

FIRST PRINCIPLES

FOUNDATIONAL CONCEPTS TO GUIDE POLITICS AND POLICY

MAKERS OF AMERICAN POLITICAL THOUGHT

NO. 05 | FEBRUARY 15, 2013

Constitutional Conservatives in the Progressive Era: Elihu Root, William Howard Taft, and Henry Cabot Lodge, Sr. *Johnathan O'Neill*



Elihu Root (1845–1937), William Howard Taft (1857–1930), and Henry Cabot Lodge, Sr. (1850–1924) were leading members of the Republican Party during the Progressive era of the early 20th century. They strove to preserve the core tenets of American constitutionalism from the largest ambitions of Progressivism. In this sense they were not so much makers of American political thought as champions and defenders of the nation's principles amid the Progressive zeal to abandon them.

They resisted the Progressive drive for direct, unrestrained democracy and the resulting attacks on the courts, representative government,

and the traditional limits of the presidency. In the realm of foreign policy, their most notable stance was Lodge's defense of sovereignty and opposition to Woodrow Wilson's demand that the United States join the League of Nations. Here Root aided Lodge, but Taft supported the League. Indeed, as individuals, they sometimes disagreed about policy or supported particular Progressive reforms, but as a general matter, they regarded Progressivism as a grave threat to the Constitution.

As the first political figures to organize in order to "conserve" American constitutional principles in the face of emerging Progressive policies to "liberate" America from those principles, these individuals can be considered among the first conservatives. Their efforts, though admittedly imperfect, were the initial roots of the American conservative movement.

Lives

Elihu Root was born in Clinton, New York, in 1845 and in 1864 graduated from Hamilton College, where his father taught. A Presbyterian, he was encouraged to enter the ministry

but instead chose law. Root graduated from the law school of the University of the City of New York in 1867 and quickly had a thriving legal practice in the city. He married Clara Frances Wales in 1878 and had three children with her. He became a leader in state politics and served as United States Attorney for the Southern District of New York from 1883 to 1885.

In 1899, President William McKinley appointed Root to be Secretary of War. In this post, he oversaw America's growing overseas possessions (including Taft's governorship of the Philippines). The lasting contribution he made was organizational reform of the military, especially the creation of a general staff system that made possible the coordination of strategy, planning, and policy execution.

Root then served as Secretary of War during Theodore Roosevelt's second term (1905–1909), as Senator from New York (1909–1915), and as president of the Carnegie Endowment for International Peace (1910–1925). For his efforts in these positions, and especially for diplomacy that maintained peace in the

This paper, in its entirety, can be found at <http://report.heritage.org/MAPT-05>

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

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Elihu Root

Born

February 18, 1845, in Clinton, New York, to Oren Root, a mathematics professor, and Nancy Whitney Buttrick (Root).

Education

Graduated from Hamilton College in 1864 and received his law degree from the University of the City of New York in 1867

Religion

Presbyterian

Family

Married Clara Frances Wales in 1878, with whom he had three children: Edith Root Grant, Elihu Root Jr., and Edward Wales Root.

Highlights

- United States Attorney for the Southern District of New York (1883–1885).
- Secretary of War (1899–1904).
- Secretary of State (1905–1909).
- Senator from New York (1909–1915).
- Nobel Peace Prize (1912).
- President, Carnegie Endowment for International Peace (1910–1925).
- Ambassador Extraordinary to Russia (1917).
- Founding Chairman, Council on Foreign Relations (1918).
- Co-Founder, American Law Institute (1923).
- Co-Founder and President, American Society for International Law (1907–1924).

Died

February 7, 1937, in New York City; interred at the Hamilton College Cemetery.

Notable Quote

“We shall not apologize for American institutions.... We have the right to say that we can be trusted to preserve and maintain the American system of free representative government handed down to us by our fathers.”

Pacific, he was awarded the Nobel Peace Prize in 1912.

Throughout his life, Root was admired by his peers for his keen intellect and for honesty and integrity, though he also was known to be somewhat aloof. Despite his myriad achievements and world travels, Root had a deep attachment to central New York State, where he always longed to be, and to Hamilton College, where he is buried.

