The Heritage Foundation
LEADERSHIP FOR AMERICA

FIRST PRINCIPLES

FOUNDATIONAL CONCEPTS TO GUIDE POLITICS AND POLICY

MAKERS OF AMERICAN POLITICAL THOUGHT

NO. 03 | SEPTEMBER 25, 2012

Theodore Roosevelt: Progressive Crusader

Jean M. Yarbrough

Theodore Roosevelt, 26th President of the United States (1901–1909), was the youngest and arguably most energetic man ever to fill that office. Growing up in the Gilded Age, he regarded commercial ideals as "mean and sordid" and brought these sensibilities with him into public life.[1] A firm believer in what he called the manly virtues, he urged his countrymen to fight for the right.

As President, he pushed executive powers to new limits, arguing that the rise of industrial capitalism had rendered limited government obsolete.

- He took on the captains of industry and argued for greater government control over the economy, pursuing a two-pronged strategy of antitrust prosecutions and regulatory control.
- He pushed through legislation that gave the Interstate Commerce Commission (ICC) new powers to set railroad rates, laying the foundation for the modern administrative state.
- Casting himself as steward of the nation's natural resources, he presided over the birth of the conservation movement.
- Convinced that a strong defense was the best guarantee of peace, he built up the Navy and sent it around the world.

No one, he thought, had ever enjoyed being President as much as he had.

Early Life and Education

Theodore Roosevelt, the son of Theodore Roosevelt, Sr., a wealthy businessman and philanthropist, and Martha Bulloch Roosevelt, was born in New York City on October 27, 1858. Too sickly as a boy to be sent away to school, he was privately educated until he matriculated at Harvard in 1876. By that time, he had largely overcome the debilitating asthma of his youth through sheer physical effort and willpower, and he hurled himself into his studies with characteristic vigor.

At Harvard, he concentrated on the natural sciences but was also drawn to courses in political economy taught from the prevailing perspective of the day, laissez-faire economics, which he later repudiated. Given that Roosevelt would publish a number of well-received historical studies and serve as president of the American Historical Association, it is noteworthy that in college he took only one history class, the required sophomore course in Anglo–American constitutional history.

After being graduated Phi Beta Kappa, Theodore entered Columbia Law School in the fall of 1880 and married Alice Hathaway Lee on his 22nd birthday that October. While a law student, he took courses with John W. Burgess. An admirer of

This paper, in its entirety, can be found at **http://report.heritage.org/MAPT-03**

Produced by the B. Kenneth Simon Center for Principles and Politics

The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400 | heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

Born

October 27, 1858, in New York City, the son of Theodore Roosevelt Sr. and Martha ("Mittie") Bulloch [Roosevelt].

Education

A sickly child, Theodore was tutored privately. He graduated from Harvard in 1880 and entered Columbia Law School that same year but did not complete the degree.

Religion

Dutch Reformed, though at various points he was affiliated with Episcopal congregations.

Family

Married Alice Hathaway Lee on October 27, 1880, his 22nd birthday. They had one child, Alice, born on February 12, 1884. Tragically, Roosevelt's young wife died two days later. On December 2, 1886, TR married his childhood companion, Edith Kermit Carow. They had five children: Theodore Jr. (1887), Kermit (1889), Ethel (1891), Archibald (1894), and Quentin (1897).

Accomplishments

- Author of numerous books including *The Naval War of 1812* (1882); *Thomas Hart Benton* (1887); *Gouverneur Morris* (1888); *Essays in Practical Politics* (1888); *The Winning of the West* (4 vols., 1889–1896); *The Rough Riders* (1899); *The Strenuous Life* (1900); *Oliver Cromwell* (1900); *Theodore Roosevelt: An Autobiography* (1913); and several books on hunting.
- Member, New York State Assembly (1882–1884).
- Ranchman in the Dakota Badlands (1884–1886).
- Member, United States Civil Service Commission (1889–1895).
- President, Board of Police Commissioners, New York City (1895–1897).
- Assistant Secretary of the Navy (1897–1898).
- Lieutenant Colonel of the First U.S. Volunteer Cavalry Regiment (the "Rough Riders") in Cuba during the Spanish–American War (1898).
- Governor of New York (1898–1900).
- Vice President of the United States (1901).
- Becomes 26th President of the United States on September 14, 1901, following the assassination of William McKinley; re-elected in 1904 (1901–1909).
- Nobel Peace Prize (1906).
- Challenges William Howard Taft for Republican presidential nomination (1912).
- Forms National Progressive Party and loses bid for presidency in four-way race against Taft, Eugene V. Debs, and Woodrow Wilson (1912).
- Declines presidential nomination on Progressive Party ticket (1916).

