THEODORE ROOSEVELT’S CONSTRUCTION OF THE “PUBLIC INTEREST”:
RHETORIC, IDEOLOGY, AND PRESIDENTIAL INTERVENTION, 1901-1906

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INTRODUCTION

President Theodore Roosevelt is both a famous and contested political figure in twentieth-century American politics. Even after one-hundred-twelve years, interpretations and reinterpretations of his policies, speeches, and actions continue both within and outside of the academic sphere. Politicians on both sides of the political aisle claim him as their own, pulling certain aspects of his presidency and associate their ideals with his set of beliefs. Views range from him being a visionary of modern American government to being a stalwart defender of traditional values.

It is understandable why public officials and academics feel the need to categorize Roosevelt as one thing or another. His presidency sat on the turn of the century, and was an important link in the chain of continuity that couples modern politics with those of the nineteenth century. Many of the values espoused during his administration overlap to a significant degree with those of today. Concepts like private enterprise and the regulatory role of government in commerce, labor, and health have still been crucial political battlegrounds even up to the present day.

Another possible reason for the continued interest in his presidency may be due to the similarities between current political trends and those that prevailed in the 1890s and 1900s. For all the historical landmarks reached since the Roosevelt administration, fears still abound about the corruption of the political system by the wealth of extremely wealthy business owners, and the lack of power of the middle class to counteract their actions. Whether these fears are based in
reality, fiction, or a combination of the two, the perception that the nation is facing a recurrence
of the Gilded Age could spur some voters and politicians alike to look for a political giant akin to
the “trust-buster” from over a century ago. Amidst the numerous scholarly and non-academic
debates, the discourse surrounding his true political motivations is still ongoing.

The historiography is split along the lines of whether or not historians consider Roosevelt
to be a conservative (i.e. upholder or order and stability), or a liberal statist (i.e. an individual
wanting to increase federal power for the benefit of the common American). The key aspect that
pushes historians one way or another is how they view his actions and his rhetoric. For example,
the historians of the liberal statist school emphasize the social aspect of his rhetoric (i.e. the
desire for social reform). By contrast, the other school of thought considers him to be a
conservative that was working closely with corporations and advocating for reform more out of
fear of socialism than a desire to help average Americans. As this examination will illustrate,
both interpretations are incomplete, as they encompass some elements of his rhetoric, but not
others, and therefore defining him as a progressive statist would be a more accurate description
of his political worldview.

Scholars who argue that Roosevelt was a liberal statist assert that his presidency
represents a substantial break from former President McKinley and the “Old Guard” of the
Republican Party, championing the rights of the individual and helping to lay the groundwork for
future reformers in the New Deal era. ¹ George Mowry, Wallace G. Chessman, Michael McGerr,
and Paul Rego represent the main cadre who depict him as a liberal statist. These historians

¹ For historians who argue that Roosevelt was a liberal statist (i.e. Roosevelt desired to expand federal power to
defend the rights of individuals), see George Mowry, *Theodore Roosevelt and the Progressive Movement* (New
York: University of Wisconsin Press, 1946); Paul M. Rego, *American Ideal: Theodore Roosevelt’s Search for
and Fall of the Progressive Movement in America, 1870-1920* (Oxford: Oxford University Press, 2003); Wallace G.
emphasize the major precedents that he set during his presidency, including the expansion of federal power in the areas of labor and commerce. Mowry represents the most salient example of liberal statist historian, as is evident when arguing that Roosevelt’s intervention in the strike was one of the first steps towards the National Labor Relations Board (NLRB).\(^2\) Mowry’s point is further emphasized when he argues that Roosevelt had little precedent to follow when he recognized the possibility that a striking group of workers had legitimate grievances.\(^3\) Chessman has less high praise for Roosevelt than Mowry, but concludes that his actions pushed the boundaries that a president could work within, though with the reservation that he was not entirely animated by goodwill towards the workers when intervening to end the strike.\(^4\) Michael McGerr examines his actions and thoughts within the greater context of the Progressive movement in *A Fierce Discontent. The Rise and Fall of the Progressive Movement in America, 1870-1920*. In his book, McGerr sees him as a president who did not want socialism to prevail in society, but at the same time posited to listeners that were he a worker, he would be a union member.\(^5\) The overall conclusion McGerr’s work emphasizes Roosevelt’s use of federal power in order to protect the rights of individuals.\(^6\)

Authors who consider Roosevelt to be a conservative consider his efforts to be less extraordinary, especially in light of his profound dislike of socialism.\(^7\)

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\(^2\) George Mowry, *Theodore Roosevelt and the Progressive Movement* (Madison: University of Wisconsin Press, 1946), 18-19. Historians of the liberal statist school also see continuity between Theodore Roosevelt’s reform program and the New Deal under Franklin Delano Roosevelt in the 1930s. While it is true that both resulted in a large-scale expansion of federal power, the political traditions of both presidents are somewhat different. As this examination will demonstrate, T.R. was grounded ideologically in republicanism (small r), while F.D.R. had more liberal philosophical tendencies.

\(^3\) Ibid., 91.


\(^7\) For the major authors who follow the conservative school of thought (i.e. Roosevelt is a conservative) see John Morton Blum, *The Republican Roosevelt* 2nd. Edition (Cambridge, MA: Harvard University Press, 1977); John
John Milton Cooper argue that his gestures made to labor interests were meant to prevent
dissolution of the social order, not as part of an ideology that saw labor interests in a positive
light. Their combined theses de-emphasize his “trust-busting” reputation, instead putting a
greater emphasis on his foreign policy and other areas where his ideology falls closer in line with
Republican Party platforms. Historian Robert H. Wiebe’s article on the Anthracite Coal Strike of
1902 has a similar tone as Blum and Cooper, especially when he depicts Roosevelt as much less
sympathetic to the rights of workers and more like a disciplinarian trying to keep order.\textsuperscript{8} These
scholars argue that the gestures made by Roosevelt to labor interests were meant to prevent
dissolution of the social order, not as part of an ideology that saw labor interests in a positive
light.\textsuperscript{9}

Both historiographical traditions present Roosevelt in an incomplete light because their
frame of analysis misses important nuances in his rhetoric. In the case of the historiographical
cadre of historians that label him as a conservative, the overemphasis on the antisocialist aspect
of his speeches puts his political ideology in a proverbial box. This conclusion limits Roosevelt
to merely being the enforcer of the will of the Rockefellers and J.P. Morgans. The liberal statist
tradition makes a similar, although smaller, error in the opposite direction when they celebrate
him as the champion of the individual, exercising federal power to protect the rights of
Americans against corporate excesses.

In order to explain the discrepancy further, it is important to consult John G. Sproat’s
\textit{“The Best Men:” Liberal Reformers in the Gilded Age}. The image Sproat argues for is a
complex web of competing individuals and shades of liberal thought that struggled against the

\footnotesize{Milton Cooper, \textit{The Warrior and the Priest: Woodrow Wilson and Theodore Roosevelt} (Cambridge, Mass.: Harvard
University Press, 1983);
\textsuperscript{8} Robert H Wiebe, “The Anthracite Strike of 1902: A Record of Confusion,” \textit{The Mississippi
\textsuperscript{9} Blum, \textit{The Republican Roosevelt}, viii-ix.}
prevailing political trends of the day, and at times even struggling with one another.\textsuperscript{10} The definition provided by Sproat of the ground-level tenets binding the diverse strands together is their belief in the need for “good” men to be in positions of power, the principle of limited government interference in the “natural laws” of the economy, and work towards the country’s “moral rejuvenation” so that America could continue to enjoy its reputation as a land of opportunity and individual freedom. While Sproat does categorize him as being part of this liberal circle for a brief period, he is quick to assert that Roosevelt soon left the group and carved out a “more pragmatic political position.”\textsuperscript{11} As this analysis will demonstrate, the political departure from fellow “liberal” reformers like Samuel J. Tilden and Carl Schurz, in combination with his speeches, addresses, and political actions, do not neatly fit within a liberal statist framework. Almost nowhere in his rhetoric do individual liberties factor as a major reason behind his justifications, nor does a principle of “limited government” or calls for moral men in government posts appear in his language. In fact, he stood for just the opposite – a grander vision of “state” power. Therefore, the category of “liberal statist” does not accurately convey the nuances present in the primary source material.

What does more accurately depict Roosevelt’s views, on the other hand, would be to describe him as a progressive statist. A progressive statist, in contrast to a liberal statist, envisions the use of federal power and the expansion of federal authority over the large corporations as necessary steps in the vigorous defense of the “public interest.” Questions of any one individual’s rights under the aegis of the U.S. Constitution are at best secondary to the prioritization of the general public’s rights, especially when the directly conflicted.


“Public interest” is one of the most prominent “contested” concepts in political theory, a bundle of ideas that possesses multiple meanings depending on context. By the nineteenth century, there existed two rather different “public interest” traditions of thought: first, a unique national or social interest above particular ones, and second, the reduction of the public good to an aggregate of individual interests. Following the latter definition, late-eighteenth century Physiocrats theorized that what was best for society was merely the sum of all competing individual interests in the market. This thesis will demonstrate that the concept of public interest was central to Roosevelt’s progressivism. As the following case studies will show, the president leaned heavily on the long-established tradition of championing a unique national interest over particular individual or corporate private interests. In this analysis, three crucial historical episodes that Roosevelt believed pitted private interests against the public interest will be examined. These case studies will unpack the method he utilized in addressing government-corporate relations from 1901 to 1906.

The demand increased for political and economic reform in America at the turn of the century, Roosevelt used his position as president to intervene in the economy to control corporate power in the “public interest.” To do so, he constructed both the “Executive Branch” and “the public” differently in each of the three different approaches which he employed (prosecutor of a railway trust to further the general welfare of the nation; agent of the public arbitrating the coal industry’s labor dispute; advocate for regulatory legislation to protect American consumers). These approaches roughly correspond to the three basic categories of law,—judge-made law, administrative decisions, and statutory law.

The first chapter in this analysis will focus on the 1902-04 antitrust lawsuit against the Northern Securities railroad trust. This was Roosevelt’s first major attempt to expand federal power in order to regulate corporations through litigation in the federal courts ultimately resulting in a decision by the U.S. Supreme Court; it exemplified the judge-made law approach because a body of statutory law (the Sherman Antitrust Act of 1890) already existed and only a decision by the federal judiciary interpreting that law could hold the railroads accountable. The president received little support from fellow Republicans; many party regulars considered him an outsider. Indeed, throughout his career Roosevelt had stood outside the Republican mainstream. From his early years on the U.S. Civil Service Commission to his maverick “Bull Moose” campaign in 1912, Roosevelt had challenged party leaders; while president, he seized many opportunities to press his reforms, often forging a governing coalition with like-minded appointees in the Executive Branch and professionals in the federal bureaucracy. With these allies, Roosevelt sought to outmaneuver the Republican-dominated Legislative Branch, using his patronage powers to increase his personal influence within the party.13

The second chapter will examine Roosevelt’s rhetoric in relation to the Anthracite Coal Strike of 1902-03. With no support from his Cabinet and no administrative framework on which to rely for dispute resolution, Roosevelt fell back on a tried-and-true institutional solution—the presidentially appointed commission to investigate conditions in the mines and formulate a decision. The Commission’s decision regarding the terms of the miners’ contracts established a precedent for later government agencies like the National Labor Relations Board by utilizing social science inquiry and applying that knowledge in the decision-making process. Although not a permanent administrative agency like NLRB, the Commission was responsible for settling the

labor dispute in a manner which relied not on legislative authority or judicial precedent, but was instead directly approved by, and reported to, the Chief Executive.

Finally, the third chapter will deal with Roosevelt and his use of the statutory law approach when he advocated for the U.S. Congress to approve the Meat Inspection Act/Pure Food and Drug Act, on behalf of the public, in order to protect American consumers from bad corporate practices. Calling for Congress to intervene in the meatpacking industry in order to safeguard the quality of meat coming from places like the stockyards of Chicago, Roosevelt felt that current laws at the state level could not effectively prevent “bad” corporations from putting the public at risk with tainted food. At the same time, Roosevelt held a similar position regarding medicines. He consistently asked that federal power be expanded via new legislation so the federal government could better defend public health from spoiled food and mislabeled medicines.

During the first few months of his presidency, he worked on developing a coalesced set of talking points that expressed his political viewpoint. He did not specifically name companies or individuals, but alluded to principles of how the government had an important role to play in supervising and regulating corporate practices on behalf of the common good. As the years went on, however, Roosevelt spoke more about specific companies, groups of people, and legislation in his rhetoric, likely, in part, because he experienced both successes and frustrations that became new building blocks for his speeches.

To better comprehend Roosevelt’s ideology and the manner in which he molded and utilized his oratory skills, it is important to discuss this analysis’ methodology. British political theorist Michael Freedon in his work *Ideologies and Political Theory: A Conceptual Approach* provides the base for examining rhetoric by explaining that, “ideologies have to deliver
conceptual social maps and political decisions, and they have to do so in language that is accessible to the masses as well as the intellectuals.” Building on this assumption, this paper will examine how Theodore Roosevelt used concepts, phrases, and rhetorical techniques in his speeches and letters in order to work towards his goal of containing the power of corporate trusts with the antitrust lawsuit approach. Roosevelt used his rhetoric effectively by defining key concepts of the debate in his own terms, while at the same time portraying his opposition as antithetical to the “public interest.”

Put another way, he constructed binary oppositions, of himself and his administration, as the true defenders of the public good, arrayed against the greed and narrow “interests” of corporate leaders. The binary opposites he built were “reasonable” versus “unreasonable” and “good” versus “bad.” There were, as he argued, instances where trusts were considered “reasonable,” and therefore “good,” because their practices did not cause a restraint of trade in an “unreasonable” way. Corporations guilty of such behavior were “unreasonable,” a threat to the public interest, and therefore “bad.” He also used the rhetoric of public interest to brand his opponents as the “anti-public/anti-social” other, in direct opposition to himself and like-minded activists who supported the public good. Each of the three chapters includes instances where the “bad” trusts drew Roosevelt’s attention and, in his mind, necessitated the intervention of the

15 The concept of binary opposites appears in a similar form in Cold War historian Denise Bostdorff’s work, *Proclaiming the Truman Doctrine: The Cold War Call to Arms*. She states that there are generative (i.e. constitutive) and strategic functions of rhetoric. For Bostdorff, rhetoric does not create a reality in the way that fictional writers might do so, but instead simply presents a set of circumstances that cause the audience to preference one reality over another. According to Bostdorff, rhetoric generates, “perceptions of reality, often without the awareness of those who used them, and words were employed to attain strategic goals, persuading in both intentional and unintentional ways.” The generative function of rhetoric, as per her argument includes constructing binary oppositions that are utilized to persuade an audience to perceive one description of the current state of affairs as more “real” or accurate than another, competing “reality.” For additional information on generative and constitutive functions of rhetoric, see Denise M. Bostdorff, *Proclaiming the Truman Doctrine: The Cold War Call to Arm* (College Station, Texas: A&M University Press), 2008.
federal government, and led him to describe his opponents as being aligned against the general public.