William Howard Taft came from a prominent Ohio family that was active in politics. Raised in an affectionate Unitarian household, he graduated second in his class from Yale College in 1878 and obtained a degree from Cincinnati Law School in 1880. Taft then worked briefly as assistant prosecuting attorney for Hamilton County and then as a collector of internal revenue (his first federal office). He married Helen

Herron in 1886 and had three children with her. Helen was always Taft’s closest adviser and consistently pushed him to pursue higher offices. One of his sons, Robert A. Taft, became a Senator from Ohio and a leading conservative voice in the Republican Party in the 1940s and 1950s.

In 1887, Taft was appointed to the Superior Court of Ohio by the state’s governor. In 1890–1891, he served

William Howard Taft

Born

September 15, 1857, near Cincinnati, Ohio, to Alphonso Taft and Louisa Torrey (Taft).

Education

Graduated from Yale College in 1878 and from Cincinnati Law School in 1880.

Religion

Unitarian

Family

Married Helen Herron in 1886, with whom he had two sons and a daughter: Robert Alphonso Taft, Helen Taft, and Charles Phelps Taft II.

Highlights

- Judge on the Ohio Superior Court (1887-1890).
- U.S. Solicitor General (1890-1892).
- U.S. Circuit Court Judge for the Sixth District (1892-1900).
- Governor of the Philippines (1900-1904).
- Secretary of War (1904-1908).
- President of the United States (1909-1913).
- Taught constitutional law at Yale University (1913 to 1921).
- Chief Justice of the United States (1921-1930).

Died

March 8, 1930; first President to be buried at Arlington National Cemetery.

Notable Quote

“A people must learn to trust their fellows and those of high character, qualified by experience and learning, but not to trust them too much. Without a people so trained, the machinery of self-government, however seemingly perfect, will not suffice.”

as President Benjamin Harrison’s Solicitor General, winning most of the cases he argued before the Supreme Court. From 1892 to 1900, he was a judge on the Federal Circuit Court for the Sixth District. Taft gained valuable executive experience as governor of the Philippines from 1900–1904 and also as Theodore Roosevelt’s Secretary of War starting in 1904. He was elected President of the United States in 1908 as Roosevelt’s hand-picked successor.

After losing his bid for reelection in 1912, Taft taught constitutional law at Yale from 1913 to 1921. He fulfilled a lifelong dream when he became Chief Justice of the United States (1921–1930), the only American to hold both that office and the presidency. As Chief Justice, he helped pare back or reverse some Progressive policies and convinced Congress to pass legislation that gave the Court more control over its docket.

Henry Cabot Lodge, Sr. came from a long-established

Massachusetts Puritan family—a “Boston Brahmin” if there ever was one. His ancestors included George Cabot, a friend of George Washington and adviser to Alexander Hamilton, whose sons and grandsons became among the wealthiest merchants in New England in the 18th and 19th centuries. He graduated from Harvard College in 1871 and on the next day married Anna “Nannie” Davis, with whom he had three children.

Lodge graduated from Harvard’s law school in 1874 and earned one of

Henry Cabot Lodge, Sr.

Born

May 12, 1850, in Boston, Massachusetts, to John Ellerton Lodge and Anna Cabot (Lodge).

Education

Graduated from Harvard College in 1872; received his law degree in 1874 and his PhD in 1876, also from Harvard.

Religion

Episcopalian

Family

Married Anna Cabot Mills Davis in 1891, with whom he had three children: Constance Davis Lodge, George Cabot Lodge, and John Ellerton Lodge.

Highlights

- Lecturer on American history at Harvard University (1876–1879).
- Massachusetts House of Representatives (1880–1881).
- United States House of Representatives (1887–1893).
- United States Senate (1893–1924).
- United States Immigration Commissioner (1907–1911).
- First United States Senate Majority Leader (1920–1924).
- Overseer of Harvard University (1911–1924).

Died

November 9, 1924, in Cambridge, Massachusetts; interred at Mount Auburn Cemetery.

Notable Quote

“The United States is the world’s best hope.... Leave her to march freely through the centuries to come, as in the years that have gone. Strong, generous, and confident, she has nobly served mankind.”

the first PhDs in history and government granted by that university in 1876. His dissertation, titled *Anglo-Saxon Law*, was published the same year. He taught American colonial history at Harvard from 1876–1879 and served as an overseer from 1911 to 1924. Of a decidedly scholarly and literary bent, he was an assistant editor (under Henry Adams) at the *North American Review* and wrote for numerous magazines in the late

1870s and 1880s. During this time, he also wrote several biographies of leading American Founders, including Alexander Hamilton (1882), Daniel Webster (1883), and George Washington (1889).