Died

January 6, 1919, of coronary embolism at Sagamore Hill, Oyster Bay, New York.

Last words

To his valet, "James, will you please put out the light?"

all things German, especially the philosopher G. F. W. Hegel, Burgess rejected the Anglo–American social compact theory of government.

Burgess was especially vehement in rejecting the idea that the purpose of government was to protect the natural rights of individuals. Instead, he argued that history was unfolding according to a rational plan that would eventuate in a more "ethical" state. By this, he meant that as the state developed, it would concern itself not only with material ends, but also with spiritual ends. Although Roosevelt and Burgess would later diverge on important political issues, as a Progressive, Roosevelt too would

be attracted to the idea of engrafting German ideals onto the American constitutional order to make it more "ethical."

During his first year in law school, Roosevelt was elected to the New York Assembly and abandoned his legal studies to pursue a career in politics. At the same time, he published his first book, begun while a senior at Harvard. Acclaimed on both sides of the Atlantic, *The Naval War of 1812* (1882) was unsparing in its criticism of Jefferson and Madison for pursuing policies that provoked the British while failing to build up American defenses and leaving the United States vulnerable when war inevitably broke out.

Roosevelt's career as a rising Republican reformer was suddenly halted after the deaths of his young wife and mother on the same day, two days after the birth of his daughter, Alice, in February 1884. The grief-stricken widower then fled to the Dakota Badlands, where he threw himself into ranching.

TR the Historian

While in the Dakota Territory, Roosevelt was invited to write a biography of Missouri Senator Thomas Hart Benton for the prestigious American Statesman Series at Houghton Mifflin. Cranked out in five months while Roosevelt was cow punching out West, the biography defended "Manifest Destiny" in stark Darwinian terms. As Roosevelt explained, it was "our manifest destiny to swallow up the land of all adjoining nations who were too weak to stand with us."[2] He dismissed as "maudlin nonsense" arguments that the white men had robbed the Indians of their lands and saw nothing wrong with the Texas frontiersmen who regarded "the possessions of all weaker races as simply their natural prey."[3]

Ignoring the principles of the Declaration of Independence, Roosevelt saw these conflicts as contests between unequal races at very different stages of development. In his view, historical development rather than "abstract" equal natural rights provided the standard by which the races should be judged.

On the strength of favorable reviews, Roosevelt, now back in New York, began work on a biography of Founding Father Gouverneur Morris. In 1886, Roosevelt, who was quietly courting his childhood companion, Edith Kermit Carow, whom he would marry in London that December, agreed at the last minute to run as the Republican candidate for New York City mayor. He came in a disappointing third.

With his political future now uncertain, Roosevelt's thoughts turned to composing a "first class" historical study that would win him respect as a serious historian. Expanding on themes he had first sketched in *Thomas Hart Benton*, the four-volume *The Winning of the West* (1889–1896) cast westward expansion as a grand racial epic that pitted the two great branches of the English-speaking peoples against each other. It then traced the movement of the victorious Americans as they battled the native Indian tribes for control of the continent. As in *Benton*, historical development, not nature, provided the standard of right, and the racial struggle was largely cast in brutal Darwinian terms.

Although *The Winning of the West* was widely praised in its day, perhaps the most insightful of his historical works was the biography *Oliver Cromwell* (1900), which Roosevelt dashed off during a month-long stay at Sagamore Hill while governor of New York. As he contemplated his political future, the Cromwell biography afforded him the opportunity to reflect on the connection between energetic executive power and republican constitutionalism.

