained Walsh as

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[78]David Montgomery, "Thinking about American Workers in the 1920s," *International Labor and Working Class History* 32 (Fall 1987): 8. Dubofsky, *We Shall Be All,* 381-82. Johanningsmeier, *Forging American Communism,* 191.

[79]"I.E.F., November 7, 1922, notes from the Michigan code," Legal Papers, 1922-23, Michigan Cases, Miscellaneous Memos, etc., box 67, Walsh Papers.

[80]Johanningsmeier, *Forging American Communism,* 175, 182-86, 189-90.

chief counsel in October 1922 for a fee of $50,000.[81]

Why did Walsh defend Foster when he did not defend the IWW members during the war? He did not know that Foster was a member of the Communist Party, and Foster had long been a trade unionist who worked within the AFL. Foster had worked directly with Walsh through the Stockyards Labor Council in 1917 and the Steel Workers Committee in 1919. During the war Walsh did defend Vincent St. John, who was tried as an IWW member even though he had left the organization years earlier. On the other hand, Walsh also defended Charles Ruthenberg, charged along with Foster, who was a member of the Workers Party, even though his relationship with Walsh was acrimonious.[82] Walsh was concerned that the criminal syndicalism statutes could be used to combat labor unions. "Of course the great objection to the law is its vagueness," Walsh wrote to Frank Martelle of the Detroit Federation of Labor in April 1923. "Under its provisions, almost any legitimate act of a Trade Union, or its representatives, might be construed by a court as a violation of this law."[83] Walsh had also just returned from his summer in Russia where was very favorably impressed by what he saw. By contrast, he was disappointed with the "old fashioned methods" of American unions upon his return and the loss of the reforms achieved during the war, specifically citing the failure of the

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[81]RNB [Roger N. Baldwin] to William Z. Foster, October 17, 1922, Legal Papers, 1922-26, Michigan cases, miscellaneous correspondence, box 67; [Frank Walsh] to William Z. Foster, June 14, 1923 (carbon), Legal Papers, 1923-24, Michigan cases, miscellaneous correspondence, box 68; [Frank Walsh] to Edward Nockels, Chicago, IL, September 28, 1922 (carbon), General Correspondence, 1922 September 25-30, box 11. Walsh Papers. Johanningsmeier, *Forging American Communism,* 191.

[82]See the correspondence between them in Legal Papers, 1923-24, Michigan cases, miscellaneous correspondence, box 68, Walsh Papers.

[83]Frank Walsh] to Frank Martelle, c/o Detroit Federation of Labor, Detroit, MI, April 24, 1923 (carbon), Legal Papers, 1922-27, Michigan Cases, Miscellaneous Correspondence, box 67, Walsh Papers.

railroad shopmen.[84] Walsh also felt that the time had come for liberals to stop tolerating persecution so long as it did not affect them personally. Advising Roger Baldwin on a fund-raising letter for the case in October 1922, Walsh somewhat cryptically suggested withholding the announcement of his participation. "If it appears, that you already have counsel, the assumption, of course, being that they will work in the spirit of your appeal, is there not danger of some of our friends, at last, assuming the 'I should worry' attitude?"[85] Indeed Walsh overcame whatever remaining reluctance he had and wrote to President Harding personally in February 1923 urging pardon for all remaining wartime political prisoners.[86]

Walsh attempted to establish that Foster believed that violent revolution was an inevitable historical occurrence, not something that he advocated or was plotting to carry out. Walsh also suggested during jury selection that advocating the right to revolution was protected speech because the Declaration of Independence did so. Covering the trial for *The Liberator,* Robert Minor described the jury selection as follows: "'Do you believe,' asks Walsh, 'that the Declaration of Independence should be suppressed because it advocates the fundamental right of revolution, if necessary, by force?'" Walsh also tried to establish that the Bridgman meeting was a frame-up organized by the Department of Justice, headed by William J. Burns, formerly of the Burns Detective

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[84][Frank Walsh] to H. H. Tammen, September 19, 1922 (carbon); [Frank Walsh] to Alexander Scott, September 25, 1922 (carbon), General Correspondence, 1922 September 1-23, box 11, Walsh Papers. Colin Davis, *Power at Odds: The 1922 Railroad Shopmen's Strike* (Urbana: University of Illinois Press, 1997), 60, 138.

[85][Frank Walsh] to Roger N. Baldwin, October 20, 1922 (carbon), Legal Papers, 1922-1926, Michigan Cases, Miscellaneous Correspondence, box 67, Walsh Papers. David Montgomery, "American Workers in the 1920s," 8.

[86][Frank Walsh] to Warren G. Harding, February 7, 1923 (carbon), General Correspondence, 1923 February, box 12, Walsh Papers.