Lodge was a representative in the Massachusetts General Court in 1880–1881 and served in the United States House of Representatives from 1887–1893. He represented Massachusetts in the Senate from

1893–1924, a lengthy tenure that made him keen to guard the traditions and constitutional powers of that institution.

Denying Theodore Roosevelt the Republican Nomination in 1912

The election of 1912 was momentous because the American political system was struggling with how best to respond to industrialization.¹

1. See Sidney Milkis, “The Transformation of American Democracy: Teddy Roosevelt, the 1912 Election, and the Progressive Party,” Heritage Foundation *First Principles Series Report* No. 43, June 11, 2012, <http://www.heritage.org/research/reports/2012/06/the-transformation-of-american-democracy-teddy-roosevelt-the-1912-election-and-the-progressive-party>.

Theodore Roosevelt and Eugene Debs, the socialist candidate, advocated fundamental constitutional change, while William Howard Taft and Woodrow Wilson (at least during the campaign) said that reform could be accomplished within existing governmental structures.²

Root, Taft, and Lodge were deeply distressed by Roosevelt's program and his attempt to capture the Republican Party for himself as the embodiment of the nation's supposed Progressive destiny. Roosevelt attacked the Supreme Court and advocated use of the recall by popular vote—in effect a plebiscite—to remove judges and overturn judicial decisions. He also favored making the Constitution more easily amendable.

Running for an unprecedented third term as President, he thus aligned himself with anti-constitutional Populist and Progressive demands that had been circulating since the 1890s. His proposals would have undermined the rule of law by making judicial decisions subject to shifts in popular opinion and would have undermined respect for the Constitution, as well as its stabilizing effect, by making it similarly changeable.

As TR's radical views became clear, Senators Root and Lodge, his personal friends, abandoned him. Taft, the sitting President and a former federal judge with a well-known devotion to limited government and the rule of law, also rejected the position of his erstwhile mentor. Root and Lodge could not bring

themselves to campaign against Roosevelt in 1912, but they declared their support for Taft and made plain their shared view that Roosevelt's proposals would undermine the rule of law and elevate the immediate will of majorities above sober deliberation.

Root was highly regarded as a man of intellect, character, and principle. He, even more than Lodge, was the conscience and elder statesman of the Republican establishment. As such, he took on the distasteful but critical task of chairing the party convention of 1912 in Chicago. This duty placed him on a collision course with the Roosevelt insurgency. Roosevelt had trounced Taft in the several states that had held primary elections and on that basis sought to wrest control of the convention from the party regulars and secure the nomination.

ROOT, TAFT, AND LODGE WERE DEEPLY DISTRESSED BY ROOSEVELT'S PROGRAM AND HIS ATTEMPT TO CAPTURE THE REPUBLICAN PARTY FOR HIMSELF AS THE EMBODIMENT OF THE NATION'S SUPPOSED PROGRESSIVE DESTINY.

Upon his election as chairman, in a performance too often overlooked in the history of American politics, Root presided over the convention with an unflappable evenhandedness and good humor. Despite the tense, bitter, and frequently raucous proceedings, he had the respect

and poise necessary to conduct the business of the convention. Root made controversial but defensible rulings on the seating of contested delegates, which prevented Roosevelt from seizing the machinery of the party and its platform from Taft. His keynote address sidelined Roosevelt by making Republican Party accomplishments and unity a major theme. On behalf of the party, Root also welcomed positive government action within the bounds of the Constitution.

On the all-important question of constitutional preservation, Root was plain: "We shall not apologize for American institutions.... We have the right to say that we can be trusted to preserve and maintain the American system of free representative government handed down to us by our fathers."³ Constitutional limitations on arbitrary power and protection for rights, he insisted, "cannot be enforced except through the determinations of an independent and courageous judiciary.... The keystone of this balanced and stable structure of government, established by our fathers, will not be shattered by Republican hands."⁴ The speech concluded with quotations on this point from *The Federalist*, Chief Justice John Marshall, and Abraham Lincoln. Root thus cast Roosevelt beyond the principles of both the American Founding and (not incidentally) the Republican Party.

As the incumbent President, Taft seized on the constitutional issues as proof that Roosevelt was unfit for office. He warned that one who

2. Wilson, of course, was a Progressive who was hostile to the Constitution. See Ronald J. Pestritto, "Woodrow Wilson: Godfather of Liberalism," Heritage Foundation *Makers of American Political Thought* No. 1, July 31, 2012, <http://www.heritage.org/research/reports/2012/07/woodrow-wilson>.