IN ROOSEVELT'S VIEW, HISTORICAL DEVELOPMENT RATHER THAN "ABSTRACT" EQUAL NATURAL RIGHTS PROVIDED THE STANDARD BY WHICH THE RACES SHOULD BE JUDGED.

Roosevelt's analysis not only helps to explain the failings of the Lord Protector, but, more important, sheds light on Roosevelt's own character. As he saw it, Cromwell's principal defect was that he was not interested in larger constitutional questions or the rule of law. "He failed to see that questions of form—that is, of law—in securing liberty might be themselves essential instead of, as they seemed to him, non-essential."[4] This in turn boiled down to a question of character. All of Cromwell's qualities, "both good and bad, tended to render the forms and narrowly limited powers of constitutional government irksome to

1. Theodore Roosevelt, *American Ideals: And Others Essays, Social and Political* (New York and London: G. P. Putnam's Sons, 1897), p. 12.
2. Theodore Roosevelt, *Thomas H. Benton* (Cambridge, Mass.: The Riverside Press, 1899), p. 36.
3. Ibid., p. 159.
4. Theodore Roosevelt, *Oliver Cromwell* (New York: Charles Scribner's Sons, 1919), p. 109.

him."[5] Not only was he "cursed with a love of power," a "dictatorial habit of mind," and "a fatal incapacity to acknowledge that there might be righteousness in other methods than his own," but his "intensity of conviction" and "delight" in exercising power for what he considered "good ends" caused him to chafe under the limitations of constitutional government.[6]

The same things could be said about Roosevelt in the last years of his presidency when he sought to find ways to go around the Congress and lashed out at all those who did not agree with him. And when, at the Progressive Convention in 1912, he ended his "Confession of Faith" by declaring, "We stand at Armageddon and we battle for the Lord,"[7] he might well have heeded his own words on Cromwell that although it was essential to do the work of the Lord, it was even more essential not to mistake "his own views for those of the Lord."[8]

TR the Republican Reformer

When he first arrived on the political scene in 1881 at the age of 23, Roosevelt gave no hint of the Progressive he would later become. In the various elective and appointive positions he held at the municipal, state, and federal levels during the 1880s and 1890s, Roosevelt considered himself nothing more (and nothing less) than an independent Republican reformer, following in the tradition of national-minded statesmen such as George Washington, Alexander Hamilton, Henry Clay, and, of course, Abraham Lincoln.

As a New York Assemblyman, he exposed the rampant bribery in the legislature and worked to secure passage of a law prohibiting the manufacture of cigars in tenement houses. By standing up to the political machines and "special interests" that dominated the statehouse, Roosevelt sought to return the Republican Party to its high moral purpose and once again make politics respectable for a rising generation of high-minded reformers.

THE SPOILS SYSTEM TREATED PUBLIC OFFICES AS MERE PARTISAN PRIZES, INVITING A MAD SCRAMBLE FOR POLITICAL PLUNDER, AND ROOSEVELT WAS DETERMINED TO REMOVE AS MANY PATRONAGE JOBS FROM THE FEDERAL GOVERNMENT AS POSSIBLE.

After his defeat in the New York City mayoral race of 1886, Roosevelt returned to his historical writing and in 1889 was appointed by President Benjamin Harrison to serve on the federal Civil Service Commission. Since the end of the Civil War, Republicans had been in the forefront of the civil service movement, attempting to rouse public opinion against the abuses of the spoils system first put in place by the Democrats under Andrew Jackson.

It was not only the waste and inefficiency that Roosevelt deplored, but also the corruption. The spoils system treated public offices as mere partisan prizes, inviting a mad scramble for political plunder, and Roosevelt was determined to remove as many patronage jobs from the federal government as possible. Although he succeeded in enlarging the number of civil service positions based on merit, Roosevelt's reforming zeal did not sit well with party regulars and nearly cost him his job.

After six years on the Civil Service Commission, Roosevelt resigned to become police commissioner of New York City and was soon elected president of the four-man board. His service was, as always, colorful and energetic, with the commissioner slipping out at night undercover to investigate corruption in the Police Department, establishing a bicycle squad, and assigning an all-Jewish police team to guard an anti-Semitic gathering. His only stumble was his decision to enforce the city's Sunday closing laws, incurring the wrath of saloonkeepers and the sizable German immigrant community.