Agency. A Russian immigrant named Albert Balanow claimed in a deposition to have fabricated evidence against the IWW and written threatening letters to public officials, judges, and jury members while working for the Burns and Thiel Detective agencies in 1919 and 1920.[87] Without cooperation from the defendants, however, Walsh was unable to connect the evidence directly to the case and did not introduce it in court. Walsh and his co-counsel Humphrey S. Gray nonetheless persuaded six of the jurors that Foster was not guilty, resulting in a mistrial in April 1923.[88]

The New Republic had been favorably disposed toward Foster since the Steel Strike of 1919, and by July 1922 was comparing his amalgamation drive favorably with the industrial unionism of Sidney Hillman's Amalgamated Clothing Workers.[89] Initially, the editors doubted that Foster was even present at the meeting at Bridgman, arguing that the Justice Department had targeted him because amalgamation threatened both the trade unionist leadership of the AFL and the leaders of big business. With astonishing amnesia, the journal went so far as to denounce Gompers' wartime unity "with the patriotic and profiteering classes, outdoing them in denunciation of Germany and Russia, and rivalling them in piling up profits for labor out of the general loot of the country." In June 1923 the journal connected criminal syndicalism laws such as that in California to the fear of dispossession given the example of Russian communism: "...the ruling group

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[87]Robert Minor, "The Trial of William Z. Foster," *The Liberator,* April 1923, 11, quotation, 8, Legal Papers, 1925, Michigan cases, Imogene Sanborn matter, box 68; Legal Papers, 1922-27, Michigan Cases, Albert Balanow 1, 12-15, 32-34, box 67, Walsh Papers.

[88][Frank Walsh] to H. S. Gray, February 1, 1923 (carbon), Legal Papers, 1922-27, Michigan Cases, Correspondence, Humphrey S. Gray and Sybrant Wesselius, box 68, Walsh Papers. Joganningsmeier, *Forging American Communism,* 192. Robert Morss Lovett, "A Community Trial," *The New Republic,* April 23, 1923, 233.

[89]"The Reds of the A.F. of L.," *The New Republic,* July 5, 1922, 150. Jane Addams had joined the journal as a contributing editor by this point.

in the United States is by no means sure that it would not work here; and is violently determined not to permit the experiment to be made."[90] The editor Robert Morss Lovett covered the verdict favorably, contrasting the "fairness" of the trial with the "tension" and "hysteria" of wartime and postwar trials of the IWW and socialists.[91] Each of these positions represented a clear change from the sympathetic wartime coverage of Gompers and hostility toward the IWW.

The New Republic became more critical of Foster when he publicly declared his communism, however. The journal favored industrial unionism and defended the rights of communists, but it still opposed communism. According to the journal, Foster's announcement gave Gompers a way to denounce industrial unionism and undermined Foster's effectiveness in winning over the rank and file. Criticizing "communist propaganda, with all its trappings of inevitable class warfare and eventual proletarian dictatorship," the journal asserted that "the opinion which Foster has already created in favor of amalgamation and independent political action can be captured by those who do not share his ultimate aim."[92] The ideal was to separate industrial unionism from the communist leader who was advocating it and the objective of communist revolution.

Because of his membership in the Workers Party, Ruthenberg was not so fortunate as Foster. In the appeal of his conviction, the Michigan Supreme Court drew a direct connection between the Workers Party, the Communist Party, and the Communist

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[90]"The Week," *The New Republic,* September 6, 1922, 29. "Foes of Freedom," *The New Republic,* June 13, 1923, 61.

[91]Morss, "A Community Trial," 231.

[92]"The A.F.L. and the Future," *The New Republic,* October 17, 1923, 196; "A Leader's Mistake," *The New Republic,* March 12, 1924, quotations 60-61.

International. His case was further undermined by the 1925 ruling of the U.S. Supreme Court in Gitlow v. New York, which upheld a New York State criminal anarchy law.[93] Although Oliver Wendell Holmes and Brandeis dissented from the conviction in the case, they did not urge overturning the law. Indeed, in his concurrence with the 1927 decision Whitney v. California, Brandeis held that while California's Criminal Syndicalism law was open to challenge based on whether it was in fact necessary given the circumstances in 1919, he did not vote to overturn it prima facie.[94] The standard for evaluating whether or not a given piece of repressive legislation was necessary was whether there was an "emergency" or "the probability of serious injury to the State." Notably, this decision extended the clear and present danger doctrine to peacetime. While the defendant did not challenge the statute on these grounds, Brandeis concluded that in 1919 there was evidence in favor of "a conspiracy, on the part of the members of the Industrial Workers of the World, to commit present serious crimes...." This statement came despite the fact that Brandeis drew a distinction in the abstract between advocacy and incitement, and made clear that there was a right to advocate or teach syndicalism.[95] When confronted with a concrete syndicalist organization, however, Brandeis was inclined to interpret its propaganda as crossing over into incitement.

The acquittal of Foster raises an interesting question about what would have happened had progressives been willing to defend radicals during the war, but raising this

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[93]State of Michigan Supreme Court, The People vs. Charles E. Ruthenberg, 21, 24, legal papers 1922-27, Michigan cases; Isaac E. Ferguson to Frank Walsh, September 8, 1925; "Ruthenberg Loses Appeal: Michigan Supreme Court Affirms Conviction of Communist Leader," [December 10, 1924], legal papers, 1922-27, Michigan cases, Isaac E. Ferguson correspondence, box 68, Walsh Papers.

[94]Gitlow v. New York, 268 U.S. 672-73 (1924). Whitney v. California, 274 U.S. 378-79 (1927).