As with any person skilled in rhetoric, he had to be able to justify his actions and persuade the American public that his vision was the correct one to follow. Freedeen helps explain this when he asserts that to a varying degree rationality and emotionally-charged language are mixed into rhetoric, and individuals who master its use work with both forms of persuasion. Ideology and rhetoric are not interchangeable with truth or facts, but instead represent the way in which those facts and truth are constructed in speech (public or private). Another way to consider this is to think of a linkage between the moral, or emotional, with the rational (or in this case policy). These rhetorical devices are not unique to Roosevelt, however they do consistently appear throughout his personal letters, speeches to voters, and addresses to Congress. Much of the rhetorical analysis in the subsequent chapters, therefore, will deal often with the perception of certain “facts” by Roosevelt and other historical actors, as this perception, right or wrong, helped to direct the actions of reformers and proponents of the status quo.

16 Freedeen, Ideologies and Political Theory, 30.
17 In addition to Freedeen’s work on ideologies and political theory, historian Mary Stuckey’s work, “Establishing the Rhetorical Presidency through Presidential Rhetoric: Theodore Roosevelt and the Brownsville Raid,” also informs she argues that Roosevelt used a three-part approach to dealing with the political fallout throughout the affair. The heart of the issue was that an entire battalion of African-American soldiers was dishonorably discharged without a trial when several from that unit were accused of shooting up the town of Brownsville, Texas. What Stuckey argues is that Roosevelt “engaged in arguments from expediency masquerading as arguments from definition.” According to Stuckey, he also relied upon tactics such as dissociating himself and the presidency from the African-American troops, as well as using the soldiers’ non-cooperation against them by implying silence admitted guilt. Author Edward Saveth provides an examination of Roosevelt’s career in relation to his concepts of image and rhetoric in “Theodore Roosevelt: Image and Ideology.” Among some of his major points Saveth asserts that Roosevelt did not have several of the traits that were common amongst politicians of his time, namely the deep involvement in machine politics and what Saveth calls “canned imagery.” Saveth closes his article by asserting that Roosevelt relied less on an overarching ideology, but instead made compromises that would keep the peace within society. In other words, Roosevelt’s involvement in ending the Anthracite Coal Strike was not to simply avoid internal disorder and riots, but part of a consistent message of defending the public interest from the harmful practices of inattentive corporations. For a more detailed examination see Mary Stuckey, “Establishing the Rhetorical Presidency through Presidential Rhetoric: Theodore Roosevelt and the Brownsville Raid,” Quarterly Journal of Speech, 92, no. 3 (Aug. 2006): 287-309; and Edward N. Saveth, “Theodore Roosevelt: Image and Ideology,” New York History, 72, no. 1 (January 1991): 45-68.
In order to provide context for the following chapters, it is important to mention the immediate social context facing the country just prior to Roosevelt’s ascendency to the White House. Mark Wahlgren Summers in his work *Party Games: Getting, Keeping, and Using Power in Gilded Age Politics* provides a good contextualization of the political dynamics of the Gilded Age. Summers argues that the Gilded Age was an era of politicians who used the party system and shaped public opinion as they fought with each other and alternative parties for their own benefit. His thesis pushes against historiographical arguments that assign the blame solely to corrupt officials, industrial tycoons buying seats in the Senate, and the urban “low life.”

He also disagrees with scholars who in his estimation overly emphasize the dynamic nature of popular politics of the period, as well as the narrow interests of middle-class reformers when they entered the fray and tried to reshape the system. While both are important, Summers goes on to demonstrate that government leaders of this period, while engaged in practices that no doubt aggravated the middle class then and are unacceptable for modern readers, were nevertheless intent on keeping control of the system for themselves, and the massive amounts of money said to be used to pay off politicians was in fact part-and-parcel tactics by candidates to discredit their opponents and galvanize their own supporters to give more. Instead of robber-barons buying representation in Congress, Summers asserts that, when money from corporations was given, it was on a much more modest scale, and carried inherent risks of causing political friction among a company’s directors.

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19 Summers, *Party Games*, x.
20 Ibid., 141-2.
21 Ibid., 146-7.
Therefore, money was more likely to come from individual contributions, rather than the corporation itself, and done so out of partisan loyalty. The overlap of businessmen and politicians in this milieu also complicated the situation, as Summers explains it is quite difficult to separate the two groups into distinct categories. What is important to this analysis, however, is more the perception of the corruption by reformers and their supporters, than the objective presence or absence of corrupt government practices. The emergence of the Labor parties, Greenbackers, and the Populist Party in the waning years of the 1800s, while not successful in achieving their aims and utilizing rhetorical techniques practiced by the established parties, still challenged the dominance of the two-party system, and are evidence of the dissatisfaction of certain voting demographics, such as the middle class.

Roosevelt’s reform program was not created in a vacuum, but rather was part of a continuation of reforms stretching as far back as the Pendleton Civil Service Reform Act of 1883 and the Sherman Antitrust Act, backed by reformers from middle class backgrounds. More important, from a policy standpoint, was the widespread anger over the unrestrained power of the large corporation in American society. The Radical Middle Class by Robert D. Johnston also helps put in perspective the sentiments of the period. Using the middle-class community of Portland, Oregon, as a case study, Johnston demonstrates that the middle class had strong anti-capitalist tendencies, insofar as they promoted popular democracy, opposed exploitation in the capitalist system, and cultivated relations with the lower-middle and working-class communities of Portland. As evidence for his argument, he points to the election of Portland officials who ran on what can be considered economic reform platforms, the presence of prominent

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22 Ibid., 147-8.
23 Ibid., 148.
24 Ibid., 251-61.
“muckraker journalists” from Portland’s middle class society, and the creation of political coalitions of interests like farmers, workers, and small-scale merchants. The language Roosevelt employed shares some important commonalities with middle-class values of the time, including the extolment of private property, private enterprise, and civic virtue. The last concept is especially important, as it does not fit with a liberal statist worldview.

Having a better understanding of Roosevelt’s ideology is significant because it helps put into perspective both the continuities and discontinuities he represents in American political thought during the twentieth century. As both his public and private utterances contained similar elements of “persuasive speech,” Roosevelt’s personal correspondence, speeches to Congress, and public addresses are key components of this analysis. Classifying his political outlook as progressive statism also helps establish continuity between his administration and the larger Progressive Era, including progressive reformers whose views share important similarities with Rooseveltian rhetoric. By combining the primary source material, secondary literature, and the methodological framework provided by Freeden, this analysis will demonstrate the centrality

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26 Johnston, 256.
27 William Schambra and his article, “The Roots of the American Public Philosophy,” helps further explain the inconsistency. Schambra’s argument concerns the supposed demise of the New Deal politics with the rise of neo-conservatism. The contention Schambra makes, however, is that American politics remains, even now, tied to the binary of federalism and anti-federalism/democratic-republicanism. His description of federalism as compatible with a strong, federal republic built upon a virtuous citizenry that was economically prosperous, stands in direct contrast to the democratic-republican argument for a more economically modest, decentralized government where individual liberties took highest priority. For more information on the dynamics between the two systems, see William A. Schambra, “The Roots of the American Public Philosophy,” National Affairs 67 (Spring 1982): 36-48.
28 To understand Roosevelt’s rhetoric is to also understand that he was not isolated ideologically but shared ideas with other like-minded reformers and tapped into a growing angst directed at the predominance of corporations in American life. The upwelling of sentiment against the corporation and how it complemented Roosevelt’s messages is in explained by historian Leroy G. Dorsey in his article, “Theodore Roosevelt and Corporate America, 1901-1909: A Reexamination.” Dorsey’s discussion of the subject also includes his examination of Roosevelt’s autobiography, which he asserts points to Roosevelt’s deep-seated dislike of an inflammatory press and a strong desire to prevent the angst of the public from becoming destructive. The language and rhetoric Dorsey picks up on in his article reflect much of what Roosevelt said in his personal correspondence and public statements. What connects Roosevelt and Dorsey’s article to the larger Progressive ideology is the shared desire by Roosevelt and the middle class to expand federal authority to counteract the ills of industrialization (i.e. arguments for government supervision, and not complete control over, trusts and corporations). See Leroy G. Dorsey, “Theodore Roosevelt and Corporate America, 1901-1909: A Reexamination,” Presidential Studies Quarterly, Vol. 25, No. 4, (Fall, 1995): 725-739.
of rhetorical language in Roosevelt’s presidency, and how that language illuminates the attempts he made to regulate corporate power for the sake of the “public interest.”
CHAPTER 1

PROSECUTING ON BEHALF OF THE “PUBLIC INTEREST”: ROOSEVELT’S ROLE AS “PROSECUTOR-IN-CHIEF” AND THE NORTHERN SECURITIES COMPANY ANTITRUST CASE, 1902-04

In a public speech on August 25, 1902, at Symphony Hall in Boston, President Theodore Roosevelt gave the following defense of his policy vis-à-vis corporate trusts:

So far from being against property when I ask the question of the trusts be taken up, I am acting in the most conservative sense in property’s interest. When a great corporation is sued for violating the antitrust law, it is not a move against property, it is a move in favor of property, because when we make it evident that all men, great and small alike, have to obey the law, we put the safeguard of the law around all men.\(^{29}\)

But what did Roosevelt mean when he said that his policy acted in the interest of property? In this speech and other ones like it, Roosevelt refuted the accusation that his policies were anti-property. Instead, he politically positioned himself as the defender of property in its truest sense, or in other words, as the defender of property of all American citizenry rather than the property of the few.\(^{30}\)

Roosevelt believed the American system of governance needed to curb the “evils” that trusts brought to American society, which put him at odds with the heads of the corporate behemoths. Though not always explicitly stated, the “evils” Roosevelt had in mind were corporate practices ranging from overcapitalization to excessive restraint of competition. One


\(^{30}\) Ibid., 112-14.
such example of his political commitment to the public good above corporate interests was the lawsuit case filed by the U.S. Attorney General Philander C. Knox against Northern Securities Company, a railroad trust formed from several major railway lines in the West.\textsuperscript{31} From 1902-1904, Roosevelt justified his administration’s lawsuit against the Northern Securities railroad trust by invoking the rhetoric of the “public interest” in accordance with his role as prosecutor-in-chief.

By portraying himself as prosecutor-in-chief, Theodore Roosevelt constructed a binary opposition between himself and his administration, as defenders of the public interest, against the greedy corporate leaders, who put their narrow “interest” above the public interest. He also developed the moral basis of his antitrust policy by constructing a second set of binary opposites: “reasonable” versus “unreasonable” restraints of trade. The difference between “good” and “bad” companies was that the latter engaged in “unreasonable” restraints of trade. In the case of Northern Securities a holding company under which the main rail lines in the Pacific Northwest had been consolidated, Roosevelt and his attorney general decided to prosecute the trust because it was involved in an “unreasonable” restraint of trade. This first move in the field of antitrust was done to subordinate that corporate “interest” to the greater “public interest.” The whole effort was for the benefit of the general “public,” the citizenry of the United States. Winning the suit in court then augmented both the power and reach of the federal government by enforcing the statute passed in 1890. His rhetoric during the case was in line with his ideology of progressive statism – using the power of the federal state in order to prioritize the interests of the public good.

Roosevelt began utilizing these rhetorical techniques during the turbulent years of his first term. Significant portions of the population had become disaffected with the American

system, unhappy with the unaddressed economic and political ills that coincided with the Industrial Revolution of the late 1800s. Socialism was also on the rise in American society, appearing in both the working and middle classes.\textsuperscript{32} Incidents like the Haymarket Riot of the 1880s and the assassination of President McKinley in September 1901 exacerbated a general “social fear” of anarchists and future labor violence. In his First Annual Message in December 1901, Roosevelt responded to this widely held “social fear” by asserting, “The wind is sowed by the men who preach such [anarchist] doctrines, and they cannot escape their share of responsibility for the whirlwind that is reaped….The blow was aimed not at this President, but at all Presidents; at every symbol of government.”\textsuperscript{33}

In addition to class conflict, anxieties about gender identity and political economy were an important part of unrest in Roosevelt’s America. Robert Muncy argues that, in the eyes of social reformers, corporations, collectively called “trusts,” threatened the ability for the common American man to be economically free, which was a fundamental element of American conceptions of manhood.\textsuperscript{34} Therefore, economics, according to Eldon J. Eisnach, was not the only motivator for progressive reformers. They also wanted to “inculcate a substantive idea of public good” into the American public life in all in aspects, whether it be academic, family, national government, or the management of small-scale or large-businesses.\textsuperscript{35} The ideas Eisnach and Muncy identify fall under the concept of “political economy,” the intersection of economics, 

\textsuperscript{32} Michael McGerr, \textit{A Fierce Discontent. The Rise and Fall of the Progressive Movement in America, 1870-1920} (Oxford: Oxford University Press, 2003), 152-56.
\textsuperscript{34} Ibid., 21-23.
law, and philosophy. In the case of the late-nineteenth century, the “social good” carried significant weight when crafting public policies.36

Roosevelt also had issues with his own party, as the Republican establishment did not see him becoming president as a fortuitous development. No less prominent a figure than Ohio Senator Marcus Alonzo Hanna, influential powerbroker in Congress and important member of the Republican Party, said after McKinley’s death that now, “a damned cowboy is President of the United States!”37 The “Old Guard” members of the Republican Party, political gatekeepers and staunch supporters of McKinley’s policies, were unsure of the new president’s commitment to the party line. So much so, in fact that when Hanna met with Roosevelt and offered his support, he stipulated that in exchange the new administration would promise to adhere to McKinley’s “legacy.”38 While Roosevelt agreed to Hanna’s proposition, subsequent events and his rhetoric arguably contradicted the spirit behind Hanna’s intentions.

Upon becoming president following the McKinley assassination, Roosevelt soon faced one of the first major decisions of his presidency: how he would deal with the public’s growing anger direct at corporations. The president’s “policies and proposals” while in office, according to Arthur M. Johnson, “reflected his own self-confidence,” and appears most strongly when he spoke about his views on corporations.39 Johnson also argues that in spite of unexpectedly assuming the role of president from McKinley, Roosevelt had a clear plan in mind, including a

36 While not explicitly stated component of Roosevelt’s “public interest” rhetoric, the concept of race did indirectly inform his political views across the board. Gary Gerstle in his word American Crucible, coins the term “racial nationalism” to describe what he considers an important early-twentieth century ideological tradition that helped shape foreign and domestic policies of the United States. Roosevelt’s ideal was that the prosperity of the “American race” and the well-being of the American public would become one in the same. Therefore, it makes sense that such ambitions would motivate Roosevelt to promote Americanization policies and to equally push for federal oversight to protect the public. For more see Gary Gerstle, American Crucible: Race and Nation in the Twentieth Century (Princeton: Princeton University Press, 2001).
38 Morris, Theodore Rex, 16-17.
specific listing of corporate wrongdoings, what he referred to as “evils,” such as “secrecy or misrepresentation concerning corporate organization, overcapitalization, unfair methods of competition, and the manipulation of price,” that he intended to publicize.\textsuperscript{40} To quote Roosevelt directly from his New York gubernational address on January 3, 1900, he counseled that, “The first essential is the knowledge of facts. Much can be done at once by amendment of the corporation laws so as to provide for such publicity as will not work injustice as between business rivals.”\textsuperscript{41} Although he had an itemized idea of what corporate practices defined a “good” versus a “bad” corporation, there was not a systemized identification of specific people or companies guilty of such actions. The indictments he made were indirect, with the inference of certain corporate leaders or trusts, but rarely explicitly mentioned.