3. Elihu Root, *The United States and the War, The Mission to Russia, Political Addresses*, eds. Robert Bacon and James Brown Scott (Cambridge: Harvard University Press, 1918), p. 290.

4. *Ibid.*, p. 294.

so “lightly regard[ed] constitutional principles” and so “misunderstood what liberty regulated by law is” could not be trusted with a third presidential term. Taft also intimated that Roosevelt was not the kind of man likely to stop at just one more. Contra Roosevelt’s conception of himself, Taft insisted that Americans had not given “into the hands of anyone the mandate to speak for them peculiarly as the people’s representative.”⁵ In accepting the nomination, Taft said that preserving the Constitution “as it is” from attacks on the judiciary was “the supreme issue” of the campaign.⁶

Root, Taft, and Lodge regarded it as a great victory for the constitutional order that Roosevelt had been denied the Republican Party nomination in 1912, even though they knew Woodrow Wilson would likely win the election. Taft later said that the great issue had been decided by his nomination over Roosevelt rather than by the election itself. This was because Roosevelt’s program was denied the legitimacy of adoption by one of the two major parties. Roosevelt got more votes than Taft in the election, but the party split ensured that an electoral loss was in fact a win for the Constitution.⁷

The Progressive Era Amendments

All three men accepted the necessity of an income tax (the Sixteenth Amendment). The idea had widespread support, and they gave it

theirs in part to end the bitter disputes about tariff schedules that had long divided the Republican Party. They also feared that confronting the Supreme Court with another income tax statute, like the one it had overturned in 1895, would further undermine support for the institution of judicial review. It is also worth noting that the first income tax passed under the Sixteenth Amendment had a top rate of 7 percent and affected only 2 percent of the population—hardly the stuff of the modern regulatory-welfare state.⁸

ROOT HAD BOTH THE COURAGE AND THE ABILITY TO REITERATE THE FOUNDERS’ VIEW THAT THE SENATE WAS DESIGNED PRECISELY TO CHECK DEMOCRACY.

The three men differed on the Nineteenth Amendment (women’s suffrage): Taft offered a tepid endorsement, while Root and Lodge opposed it. All three, however, agreed that the Eighteenth Amendment (Prohibition) was a dangerous mistake and out of keeping with American principles. They saw it as meddling and impractical and argued that the rule of law would be undermined when the amendment was inevitably flouted (as in fact happened).

Moreover, national Prohibition offended federalism by taking over a question long left to the differing views of states and localities. As

Chief Justice, Taft dutifully upheld legislation that enforced the amendment, but only Root lived to see its repeal in 1933 with the passage of the Twenty-first Amendment.

Senator Root’s constitutional conservatism was apparent in his leadership of a small band of opponents of the Seventeenth Amendment, which provided that Senators be directly elected by the voters of their respective states. (Senator Lodge also opposed it; President Taft was ambivalent but offered lukewarm support.) Under the original Constitution, Senators were selected by the state legislatures.

Against the Progressive demand for direct democracy that underlay the proposal, Root had both the courage and the ability to reiterate the Founders’ view that the Senate was designed precisely to check democracy. They knew, in his words, that the “weakness of democratic government was its liability to change with the impulse and enthusiasm of the moment” and “realized that there needed to be some guardian of the sober second thought.” The Senate, said Root, “was to be a body more secure in tenure, different in the manner of its election, different in its responsibility, more conservative, more deliberate than the other House.”⁹

Here was an informed and valiant defense of the Founders’ political science in the most uncongenial of circumstances. Root knew that Senators derived their ultimate

5. William Howard Taft, Address at Boston, April 25, 1912, Senate Document 615, 62nd Cong., 2nd Sess., 1912, pp. 19 (quotes), 18; William Howard Taft, “Speech of William Howard Taft Accepting the Republican Nomination for President of the United States,” Senate Document 902, 62nd Cong., 2nd Sess., August 1, 1912, p. 21 (quote).

6. Taft, “Acceptance Speech,” p. 11.

7. See William A. Schambra, “The Origins and Revival of Constitutional Conservatism: 1912 and 2012,” Heritage Foundation *First Principles Series Report* No. 44, August 20, 2012, <http://www.heritage.org/research/reports/2012/08/the-origins-and-revival-of-constitutional-conservatism-1912-and-2012>.