[95]Whitney v. California, 274 U.S. 376-77, quotations 377, 378, 379.

question suggests immediately why progressives were unwilling to do so. There was no clear national security threat in 1922 of the magnitude of Germany and the effect of the Russian Revolution on the war effort. With Harding in office and labor in retreat, Foster did not appear to be undermining any positive domestic achievements. And while it took great courage for Walsh to defend Foster, he did not run the same risk of alienating himself from moderate forces that speaking out on behalf of the IWW or socialists against the repressive policies of the Wilson administration did during the war. It is tempting to argue that if progressives were to have been consistent in their dedication to democracy they should have defended radicals earlier. But perhaps it is more important to understand the forces that prevented them from doing so. It is then possible to understand why progressives, in their willingness to work in government and to be loyal to the state, were fundamentally limited in how similar to radicals they could be.

Conclusion

For the time being, progressives had reached an understanding with radicals. While there was no suggestion of a commonality of ultimate objectives as there had been before the war, there was instead an understanding that radicalism, whether in the United States or in Russia, could produce positive changes within capitalism. This positive change had to be effectively managed so that it would not threaten the foundations of the state. In Russia, this perspective depended on a perhaps unrealistic view of the potential of diplomacy or specific industrial projects to transform communism into a mixed economy like that which progressives desired in the United States. This kind of engagement was acceptable so long as Russian communism did not threaten to spread to other countries.

Within the United States, this positive change could come through coalitional politics that recognized the explicit differences between radicals and progressives but that formed agreement on a common set of policies. Individual radicals were within their constitutional rights to advocate revolution. Both coalitional politics and defending the rights of radicals depended on the absence of an emergency in which radical agitation threatened to produce destructive consequences. While not all progressives went along with this view, the fact that George Creel and Woodrow Wilson did not do so reflected not so much their movement in the direction of reaction as stasis when in a wartime emergency mentality while the context around them changed.

Conclusion

This dissertation has made two central claims. The first is that the progressive understanding of radicalism is central to understanding progressivism itself and its successes and failures. The second is that this understanding was not a fixed part of progressive ideology but developed over time in response to conditions and experience. It has aimed not so much to identify how individual progressives felt about radicalism so much as what circumstances motivated the group toward a more positive relationship with radicals and radical thought at some times and a more negative relationship in others. This approach differs from that of the most important studies of progressivism, which which have usually described progressive ideology as having some general relationship with radicalism. The most influential of these studies has been that by Daniel T. Rodgers, who described progressivism as a form of European Social Democracy. Notably, Rodgers devoted only one paragraph to the repression of radicalism.[1] By contrast, David Kennedy described wartime repression as an integral part of progressive collectivism, following as a consequence of progressives' embrace of the Wilson administration because of the opportunities the war presented for expanding the reach of the state into the economy.[2] Focusing on the war itself, however, Kennedy did not appreciate the genuine overlap between progressivism and socialism that preceded that conflict nor the coalitional politics that followed it. Even more starkly, William Preston portrayed progressives, especially Woodrow Wilson, as important participants in

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[1]Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge: Harvard University Press, Belknap Press, 1998), 282-83.

[2]David M. Kennedy, *Over Here: The First World War and American Society* (Oxford: Oxford University Press, 1980).

an escalating campaign of federal repression of radicals in the first third of the century.[3] Preston's is the best study documenting the involvement of progressives in repression itself. But his is a story of unrelenting suppression that describes radicals as a group clearly distinct from progressives without any ideological overlap or political symbiosis.

The best studies to take into account the change over time in the relationship between progressives and radicals have been those by Meredith Tax and Alan Dawley. Tax describes a process of cooptation, in which middle-class "allies" to the radicals within the Women's Trade Union League abandon them during the First World War. In this view, the progressives were never really radicals themselves, but only cooperated with radicals until circumstances were not longer advantageous.[4] Dawley, on the other hand, takes note of the "open border" between progressivism and socialism before the war, but he portrays the wartime fissure as a permanent step in the transformation of progressivism into "managerial liberalism."[5] All of these works contain important elements of this story, but each is a synecdoche in its own way. This dissertation has attempted to tell the story of the relationship between progressivism and radicalism as the central focus. In doing so, it has been possible to identify the conditions under which the connections between progressives and radicals have flourished and those under which they have been repressed.

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[3]William Preston, Jr., *Aliens and Dissenters: Federal Suppression of Radicalism, 1903-1933* (Urbana: University of Illinois Press, 1963).

[4]Meredith Tax, *The Rising of the Women: Feminist Solidarity and Class Conflict, 1880-1917* (New York: Monthly Review Press, 1980).

[5]Alan Dawley, *Struggles for Justice: Social Responsibility and the Liberal State* (Cambridge: Harvard University Press, Belknap Press, 1991), 189, 344.

The most important condition for the cooperation of progressives and radicals was the absence of an external threat. Progressives took a more favorable view of radicalism before and after the war. During the war they were much more circumscribed. Florence Kelley and Walter Lippmann were both socialists early in the century, and Herbert Croly was willing to accept the term socialist at the time he wrote *The Promise of American Life*. In his 1913 *Preface to Politics* Lippmann described syndicalism as a useful myth for generating nationalist reform sentiment. In the years from 1908 to 1914, progressives stressed the similarities between themselves and anticapitalist radicals and argued that capitalism needed to be moved further in the direction of socialism. They formed coalitions with radicals in order to accomplish the objective of a more humane and just society.