With the election of William McKinley to the presidency in 1896, Roosevelt maneuvered successfully to be appointed Assistant Secretary of the Navy. Impressed by the arguments of the strategist Alfred Thayer Mahan, who emphasized the connection between naval power and national greatness, the young Secretary insisted that America needed "a first-class fleet of first-class battleships."[9]

After the explosion of the *Maine* in Havana, Cuba, Roosevelt moved aggressively to prepare for war and schemed to get himself sent to the front. His exploits leading the Rough Riders in Cuba during the Spanish–American War won for him a national

5. Ibid., p. 196.
6. Ibid., pp. 196 and 206.
7. Theodore Roosevelt, "Confession of Faith," August 6, 1912, http://www.theodore-roosevelt.com/images/research/speeches/trarmageddon.pdf.
8. Theodore Roosevelt, *Oliver Cromwell* (New York: Charles Scribner's Sons, 1919), p. 192.
9. Theodore Roosevelt, "Naval War College Address," June 2, 1897, http://www.theodore-roosevelt.com/images/research/speeches/tr1898.pdf.

reputation as a war hero and catapulted him into the New York governorship in 1898. In the aftermath of the United States victory over Spain, the energetic governor urged his countrymen to embrace "the strenuous life" and defended American "expansion" over the Philippines, which Spain had ceded to the U.S.

Meanwhile, Roosevelt antagonized business interests with his talk of new taxes, and party bosses plotted to remove him from New York politics by having him named McKinley's running mate in the election of 1900.

TR in the White House

Within months of being re-elected, McKinley was felled by an assassin's bullet, and Roosevelt, at the young age of 42, found himself unexpectedly President of the United States. His first term was characterized by the successful resolution of the anthracite coal strike in 1902, in which Roosevelt had promised both coal miners and coal operators a "Square Deal." The phrase stuck, and Roosevelt became the first President to distill his policies into a slogan. He also brought suit against the Northern Securities Company, resulting in the dissolution of the railroad holding company.

Not content with resuscitating the Sherman Antitrust Act of 1890, Roosevelt also called for the establishment of a new government agency that would gather information on corporate activities and make recommendations to Congress regarding new regulations. Congress passed legislation establishing the Bureau of Corporations, but the agency had no "affirmative" regulatory powers.

In foreign affairs, he announced the Roosevelt Corollary to the Monroe Doctrine, making it clear that the United States was now willing to intervene in the affairs of its Latin neighbors to keep the Europeans from doing so. He also pressed forward with plans to construct an isthmian canal across Panama and energetically defended the American presence in the Philippines. Although his declared policy was to "speak softly and carry a big stick,"[10] when it came to the decibel level, he did not always follow his own advice. Having supported Panamanian independence from Colombia after that country refused to ratify the canal treaty, Roosevelt needlessly insulted the Colombians and for the rest of his life stubbornly opposed any reparations to the once-friendly nation.

Re-elected in a landslide, Roosevelt interpreted the vote as a mandate to push ahead with new calls for increased government regulation. His Annual Message of 1905, the first of his second term, unleashed a flurry of proposals for new legislation, including pure food, drug, and meat inspection laws; government "supervision" of insurance companies; investigation of child labor conditions; employer liability laws for Washington, D.C.; and—of the highest priority—a law giving the Interstate Commerce Commission power to regulate railroad shipping rates. This last proposal, which TR signed into law in 1906 as the Hepburn Act, laid the foundation for the modern administrative state.

Still, it was only after the mid-term elections in 1906 that Roosevelt fully embraced the Progressive agenda. Republicans had been able to hold on to their majority, but Democrats cut into their numbers. In addition, insurgent Republicans had gained ground in the West, putting pressure on Roosevelt from within the party. Assessing the political mood of the country, Roosevelt concluded that he had no choice but to try to hold the "left center together."[11] To the extent that there was a turning point in Roosevelt's progressive evolution, this was it.