Roosevelt’s plan going forward was a combination of both external and internal motivations, and the external concerns of the American public is clear in his First Annual Message to Congress in December 1901. In this address, he outlined his own vision of America’s current circumstances, arguing for a positive increase in the country’s general prosperity:

\begin{quote}
The tremendous and highly complex industrial development which went on with ever-accelerated rapidity during the latter half of the nineteenth century brings us face to face, at the beginning of the twentieth, with very serious social problems. The old laws, and the old customs which had almost the binding force of law, were once quite sufficient to regulate the accumulation and distribution of wealth. Since the industrial changes which have so enormously increased the productive power of mankind, they are no longer sufficient. The growth of cities has gone on beyond comparison faster than the growth of the country, and the upbuilding of the great industrial centres has meant a startling increase, not merely in the aggregate of wealth, but in the number of very large individual, and especially of very large corporate, fortunes.\textsuperscript{42}
\end{quote}

\textsuperscript{40} Ibid., 571.
\textsuperscript{42} Hermann, Hagedorn, ed., \textit{State Papers as Governor and President 1899-1909, Vol. XV} (New York: Charles Scribner’s Sons, 1926), 87.
In addition to the issues of gender identity and economic freedom, the inadequacy of current laws to protect the public from corporate practices, and the strain of urbanization on the country as a whole, there was also the issue of economic instability. Roosevelt was all too aware of the economic hazards that came with unregulated capitalism, especially after the “Panic of 1893” which he referred to as “the lean years.” He further recognized that the “capitalist may be shorn of his luxuries; but the wage-worker may be deprived of even bare necessities.”

In a society that he consistently praised for its growing wealth, such instabilities were hard to ignore.

Roosevelt did not immediately turn to using the existing antitrust statutes and the judiciary to address the imbalances in America’s economic system. Jean M. Yarbrough in her analysis of Roosevelt points out that in his First Annual Message to Congress he advocated for trusts to have open books, available for public inspection. However, she asserts that he opted for the lawsuit approach because Congress was unsupportive of his plan to create a cabinet-level federal agency that would oversee commerce and labor. The lawsuit approach invoked the Sherman Antitrust Act of 1890 and was, in Yarbrough’s estimation, the best option because it was the one that would not require Roosevelt to wait for approval from Congress before acting.

A perfect opportunity for Roosevelt to put his words into action was the antitrust lawsuit against Northern Securities trust. What provoked the suit, according to Peri E. Arnold, was the consolidation of the Northern Pacific and Great Northern railroads into the Northern Securities Company by railroad executives, including James J. Hill and J.P. Morgan. B.H. Meyer’s A History of the Northern Securities Case explains that Hill and Morgan wanted to establish a

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43 Ibid., 89.
46 Ibid., 151.
more permanent control over the nation’s railway network.\textsuperscript{47} In pursuit of that goal, the consolidation was to eliminate competition of smaller railroads in between the two larger rail networks.\textsuperscript{48} In response to the announcement of the merger, the Minnesota governor Van Sant issued a statement that invited fellow governors in the states affected by the “great railway trust” to work together with him in order to resist Northern Securities, arguing that the consolidation violated current antitrust statutes.\textsuperscript{49}

Prior to Roosevelt’s administration, there had been attempts to deal with the antagonistic atmosphere that existed between the general public and corporations. Martin J. Sklar’s work \textit{The Corporate Reconstruction of American Capitalism, 1890-1916}, connects the creation of the Sherman Antitrust Act of 1890 to the general public and legal opinion disapproved of completely unregulated capitalism by the late 1880s.\textsuperscript{50} The Act primarily served two functions: it outlawed the “trust” as a form of business organization, and it made “restraints of trade” illegal. Despite such intentions to regulate capitalism, however, the act did not have the impact that some reformers desired, in no small part due to the legislation’s author writing the bill with limited power and scope from the outset.\textsuperscript{51} Sklar himself also demonstrates that the lower courts of the U.S. judicial system even overturned certain lawsuit decisions due to their interpretation of the Sherman Antitrust Act’s jurisdiction over commercial activity.\textsuperscript{52} Defining “restraints of trade” based on the law’s unspecified language allowed for varying interpretations, which proved to be at the heart of the issue.

\textsuperscript{47} Meyer, 12-15.
\textsuperscript{48} Peri E Arnold, \textit{Remaking the Presidency: Roosevelt, Taft, and Wilson, 1901-1916} (Lawrence: University of Kansas Press, 2009), 47.
\textsuperscript{49} Meyer, 28.
\textsuperscript{51} Ibid., 108-9.
\textsuperscript{52} Ibid., 117-19.
One vital sticking point was the difference between “restriction of competition and unlawful restraint of trade.” Under common law, mergers and similar practices of consolidation were perfectly legal, so long as they were considered to be “reasonable.” What “reasonable” meant was that the company in question did not completely eliminate competition or bar new businesses from entering the market. “Unreasonable” combinations, by contrast, were not considered legal under common law at any point. In fact, business models like Northern Securities were already an established reality, with trust charters existing for Standard Oil under magnate John D. Rockefeller. The notion of “public interest” also comes up in this debate, prior to the Northern Securities case. Sklar explains that in 1892 Judge John A. Riner rejected a lawsuit against the Trans-Missouri Freight Association under the Sherman Antitrust Act, giving preference to the Interstate Commerce Act and stating that the association’s anti-competition practices actually benefited the public by preventing inter-company rivalries from driving down prices and rates, which would ruin both investors and harm the general public.

So why would Roosevelt try the antitrust lawsuit approach, when such a tactic rested on a piece of legislation that at this time had at best mixed support from the branch of government responsible for enforcing legislation? As Hans B. Thorelli argues in his book, *The Federal Antitrust Policy: Origination of an American Tradition*, there are a couple of possible theories, including the theory that Roosevelt wanted to establish that the “sovereignty in the land was vested in Washington rather than the financial magnates on Wall Street.” Thorelli backs this up by quoting Roosevelt’s autobiography: “When I became President…the absolutely vital question

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53 Ibid., 120.
55 Ibid., 120-21.
was whether the government had the power to control them [interstate corporations] at all.\textsuperscript{57}

McGerr also points out that there were numerous company mergers in the 1890s, and that the American public regarded the Standard Oil trust and what would become the Northern Securities trust as “corporate villains,” making them politically acceptable targets for Roosevelt to prosecute.\textsuperscript{58}

When the announcement of the lawsuit occurred in February 22, 1902, men like philanthropist Herschel Vespasian Jones and magnate J.P. Morgan tried to smooth things over with the president. In a reply letter to Jones, Roosevelt explained his actions in the following manner:

…I do not quite understand, however, what you mean when you say that you criticised “the announcement of the suit without a public warning.” What we did was just exactly to give this public, instead of private, warning; in other words, we gave a public warning that we were going to bring the suit, in order to prevent violent fluctuations and disaster in the market. How could we give “public warning” otherwise than in the way we did? \textsuperscript{59}

What Roosevelt is doing in this short missive is challenging Jones’ critique of the lawsuit approach by redefining the phrase “public warning.” While Jones, Morgan, and other corporate leaders during this time probably used the word “public” to mean those with an “interest” in the enterprise as opposed to the government officials, Roosevelt expanded the definition of “public” to include American populace as party at such discussions. In the letter Roosevelt established a binary opposition, where his definition of the “public,” the “good” one, stood in stark contrast to the narrow, and therefore “bad,” definition hinted at by Jones’ letter. It was in his estimation, a “self” vs “other” situation, where corporate leaders like Morgan put their selfish “interests” in profits and monopolies over the public welfare, the “other.”

\textsuperscript{57} Ibid., 423-24.
\textsuperscript{58} McGerr, 150-55.
McGerr also cites a similar exchange of correspondence between J.P. Morgan and Roosevelt over the lawsuit. According to McGerr, Morgan asked Roosevelt to work out the issue away from the public sphere through intermediaries. Roosevelt refused to do so, and when Morgan pressed him to know if other corporations were at risk, he replied no, “unless we find out in any case that they have done something that we regard as wrong.” In both instances, Roosevelt portrayed himself as a defender of the American public against out-of-control corporations, in opposition to interests that, in his views, antagonized the public interest, like Northern Securities.

In addition to Roosevelt’s personal letters, there are other public addresses that reflect his political goal of using state power to regulate corporations for the benefit of the American citizenry. His speeches also included critiques of those he considered as antithetical to the public interests, such as “bad” trusts on the one extreme and socialists on the other. By making sure that the government discharged its obligation to the public good, America would continue to prosper and avoid the extremes of either socialism or giving corporate leaders free rein in the marketplace.

Another good example of Roosevelt’s public interest rhetoric is the speech he gave at Providence, Rhode Island, on August 23, 1902. When there, he asserted: “When the conditions have been created which make prosperity possible, then each individual man must achieve it for himself by his own energy and thrift and business intelligence.” While personal success still depended on individual effort, the “state” had a great role on both ends of that effort. It was

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60 McGerr, 157.

responsible for securing “opportunity,” regulating “excesses,” and preventing corruption. These “industrial virtues” that explained entrepreneurial success were well-established beliefs in the 1800s, and carried over into the rhetoric of twentieth-century politicians. Roosevelt was no exception. While he endorsed these values, he also acknowledged that there were instances where a person could become successful but not be a moral individual. By arguing that America was prospering, even to the extent that “unjust” people were doing well, he argued that the question was not whether or not America was becoming wealthier as a whole, but rather who ought to benefit from such prosperity.

Another aspect of this speech worth consideration is the location of authority of social order and stability. Arguing that “wise and fearless and upright administration of the laws,” will provide Americans with the best opportunity for a better future displayed Roosevelt’s firm belief in the current system of government. He conceded that enforcing the law cannot replace an individual’s, “own energy and thrift and business intelligence.” By associating himself in support of law that was wise in its application, Roosevelt made a distinction between his political vision for America from other reformers who he considered to be motivated more by “jealousy and envy,” rather than the desire for a better government.

In place of doing nothing, adopting socialism, or attempting to topple civilization in a witch-hunt against corporations, Roosevelt advocated the expansion of federal and state power in order to regulate corporate power for the benefit of the general public. In his Rhode Island speech on August 23, he recognized the current limitations the government faced in tackling the problem of corporations:

I believe that the nation must assume this power of control by legislation; if necessary by constitutional amendment. The immediate necessity in dealing with trusts is to place

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63 The concept of securing opportunities has an implicit assumption that the Republican Party would make the ideal reality, and especially under Roosevelt’s administration.
them under the real, not the nominal, control of some sovereign to which, as its creatures, the trusts shall owe allegiance, and in whose courts the sovereign’s orders may be enforced….Some governmental sovereign must be given full power over these artificial, and very powerful, corporate beings. In my judgment this sovereign must be the national government.  

Recognizing that the corporate laws had long been surpassed by the effects of the Industrial Revolution of the late 1800s, Roosevelt argued for a reformulation of the relationship between corporations and government, and by doing so redressing the balance in favor of the federal government apparatus as a whole.

In combination with his acknowledgment for the need for expanded state and federal control over corporations, Roosevelt also proposed the method by which such control could be achieved, through the power of legislation, even if that necessitated an amendment to the U.S. Constitution. The reason why this method was preferable to other options comes back to where Roosevelt’s concept of the location of authority. Power over these corporations rested in the hands of the government, acting as defenders of the public interest, and only through legislation and enforcement of said legislation would bring corporations into line, or “owe allegiance.” As Congress, at this point, was not in the mode of creating legislation, the full enforcement of the law, the judge-made law approach, took precedence when dealing with Northern Securities. 

It is important, however, to also scrutinize Roosevelt’s speeches in towns like Providence, Rhode Island. The speeches re-affirm his political stance as an expander of federal government to further the common good, without doing away with corporations and industrialism entirely. These speeches represent Roosevelt’s rhetoric during the crisis, just before the Anthracite Coal Strike ended. In these addresses to the general public, Roosevelt followed

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64 Ibid., 104-5.
very similar patterns of logic, using the same rhetorical devices in order to promote his view on the matters of regulating corporations and trusts:

We [Americans] are passing through a period of great commercial prosperity, and such a period is as sure as adversity itself to bring mutterings of discontent… Wise laws and fearless and upright administration of the laws can give the opportunity for such prosperity as we see about us. There are real and great evils in our social and economic life, and these evils stand out in all their ugly baldness in time of prosperity.  

Roosevelt conceded that the lives of the poor in the cities were in closer confinement and that the rich had increased in wealth, but denied that the economic system was fundamentally flawed. He also admitted that some of the problems in society related to prosperity had no foreseeable answer or can only be solved by individual efforts. There were, however, some problems related to wealth and prosperity that laws and regulation could remedy, especially at the national level. Wealth in Roosevelt’s eyes was something that, when utilized for the benefit of the whole community (i.e. the public good/public interest), was not only helpful or desirable, but also vital to the well-being of the nation.

Roosevelt’s speech at Rhode Island in August 1902 was not the only instance where he critiqued the abuse of corporate wealth at the expense of the public. In his speech in Boston on August 25, he considered the lack of federal oversight concerning interstate commerce to be a real issue, arguing “At present we have really no efficient control over a big corporation which does business in more than one State.” He wanted “laws that will enable us to deal with any evil no matter what shape it takes,” and to do that job effectively, so “that the action of the government cannot be evaded by any turning within or without Federal or State statutes.”

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66 Ibid., 100-1.
67 Ibid., 101.
68 Ibid., 101-2.
69 Ibid., 102.
70 Ibid., 113-4.
critical that the federal government be empowered to take on “bad” trusts whose practices put them in direct conflict with the public good and Roosevelt, the defender of the public interest.

He did not allow technicalities of the law to deter the prosecution of the abuse of corporate wealth, and he was not content with the current degree of control that the federal government had over corporations. Corporate leaders who opposed something that to Roosevelt seemed perfectly sensible for promoting the public interest, only served to reinforce his view of them as “acting with great folly.” The language from this passage clearly underscores Roosevelt’s commitment to protecting the public from bad corporate practices, expressing his desire to see the government wield the kind of regulatory power necessary to achieve his goal.

Roosevelt was advocating a selective use of federal power against corporations. The binary opposition created here was the public interest, defended by Roosevelt as chief representative of the people, against corporations who abused their power and wealth to the detriment of the public welfare. For Roosevelt, wealth, or lack thereof, was not the intrinsic issue facing American society. Instead, lack of good citizenship was corrupting society at both ends, inciting the rich to abuse their station, while also agitating the less well-off to become envious and to forget the duties that they had as citizens.  

Roosevelt continued his critique of both corporate elites who abused their position and anti-capitalist dissenters in a speech at Bangor, Maine, on August 27, asserting that, “Those who dream only of idleness and pleasure, who hate others, and fail to recognize the duty of each man to his brother, these, be they rich or poor, are enemies of the State.”  