During the First World War, by contrast, the Wilson administration, which all of the progressives discussed in this dissertation except Hiram Johnson joined or supported, suspended civil liberties to repress anticapitalist radicals who, in the administration's view, were obstructing the war effort either by expressing opposition to the war, conscription or enlistment; or carrying out strikes in industries whose efficient functioning was needed to fight the war, such as copper or spruce timber. While strikes put the administration in the position of defending the operation of business against disruption by radicals, the reason for doing so was not so much to help business, but to defend the state. At this point, progressives perceived a need to restrain business, but were less supportive of restraints on government because the latter was subject to democratic control. The health of the state became inextricably linked with the healthy functioning of business because the continuous output of corporations was integral to

fighting the war. As a result, opposition to corporate production policies became a real dividing line between the progressive administration and radicals who opposed capitalism. Some of the progressives did not favor repression, but in wartime they chose not to speak out publicly against it.

And, coming out of the war, although they advocated cooperation with radicals in the Farmer-Labor Party, progressives were no longer willing to say that they were in favor of the same long-term objectives. In the 1920s Herbert Croly, Frank Walsh, and Felix Frankfurter were all careful to distinguish their own policies from socialism. This was for several reasons. First, during the war, socialism was saddled with the connotation of disloyalty. Before the war it was possible to claim to be both a nationalist and a socialist; during the war, no longer. Second, the focus of anticapitalist radicalism had changed from social democracy and syndicalism to communism, which, given the example of the Russian Revolution, was less appealing to progressives. Third, the war itself demonstrated that it was possible to achieve many of the goals of progressive reform, such as business regulation and collective bargaining, without socialism. The wartime system became a model for reform. Finally, after the war, progressives again sought to form coalitions with radicals to advocate common policy objectives, such as recognition of the right of labor unions to organize. To do this it was necessary to defend the civil rights of radicals. To appeal to the public, and to avoid confusion with the radicals they were trying to defend, progressives drew a distinction between defending the rights of radicals and sharing their views. Paradoxically, it was in the process of defending the rights of radicals and advocating common policies that progressives drew the distinction between themselves and radicals most clearly.

A second factor promoting cooperation between progressives and radicals was recovery from economic crisis. This was clearest in the period of the recovery of the economy after the Panic of 1907 and the postwar depression of 1921 to 1922. The sharp economic downturn of 1907 had the effect of giving credibility to the criticisms of more radical workers of the unfairness of capitalism and generating sympathy among progressives for unemployed workers. The postwar depression coincided with a brutal open shop drive following the massive strike wave of 1919 and the dismantling of the wartime collective bargaining apparatus. These factors seemed not only to undo many of the achievements of progressive reform but to hark back to the open class warfare and raw exploitation of the nineteenth century. In both of these periods, the solutions that business had put forward of management-labor cooperation without formal union recognition through such groups as the National Civic Federation also appeared to have been discredited.

A third condition has been the absence of internal political violence. It might seem at first blush like the hostility of progressives toward radicalism, such as it was, hinged on whether the radicals used or advocated violence. But there was no consistent position on violence—or even violence committed by radicals—among progressives. Rather, the interpretation of violence depended chiefly on other conditions. After the assassination of McKinley, for instance, progressives either called for the suppression of radicalism, as did Woodrow Wilson, or advocated reform as a remedy for radicalism, as did Jane Addams. In the period after 1908, by contrast, progressives were sympathetic to the IWW as it became a target of violence in strikes in the garment industry in the East and free speech fights in the West. This sympathy came despite the fact that the IWW

advocated violence in its propaganda. During the war, even though the IWW was again a target of violence, the Wilson administration focused on the prewar propaganda of the IWW and arrested and secured the conviction of its leaders for advocating violence. The wartime situation is particularly complex because the administration was intervening in what was the most violent war in history until that point.

During the war violence was rearticulated as the exclusive province of the state, and to in fact be justified on the part of the state as both an effort to promote democracy overseas and to suppress the advocacy of violence at home. Advocacy of violence, which was a part of American syndicalism, became disallowed from the political spectrum for non-state actors, as part of the process by which violence was legitimated on the part of the state. Thus the suppression of the IWW did not simply follow from the military intervention overseas. It occurred as part of the process of defining a legitimate rationale for the war. Moreover, it helped define the position of the Wilson administration on the connection between violence and revolution. Progressives concluded that violence was not permissible for the purpose of achieving revolution. Rather, force was permissible to prevent revolution. Indeed, force for the prevention of revolution at home was rearticulated as an effort to preserve democracy, even though it effectively narrowed the political spectrum. This position dovetailed nicely with the justification for military intervention against the revolution in Russia.

After the war, progressives other than Wilson exhibited a new toleration for the use of violence. In terms of revolution in other places, *The New Republic* asserted that violence was always necessary. In the United States, even so violent a strike as the Railroad Shopmen's Strike did not bring denunciation from the progressives and indeed

resulted in the articulation of a new argument against the labor injunction by Felix Frankfurter. Progressive opposition to the injunction would result an important piece of enabling legislation for the labor organizing that would take place during the New Deal with the Norris-La Guardia Act of 1932. It is important to remember that Louis Brandeis supported the labor injunction before 1908, yet he was supportive of the Shopmen's Strike despite the shopmen's rejection of the outcome of arbitration and use of violence.