8. Robert Higgs, *Crisis and Leviathan: Critical Episodes in the Growth of American Government* (New York: Oxford University Press, 1987), p. 113.

9. Elihu Root, *Addresses on Government and Citizenship*, eds. Robert Bacon and James Brown Scott (Cambridge: Harvard University Press, 1916), pp. 260, 274.

authority from the people, as they must in a government based on consent, but this did not mean that they should merely reflect every passing impulse of public opinion. Indirect election by the state legislature was the Founders' attempt to ensure the necessary distance from immediate public opinion while still keeping Senators responsible to the citizenry.

TAFT KNEW AND SHOWED IN HIS WORDS AND ACTIONS THAT A CONSTITUTIONALLY LIMITED EXECUTIVE NEED NOT BE A WEAK EXECUTIVE.

Root also saw that the amendment undermined federalism. It both assumed and advanced the Progressive destruction of states' governing capacity and responsibility. The presumed incompetence and corruption of the states was to be fixed by direct democracy translated into federal authority. "If the State government is abandoned, if we recognize the fact that we cannot have honest legislatures," Root warned, "the tide that now sets toward the Federal Government will swell in volume and power."¹⁰ Once further weakened, state governments would be less able to address the complexities of modern legislation, and the federal government would be seen as the only solution to all problems. Thus, in a way that was not readily apparent on the surface, Root showed how the Seventeenth Amendment would end

up aggrandizing federal power.

In response to the argument that corruption tarnished state legislatures' choice of their Senators—which in fact happened less than Progressives alleged—Root offered a basic truth about republican politics: The remedy was responsible citizens who demanded better. The amendment's error was thus "a proposition that the people who cannot elect honest men from their own neighbors can elect honest men to the Senate of the United States."¹¹ On the basis of this error, Root insisted, the Senate was helping to destroy the very federalism central to its own reason for being.

William Howard Taft and the Constitutionalist Presidency

Taft and many others were convinced that Roosevelt's conception of the presidency reflected little respect for constitutional limits. As described in his subsequent autobiography, Roosevelt's "stewardship" theory of the office held that the President legally could do "whatever the needs of the people demand, unless the Constitution or the laws explicitly forbid him to do it."¹² Roosevelt allied his theory with Andrew Jackson's and Lincoln's strong, statesmanlike conception of the Presidency while associating Taft with James Buchanan's inaction on the eve of the Civil War. The so-called Buchanan-Taft model of the presidency was weak, timidly legalistic, and too deferential to party and Congress.

Taft took up this challenge, responding that Roosevelt's theory

was "unsafe" and "a little startling in a constitutional republic." Its ultimate tendency was to be "lawless."¹³ Rather, the "true view of the executive functions," said Taft, was that the President had no power "which cannot be fairly and reasonably traced to some specific grant of power or justly implied and included within such express grant." Contrary to Roosevelt's claims, there was no "undefined residuum of power which he can exercise because it seems to him to be in the public interest." Taft made it plain that Roosevelt's stewardship theory was beyond the Constitution.¹⁴

It is true that Taft's words in the above exchange made it easy for Roosevelt and too many others to dismiss him as merely a hidebound lawyer, but Taft knew and showed in his words and actions that a constitutionally limited executive need not be a weak executive. In fact, as President, Taft exercised executive power robustly while retaining a more constitutionally sound vision of the presidency than that of the Progressives. Careful investigation has shown that he acted from a broad view of the "take care" clause in Article II, on the basis of which he employed ample executive discretion in the interpretation of statutes, rule-making in administrative agencies, and enforcement of treaty obligations absent congressional approval. As President, he also made executive agreements with foreign governments and instigated a national budgeting system in the

10. Ibid., p. 267.

11. Ibid., p. 271.

12. Theodore Roosevelt, *Theodore Roosevelt: An Autobiography* (New York: Macmillan, 1913), p. 504. On TR's Progressivism, see Jean Yarbrough, "Theodore Roosevelt: Progressive Crusader," Heritage Foundation *Makers of American Political Thought* No. 3, September 24, 2012, <http://www.heritage.org/research/reports/2012/09/theodore-roosevelt-progressive-crusader>.

13. William Howard Taft, *Our Chief Magistrate and His Powers* (New York: Columbia University Press, 1916), pp. 144, 146, 147.