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71 As William Schambra’s work on the origins of American public philosophy explains, good citizenship was a republican tradition, not a component of the major strands of classical liberalism. See William A. Schambra, “The Roots of the American Public Philosophy,” National Affairs 67 (Spring 1982): 40. Understanding him as a “progressive statist” in 1902-1904 is historiographically significant because it reveals the continuity of his desires to expand the government’s power throughout his presidency, rather than downplaying his rhetoric as inherently conservative or not as radical until his post-presidency years.

72 Ibid., 132-33.
“misuse of property” that presented the biggest danger to the public good, not the intrinsic presence or lack of wealth. The ideal example of citizenship he depicted was the “man who lives simply, and justly, and honorably, whether rich or poor.”\textsuperscript{73} The prominence of morality and civic duty, a more progressive concept rather than a liberal one, are clear in his rhetoric. He recognized and denounced the abuse of wealth and property as “bad” corporations, but did not separate moral virtue from public policy or civic life, as it was the incidence of abuse that was the problem, not the system itself.

Roosevelt gave another speech along the same lines as the speech in Rhode Island on August 25, 1902, at in Boston’s Symphony Hall. While there is some overlap between the two speeches, there is a difference in the tone of the speech. There is a strong emphasis on not being a carrier of the panacea for social ills. This comment is a political dig at the rhetoric from socialists and other political figures Roosevelt considered too idealistic and incompatible with the American ideology. He created in this speech another binary opposition, where Roosevelt, his supporters, and the public interest were arrayed on the one side, and those peddling social cure-alls occupied the opposite side.

He explained that it was easier to promise something than to carry it out; he argued against politicians promising too much to the people and simultaneously discouraged the populace from expecting too much of their political representatives. His interpretation was much broader in scope than some within the Republican Party may have been comfortable with, but as his letters to J.P. Morgan demonstrate, Roosevelt was adamant on this point. No amount of proffered backroom deals and accusations of being anti-property would compel him to back down. Speaking to Massachusetts Governor Crane, Boston Mayor Collins, and the “men and women of Boston,” he addressed the issue of corporations and trusts in a similar, straightforward

\textsuperscript{73} Ibid., 133.
manner. He argued that the nation was founded, “upon the theory that the average man will as a rule do the right thing, that in the long run the majority will decide for what is sane and wholesome.”74

While Roosevelt strongly critiqued the abuse of wealth by corporate leaders and trusts, his rhetorical language was selective in who it declaimed. When he did find evidence that a corporate leader or company was misusing its wealth and harming the public, directly or indirectly, he vigorously opposed those executives or companies he felt were guilty of such practices. He made plain his conviction that, “There is every need of striving in all possible ways, individually and collectively, by combinations among ourselves and through recognized governmental agencies, to cut out those evils.”75 Again, this goes to the core of progressive thought, advocating a “combination among ourselves” via the application of state power through government agencies to protect the public interest from harm by “bad” trusts.

While not naming any specific people or corporations, this passage contains one of Roosevelt’s key rhetorical hinges. In this speech the “bad” versus “good” binary oppositions shows up again, as he denounced “bad” corporations but maintained that the system is on the whole still sound. He assured his audience that he was willing to redress the legitimate grievances of the American public vis-à-vis corporations that he deemed were responsible for the “real and great evils.” When referring to the “evils” in corporations, Roosevelt meant the corporate practices he considered harmful to the public, such as excessive corporate secrecy, overcapitalization, unfair methods of competition, and price manipulation.76 As Martin Sklar

75 Ibid., 99-100.
76 Terms such as “evil” and “wicked” when discussed within the context of the larger social and economic debates are additional evidence of Roosevelt’s rhetorical use of Biblical language in his speeches. The moral dimension that he added in his oratory reflects another principle that Michael Freedén argues is a key characteristic of effective persuasive speech, namely the emotional component of rhetoric. According to Freedén, rhetoric is built from a
argued in his book, *The Corporate Reconstruction of American Capitalism, 1890-1916*, the lawsuit “provided a legislative basis for Roosevelt’s persistence in enforcing the Sherman Act selectively against unreasonable (‘bad’) corporations or corporate practices, and thereby reassured an agitated public that the trusts were not above the law, while demonstrating that he would not turn the law against modern industrial evolution.” The concepts Roosevelt endorsed went to the heart of progressive thought, as they promoted the power of the “state,” via recognized governmental agencies, to remove the “evils” he adamantly opposed.

By casting the conflict between public interest and trusts in moral terms, good and evil, honest and corrupt, Roosevelt raised the rhetorical stakes, but not too high. After all, he did not hold in high regard those who decried the presence of *all* corporations, regardless of their business practices. Framing such incendiary people as wielding a knife that “with an ignorant zeal” who harmed the public more than helped, Roosevelt placed his opponents in a position that was antithetical to his own, and by rhetorical extension, the audience’s. Protecting the public interest was Roosevelt’s paramount concern, and in his Rhode Island speech his view of anti-capitalist rhetoric is quite clear, “I see no promise of any immediate and complete solution of all the problems we group together when we speak of the trust question.” In this part of the speech one can see the reaffirmation of Roosevelt’s positive vision of America’s future working in conjunction with his warning to the audience regarding those who would sell them a panacea for all of society’s problems. The image of “Mankind” progressing forward through time at a steady pace, and not at a hurried speed, was an image he pushed.

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logical or factual component as well as an emotional aspect. When done well, the blending of facts and emotions lends greater persuasive weight to the speaker’s argument overall.


78 Bierce, 106-7.
Roosevelt reiterated his critique of corporate elites in more strident terms, “the root of righteousness,” on September 1, 1902, in Northfield, Massachusetts.\(^\text{79}\) Like the speech in Boston back in August, there is a strong moral tone to the speech. The contention, as Roosevelt saw it, was that amassing great wealth did not equate with good morals, or by extension, good citizenship. He argued that there was no place, “in an honest people to deify mere success without regard to the qualities by which that success is achieved.”\(^\text{80}\) Since protecting the “body politic” was the defining motivation behind his political agenda, the government could not leave such individuals to their own devices. Both the Boston and Northfield speeches convey in no uncertain terms the feelings he felt towards corporate leaders who protested that their practices posed no threat to the public. Utilizing terms such as “enemies of the State” and casting individuals who violated the Sherman Act as a danger to the stability of the American political system, he promised both his opponents and potential supporters that he would defend the public interest from corporate practices that he deemed would have a negative impact on that interest.

By framing his language in moral terms, he continued previous ideological traditions that linked economic success with a citizen’s virtue, while at the same time acknowledging that unvirtuous people, the “bad” corporations, had attained great wealth despite being immoral in the business practices. This situation aptly demonstrated the existence of the binary opposition of public interest versus greedy corporate leader, a circumstance that required the “prosecutor-in-chief” to intervene and defend the general public welfare.

Not all of what Roosevelt intended in his rhetoric and his antitrust lawsuit approach came to fruition. His greatest disappointment revolved around one of the Supreme Court Justices, Oliver Wendell Holmes. Roosevelt helped Holmes became a Supreme Court Justice, and felt

\(^\text{79}\) Ibid., 135.
\(^\text{80}\) Ibid.
confident that he could count on the newly made judge to vote on the Northern Securities case in the government’s favor. \(^{81}\) Roosevelt also had a second man he felt would vote for him, Justice William Rufus Day. Morris argues that Roosevelt was hoping for a decisive decision from the Supreme Court in favor of upholding the suit. \(^{82}\) Such a political victory would affirm the government’s authority over corporations and lend legitimacy to future antitrust lawsuit actions.

The eve of victory or defeat for the government case in the Supreme Court came in March of 1904. It came down to a 5-4 split, in favor of the government, with two dissenting opinions, and one concurring opinion. \(^{83}\) Supreme Court Justice John Marshall Harlan wrote the majority opinion, explaining the court’s reasoning in language similar to Roosevelt’s rhetoric. For example, the majority opinion concluded that the control of the key Great Northern and Northern Pacific Railways was placed in a “common body, to wit the holding corporation, with not only the power but the duty to pursue a policy would promote the interests,” in such a manner that it harmed the public interest and dispensed with the notion of competition between the concerned railroads. \(^{84}\)

The majority opinion referenced the intent of the Sherman Act and argued that overlooking Northern Securities’ breach of said law was to allow Congress’ goal behind writing the statute to be defeated. Continuing further, Harlan stated that, “If congress has not, by the words used in the Act, described this and like cases, it would, we apprehend, be impossible to find words that would describe them.” \(^{85}\) This decision contains much of the binary opposition language that Roosevelt had been using to build up his administration’s case, as it argued the

\(^{81}\) Morris, *Theodore Rex*, 313.

\(^{82}\) Ibid., 314.


\(^{84}\) Meyer, 279.

\(^{85}\) Meyer, 280.
trust was an “unreasonable” or “bad” trust because it violated what the judges considered “reasonable” corporate practices clearly described in the Sherman Antitrust Act of 1890.

Another similarity between Rooseveltian rhetoric and the Court’s majority opinion is the argument regarding individual liberties. Harlan asserted that Congress, under the Constitution, had the right to create laws regulating interstate commerce. The concept of an individual’s “liberty of contract,” the ability for a person or company to make contracts without government intervention, did not apply when corporations engaged in “unreasonable” restraints of trade, especially when such actions, “deprive the public of the advantages of free competition in trade and commerce.” Moreover, it does not infringe on the inherent property rights of a citizen’s property rights, as this bundle of rights, as the majority opinion argued, was also subordinate to the law. This concept of the rights of “the public” being paramount in areas of commerce is the same logic Roosevelt use when explaining his progressive statist views to supporters and critics alike. What mattered most, with the blessing of the Constitution no less, was the well-being of the public interest. The court’s decision was that the trust was to be dissolved, as recommended by the case when it was at the circuit-court level.

It was not a complete triumph, however, as Justice Holmes was one of the judges that sided with the dissenting minority. Holmes disagreed with the suit on the grounds similar to Judge John A. Riner’s decision over the 1892 lawsuit case against the Trans-Missouri Freight Association, stating that the Sherman Act did not cover “combinations in restraint of competition.” This statement was compounded by the assertion that the size of Northern Securities was irrelevant to the case. According to Morris, Holmes also implied that Roosevelt’s...
rhetoric about the case’s significance was exaggerated. Holmes further argued that the 1890 statute only outlawed the “suppression [of competition] by contracts or combinations in restraint of trade.”

It said nothing about competition itself, or the “exercise to an ordinary extent of property and personal freedom.” The government should not interfere with the “right” corporations had to restructure competition through self-regulation. By staking his judicial opinion with the other dissenting judges, Holmes refused to go along with Roosevelt’s desire to establish a precedent for presidential intervention in corporate matters, especially when he considered the legal premise unsound.

When Roosevelt heard of Holmes’ dissenting opinion, he famously said, “I could carve out of a banana a judge with more backbone than that.” Though clearly feeling betrayed, Roosevelt’s ire was not long-lasting, according to Morris, and Justice Holmes predicted that the relationship would normalize after some time passed. Roosevelt, Philander C. Knox, and Taft, were all disappointed by the lack of a unanimous decision, but Roosevelt felt assured that the case achieved its intended goal. Morris also notes that the newspapers were quick to comment on the success of the Northern Securities case, with nine of ten national level newspapers congratulating Roosevelt on the case’s outcome.

Although Roosevelt did not use the lawsuit/judge-made law approach as frequently in the future, he continued to stand by his position as defender of the public interest, changing his approach as the circumstances developed over time.

In conclusion, Roosevelt’s personal correspondence, his public addresses to common American citizens, and his Annual Messages to Congress demonstrate his progressive statism

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91 Meyer, A History, 73-75.
92 Ibid., 73.
93 Ibid., 316.
94 Ibid., 316-17.
based on views delineated in his rhetoric. Initially without much in the way of support from his party, he relied on his oratory skills to gather public opinion and to persuade fellow politicians. Rather than being concerned about the rights of any one individual, he politically portrayed himself as defender of the people as a group.

He created binary oppositions such as “reasonable” versus “unreasonable,” and “good” versus “bad” speeches, arguing that dissenting opinions of his agenda, whether corporate elites or socialists, were antithetical to American political and economic values. They either placed selfish individual interest ahead of the public good, or flouted the system entirely. He constructed a binary opposition of “reasonable” trusts that operated to the benefit of society, and should therefore not be subject to intense public scrutiny or prosecution. By contrast, “unreasonable” trusts like the Northern Securities Company were from the beginning illegal and a threat to the public good. Trusts like Northern Securities needed to be supervised by a “sovereign” body, the federal government. If guilty of illegal practices, they needed to be fined or even dissolved by that sovereign. He also labelled his opponents’ promotion of marginal regulation or supervision of corporate practices by government agencies as harmful to the public interest. Those who defended the out-of-control trusts were endorsing a state of affairs that would only result in the economic, political, and social degradation of the nation, which was unacceptable in the extreme.

He also took exception to the ideology of socialism and considered the demonization of corporations an equal and opposite error, fundamentally at cross purposes with American values. After constructing his binary oppositions of “good” and “bad,” “reasonable” and “unreasonable” and discrediting his political opponents, he proposed his own solution of fully enforcing the current antitrust statutes like the Sherman Act, and supported his attorney general’s efforts in the Northern Securities. His rhetoric and actions, in combination, are more accurately described as
those of a progressive statist politician acting as prosecutor-in-chief, utilizing the judge-made law approach in order to defend the public interest from harmful corporate business practices like those committed by the Northern Securities railroad trust.
CHAPTER 2

DEFENDING THE “PUBLIC INTEREST” WITH RHETORIC: ROOSEVELTIAN RHETORIC AND PRESIDENTIAL INTERVENTION IN THE 1902 ANTHRACITE COAL STRIKE

In the year 1902, the United States faced a major labor crisis in the coalfields of Pennsylvania. Coal miners called for better pay and the coal operators rejected their demands out of hand. At this point in American history, coal, especially the high-quality coal called anthracite, was a crucial component to the economy. Akin to the OPEC oil embargo’s economic impact on the United States, the Anthracite Coal Strike posed a serious energy crisis to the country. Unless the strike ended, consumers could expect rising food prices and heating shortages in the winter. The resulting crisis as the workers went on strike dragged on until October 23, 1902, when threats of federal troops occupying and running the mines brought the disputing parties to the negotiating table. There was a more permanent settlement between labor and employer in March 1903. The end of the strike was the culmination of a series of behind-the-scenes deals and meetings held between the June and October of 1902. Important parties to these discussions were Theodore Roosevelt and key moguls like J.P. Morgan and George Frederick Baer, with White House advisors and power brokers as helpful go-betweens.95

The question that remains largely un-scrutinized is, “What motivated Roosevelt to intervene?” The focus of the studies concerning Roosevelt do not address in depth his core ideology in relation to what he said or wrote, or make rhetorical analysis the key focus in relation

to the Anthracite Coal Strike. Most of the current historiography focuses on his actions throughout his life before, during, and after his presidency. Historians have often focused on his actions and goals, but few have made it their focus to identify the crucial concepts of his political thought.