Perhaps the critical factor with respect to violence was a fourth condition: whether or not progressives had yet achieved power, or were still in power. Felix Frankfurter's position on the IWW, for instance, was notably more favorable when he was no longer head of the War Labor Policies Board. Frank Walsh was more willing to defend the IWW before he was head of the National War Labor Board, and he again became willing to defend communists afterward. Carleton Parker did not want his cooperation with the National Civil Liberties Bureau to be known because of his position as a negotiator for the War Department. Being in these positions not only enabled progressives to implement long-sought reforms, but made it awkward for them to continue to claim, as they had before the war, that radicalism was the result of poor conditions. When the time came to defend radicals, this defense was no longer available. Moreover, while it was possible before the war to describe syndicalism as a positive motive force behind reform, while holding a responsible position in a wartime administration it was not possible to express sympathy with such revolutionary objectives as overthrowing the state. Being given access to the levers of power forced progressives to choose between reform and revolution, and they chose reform. This trade-off between responsibility and power on the one hand and advocacy without responsibility on the

other had begun gradually in the years of American neutrality during Wilson's first administration. Progressives had not yet achieved the power to reorganize the economy that they had during the war, but already they were beginning to make clear that they did not share the same objectives as radicals.

With progressives in power, and with many of their reforms implemented, advocacy of violence on the part of a revolutionary labor union became unacceptable—indeed incomprehensible as a form of politics. In order to strengthen the argument for collective bargaining, progressives contended that radical discontent was the result of poor conditions. Once collective bargaining was put in place, progressives had to explain why radicalism persisted. Not yet willing to concede a basic disagreement with radicals about the depth of the changes they desired, *The New Republic* and the President's Mediation Commission adopted Carleton Parker's description of syndicalism as a kind of irrational behavior or instinctive response to poor conditions. This understanding was a stage in the process of defining progressivism as an ideology distinct from socialism that was more firmly grounded in reason. In the postwar period, this perspective would be supplanted by drawing a distinction between defending the rights of radicals and sharing their views. But progressives were not yet willing to make this distinction because they did not yet perceive restraints on the power of government to be necessary.

The achievement of reform was also connected to violence. This was partly because a wartime situation gave the Wilson administration the power to make changes that would not have been possible in peacetime and created a need to prevent strikes that would disrupt war production. But there was also a direct connection between domestic political violence and the implementation of reform. Felix Frankfurter's investigation of

vigilante violence against the IWW in the West led to his recommendation of a collective bargaining framework, which Louis Brandeis also endorsed. Carleton Parker also recommended improving conditions as a way not only to resolve strikes involving the IWW, but to cure them of their belief in syndicalism itself. These recommendations culminated in the National War Labor Board, headed by Frank Walsh. To understand this achievement, it is helpful to examine the motivation to reduce violence against radicals and advocacy of violence by radicals.

A final condition affecting the connections between radicals and progressives is the presence or absence of revolution abroad that threatened to spread to the United States or undermine American foreign property holdings. This concern was clearly a factor in the intervention in Mexico, and the revolutionary conditions there made the intervention palatable even to Jane Addams because they gave it the appearance not of invading a sovereign country but of restoring order where sovereignty had disintegrated. It was during the period of the Mexican revolution that progressives other than Frank Walsh such as Walter Lippmann began to back away from the class-based rhetoric of the Commission on Industrial Relations and its embrace of the IWW. Similarly, the Russian Revolution, and particularly the Bolshevik phase of that revolution with its immediate demand for peace, correlated with a greater hostility toward the IWW in *The New Republic* as well as the passage of the Sedition Act by the administration. Finally, the Palmer Raids came amid not only the fear of communism in Russia, but also the danger of its spread to Hungary and Eastern Europe, and ultimately to the United States. While this risk continued to be persuasive to Wilson, other progressives began no longer to view the spread of communism as a serious threat, and took a public position in favor of due

process rights for radicals.

Putting these conditions together, the connections between progressives and radicals flourished during times of economic recovery, external peace, and conservative political economy when progressives sought but did not hold office. These connections were repressed when progressives were in power, had achieved reforms, and were faced with internal political violence, external threat, economic crisis, or revolutionary upheaval. An important caveat to this thesis is that the same kinds of political violence—violence against radicals, for example—were interpreted differently at different times. While radicals were understood as the victims of such violence when other favorable conditions were met, at other times such violence tended to bring a focus on the beliefs of radicals advocating violence. Similarly, radicals that did not advocate violence such as Eugene Debs were understood to be threats to the state when other conditions were unfavorable.

Several questions remain. The first is, why were some progressives consistently less favorably inclined toward radicalism than others? Woodrow Wilson, for example, really only described himself as a radical for a brief time when he was seeking office—and presumably, credibility with other progressives—in 1912. He had to distinguish himself not only from Theodore Roosevelt, but also Eugene Debs, in the election against William Howard Taft. At the other end of the spectrum, Frank Walsh was sympathetic to syndicalists who worked within the AFL even during the war, working with Anton Johannsen closely on the National War Labor Board and brokering an agreement in the packinghouses with William Foster's Stockyards Labor Council. One could even make the case that repression was really a policy of Wilson's and perhaps Creel's and not other

progressives. Perhaps other progressives were opposed to these policies but did not speak out against them because they were afraid of repression. That was clearly the case with Jane Addams, for instance.