THIS LAST PROPOSAL—A LAW GIVING THE INTERSTATE COMMERCE COMMISSION POWER TO REGULATE RAILROAD SHIPPING RATES, WHICH TR SIGNED INTO LAW IN 1906 AS THE HEPBURN ACT—LAID THE FOUNDATION FOR THE MODERN ADMINISTRATIVE STATE.

He now regarded the Hepburn Act as a good first step, but only a first step. He called for stronger controls not only over the railroads, but across the entire industrial economy as well. To that end, he supported legislation that would convert the Bureau of Corporations into a full-fledged regulatory agency modeled on the extensive powers he envisioned for the ICC. Had the proposed legislation been enacted, it would have put in place a far more statist regulatory regime than the Federal Trade Commission that eventually replaced it, with the government exercising primary control over all businesses operating in interstate commerce.

10. Theodore Roosevelt, "National Duties: Address at Minnesota State Fair," September 2, 1901, http://www.theodore-roosevelt.com/images/research/txtspeeches/678.pdf.

11. Theodore Roosevelt to Arthur Hamilton Lee, December 26, 1907, in Elting E. Morison et al., eds., *The Letters of Theodore Roosevelt*, 8 vols. (Cambridge, Mass.: Harvard University Press, 1954), Vol. 6, p. 875.

At the same time, he launched a new round of antitrust prosecutions and lashed out against the "malefactors of great wealth."[12] He used his "bully pulpit" to call for graduated income and inheritance taxes. Thwarted in these plans by Congress, he increasingly sought ways around it, further antagonizing legislators. And where once he had praised the judiciary, in the wake of the *Lochner* decision (1905),[13] he ramped up his attack on the courts for clinging to an outdated judicial philosophy.

On another front, Roosevelt for the first time actively moved to conserve America's natural resources. TR expanded the national park system, established bird and wildlife refuges, and designated important historic and geographical sites as national monuments. He sparked controversy, especially in the western states, by vastly expanding the national forest reserves and imposing regulations and fees on the use of public lands. Yet in contrast to today's environmentalists, he did not want simply to lock these resources away. TR sought to make sure that they were developed responsibly (which he doubted private businesses could do) and that the public received adequate compensation for these valuable rights.

Also for the first time, Roosevelt sought to have the greatness of America reflected in its public buildings, monuments, and sculptures. Among his actions, he commissioned August Saint-Gaudens to design a new system of coins for the national mint and established a Fine Arts Council to advise the government on the design and decoration of public buildings. Roosevelt later justified these actions by claiming that they added to "the beauty of living and therefore to the joy of life."[14]

In foreign affairs, where the President enjoys greater discretionary power, TR successfully negotiated an end to the Russo–Japanese War, for which, in 1906, he was the first American to be awarded the Nobel Peace Prize. As commander in chief, he followed Washington's maxim that the best way to secure peace was to prepare for war. He worked assiduously to build up the Navy so that by the end of his presidency, it had moved up from fifth to second place internationally, trailing only Great Britain.

ROOSEVELT'S STEWARDSHIP THEORY THUS UNMOORED PRESIDENTIAL POWER FROM THE CONSTITUTION AND MADE IT DIRECTLY ACCOUNTABLE TO THE PEOPLE.

Over the objections of Congress, Roosevelt also dispatched the Great White Fleet around the world in 1907. The successful circumnavigation of the globe by the United States Navy was, he thought, his single greatest contribution to peace.

During his presidency, Roosevelt immersed himself in the writings of Abraham Lincoln as he sought inspiration for his ever more expansive view of executive power. In his autobiography, TR cast himself as the "steward of the people," charged with the right and duty to do whatever the needs of the nation required unless the Constitution or the laws expressly prohibited such action.[15] In other words, he believed that the President did not have to cite some specific grant of power to justify his actions.

This, however, was a novel view of executive power, and one that far exceeded the Jackson–Lincoln view he claimed to be following. Whereas Lincoln had claimed military necessity and was careful to cite specific constitutional provisions to justify his actions, Roosevelt was under no such necessity but merely thought that he could take whatever affirmative measures would advance the public welfare as long as they were not specifically prohibited.