This paper argues for a different descriptor when trying to understand Roosevelt’s rhetoric, positing that instead of viewing him as a liberal statist or conservative, his policies and speeches are more indicative of a progressive statist worldview. He addressed the strike with the same rhetoric that he used in his larger vision for America regarding antitrust policies and social reform, and his public interest rhetoric is located within the larger Progressive Era discourse concerning civic humanism (that emphasized popular sovereignty over private enterprise). More to the point, Roosevelt defined his role as president in this crisis as the “public interest’s” agent and defined the public in this case as coal consumers. His approach throughout the crisis coincides with the second of the three major categories of law, administrative decisions. He also created binary oppositions such as “reasonable” versus “unreasonable,” “good” versus “bad,” when discussing his views of corporations and the role of the government in the nation’s commercial matters.

96 The difference between a progressive statist and a liberal statist is their political focus in regards to rights and duties. Whereas liberal reformers might advocate for individual liberties, enforcement of standing legislation, moral individuals for government posts, and the principle of limited government vis-à-vis the economy, a progressive statist would champion the public good as a collective, and would push the expansion of federal power to counter real and perceived ills in society and politics. For a more in-depth discussion of progressivism see Elden J. Eisnach, “Progressive Internationalism,” Progressivism and the New Democracy, Edited by Jerome M Mileur and Sidney M. Milkis (Amherst: University of Massachusetts Press, 1999), 226-252. It is important to mention that not all late 1800s liberal reformers endorsed these principles. What is more important than the actual nature of any one reformer’s views, however, is the fact that some did argue for these views and Roosevelt perceived those ideas to be contradictory to his duty to protect the public interest. For a view of liberal reform ideology of the later nineteenth century, see John G. Sproat, “The Best Men”: Liberal Reformers in the Gilded Age (Chicago, Illinois: University of Chicago Press), 1982.

97 It is worth noting again that the category of administrative decisions in relation to the Anthracite Coal Strike Commission is a rough overlap. For a more concrete discussion of what administrative decisions as a category of law and public policy see Jerry L. Mashaw, Creating the Administrative Constitution: The Lost One Hundred Years of American Administrative Law (New Haven, Connecticut: Yale University Press, 2012).
Before delving into the narrative of what transpired during the strike, it is important to understand Roosevelt’s views on a broader scale, before and during the Anthracite Coal Strike.

In December 1901, in his First Annual Message to Congress, Roosevelt stressed the importance of the citizen’s role in the well-being of the nation:

> Fundamentally, the welfare of each citizen, and therefore the welfare of the aggregate of citizens which makes the nation, must rest upon individual thrift and energy, resolution, and intelligence… Nothing can take the place of this individual capacity, but wise legislation and honest and intelligent administration can give it the fullest scope, the largest opportunity to work to good effect.\(^98\)

This political statement, on the face of it pushing for limited involvement of the government in economic affairs, however, was not the end of Roosevelt’s point. Rather, it represents some of the essential views that he held consistently throughout his presidency. The focus of his phrasing was not on the individual’s rights, as a liberal statist might argue, but on the necessity for an active administration and legislation of laws to enable individuals to reach their full potential, thereby benefitting the society at large.

Later in the speech, as he explained the current conditions the nation faced because of industrialization, he argued that he was convinced that, “combination and concentration should be, not prohibited, but supervised and within reasonable limits controlled.”\(^99\) Considerations for private enterprise may have been Roosevelt’s starting point, but the terminus of his argument is federal oversight was a necessity for continued prosperity on the private, individual, scale, as well as for the general public. The narrative Roosevelt built was designed to broaden the scope

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of public (federal) involvement by linking the adaption of federal policy to moral concerns like the precarious nature the “average” American faced due to economic instability.

When applying the tools provided by Michael Freeden to the First Annual Message Roosevelt delivered to Congress, his use of rhetoric becomes clearer. The reality he worked within ideologically is also the reality he argued was normative, (i.e. his political conceptualizations are in line with what Americans think and is the realistic way of approaching political issues). Much of what is said in this opening passage is classic Roosevelt rhetoric, where appeals to American values like economy acumen and personal enterprise built a common ground for him to begin persuading his audience to view his policies as the best approach to defending the public interest.

Continuing further into the address to Congress, Roosevelt argued that any attempt to regulate trusts or corporations without a careful examination would result in an undesirable outcome. That being said, Roosevelt admitted, “it is also true that there are real and grave evils, one of the chief being overcapitalization because of its many baleful consequences; and a resolute and practical effort must be made to correct these evils.” Beyond making the concession that such an evil is possible, Roosevelt recognized that the American people are not without right to feel like trusts harm the “general welfare” (i.e. the public interest).

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100 Ibid., 89-90.
101 Ibid., 90.
102 Ibid., 90-91. The more specific minutiae of what constitutes the public good is outlined in historian E.F. Biagini’s work, “Neo-Roman Liberalism: ‘Republican Values’ and British Liberalism, ca. 1860–1875.” In Biagini’s analysis of 19th British Liberalism, he argues that the tenets of British thinker T.H. Green include that citizens should not only be loyal but also intelligent and active participants in their nation. Such sentiments about the role of the citizen in a society reflect similar arguments made by Roosevelt. Also included alongside the role of the loyal and active citizen were rights that were inviolable by the state, but according to Biagini were more positive in nature than negative (i.e. they permitted citizens more personal freedom to contribute to society rather than simply stating that the government could not interfere with certain citizen’s rights) See E.F Biagini, “Neo-Roman Liberalism: ‘Republican’ Values and British Liberalism, ca. 1860–1875,” History of European Ideas 29 (2003): 55-61.
The one statement that truly demonstrates Roosevelt’s similar opinion on what constituted the public good came when he stated, “Corporations engaged in interstate commerce should be regulated if they are found to exercise a license working to the public injury.”\textsuperscript{103} The reasoning behind this logic is that Roosevelt considered the relationship between government and corporations to be a relationship of dependence, namely the corporations exist and profit from the security the government provides.\textsuperscript{104} Therefore, it is only natural and proper that the corporation act in a way that works alongside the government and not at cross-purposes (i.e. not against what he would consider to be the “public interest.” In this section he also constructed a binary opposition between what business practices are reasonable or unreasonable. It is reasonable for a corporation or trust to engage in interstate commerce. What was not reasonable, however, was the exercise of that right to the detriment of the public. Instead of allowing the natural ebb and flow of the economy, he wanted the government, specifically the federal government, to be granted the power to safeguard the public from harmful “bad” corporate practices like overcapitalization.

To understand the ramifications of Roosevelt’s intervention in the coal strike situation, it is important to furnish the labor-relations context in order to understand the origins and significance of the strike itself. The United Mine Workers (UMW) began the strike on May 12, 1902, starting in northern Pennsylvania coalfields before spreading to other coal districts in Pennsylvania and New York.\textsuperscript{105} Labor demands included a 20 percent pay increase, eight-hour work days, fairer standards of coal production measurement, and union recognition for the UMW from the employers.\textsuperscript{106} The employers, not used to dealing with unions and themselves quite

\begin{itemize}
  \item[\textsuperscript{103}] Hermann Hagedorn, \textit{State Papers as Governor and President}, 91.
  \item[\textsuperscript{104}] Ibid., 91-92.
  \item[\textsuperscript{105}] McGerr, \textit{A Fierce Discontent}, 118.
  \item[\textsuperscript{106}] Ibid., 119.
\end{itemize}
individualistic in their political views, refused their demands, which in turn presented a major worry for progressive activists and politicians, as previous strikes in recent years had shut down thousands of mines.\textsuperscript{107} The loss of the Pennsylvania fields was a double blow, since the coal mined from there was some of the highest quality coal that was available, anthracite. Maintaining access to such a resource is in some ways economically comparable to having control of a prime natural gas or oil deposit. Political and economic backlash from a drawn out strike were potentially quite high.

The main labor figure that the coal employers conflicted with was UMW head John Mitchell, a non-socialist, non-radical labor leader who played a key role throughout the strike. His tactics were based around collective bargaining and trade agreements. In general he supported collaboration, rather than confrontation, between labor and capital.\textsuperscript{108} Despite his efforts at negotiation, however, the employers refused to view Mitchell or the other strikers as anything other than a group of troublemakers whose demands were entirely unreasonable.\textsuperscript{109} Attempts to break the strike by inflaming ethnic discord between the numerous nationalities and by hiring strikebreakers failed to end the strike, and engendered great public disapproval, especially from the middle class.\textsuperscript{110} Mitchell’s success in becoming the spokesperson for the coal strikers lay in another coal strike that occurred back in 1900, during which historian Craig Phelan argues that Mitchell firmly established his appeal to both the strikers and people like Roosevelt and power-broker Senator Marcus Alonzo Hanna.\textsuperscript{111}

\begin{itemize}
\item \textsuperscript{107} Ibid., 119-20.
\item \textsuperscript{108} Ibid., 121.
\item \textsuperscript{109} Ibid., 121-22.
\item \textsuperscript{110} Ibid., 122.
\end{itemize}
In the midst of this escalating energy crisis, Roosevelt wanted to intervene but was consistently counseled against it by his advisors. In June, he sent Carroll D. Wright, Commissioner of Labor, to investigate the situation and by the end of the month submitted Wright’s findings to his cabinet. After the meeting, Roosevelt decided to hold off publicizing the report in order to maintain political room to maneuver. The idea did not set well with the public, who thought he was trying to suppress the report due to its pro-miner stance.\textsuperscript{112} This led to Roosevelt writing Rhode Island Senator Nelson Wilmarth Aldrich on August 26, 1902, expressing his desire for the report to be made public knowledge, stating, “I do not like to seem to be suppressing it, and the labor situation caused by the anthracite coal business is bad – politically as well as otherwise.”\textsuperscript{113}

Attorney General Philander Chase Knox also advised against Roosevelt involving himself in the strike. In a letter written on August 21, 1902, Roosevelt inquired if it was possible to use federal antitrust legislation against the coal operators in charge of the striking coalfields.\textsuperscript{114} He expressed deep misgivings about the coal strike, which he refers to as a “coal famine,” and alludes to the potential of serious political fallout similar to one that occurred earlier during a crop failure in the 1890s in Nebraska and Kansas.\textsuperscript{115} Knox’s reply was that until the Northern Securities Case was resolved in the courts, the antitrust legislation embodied in the Sherman Antitrust Act would not support such action.\textsuperscript{116}

During his speech at Fitchburg, Massachusetts, on September 2, 1902, Roosevelt made an emphatic defense of his views and the actions of his administration. He argued that, “the man

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\item \textsuperscript{113} Elting E. Morison, John M Blum, and Hope W. Wigglesworth, eds., \textit{The Letters of Theodore Roosevelt}, 323-24.
\item \textsuperscript{114} Morison, ed., \textit{Letters, III}, 323.
\item \textsuperscript{115} Ibid., 329-30.
\item \textsuperscript{116} Edmund Morris, \textit{Theodore Rex} (New York: Modern Library, 2001), 137.
\end{itemize}
who advocates destroying the trusts by measures which would paralyze the industries of the country is at least a quack, and at worst an enemy of the Republic.” Roosevelt expressed firmly that for anyone who wished to know his position on corporations and trusts ought to read the First Annual Message to Congress and his writings as Governor, declaring that his views would not change on the subject. In his rhetoric, he constructed a variant of his public interest versus corporate leaders binary, tweaking it slightly to be more about the public interest against the arguments of socialists, treating their views as the antithesis of traditional American values. This excerpt from the Fitchburg speech may include strong anti-socialist sentiments, but that is by no means the summation of Roosevelt’s views. Rather, this binary opposition was constructed in defense of the public interest, first and foremost.

Following Roosevelt’s celebration of the industrial progress of the nation and the principles America was built upon, his rhetoric took the now recognizable shift to the progressive statist viewpoint he so strongly believed in, including calling for more direct action on the part of the national government, he asserted, “I think we can get laws which will increase the power of the Federal Government over corporations; if we can not, then there will have to be an amendment to the Constitution of the nation conferring additional power upon the Federal Government to deal with corporations.”

The address at Fitchburg continued along the same path of logic, pushing for moderation in dealing with trusts and arguing that while legislation and administration are important to remedying the situation vis-à-vis trusts, it would not solve the problem entirely. An additional correspondence to Massachusetts Senator Henry Cabot Lodge on September 27 underscores this

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119 Ibid., 141.
120 Ibid., 142-44.
frustration when Roosevelt privately admitted, “There is literally nothing, so far as I have yet been able to find out, which the national government has any power to do in this matter.”\textsuperscript{121} Roosevelt agreed with Lodge’s concern about public “complaints of high prices” connected with tariff, but argued that the real issue was the coal strike, with fears that “the people [will] hold the government responsible if they do not get enough coal.”\textsuperscript{122}

In both of these letters, the definitions of public and executive are visible. The “public” is defined in this instance as those masses that consumed coal and whose support Roosevelt did not wish to lose. The definition of the executive as “arbiter” is also apparent, as he attaches political success or failure to his ability to handle the strike, despite his insistence that the federal government did not have a hand in strike’s creation.\textsuperscript{123} As the situation progressed, and as much as he consulted with close confidants and political allies, no immediate solution seemed to be at hand.

On October 2, 1902, Roosevelt wrote to American journalist Oswald Garrison Villard, thanking him for an earlier letter concerning the coal strike. The correspondence between the two presents the following picture of Roosevelt’s frame of mind during the strike:

…I shall explain to the strikers on the one hand that violence and lawlessness are intolerable and that above all every effort to destroy the mines, such as interfering with the pumping operations, puts those making it in a far worse attitude than the operators can possibly put themselves; because it renders it impossible to relieve the coal famine. On the other hand I should explain under such circumstances to the operators that they cannot assume that theirs is a private business. On the contrary by their action they are jeopardizing the whole system of private management of the coal fields and are rendering it likely that drastic action will be taken in the way of authorizing governmental regulation of their work.\textsuperscript{124}

\textsuperscript{121} Morison, ed., \textit{Letters, III}, 331.
\textsuperscript{122} Ibid., 332-33.
\textsuperscript{123} Ibid., 333.
\textsuperscript{124} Ibid., 336.
By insisting that the coal industry was not a private business, but in fact one that was crucial to the general public, Roosevelt disallowed the coal operators to justify their reticence at negotiating with the strikers, since the public good is being harmed by the coal operators’ stalling. Roosevelt is not a full-blown supporter of the strikers, however, especially if the coal miners resort to violence or destruction of coal property. Both violence and vandalism would threaten the ability to produce for the common good, about whom Roosevelt is most concerned. The core of this letter to Villard, however, goes beyond a simple promise to remind strikers not to damage mining property or a castigation of intransigent coal employers. What is revealed by Roosevelt’s language is his deep prioritization of collective rights over individual rights, at least when the two are direct conflict. He saw the coal mine owners and their managers as endangering the national economy by their actions, and increasingly desired to see the federal government, specifically the executive branch, to step in and bring the matter to a close.