The approach of excluding some of Wilson's policies, or isolating Wilson, presents several problems. One is that this approach would have to pick and choose the more favorable aspects of Wilson's policies if some of the signature achievements of progressivism—and what were later implemented during the New Deal—were to be retained. Was the National War Labor Board, which nearly doubled union membership, not a progressive achievement? What about the Adamson Act? The League of Nations? In addition, some may question this today, but during the First World War other progressives believed Wilson was one of them.

The other problem with this approach is that its premise is simply not true. Most of these progressives either joined the Wilson administration during the war or supported it in some way. Not only were they unwilling to criticize Wilson publicly during the war, but even after the war they admitted that wartime repression was necessary. It was the continued repression after the war, when it was deemed not to be necessary for national security, that drew the fire of other progressives. Even then, progressives tried to divorce the continuing repression from progressivism, and indeed from Wilson himself, attributing it to irrationalism or a cabal of closet conservatives in his cabinet attempting to sabotage his reforms. Not only were Wilson's actions during the war approved by the Supreme Court, but the dissents from those decisions, issued by Louis Brandeis and Oliver Wendell Holmes, sought to reverse only those actions that were deemed unnecessary for national security, specifying and defining the fundamental state capacity

to repress dissent when necessary. This "clear and present danger" doctrine was a formal legal expression of what the Wilson administration was doing in fact during the war. This doctrine would of course become the standard for the court by the end of the 1920s. Wartime repression, criminal syndicalism legislation, and even repression during peacetime emergencies, according to Brandeis, were all justifiable under this doctrine so long as the need could be demonstrated. This was a newly expansive power of the state, a capacity that was in place permanently from the progressive period forward, even though it was only utilized at certain times and under certain conditions. To say that this capacity was not part of progressivism is, quite simply, contrary to fact.

It is true that some progressives such as Jane Addams were not in favor of these policies but did not speak out against them because they feared repression, but it is important to think about what this fear means. Advocating revolution has always been a risky proposition, and in certain times and places it has meant going to jail or even death. It is understandable why someone would not want to go to jail for speaking out against repression, but making that decision is telling about where someone stands politically. In addition, Addams was concerned about maintaining credibility and influence with more moderate forces. After a certain point, she said that opposing the administration's policies had come to appear to others obstinate or extreme, and she chose to keep her opinions to herself. Similar pressures appeared to be a concern for Frank Walsh, who was sympathetic to the IWW but was in a government position and could not jeopardize it. The fear of the consequences of appearing to sympathize with radicals, whether jail, loss of a job, or loss of influence, is a real motive, but it is also the most effective and far-reaching mechanism by which repression occurs in a democratic society.

Part of the reason progressives disagreed about radicalism stems from their different experiences and interpretations of Reconstruction. Despite the efforts of W.E.B. Du Bois, Barbara Fields, and Eric Foner to convince us that Reconstruction was a revolution, this historical event has not been prominent in the understanding of progressivism because it tends to get folded into a discussion of race and therefore separated from the main understanding of politics. Wilson's racism has been well known, but it has not been interpreted as central to his understanding of class and revolution. But the analytical difficulty of understanding Reconstruction as a revolution may be lessened when we remember that Wilson himself viewed Reconstruction in this way—and was deeply critical of it 30 years after the fact. Reconstruction was bad in his view because it too hastily overturned the class structure, was too reliant on force, and placed a subordinate, uneducated class in positions of power. These were similar terms to those in which he condemned the actions of Leon Czoglosz, Bill Haywood, and the Russian Bolsheviks. Wilson was opposed to revolution that expropriated property and forcibly overturned the class hierarchy—that is, Jacobin revolution—and it did not matter what color the revolutionaries were.

While Wilson moderated his views of Reconstruction in his "New Freedom" phase during his campaign for president in 1912, in 1915 he commented favorably upon D. W. Griffiths' silent film *Birth of a Nation,* which portrayed Reconstruction as both radical and disastrous and used Wilson's writings as screen plates.[6] By the end of the war Wilson privately drew a connection between Bolshevism and the spread of ideas of

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[6]Thomas Cripps, *Slow Fade to Black: The Negro in American Film, 1900-1942* (New York: Oxford University Press, 1977), 47-48, 52. The author wishes to thank Derek Musgrove for pointing this out. The film is excerpted in *Who Built America? From the Centennial Celebration to of 1876 to the Great War of 1914* (Santa Monica: Voyager; American Social History Productions, 1994), (CD-ROM).

equality to black American soldiers fighting in France. For other progressives, there is an interesting correlation between views of Reconstruction and attitudes toward domestic radicals and Russian communism. George Creel followed a trajectory similar to Wilson's with respect to both and voiced similar criticisms of Reconstruction early on. Jane Addams and Florence Kelley, on the other hand, consistently took a more benign view of radicalism. They had a much different experience of Reconstruction. Florence Kelley's father was a central figure in Reconstruction and was a fundamental influence in her life. Both she and Jane Addams drew inspiration from Reconstruction for their criticisms of exploitation of workers, women, and children. Herbert Croly was somewhere in between these camps. He took a long-term view of Reconstruction as a great transformation, and adopted the Republican party of the 1850s as a model of process for what progressives were trying to accomplish. By the end of the period of this study, the analogy of the free soil Republican Party had become a model for the Farmer-Labor Party for *The New Republic*. The focus had shifted from the events of Reconstruction to the political basis for the party that carried out emancipation.