Roosevelt's stewardship theory thus unmoored presidential power from the Constitution and made it directly accountable to the people. It is not uncommon today for progressives to give short shrift to constitutional questions or to cite phrases such as "We the people" and "the general welfare" rather than specific constitutional provisions to justify their proposals.

Progressive Crusader

With his former Secretary of War William Howard Taft installed in the White House, Roosevelt embarked on an extended African safari followed by a European speaking tour. While abroad, he was dismayed to learn that Taft was not carrying on his legacy as he had hoped. Somewhere along the way, he also read Herbert

12. Theodore Roosevelt, "Address on the Occasion of the Laying of the Corner Stone of the Pilgrim Memorial Monument," August 20, 1907, http://www.theodore-roosevelt.com/images/research/txtspeeches/257.txt.

13. *Lochner v. New York*, 198 U.S. 45 (1905).

14. Theodore Roosevelt, *Theodore Roosevelt: An Autobiography* (New York: DaCapo Paperback, 1985 [orig. pub. Macmillan, 1913]), p. 434.

15. Ibid., p. 372.

Croly's *The Promise of American Life*[16] and was much taken with the principles Croly advanced to justify further reform.

In June 1910, the former President returned to the United States, ready to do battle for the soul of the Republican Party. Over the next two years, as he contemplated an unprecedented third run for the presidency, in numerous speeches and essays, TR spelled out what Progressivism might mean for America.

To begin with, it spelled the end of America's naïve exceptionalism. Where once the United States had prided itself on its superiority to the monarchies of Europe, it was now lagging behind the governments of Western Europe, and especially Germany, in its commitment to social welfare. It was time for America to become part of the larger "world movement" and adopt an expanded conception of the aims of the federal government.

Progressivism also meant moving beyond the "shopworn" protection of individual rights, especially property rights. Because these rights were grounded in a permanent view of human nature as essentially self-interested, Roosevelt concluded that the whole idea of natural rights was scientifically wrong and morally obsolete. Evolution meant that there was no such thing as a fixed human nature; human beings could progress beyond their selfish individualism. Roosevelt's goal was to move Americans beyond purely "legal" justice toward a higher, more "ethical" justice where citizens thought less about their individual rights and more about rights "developed in duty."[17]

PROGRESSIVISM ALSO MEANT MOVING BEYOND THE "SHOPWORN" PROTECTION OF INDIVIDUAL RIGHTS, ESPECIALLY PROPERTY RIGHTS. BECAUSE THESE RIGHTS WERE GROUNDED IN A PERMANENT VIEW OF HUMAN NATURE AS ESSENTIALLY SELF-INTERESTED, ROOSEVELT CONCLUDED THAT THE WHOLE IDEA OF NATURAL RIGHTS WAS SCIENTIFICALLY WRONG AND MORALLY OBSOLETE.

In his landmark "New Nationalism" speech, delivered at Osawatomie, Kansas, in 1910, TR explained what this meant for property rights. In contrast to the Founders, who believed that the right to property was rooted in the natural right to the fruits of one's labor, Roosevelt argued that the right to property could be justified only if it benefited the community, and the only way to benefit the community was to redistribute the wealth. As things stood now, some men "possess more than they have earned," while others "have earned more than they possess."[18] The task of government was not simply to enforce the rule of law, but to bring about "social justice" through redistribution. Roosevelt was surely correct when he observed that the "New Nationalism" implied "a policy of a far more active governmental interference with social and economic conditions in this country than we have yet had."[19]

At the same time, Roosevelt denied that his reforms were meant to bring about socialism. In essays written during the closing days of his presidency, he had explained where he could and could not work with the socialists. But what he meant by socialism was the Marxist variety, with its calls for violent revolution, the abolition of private property, and the withering away of the state. As the essays make clear, he was not the least troubled by a peaceful, gradual transition to democratic socialism with its promise of social justice. In fact, he considered proponents of these reforms nothing more than "advanced" liberals.

While the "New Nationalism" initially called for the expansion of the federal government's regulatory powers to deal with the problems of industrial capitalism, Roosevelt's ideas continued to evolve as the 1912 election approached. In the West, insurgents led by Robert M. La Follette of Wisconsin had promoted a program of direct democratic reforms, including the direct election of Senators and adoption of the initiative, referendum, and recall as ways to make public officials more accountable to the people.