When Roosevelt personally intervened and attempted to mediate the strike, however, the end result was a failure. The coal operators still refused to give in to the demands of the miners. According to Grossman, the coal operators flatly refused to recognize the unions or Mitchell, arguing that the strikers’ actions were illegal and anarchist in nature. Roosevelt’s exasperation is made plain in a letter on October 3, 1902, to Senator Hanna, where he stated, “Well, I have tried and failed. I feel downhearted over the result both because of the great misery made necessary for the mass of our people.”

In this missive, just after a meeting between the coal strikers and operators Roosevelt participated in, his definition and sympathy for the public interest comes out:

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127 Ibid., 337-38.
Now it is over, I may mention that if the operators had acceded to it, I intended to put you [Senator Hanna] on the commission or board of arbitration. But the operators declined and to accede to the proposition or to make any proposition that amounted to anything in return, and as I say I must now think very seriously of what the next move shall be. A coal famine in the winter is an awful ugly, and I fear we shall see terrible suffering and grave disaster.\textsuperscript{128}

Here again, Roosevelt’s focus is on the public interest in this letter, (i.e. the people who will need the coal for heat and cooking), and the obstacle to providing for the public is not the coal striker, but instead the uncompromising coal operator. Where the public good, in this case the average American coal consumer, needs to have heat and fuel for cooking in the coming winter months, the interests of the individual have to take second priority. The suggestion for a commission or board of arbitration is a sign of Roosevelt’s use of the administrative decisions approach to address the strike. The Anthracite Coal Strike Commission that in March 1903 helped present the proposal that resolved some of the strikers’ major demands falls within the category of administrative decisions.

In October 5, 1902, correspondence with Robert Bacon, a business partner with J. P. Morgan, Roosevelt emphasized the danger to the public interest, arguing that, “the operators forget that they have duties towards the public, as well as rights to be guarded by the public through its governmental agencies.”\textsuperscript{129} To add insult to injury, the coal miner owners pressed Roosevelt for government intervention in their favor, wanting the president to use federal troops to suppress Mitchell and the UMW. What this letter reveals is the two competing definitions of the “public” and the role of the chief executive. For the coal owners, they and their stockholders were the “public” that wanted the executive to be the public order enforcer and to suppress labor

\textsuperscript{128} Ibid., 338.
\textsuperscript{129} Ibid., 340-41.
strikes. Roosevelt’s definition, by contrast, was that the executive was the defender of the public interest first and foremost, which he defined as the public’s citizen-consumers of coal.\textsuperscript{130}

This difference in definition was in keeping with Roosevelt’s progressive statist viewpoint. His prioritization of the public interest over the interests of the individual managers and investors points to a binary opposite that Roosevelt created between himself and his political opponents, especially the coal operators who disagreed with his policies. The summation of this binary opposite is the association of the “folly” of the operators and their stubborn clinging to private enterprise and non-interference from the federal government as being antithetical to the “public interest,” which according to Roosevelt requires the end of the strike, even if that means concessions from the operators towards the strikers.

On same day he wrote to Bacon he also wrote to former president Grover Cleveland, thanking him for his advice about the possibility of using federal troops to force the coal operators to come to heel and negotiate, a plan which Cleveland approved.\textsuperscript{131} Roosevelt decided to use this possibility as a threat against the coal operators, presenting them with the options of agreeing to the commission or to what George E. Mowry describes as “state socialism” (i.e. federal troops will run the mines and no profits will go to the owners).\textsuperscript{132} The owners relented, after some haggling about who would occupy the seats on the commission, rather than allow their mines to be run by the federal government.\textsuperscript{133}

A letter was also sent on October 15, 1902, to wealthy banking magnate John Pierpont Morgan, discussing the composition of a commission that would come together and arbitrate the

\textsuperscript{130} Citizen-consumers is an ad-hoc category developed for this analysis to better convey the rhetorical overlap between the public interest at large that Roosevelt claimed he defended and the more specific economic interests, in this case consumers, that were the primary beneficiaries of his administration’s policies.
\textsuperscript{131} Chessman, Theodore Roosevelt and the Politics of Power, 89-90.
\textsuperscript{132} George Mowry, Theodore Roosevelt and the Progressive Movement, 18.
\textsuperscript{133} Ibid., 19.
dispute between the strikers and the owners. Further correspondence on October 16 confirms that the labor leader John Mitchell had met with Roosevelt and would agree with the idea of an arbitrating commission. Roosevelt communicated with Mitchell via telegrams informing him that the strikers should resume work and providing him with the list of individuals planned to preside on the commission.

What these speeches confirm is that Roosevelt’s ideology had continuity before and during the strike. The composition of the audience did not significantly alter Roosevelt’s political stance or philosophical attitude towards trusts and corporations, whether he was addressing House of Representative Congressmen or addressing common Americans. Despite the claims of historians like Blum and Cooper, the idea that Roosevelt’s political viewpoint was essentially conservative is not accurately represented in two major addresses to Congress and two of many public addresses at towns outside of Washington D.C.

What, in fact, is strongly supported by analysis is that he was very supportive of an expansion of governmental policy, specifically in this case governmental intervention that established the conditions of employment in a major industry. The federal government intervened by creating a temporary administrative agency in the form of a presidential commission. In other words, his promotion of regulatory acts ranging from legal restrictions like Congressional laws to even musing about a Constitutional amendment represent a clear progressive, rather than liberal, orientation. Such statements that push at even the very boundaries of the U.S. Constitution do not reflect liberal statist urging for limited government and upright moral men in government offices, nor are they congruent with a merely conservative, antisocialist viewpoint.

135 Ibid., 353.
136 Ibid., 353, 360-61.
Roosevelt also wrote a confidential letter on October 22 to political writer Finley Peter Dunne, detailing the entirety of his involvement with the strike, including his frustration with the coal operators who refused to buckle to presidential pressure. Even when J.P. Morgan had been persuaded by Secretary of War Elihu Root the coal operators still would not negotiate, because, as he argued, “they were backed by a great number of businessmen whose views were limited by the narrow business horizon.”\footnote{Ibid., 362-63.} Even in this private letter, the binary opposition of greedy corporate elites versus the public interest is apparent. It was the stiff-necked coal owners like Baer and their more strident backers that threatened to create a major political and economic disaster, “unable to see the black storm impending.”\footnote{Ibid., 365-66.} It was, therefore, all the more important for Roosevelt to stand up as the defender of the public interest and use his presidential powers to best effect an end to the crisis.

It was the threat of nationalization of the industry, a real possibility as Roosevelt had 10,000 regulars in Pennsylvania that could have gone and run the mines, which resulted in the coal operators finally agreeing to have the strike arbitrated by a commission. Even still, the coal mine owners refused to have two specific members of the commission, one who was familiar with coal operations and another who was a “man of prominence, eminent as a sociologist.”\footnote{The members of the Commission initially included an officer of the Engineer Corps, a mining engineer, a district-court judge from Pennsylvania, “a man of prominence, eminent as a sociologist,” and a man familiar with the coal business’ physical and commercial inner-workings. Roosevelt added a Catholic bishop to the roster in the course of continued negotiations between himself and the operators via his intermediaries J.P. Morgan and Robert Bacon. See Morsion, ed., \textit{Letters, III}, 365.} According to Roosevelt, the issue of personnel eventually resolved itself after hours of back-and-forth conversations, and Mitchell consented to the list of commission members.\footnote{Ibid., 366.} The striking miners returned to work on October 23, 1902.\footnote{Grossman, “The Coal Strike of 1902,” 25.}
As the Commission readied itself for the task ahead, a letter Roosevelt meant for the commission’s members does a good job of capturing the administrative decisions dimension in one small paragraph. Written the same day as the strike ended, Roosevelt addressed the commission by stating that, following the request of both sides of the labor dispute, “I have appointed you a commission to inquire into, consider and pass upon the questions in controversy in connection with the strike in the anthracite region.” It is important to note the word “appointed” here, as it reflects the location of power, not in judicial or legislative action, but in the administrative powers of the presidency.

Although the strike came to a close in 1902, the Anthracite Coal Strike Commission did not reach a settlement until March 1903. The commission’s eventual decision, after months of gathering information from five hundred plus witness, both workers and employers, was to meet the strikers’ demands halfway. The workers asked for a twenty-percent raise and an eight-hour day, the commission decided to give them a ten-percent raise and a nine-hour work day instead of the industry-wide average of ten-hour days. Although the UMW did not attain union recognition from owners like Baer, the creation of the Commission was, according to Grossman, “de facto recognition” for the UMW.

In the interim, Roosevelt continued to assert his belief in expanded federal power to protect the public from harm by “bad” corporations during Second Annual Message to Congress in December 1902. This speech contains elements of the two binary oppositions he often constructed in his rhetoric. Roosevelt began by remarking that the nation currently enjoyed an era of prosperity, arguing that, “Great fortunes have been accumulated, and yet in the aggregate these fortunes are small indeed when compared to the wealth of the people as a whole. The plain

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143 ibid., 26.
144 ibid., 26-27.
people are better off than they ever have been before.” There is, however, a cautionary statement at the end of his praise of the nation’s success as conditions that favored positive growth also encouraged “growth of what was evil.”\textsuperscript{145} He specifically lists “monopolies, unjust discriminations, which prevent or cripple competition, fraudulent overcapitalization and other evils in trust organizations and practices which injuriously affect interstate trade,” as practices that were “unreasonable” restraints of trade and indicative of “bad” trusts.\textsuperscript{146}

Nor could the individual states and their body of laws suffice in controlling the trusts. Only national law, Roosevelt argued, would have the degree of power necessary to adequately protect the public from effects of overcapitalization and the other “evils” he argued were going on in certain trusts. The fact that civilization guaranteed the “inviolability of property” both gave the right for corporations and trusts to exist and for society to implement laws and regulations that would keep potential excesses from harming the “body politic.”\textsuperscript{147}

Just as in the First Annual Message, the Second Annual Message continued to extol the merits of “industrial virtues” like private enterprise and civic virtues. Roosevelt emphatically asserted that his experience as president has convinced him that corporate regulation by national action (i.e. the federal government) was necessary. He claimed that while combinations were perfectly “reasonable” when they helped the American economy expand, there was no violation of the right to property when the government regulated the “exercise of the artificial powers which it confers upon the owners of property.”\textsuperscript{148} His rhetoric in his speeches to Congress are illustrative of his progressive statist views, following consistently with previous calls in other

\textsuperscript{146} Hagedorn, 140.
\textsuperscript{147} Ibid., 141-42.
\textsuperscript{148} Ibid., 141.
speeches for the subordination of private interest to the public interest, especially when the former harmed the latter.

In order to protect the public interest from the evils that might arise from corporations or trusts, Roosevelt urged that Congress must exercise its powers over interstate commerce and trade and pass laws regulating these groups. He was firm in his conviction that, “Congress has constitutional authority to make all laws necessary and proper for executing this power [the power to regulate interstate commerce], and I am satisfied that this power has not been exhausted by any legislation now on the statute-books.”  

His message on capital and labor follows similar parameters, including the need to secure “fair treatment alike for labor and for capital,” the emphasis on the “evil” that is present in both capital and labor organizations, and the argument that “any kind of class animosity in the political world is, if possible, even more wicked, even more destructive to national welfare, than sectional, race, or religious animosity.”

What mattered was the public’s continued success, which was threatened by the upwelling of social unrest in the form of socialism or anti-capitalist philosophy in general. While this binary of public interest versus socialism is important in understanding his ideology, he was not simply an anti-socialist Republican. Instead, the prospect of a socialist uprising served to underscore his argument for reforming the law code and enforcing current legislation.

Historian Susan Tenenbaum’s article, “The Progressive Legacy and the Public Corporation: Entrepreneurship and Public Virtue,” also supports a progressive statist Roosevelt by linking his views to key tenets of Progressive thought regarding corporations.  

The most important tie-in to Theodore Roosevelt’s thinking is Tenenbaum’s description of the public

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149 Ibid., 143.
interest in the mind of a progressive. For Tenenbaum, the industrialization of the 1870s-1900s broke down previous conceptualizations of what constituted the public interest, which she argues shifted from an aggregate of individuals, to an actual collective with both norms and the authority to regulate itself. The picture Tenenbaum describes fits exactly with Roosevelt’s private and public rhetoric concerning corporations and the public interest (that there was a need to protect the public interest by bringing “private morals into the public sphere.”)

The Anthracite Coal Strike and the resulting commission created to arbitrate the negotiations is another example of Roosevelt utilizing his rhetorical talent to construct a binary opposition with himself as the defender of the public interest and the “bad” corporations, the coal mine owners, on the opposing side. Whereas he was driven by the need to protect the “Republic,” the operators were motivated by ambition and abused their wealth and standing within American society. The sequence of events that unfolded between when the strike began and ended reveals the ever increasing amount of coordination and personal investment Roosevelt devoted to trying to end the coal strike before winter set in. From sending investigators to verify claims by UMW strikers, attempting to bring strikers and management together in a conference, and directing the creation of the Anthracite Coal Strike Commission, he set precedents for the future administration of labor relations without recourse to legislation or judicial decision-making.

Roosevelt’s convictions about commerce, labor, capital, and the role of government point to a more progressive statist viewpoint than a liberal statist or conservative one because collective rights (the public interest) played a more important role than individual liberties guaranteed by the Constitution. Certainly Roosevelt’s personal thoughts and public rhetoric

\[151\] Ibid., 310.
\[152\] Ibid., 311.
disavowed socialism and radical reform as the greater evil than the ills of industrialization, corporations, and trusts. The main priorities Roosevelt had, however, were not solely fixated on keeping the social order intact. The efforts of arbitrating the coal operators and coal strikers, the behind-the-scenes work with J.P. Morgan, and Roosevelt’s own frustration at earlier failures to end the crisis point to a bigger picture than societal stability.

The goals Roosevelt had, based on his actions as well as in the evidence provided by dissecting his public and private writings, concerned the well-being of the whole nation (i.e. the public good/public interest). Roosevelt used his constructions of binary oppositions to persuade his audience (whether it was Congress or a crowd of average Americans) that despite the blessings corporations provided, supervision through laws and regulatory agencies was necessary to protect the general welfare of the public. “Reasonable” trusts were “good” and benefitted the public because they added to America’s wealth as a nation. “Unreasonable” trusts were “bad,” and run by businessmen driven by motivations that were potentially harmful enough to end up being classified as actions by “enemies of the State.” Through the examination of Roosevelt and his administration’s participation in trying to end the strike, it is arguable that the rhetorical language he used is more accurately described as progressive statism, rather than the message of an “Old Guard” conservative or liberal statist.
CHAPTER 3
PROTECTING THE “PUBLIC INTEREST” AND PUBLIC HEALTH: ROOSEVELT AS LEGISLATIVE ADVOCATE OF THE PURE FOOD AND DRUG ACT OF 1906

The passage of the 1906 Pure Food and Drug Act marked another dimension in Theodore Roosevelt’s defense of the common good against unreasonable corporate business practices. Although considered by Michael McGerr as being a late arrival in terms of supporting legislation for this matter, Roosevelt did advocate for Congress and the public to support this increased intervention by the federal government into the economic affairs of the United States.153 Continuing in part from the successful prosecution in 1902 of an attempt by the “beef trust” to fix prices and limit competition in the market, the law also had support from middle-class interests regarding the quality of their food and drugs.154 What this act represents is another example of Roosevelt’s progressive statist viewpoint, with the emphasis on the public interest and the need for federal, usually executive, oversight and supervision of commercial activities. This chapter fits within the category of statutory law, as Roosevelt defined his executive role as the public’s “advocate” for legislative action, and the public is defined in this instance as the citizen-consumers of food and medicine.