14. Ibid., pp. 139–140.

executive branch against the wish of Congress.¹⁵

Probably the most influential example of Taft's view of executive power came when, as Chief Justice of the United States, he wrote the detailed and scholarly opinion in *Myers v. U.S.* (1926).¹⁶ This opinion remains one of the strongest articulations of the "unitary executive" in American history. *Myers* held that the President alone (without the consent of the Senate) could remove at will officials in the executive branch, a position that Taft had long supported in prior writing.

This view had momentous implications for the growth of the Progressive theory of the regulatory-administrative state, as Taft was well aware.¹⁷ In a crucial part of the *Myers* opinion, he acknowledged that modern regulatory agencies had been designed to act at some distance from the immediate control of the executive branch and that the President might not legitimately intervene in a particular case before a regulatory agency. But he left no doubt about where ultimate responsibility lay, even if it were exercised only after an action by an officer in a regulatory agency:

[E]ven in such a case [the President] may consider the decision after its rendition as a reason for removing the officer, on the ground that the discretion

regularly entrusted to that officer by statute has not been on the whole intelligently or wisely exercised. Otherwise he does not discharge his own constitutional duty of seeing that the laws be faithfully executed.¹⁸

Put another way, Taft's position was that Congress could not legitimately create officers who executed and enforced the law, denominate them apolitical regulatory "experts," and then immunize them from removal by the President. To do so would be to destroy the fundamental principles of separation of powers and accountability in public officials.

What stands out in Taft's constitutionalist understanding of the Presidency, then, is not the Rooseveltian canard of weakness or immobility. Rather, it is fidelity to just what was being undermined by Roosevelt (and then by President Woodrow Wilson): a principled awareness that the office of President has limits, as does every other office under the Constitution. What Taft rejected was Roosevelt's anticonstitutional view that, in Taft's words, "the Executive is charged with the responsibility for the welfare of all the people in a general way, that he is to play the part of a Universal Providence and set all things right, and that anything that in his judgement will help the people he ought to do."¹⁹

Taft was one of the last Presidents in the 20th century to have a soundly constitutionalist conception of the office. His successors typically proceeded on the Roosevelt–Wilson model, construing their authority as emanating from public opinion and their ability to shape it rather than from the Constitution.

Henry Cabot Lodge and the League of Nations

Just as Roosevelt's attack on the constitutional system in 1912 was too much for Lodge, the Senator from Massachusetts also saw Woodrow Wilson's idealistic internationalism as a grave threat to American principles and interests. Yet Lodge was no isolationist and certainly never a pacifist, neither political nor personal: On the eve of World War I, at age 67, he put a fist to the jaw of an irate pacifist constituent who called him a coward because he would not oppose the war.

Lodge had supported the internationalist foreign policy of Presidents McKinley and Roosevelt, urged Wilson to support the Allies, and voted for the congressional declaration of war in 1917. He also supported American participation in some type of post-war international institution. But Lodge put American sovereignty and interests first, and that was why he could not abide Wilson's League of Nations. It would have been able to call Americans to arms, absent a

15. On these points, consult L. Peter Schultz, "William Howard Taft: A Constitutionalist's View of the Presidency," *Presidential Studies Quarterly*, Vol. 9 (1979), pp. 402–414; Michael Korzi, "Our Chief Magistrate and His Powers: A Reconsideration of William Howard Taft's 'Whig' Theory of Presidential Leadership," *Presidential Studies Quarterly*, Vol. 33 (2003), pp. 305–324.

16. *Myers v. United States*, 272 U.S. 52 (1926). Modern regulatory government was aided significantly by the substantial narrowing of *Myers* in *Humphrey's Executor v. United States*, 295 U.S. 302 (1935).

17. On the origins of the administrative state, see Ronald J. Pestritto, "The Birth of the Administrative State: Where It Came From and What It Means for Limited Government," Heritage Foundation *First Principles Report* No. 16, November 20, 2007, <http://www.heritage.org/research/reports/2007/11/the-birth-of-the-administrative-state-where-it-came-from-and-what-it-means-for-limited-government>.

18. *Myers*, p. 135.

19. Taft, *Our Chief Magistrate*, p. 144.

congressional declaration of war, to police the actions of member states anywhere in the world.

Wilson had erred initially by not including any Senators or notable Republicans in the peace negotiations at Versailles. Yet upon returning, he haughtily insisted that the Senate quickly ratify the treaty even though he had done little to explain the intricacies of the massive document.