Roosevelt at first remained cool to the idea of direct democracy, which was not popular among eastern Republicans. But addressing the Ohio Constitutional Convention in February 1912, he now endorsed the insurgents' reforms, including the

16. See Herbert Croly, *The Promise of American Life* (New York: Macmillan, 1909).

17. See, for example, Theodore Roosevelt, "Duty and Self Control," April 15, 1911, http://www.theodore-roosevelt.com/images/research/speeches/trdutyandcontrol.pdf.

18. Theodore Roosevelt, "The New Nationalism," August 31, 1910, Heritage Foundation *Primary Sources*, http://www.heritage.org/initiatives/first-principles/primary-sources/teddy-roosevelts-new-nationalism.

19. Ibid.

controversial judicial recall, which would allow the people after a period of "deliberation and debate" to overturn state court decisions on public policy matters that thwarted their will.[20]

Roosevelt's escalating attack on property rights and embrace of judicial recall prompted his critics to charge that he was undermining the very idea of constitutional government by removing salutary checks on the popular will. TR countered that his reforms were designed to restore constitutional government, though he meant something very different.

As a young Republican reformer, Roosevelt had agreed with the Framers that the task of the Constitution, and especially the courts, was to protect the rights of the individual from the tyranny of the majority. Now it was the corrupt "special interests" and party machines that rode roughshod over the majority. The people must tear down the barriers to their will and become their own masters. Not even the Constitution can be allowed to stand in their way. Thus, Roosevelt and his critics were talking past each other: Each in his own way was an emphatic "believer in constitutionalism," but TR now meant what would later be called "the living constitution."[21]

Denied the Republican nomination, despite his strong showing in the states that had adopted the direct primary, Roosevelt concluded that he had been robbed and decided to bolt and form his own Progressive Party. In his "Confession of Faith" accepting the Progressive Party nomination, Roosevelt called for a new "contract with the people" that in effect would supersede the social contract theory of the Declaration.[22]

UNLIKE THE DECLARATION, WHICH ASSERTS THAT THE PEOPLE ENTER INTO A COMPACT WITH EACH OTHER TO FORM A GOVERNMENT THAT WILL SECURE THEIR INALIENABLE RIGHTS, THE CONTRACT ENVISIONED BY ROOSEVELT IS BETWEEN THE PEOPLE AND THEIR GOVERNMENT.

Unlike the Declaration, which asserts that the people enter into a compact with each other to form a government that will secure their inalienable rights, the contract envisioned by Roosevelt is between the people and their government. In exchange for granting the government new powers, citizens are "entitled" to new rights that are created by the state. For the first time, government will actively promote social security by distributing more fairly the burdens of illness, unemployment, and old age.

Roosevelt electrified his audience when he ended his speech by shouting, "We stand at Armageddon and we battle for the Lord."[23] But when the hymn-singing finally stopped, Roosevelt carried only six states, and Woodrow Wilson won the White House.

The outbreak of World War I provided Roosevelt with fresh momentum, as he sought to rouse his countrymen to the call of duty. He actively plotted with Republican allies to win the nomination in 1916. When the party turned to Charles Evans Hughes instead, he declined to run on the Progressive ticket, and the party he had summoned into being four years earlier withered away.

Not so the Progressive impulse. Although returned to the Republican fold, Roosevelt continued until his death in January 1919 to press for Progressive reforms that would move the country closer to the social democracies of Europe. That was his goal, and it has remained the goal of Progressives ever since.

—Jean M. Yarbrough *is Gary M. Pendy Professor of Social Sciences at Bowdoin College in Brunswick, Maine, and the author of* Theodore Roosevelt and the American Political Tradition *(University Press of Kansas, 2012).*

20. Theodore Roosevelt, "A Charter of Democracy: Address Before the Ohio Constitutional Convention," February 21, 1912, http://www.theodore-roosevelt.com/images/research/txtspeeches/704.pdf.
21. Ibid.
22. Roosevelt, "Confession of Faith."
23. Ibid.