Reconstruction raised the question of whether it is possible to achieve certain kinds of structural changes without violence—indeed without a war. The connection between change and violence may also help explain the repression that took place during the war. Both the Russian Revolution and American emancipation occurred because the political and economic systems of the losing side crumbled under the stresses of total war. In the American South the breakdown of the economic system in the midst of the war took the form of mass slave desertions, while in Russia it consisted of widespread strikes, army desertions, and peasant land seizures. Once Wilson brought America into

the war, the Russian Revolution raised the question of whether force should be used to prevent revolutionary violence within the United States. Wilson had answered this question in the affirmative long ago after the assassination of McKinley. But Wilson also had the support of other progressives because he could achieve the power necessary to implement many of the reforms that they sought. He won the White House as a conservative progressive who attracted a broad coalition, including not just progressives, but also southern Democrats and organized labor. Wilson's repression of radicalism stemming from the violence of the Russian Revolution, therefore, was a long-term consequence of progressives' support of him, which in turn was necessary for them to accomplish reform.

At the same time as there was real disagreement among progressives about supporting the rights of radicals, there was some consensus on opposition to revolution inside the United States. This proposition is particularly true of violent revolution, but they also did not favor such nonviolent tactics as a general strike. Indeed, when violent revolution threatened, even those like Eugene Debs who advocated an electoral path to socialism seemed dangerous. Likewise, progressives did not favor the expropriation of private property. At times, some of them such as Florence Kelley favored an electoral path to socialism, but even she questioned the notion of indiscriminate expropriation, advocating instead the public ownership of industry and productive property. Others such as Walter Lippmann favored a combination of private ownership and government regulation. Frank Walsh called for high inheritance taxes, but limited them to estates over $1 million and only after death. These taxes were designed more to preserve a republican society of roughly equal opportunity rather than to do away with private

property. Finally, the closest the progressives came to advocating the dissolution of the American state, or of all states in general, was to advocate a mild form of internationalism, the League of Nations. But Lippmann made clear that he did not envision this to be a dissolution of national sovereignty, but rather an international confederation that would take the place of imperialism.

There were two other areas of consensus on progressive disagreement with radicals. The first was on the desirability of strikes. Progressives never accepted strikes as a positive means of resolving disagreements between labor and management. While in 1922 some progressives endorsed the railroad shopmen in a particular strike, they never saw a strike as a good thing in itself. To them it signaled some failure on the part of management to negotiate in good faith or to provide adequate working conditions, or of government to provide adequate regulation. This was a different perspective from that of the IWW, which generally held strikes to be a positive manifestation of class conflict. Progressives had a vision in the end of class harmony, in which strikes were evidence of a problem, not a step toward the solution.

The second area of consensus was the possibility for large corporations to be reformed to serve the public interest. This was a consensus that developed over time because initially many progressives opposed large corporations. Woodrow Wilson, after all, was elected president in 1912 on a platform of breaking up large corporations. But as part of the turn away from radicalism that occurred during the war came an acceptance of large corporations as part of the economy. In the midst of the war and with the example of the Russian revolution, the rhetoric of doing away with big business became associated with disloyalty and a form of radicalism that was not acceptable to progressives. While

big business would continue to be attacked for not serving the public interest, at no point after the war would a major political movement come to power on a platform of doing away with big business. That discussion simply belonged to a different time.

Indeed, the transformation in progressives' attitudes is not just illuminating with respect to themselves, but helps explain in general why socialism could be such a prominent part of American politics before the war, but not after. The constituency for socialist membership was a combination of reformist intellectuals and working-class radicals. Intellectuals turned away from socialism for the reasons discussed, while federal repression and criminal syndicalism legislation, inaugurated by the Wilson administration, reduced the numbers of working-class radicals. The question is not why was there no socialism in the United States, but why was there more socialism before the war than after. Or, as Eric Foner has put it in a review of the literature on this question, the task is to "'historicize' the problem of American socialism."[7]

Lessons for Later Periods

The relationship between progressivism and radicalism is useful for understanding the process of coalition-building and repression for the other great reform movements of the Twentieth Century—the New Deal and Great Society.[8] In one sense, there is a natural coalition between progressives and radicals for the purpose of achieving

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[7]Eric Foner, "Why Is There No Socialism in the United States?" *History Workshop Journal* 17 (Spring 1984): 60. See also James Weinstein, *The Decline of Socialism in America, 1912-1925* (New York: Vintage Books, 1967) and Werner Sombart, *Why Is There no Socialism in the United States,* trans. Patricia M. Hocking and C. T. Husbands (New York: International Arts and Sciences Press, 1976).