**LODGE'S LEADERSHIP ENSURED
THAT THE TIDE OF OPINION TURNED
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AND THAT AMERICA DID NOT JOIN IT.**

As chairman of the Senate Foreign Relations Committee, Lodge responded by having the treaty read aloud for days on end. He regarded it as carelessly worded and dangerously imprecise. To this point he added some of his well-known disdain for Wilson, saying of the League that “as an English production it does not rate high. It might get by at Princeton [Wilson’s alma mater] but certainly not at Harvard.”²⁰

Lodge gave speeches criticizing the League and orchestrated his Senate allies on key votes. As the national debate developed, he proposed a series of “reservations” to the terms of the League. All were designed to protect American sovereignty and freedom of action in international affairs. One reservation aimed to insure that none of the provisions of the League would be construed to affect any issue of

domestic American policymaking (e.g., immigration, tariffs, or regulation of labor). Another specified that the terms of the Monroe Doctrine (1823), by which America had long asserted its primacy in the Western hemisphere, would be interpreted only by the United States and were “hereby declared to be wholly outside the jurisdiction” of the League.²¹

By far the most objectionable provision of the League was Article 10, in which its signatories pledged “to respect and preserve as against external aggression the territorial integrity and existing political independence of all members.”²² Lodge thought that approval of such a doctrine spelled the end of America’s control of its own foreign policy, and his reservation on this point was blunt:

[T]he United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations...or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, as the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.²³

Lodge not only defended the principles of the Founding as

formally inscribed in the text of the Constitution, but also gave a crucial speech in the Senate in August 1919 that laid bare the basic political issue at stake. Though not a grand orator by inclination, here he rose to the occasion:

You may call me selfish, if you will, conservative or reactionary, or use any other harsh adjective you see fit to apply, but an American I was born, and an American I have remained all my life.... I have never had but one allegiance—I cannot divide it now.... National I must remain, and in that way like all other Americans can render the amplest service to the world. The United States is the world’s best hope, but if you fetter her in the interests and quarrels of other nations, if you tangle her in the intrigues of Europe, you will destroy her power for good and endanger her very existence.²⁴

The Senate gallery resounded with applause from the public, including the usually jaded press corps. Also cheering was a contingent of Marines just returned from Château-Thierry, who presumably knew better than most the ultimate stakes of such a discussion.

Lodge’s leadership ensured that the tide of opinion turned against the League of Nations and that America did not join it. Whatever one’s view of Wilsonian idealism and internationalism in American foreign policy,

20. Paul F. Boller, Jr., *Presidential Anecdotes* (New York: Penguin, 1982), p. 221.

21. *Congressional Record*, 66th Cong., 1st Sess., November 6, 1919, p. 8023.

22. The Covenant of the League of Nations, available at the Avalon Project, Yale Law School, http://avalon.law.yale.edu/20th_century/leagcov.asp.

23. *Congressional Record*, 66th Cong., 1st Sess., November 6, 1919, pp. 8022–8023.

24. *Congressional Record*, 66th Congress, 1st Session, August 12, 1919, p. 3784.

their full ascendance would not come until later in the 20th century.

Conclusion

Like the Progressives themselves, Root, Taft, and Lodge recognized that industrialization, urbanization, immigration, international conflict, and the other challenges that the United States faced necessitated policy innovations. Unlike the Progressives, they insisted that such challenges could be met within the basic structure of the constitutional system they had inherited.

Their statesmanship lay in conserving American constitutionalism. They did so as best they could in an era that, they recognized (and

we can now clearly see in hindsight) was distinctly hostile to that constitutionalism. In the face of this newly developing challenge, they defended constitutionalism by rearticulating the American Founders' case for limited republican government, federalism, the separation of powers, and the rule of law amid the Progressive calls for direct democracy and a centralized regulatory state.

On specific measures, the critics of Progressivism lost more often than they won, and in many respects, we live in the world the Progressives made. But the leadership of Root, Taft, and Lodge helped keep to a minimum the alterations

of the formal structure of the constitutional system, often compelling Progressives to take their victories in spite of those structures. Now that Progressivism is subject to the most serious reevaluation it has faced in a century, the possibility of reclaiming the Founders' constitutionalism owes much to the efforts of Elihu Root, William Howard Taft, and Henry Cabot Lodge.

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