There were several attempts by Roosevelt and his administration to handle the issue of the “beef trust” prior to the Pure Food and Drug Act. According to McGerr, the fact that

American food, particularly meats, were not high quality was apparently no secret even as early as the Spanish-American War, and the early 1900s did little to assuage those concerns.\textsuperscript{155} Chief of the Bureau of Chemistry in the U.S. Department of Agriculture Harvey W. Wiley and journalist Samuel Hopkins Adams worked hard to expose dangers both in food and marketed drugs.\textsuperscript{156} Men like Wiley and his “poison squads” inspected food and medicine with themselves as willing test subjects. Their exploits garnered much public attention in the major newspapers. For example, on November 30, 1904, \textit{The Washington Times} dedicated an entire page to the subject of food quality and safety, interviewing Wiley and discussing current legislation and the prospects of a pure food bill to come before Congress for debate.\textsuperscript{157} Despite such efforts, national legislation for food and drug safety did not materialize in Roosevelt’s first term.\textsuperscript{158}

According to William Murphey, similar complaints of anti-competitive freight rates and price-fixing agreements that were levelled against railroad trusts like Northern Securities also appeared against the “Big Six” Chicago packing houses.\textsuperscript{159} The complaint reached the circuit court of northern Illinois in May 1902, and Chicago federal circuit court judge Peter. S. Grosscup issued an injunction against the companies mentioned in the petition. The language of the injunction is similar to Progressive ideas about “bad” corporate practices, including accusations of conspiring to use unfair business tactics to hold onto their alleged 60 percent stake of the market for that industry. These practices included secrets meetings to fix prices, making a blacklist of individuals who did not cooperate with the trust, and attempting to “secure less than lawful

\textsuperscript{155} McGerr, \textit{A Fierce Discontent}, 160.
\textsuperscript{156} Ibid., 160-61.
\textsuperscript{158} McGerr, \textit{A Fierce Discontent}, 161.
rates from railroads largely by means of discriminatory rebates.”\textsuperscript{160} All these charges culminated in the judge’s opinion that the trust was engaged in monopolistic activities.

Roosevelt did not immediately turn to legislative action in order to address the problem of the beef trust. He tried to rein in the beef trust through the Bureau of Corporations, founded in February 1903 to gather facts that would inform legislators about trust practices.\textsuperscript{161} While the Bureau of Corporations represented a significant increase in the administrative powers of the federal government (and a key component of Roosevelt’s administrative decisions approach), the information gathered by the Bureau’s officials could by employed in potential antitrust cases, going down the same path of appealing to the existing judicial authority.\textsuperscript{162}

Roosevelt tipped his hand in a speech he gave in Milwaukee, Minnesota, on April 3, 1903, both in terms of broad concepts like government regulation of corporations as well as specific policy stances related to the beef trust. He began by staking out his ideological stance as not being “anti-trust or anti-corporation,” while simultaneously refusing to affirm the infallibility of corporations, as he argued some people did. In a sweeping generalization, he claimed that the majority of Americans were not against the accumulation of wealth or corporations, but “on the contrary, recognize them as being in many cases efficient economic instruments, the results of an inevitable process of economic evolution.”\textsuperscript{163} What was most important to Roosevelt, as is indicative of his progressive statist views, is his emphasis on the need to see corporations

\textsuperscript{160} Hans B. Thorelli, \textit{The Federal Antitrust Policy}, 475.
\textsuperscript{161} Murphey, “Theodore Roosevelt and the Bureau of Corporations,” 74.
“regulated and controlled so far as may be necessary,” to benefit the public good.\textsuperscript{164} The public in the case of the beef trust were those who purchased and consumed meat from the packers, as well the smaller meat product businesses that felt marginalized by the “Big Six.”

Pursuing the well-being of the nation, Roosevelt definitively opposed those he considered were overly radical and “demagogic,” people who would attack the very pillars of what made America great, rather than embrace the remedies that would better correct the “evils” caused by rapid industrialization.\textsuperscript{165} He paid special attention to the injunction against the beef trust later in the speech, when he discussed his support for the actions of Attorney General Knox. Citing overlap in the Northern Securities antitrust case and the beef trust via evidence of “secret rebates enjoyed by the great packing house companies, coupled with the very high price of meats.”\textsuperscript{166}

What merits attention from this speech are the binary oppositions that Roosevelt created for his audience. First, he positioned his argument in between two competitive camps, anti-corporate on the one hand, and anti-public on the other. The second category was the more contentious of the two, as his rhetoric assumed a sense of commonality with American values that he denied to his political opponents in both camps. For example, those who did not agree to his reform program and advocated more immediate, drastic change were clearly not working for the best interest of the American public. By contrast, those that agreed with Roosevelt and his policies were in line with American political ideals, because they understood that through government supervision and enforcement of antitrust legislation against violations of the “public interest,” America would continue to prosper economically and politically.

Secondly, his criticism of those individuals that viewed corporations incapable of wrongdoing established another binary opposition of “bad” and “good” citizenship. Arguing that

\textsuperscript{165} Ibid., 273-74.
\textsuperscript{166} Ibid., 282.
America would betray its core tenets if “we discriminated, either by legislation or administration, either for or against a man because of his wealth or poverty.” Furthermore, as much as it was true that American society did not associate with radicals and anti-property sentiments, there was no spot for wealthy magnates who used their riches to heap abuses on their neighbors. \(^{167}\) This feeling of checking the excesses of wealth, rather than wealth itself, is a staple rhetorical frame that appeared frequently during Roosevelt’s presidency. What makes the Milwaukee speech distinct in using this rhetorical framing device is the affirmation of legislative victories, including references to the legislation that created the Department of Commerce and the Bureau of Corporations.\(^ {168}\) The Bureau of Corporations and the Department of Commerce did not exist in 1901, partly because there was little support in Congress to pass antitrust legislation. Other methods like working with the preexisting statutes, the judiciary system, and the executive appointed commissions like the Anthracite Coal Strike Commission ended up filling the role in place of legislative action. By 1903, however, important legislative steps were becoming a possibility, one that might open the doors to more comprehensive reforms.

While the option for additional antitrust statues lay outside the realm of possibility, Roosevelt did not keep silent about his desire for reform legislation. A crucial ideological piece that feeds into the rhetoric was his self-conceptualization as a “representative of the people.” Referring back to a speech he gave in Cincinnati in 1902, Roosevelt restated his commitment to legislation. As chief executive, he argued tirelessly for the enforcement of the law, regardless of socio-economic status, with the now familiar refrain that such service was rendered only when

\(^{167}\) Ibid., 273.

\(^{168}\) Ibid., 276-77.
the citizenry remained faithful to their “duty to the Republic.” That obligation to the nation over private interests when the two conflicted is central to a progressive statist perspective.

When claims from consumers and cattle raisers arose in March 1904 that the major packers were stilled engaged in anti-competitive measures, Congress passed a resolution from the House Committee on Foreign and Interstate Commerce and delegated authority to the Bureau of Corporations to investigate further. Commissioner James R. Garfield, head of the Bureau of Corporations, and President of the Central Trust Company George G. Dawes represented an attempt by the Roosevelt administration to supervise the beef trust via investigations by the Bureau into the meatpacking industry’s conditions. This approach was the result of Roosevelt’s desire articulated in his First Annual Message to Congress, calling for government supervision of large-scale businesses through accumulation and dissemination of data, so that the general public would be better informed. However, the release of such reports was based on presidential approval, and in Murphey’s estimation, it was more the threat of publishing these reports that was meant to keep the packers honest.

Unfortunately, this system of informal government oversight began to break down as packers began to cooperate less and less with the Bureau. Even as early as March, 1904, Roosevelt wrote to U.S. Attorney General Philander C. Knox, requesting advice on what to do about the beef trust. The essential phrase he used that makes this missive noteworthy is his reasoning that the people, in other words “the public” of citizen-consumers, should be informed.

169 Ibid., 286.
170 Ibid., 86-87.
171 Ibid., 88.
172 The proposed legislation mentioned in the 1902 Message was the same legislation that led to the creation of the Bureau of Corporations, the course recommended by Jenks and the U.S. Industrial Commission in its report on trusts.
173 Ibid., 88-89.
Roosevelt also wrote to railroad executive E.H. Harriman of the Union Pacific, responding to Harriman’s disapproval of his mention of the Interstate Commerce Commission in his Annual Message to Congress. In addition to stating in his letter that he would not back down on his recommendation to augment the ICC for further government supervision of the railroads, Roosevelt remarks that “certain revelations connected with the investigation of the beef trust caused me to write the paragraph in question.”

What these letters reveal is the complex nature of the reform programs that Roosevelt was trying to promote. While working with men like Knox and Garfield on how best to deal with the meat packers, he was also pushing for railway rebate legislation under the Hepburn Railroad Bill, and much of the rhetorical language used to justify his actions with the railroads overlaps with his critique of the beef trust.

By January 1905, public pressure convinced Roosevelt to release the reports for use in the ongoing antitrust case against the packers. According to a letter written on January 9, 1905 to William Henry Moody, the government’s representative in the suit, Roosevelt seemed quite pleased with the prospects of a successful outcome. Moody made a strong impression upon the federal judge overseeing the proceedings with his oratory skills and “intense sincerity.” The packers’ case appeal to the Supreme Court, Swift & Co. v. United States, resulted in the court deciding in favor of the government, on the grounds that the packers were engaged in combination with the intent of restricting competition.

In the process of presenting the government’s evidence, however, details of Garfield’s report resulted in the souring of public opinion against Garfield and the Bureau of Corporations. In addition to appearing to give the “beef trust” a pass by downplaying the trust’s market share and other dubious business practices, the report resulted in Judge J. Otis Humphrey to dismiss...

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176 Ibid., 1096-97.
the federal indictment against some of the indicted packers, stating that the government’s case rested in large part on Bureau reports. Allegations of price-fixing, one of the injunctions charges against the trust, could not be used against the defendants because such reports were self-incriminating in nature.\textsuperscript{177}

A speech that helps clarify the exact nature of the problem, as Roosevelt saw it, was a message he later sent to both Houses of Congress on April 18, 1906. He refuted accusations that Garfield had promised immunity from prosecution to the meatpackers in exchange for cooperating with inspectors from the Bureau of Corporations. In this message, he expressed his desire for Congress, “to enact a law declaring the true construction of the existing legislation so far as it affects immunity.”\textsuperscript{178} Roosevelt wanted an additional regulatory statute in order to make the legal language more apparent.\textsuperscript{179} The current legal statutes in place, as he saw it, were predicated on the admirable understanding that, “the danger was lest the accused should not have his rights adequately preserved.”\textsuperscript{180} But now, he argued, the current situation facing the nation now provided that very same protection to the beef trust, despite the fact that the cases “offered one of the very few instances where there was not only moral certainty that the accused men were guilty,” but also physical evidence pointing to their guilt.\textsuperscript{181} What was at issue, in essence, was not that the government had no control over the meatpacking industry, but rather that the Bureau of Corporations needed more clearly stated, national-level in scope statutory laws to best

\textsuperscript{177} McGerr, \textit{A Fierce Discontent}, 162; and Murphey, “Theodore Roosevelt and the Bureau of Corporations,” 91. The number of companies eventually prosecuted reduced from six to four, according to Murphey. The court believed from the outset that the beef trust was a combination with the intent of excluding competition. What was at dispute was the wording of the circuit –court injunction, especially the phrase “or by any other device.” The phrase referred to what constituted a violation of the “restraint of trade” clause of the Sherman Antitrust Act. Holmes felt it was unreasonable to have the injunction so broadly worded that it would allow for “criminal” prosecution of even the smallest infraction. See Thorelli, \textit{The Federal Antitrust Policy}, 475- 77; Murphey, “Theodore Roosevelt and the Bureau,” 90-91; and McGerr, \textit{A Fierce Discontent}, 161-62.


\textsuperscript{179} \textit{Ibid.}, 729.

\textsuperscript{180} \textit{Ibid.}, 727.

\textsuperscript{181} \textit{Ibid.}, 728.
carry out their intended role.\textsuperscript{182} If the beef trust members could use legal loopholes like self-incrimination, supported by judges like Humphrey, to avoid prosecution even when there was substantial proof of their engagement in illegal activities, how could the federal government fulfill its obligation to protect the public from deleterious business practices in the meat-packing industry?

By March, in response of accusations within and outside of the Bureau that Garfield’s findings related to the beef trust failed to address the concerns that he had been sent to investigate, Roosevelt wrote to Garfield, giving instructions that the report be re-released in full to the wider public.\textsuperscript{183} Another letter written April 14, 1905, reiterated Roosevelt’s concern for clarification to the public of his administration’s intentions, asking Garfield to seek out individuals knowledgeable of the beef trust’s practices. While in Colorado Springs, Colorado, Roosevelt had met with people in the beef industry there who did not think the government investigators’ efforts were going to do much, pointing out their lack of knowledge on the subject.\textsuperscript{184}

\textit{Swift & Co. v. United States} may have been a victory for federal oversight of interstate commerce, but themes of government supervision of corporate practices continued to be present in Roosevelt’s speeches. In Chicago on May 10, 1905, he spoke at a banquet for the Iroquois Club, presenting a point and counter-point style argument concerning what termed the “question of organized capital.” He asserted that the original laws put in place during the nation’s founding did not account for, let alone adequately address, the current phenomenon of the “modern

\textsuperscript{182} Roosevelt also knew of the issues regarding funding for such inspections. His future advocacy for the Meat Inspection Act of 1906 illustrates this concern, as he argued that the current Department of Agriculture could have inspectors cover all the meat-packing plants, due to, “an inadequate appropriation.” Therefore, any new legislation on this subject had to have a mechanism to provide proper funds. See Roosevelt, \textit{Presidential Addresses, Vol. V}, 773-74.

\textsuperscript{183} Murphey, “Theodore Roosevelt and the Bureau of Corporations,” 90-91.

corporation.” It was after this statement that he argued that the nation could ill afford committing an injustice against “any man, rich or poor.” This affirmation also held for the great “captains of industry,” because of the large-scale damage those companies would do to the economy and the “general public.”

The next bit of information in the speech, however, is where the rhetoric of binary oppositions comes into play again. Roosevelt explained that despite the benefits corporations brought to America; it was time for the State, the Federal government, to have “an effective power of supervision and regulation over them in the interests of the public.” The Iroquois Club speech is another example of a binary opposition of “reasonable” and “unreasonable” government practice when dealing with corporations. It was unreasonable for the government to get rid of corporations, something now so integral to the United States’ growing industrial and economic might. It was reasonable, however, that since the original laws governing the nation were not equipped to deal with the possibility of big business, for the federal government to step in and make the necessary changes to safeguard the general public’s welfare.