[8]John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana: University of Illinois Press, 1994), 428, compares the "coopation" of the civil rights movement, abolitionism, and workers' militancy during the 1930s.

gradual reform. Before they were adopted, reforms such as business regulation, collective bargaining, and industrial unionism that incorporates African-Americans, women, were advocated as part of a vision of broad social transformation. Moreover, radicals can bring numbers to the support of causes that are unpopular among the wealthy and middle class that would otherwise be limited to small circles of intellectuals. Such coalitions have brought about each of these reform movements, which were subsequently disrupted by foreign policy—a military intervention overseas—and followed by repression and a period of conservative politics.

In the case of progressivism, cooperation took the form of such organizations as the Women's Trade Union League, labor agreements such as the Protocol of Peace, and investigations such as the Commission on Industrial Relations. With the support generated by these coalitions, the Wilson administration implemented many important reforms, such as the eight-hour day on the railroads, a law against child labor, and wartime collective bargaining. But the intervention in the war also brought repression of anarchists, the IWW, and antiwar socialists, disrupting the coalition between progressives and radicals. As antiradicalism expanded beyond the bounds of these specific efforts to include a general suspicion of progressivism, progressives lost power, ushering in a decade of conservative politics. A very similar pattern obtained with respect to the New Deal. During the 1930s, especially after the inauguration of the Popular Front, the communist party adopted William Z. Foster's approach of working for socialism by building industrial unions within a reformist structure, particularly the Congress of Industrial Organizations. This approach to union work was accompanied by a political

embrace of reformist politics by Earl Browder.[9] The war, however, was followed by the Smith Act trials, McCarthyism and Eisenhower conservatism. The pattern repeated again, albeit drawing on different sources than working-class and union activists, during the Great Society. Radicals in the civil rights movement began mass agitation in the 1950s, and beginning in 1964 the Johnson Administration reached out to the movement and enacted the Civil Rights Acts. During the Vietnam War, however, the FBI and Cointelpro engaged in the suppression of radicals, and the war itself resulted in the election of Richard Nixon, when Lyndon Johnson chose not to seek reelection, and the Republican Party's successful Southern Strategy. These repeating cycles of coalition, reform, intervention overseas, repression, and conservatism give further evidence that there is an identifiable pattern for interpreting twentieth century reform politics that requires understanding the views of reformers toward radicals.

Epilogue

When I began the research that led to this project in the fall of 1999, the original question I sought to investigate was how did the elements that would later form the New Deal coalition—intellectuals, liberals in government and business, and labor unions—feel about the repression of the Industrial Workers of the World during the First World War. At that time, the repression of World War I seemed like a humorous footnote that was of little historical interest because the lessons were so clear. How could Americans really find it patriotic to call sauerkraut "liberty cabbage"? How could war fever really have caused people to call the opponents of the war disloyal or pro-German? How could

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[9]James R. Barrett, *William Z. Foster and the Tragedy of American Radicalism* (Urbana: University of Illinois Press, 1999), 200-201, 192-94.

people be so confident in their advocacy of participation in the senseless trench warfare of World War I as to call for the suppression of the views of those who opposed it?

In the years since 1999, the repression of the First World War has again become a subject of historical interest. The United States has waged two wars overseas, the second of them still ongoing, and the repressive practices of the World War I period have been resurrected in new forms. National security has become a loophole to justify the suspension of practically every limitation on government power, including freedom of the press, freedom from arbitrary detention, even the right not to be tortured. Propaganda has been used to incite war and to prevent the democratic process from bringing it to an end. Even food has been renamed, with French fries dubbed "freedom fries." Not only have these measures been readopted, but it has become difficult to argue against them. At the beginning of the wars, there was a palpable sense that restrictions on civil liberties would flow irresistibly. As time has gone on, making moral objections to such restrictions has increasingly brought accusations of foolish consistency, extremism, or sympathy with the terrorism. How is this possible?

One answer is that this is the way the United States fights wars, and has been since World War I. These measures are the domestic side of modern war, and can be expected to be readopted whenever the United States is involved in a protracted external conflict. On the one hand, one must observe that the United States has, in addition to a tradition of free expression, a long tradition of repression that extends back to the Alien and Sedition Acts of 1798. But it also is useful to return to the period in which the specific contours of the contemporary power to curtail civil liberties in wartime was put in place and the techniques for doing so were developed. It is important to think about

the political ideology not only of those who developed these capacities, but of those they were used against because that illuminates the purposes behind their formulation and the historical effect they have had.

Shortly after the 2004 presidential election, in which the Vietnam War protester John Kerry narrowly lost to the incumbent George Bush, the editor of *The New Republic,* Peter Beinart, called on Democrats to turn away from antiwar radicals like Michael Moore and Moveon.org and instead emulate Americans for Democratic Action, a group of liberals who during World War II called for an aggressive anticommunist foreign policy. Citing the subsequent expulsion of communists from the CIO and denunciations of communism by the ACLU and NAACP as positive moments in the history of liberalism, Beinart argued that a new era of Democratic success could be ushered in if liberals would embrace a similar strategy today.[10] It should be clear from this dissertation that the real source of strength for liberals has been to advocate those aspects of radical programs of transformation that are compatible with a reformist vision of social justice. While denunciations such as these and repression may produce short-term electoral gains, in the long run radicals are important for the generation of public sentiment in favor of reform and the sustenance and growth of organized labor.

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[10]Peter Beinart, "A Fighting Faith," *The New Republic,* December 13, 2004, 17 [database on-line]; available from LexisNexis Academic.

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