For Roosevelt, the current body of legislation at the state level in America would not have the requisite power to protect the common good from the abuses of great wealth. The regulatory power that he wanted for the federal government was to be exercised only for the public good. Even though critics might point out the possibility of abuse of such power, that criticism alone was not valid enough grounds to deny the government the authority he felt it needed to effectively counteract “bad” corporate practices, ones that placed the corporation at cross purposes to the general prosperity of the public. Although he does specifically mention his

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186 Ibid., 369.
187 Ibid., 370.
188 Ibid., 370-71.
opposition to unfair railway rates, and the need for the executive branch to have power to maintain a fixed maximum rate, his rhetoric is quite similar to his speeches more directly related to discussions of the beef trust.

Concepts such as idealism and its relation to politics also appeared in Roosevelt’s speeches, as it did during a visit to Williams College in Williamstown, Massachusetts, on June 22, 1905. Speaking to the president and students of the college, he presented his argument concerning “idealism in politics.” One of the previous speakers remarked that when one mentioned ideals, the conversation soon became one of associating ideals with impracticality.\[189\] He stated that while he considered both important, if one must choose, he would prefer the audience have “high and fantastic ideals” rather than “low and practical ones.” The reason was because low and practical ideals were bad for the public interest, whereas high ideals, “are merely of no earthly consequence.”\[190\] One paragraph later Roosevelt clarified his meaning by explaining that he wanted his listeners to have high ideals, but ones that could be lived out, not impossible standards that benefitted no one.\[191\]

Complementing this concept of high, but useful, ideals was his belief in government supervision of corporations. As if to demonstrate his convictions about ideals that are noble and yet concrete ideals, he explained that past assumptions that the corporations could be removed from America’s economic system were incorrect, and that the best way forward was to oversee corporate activities at the national level, as local and state governments were not capable of regulating large-scale businesses.\[192\] Roosevelt’s expressed views in this address constitute a coherent philosophy of progressive statism, emphasizing the public interest as the central focus

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\[190\] Ibid., 399.

\[191\] Ibid., 399-400.

\[192\] Ibid., 405-6.
of the government’s efforts, as well as insisting on the need for the federal government to be the principal level of government involved in executing reforms in the name of the public good.

At Chautauqua, New York, on August 11, 1905, Roosevelt spoke on both foreign and domestic affairs facing the nation. After speaking for some time on the issue of the Monroe Doctrine and relations with Caribbean states like Santo Domingo, he turned his attention to his stance on government regulation of corporations. The significance of this speech lies in the different tone that he described the “great corporations.” He firmly believed that although the majority of corporations dutifully fulfilled the requirements laid out to them by law, “some corporations, and very wealthy ones at that, exhaust every effort which can be suggested by the highest ability, or secured by the most lavish expenditure of money, to defeat the purposes of the laws on the statute books.” Such circumstances harmed the general welfare, and indirectly harmed themselves by stirring up mistrust and dissent against them in the rest of the public.

Roosevelt continued by arguing that the consolidations of such businesses into trusts resulted in unnatural restraints of trade, giving rise to “artificial monopolies.” Pointing to the case of the beef packers in Chicago, he claimed that up to now, the government had exercised forbearance when it came to enforcing charges against violations of antitrust law, but now concluded it would be impossible to continue that policy. If current laws did not prove to be adequate, additional legislation would be necessary, due to the intransigence of the corporate owners. Roosevelt neatly encapsulates the essence of his argument by stating, “I believe that

193 Ibid., 448-49.
194 Ibid., 449.
195 Ibid., 449-50.
196 Ibid., 450.
all corporations engaged in interstate commerce should be under the supervision of the National Government.”

What is distinct about this speech from the others Roosevelt made is the binary opposition of “good” and “bad” as it pertained to corporations. The corporations that obeyed the antitrust statues already on the books were “good” combinations. However, Roosevelt put the blame of the current societal problems regarding trusts squarely on the shoulders of the “bad” corporations. It was not the fault of the legislators who made the laws, nor the politicians who approved them, nor the public whose votes helped place the members of Congress in power. Instead, it was consolidations like the beef trust that were at fault, because they rejected the current statutes and decided to run their affairs as they saw fit, without regard to the consequences for the public. Roosevelt’s binary of “good” and “bad” trusts is consistently in line with his progressive statist views, and this speech presented at Chautauqua, New York concisely demonstrates his political perspective.

On December 5, 1905, Roosevelt reinforced previous rhetoric with more direct appeals for Congressional action in his Fifth Annual Message. His beginning was quite positive, affirming the narrative of American prosperity, the emphasis on associating the opportunity for private enterprise to succeed with better economic conditions, and reaffirmation that even the wage earners, although unequally perhaps, still benefitted from the American economic system. There he shifts from solidarity building language to recognizing the fact that some fortunes had grown to such proportions that is was now, “a matter of necessity to give the

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197 Ibid., 451.
sovereign—that is, to the government, which represents the people as a whole—some effective power of supervision over their corporate use.”

Dismissing any counter-arguments of being against all combinations, he went on to justify his call for legislative action under the Constitution’s provision for the federal government to regulate interstate commerce. He placed a high priority on the question of “proper industrial conditions,” that would govern individual and corporate interstate commerce, stressing his belief that Congress had the power and responsibility to pass laws to deal with such issues.

What also highlights the progressive statist ideology is his view of where the authority to regulate corporate behavior should rest, in the “National Government.” Only it had the ability to reach across all the states, in a manner that is “coextensive with the field of work of the corporations.”

The current situation of little regulation at the state level resulted in the unsatisfactory conditions where corporations “occupy the position of subjects without a sovereign,” with no effective laws at the state or national level to supervise their interstate business.

Roosevelt’s call for legislation to help protect the public interest represents another binary opposition of what he considered “reasonable” and “unreasonable” and echoes his opinions that he proclaimed at the Iroquois Club banquet back in May 1905. No matter what, the public had to be protected, and as the executive and chief public advocate, Roosevelt and the federal government would take the necessary steps, even a Constitutional amendment, to grant authority as “sovereign” over interstate corporate business.

Towards the end of the speech, Roosevelt made a clear recommendation for a “law to be enacted to regulate interstate commerce

199 Hagedorn, State Papers as Governor and President, XV, 271.
200 Ibid., 272.
201 Ibid., 272-73.
202 Ibid., 273.
203 Ibid., 273-74.
in misbranded and adulterated foods, drinks, and drugs.” The law would, he argued, protect both “legitimate” manufacturers and the public’s health. By late 1905, Roosevelt could make such bold assertions, as he had a broad political base in favor of reform. In addition to physicians, women’s groups, and government officials, he could rely on votes of confidence from those living in the West, who disliked the presence of what they felt were foreign companies from the Midwest and the East. Some corporate businessmen also viewed federal oversight as a potential good, capable of reducing market instability and potentially making the business too expensive for new competitors.

The public cry for reform only increased in the wake of famous writer Upton Sinclair’s work, *The Jungle*, which drew attention to the inadequate quality of meat products produced in the Chicago slaughterhouses. The work gained the attention of the public, and calls for reform to deal with food safety issues renewed once again. On April 7, 1906, the *Chicago Eagle* made accusations, in no uncertain terms, that the “beef trust must go.” The language also presented a list of small businesses “swallowed up by this awful leviathan,” inquiring, “how much longer will the people stand it?” Lincoln, Nebraska’s newspaper, *The Commoner*, put it equally adamant terms, with the eye-catching title of “How the Beef Trust Has Poisoned Peoples' Food.”

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204 Ibid., 326.
207 Ibid., 436.
209 Ibid.,
After reading *The Jungle*, Roosevelt sent his own investigators to verify the claims Sinclair made in his work about the meatpacking industry.\(^{211}\) He was by no means fond of Sinclair’s socialist views. In a speech to the Gridiron Club on March 17, 1906, he alluded to men like Sinclair as a man with a muck rake, inciting the public in a way that was harmful to the well-being of the nation’s general welfare.\(^ {212}\) The term “muckraker” soon became associated with investigative journalists and writers, leading prominent journalist Ray Stannard Baker to write Roosevelt and to complain of the negative connotations implied by his rhetoric. The situation following Gridiron speech left Roosevelt frustrated by his perception that he had been misunderstood again by the press, and desired to have the speech reported in full, since the club had a traditional confidentiality agreement with its speakers.\(^ {213}\)

On April 14, 1906, Roosevelt spoke at a building ceremony for the laying of the cornerstone for the office building for the House of Representatives. In this speech, the comments made at the Gridiron Club reappear in the opening passages. Referring to John Bunyan’s “Pilgrim’s Progress,” he strongly associated the “Man with the Muck-rake” in the work with writers, journalists, and authors, who refused “to see aught that is lofty, and fixes his eyes with solemn intentness only on that which is vile and debasing.”\(^ {214}\) Roosevelt admitted that there were certain times when the proverbial floor needed to be cleaned, but outright condemned the practice when careers were built off of such press.\(^ {215}\) He also created a new binary where on the one extreme, an individual could overly endorse a person to the point of whitewashing “bad”

\(^{211}\) McGerr, *A Fierce Discontent*, 162.
\(^{213}\) Ibid., 440.
corporate activities, and the other end of the spectrum one could denounce corporations to the point of causing greater harm than good.²¹⁶

“Good” citizenship entailed the understanding that incessant accusations of the system and those suspected of abusing it were not in line with American political values. Those that either could not or would not understand that were examples of “bad” citizenship, as their writings and language imperiled the American body politic.²¹⁷ The familiar refrain to which Roosevelt returned was the need for reform at a “steady, continuous growth,” rather than in the form of “violent emotionalism.”²¹⁸ What would best serve the public would be the exercise of federal power in a supervisory capacity over corporations that were involved in interstate commerce, by means of legislation.²¹⁹ Once again, the president served as the public’s advocate for legislative action, as opposed to being the public’s prosecutor or as an agent arbitrating a labor dispute.

While publicity regarding food and drug safety helped gain support for additional antitrust legislation for the meatpacking industry, there were opponents to a national-level law. Opposed to Roosevelt’s broader agenda were politicians like Republican Senator Nelson W. Aldrich, identified by Edmund Morris as the leadership for the conservative faction of the Republican Party.²²⁰ Industrialists like George F. Baer also played a role, networking with government officials like Chairman of the Senate Committee on Interstate Commerce, Senator B. Elkins. South Carolina’s Benjamin Tillman was also no friend of Roosevelt’s, criticizing the president’s political successes in a speech on the Senate floor, dismissing them as merely the

²¹⁶ Ibid., 713-14.
²¹⁷ Ibid., 718-19.
²¹⁸ Ibid., 720.
²¹⁹ Ibid., 721.
²²⁰ Morris, Theodore Rex, 427.
result of good press. He also railed against his fellow senators for their acquiescence to the situation.221

Despite the vocal opinions of the president’s detractors, the Pure Food Bill passed the Senate on February 21 with 63 yeas, 4 nays, and one abstaining vote. What was more surprising was that the abstaining vote was Senator Aldrich, in spite of his investment in the food industry.222 As it turned out two days later, Aldrich had made an intelligent political move by backing off the food bill and instead going after the Hepburn Railroad Bill. Aldrich recommended Tillman to be the “friend of the measure,” a recommendation approved by the committee after being stuck in a political impasse. When it came to the Senate floor on February 28 for debate, Tillman’s extreme states’ rights views undercut Roosevelt’s desire for national railway reform.223

While debate over railway legislation continued, Roosevelt sent a message to both the House and the Senate on June 4, 1906. It pertained to a report his investigators sent him regarding the sanitary state of the Chicago slaughterhouses. Their findings seemed to confirm what Sinclair wrote about the conditions in the stockyards, and by Roosevelt’s estimation the situation needed immediate attention from Congress.224 The gentlemen mentioned in the message, James Bronson Reynolds and Commissioner Charles P. Neill, were the investigators sent to verify Sinclair’s claims about the Chicago meatpacking industry. Their investigation started after a preliminary inspection from the Bureau of Animal Industry of the Department of Agriculture revealed the need for a more thorough examination that was not provided for by

221 Ibid., 430.
222 Ibid., 437-38.
223 Ibid., 438-39.
existing law. \(^{225}\) Conditions in the packing houses were nothing short of alarming for Roosevelt, as food was not being handled and prepared cleanly, posing a great danger to public health. \(^{226}\)

Moreover, the laws currently in effect did not provide for enough funding to get inspectors out to all the businesses and no provisions were in place to forbid the shipment of spoiled meat across state lines. \(^{227}\) To safeguard against a major potential health issue, Roosevelt recommended that Congress create a law to enable inspectors to supervise the entire production process of meat products in the packing industry. Reiterating that the investigation was still ongoing, and potential abuses like the injecting of tainted meat with dyes and preservatives in order to market otherwise unsellable meat had yet to be determined, the current legal circumstances had no way of prosecuting such actions, “if they should be discovered to exist.” \(^{228}\) Because of the gaps in the law code, it was all the more important to get the legislation approved, since failure to do so would render vain the efforts of inspectors like Reynolds and Neill. \(^{229}\)

The message is the clearest example of two recurring themes throughout his political struggle for government control over the packinghouses. First, Roosevelt defined his role as executive and the welfare of the citizen-consumers of America, in this health safety crisis, constituted the “public interest.” Roosevelt in this appeal was the public’s advocate to Congress for legislative action, in order to protect consumers of meat products. Secondly, there is a clear binary opposition of “reasonable” and “unreasonable” regarding the state of current meatpacking practices. The degree of unsanitary conditions in the Chicago stockyards was simply not acceptable, and neither was the fact that these businesses were able to profit from expired meat

\(^{225}\) Ibid., 772-73.
\(^{226}\) Ibid., 773.
\(^{227}\) Ibid., 773-74.
\(^{228}\) Ibid., 774-75.
\(^{229}\) Ibid., 775.
sold to the general public across state lines, but were not allowed to sell such goods overseas. What would be “reasonable” would be to expand the federal government’s power to appropriate funds for more officials to inspect more meatpacking businesses, and to inspect each company in all the stages of production.

The Pure Food Bill eventually passed the House and ended up on the president’s desk on June 30, 1906. The bill gave authority to the Secretary of Agriculture to impose fines and imprisonment on producers caught selling mislabeled or impure goods in the market. In conjunction with the Pure Food and Drug Act was another bill, the Meat Inspection Act, which empowered government officials from the Department of Agriculture to inspect packinghouses and to prevent unhealthy meat from leaving the premises. Progressive ideals were core components of the language employed in the drafting of the act, reflecting the national dimension of the act’s intended jurisdiction, rather than a regional or local level. Although not a perfect realization of Roosevelt and fellow progressive reformers’ aims, the laws did augment the ability of the federal government to prosecute violations of currently established statutes, as well as bolster public confidence in their quality of food and medicine.

When examining Theodore Roosevelt’s speeches and letters via the lens of rhetorical analysis, there emerges a more accurate depiction of the political motivations behind the claims, promises, and warnings that he made to the supporters and opponents of reform during his presidency. The 1906 laws represent just one of three important chapters in his administration, an

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230 Ibid., 774.
231 McGerr, A Fierce Discontent, 162-63. A caveat that deserves mentioning is the fact that the service of inspecting the meat was borne by the United States government, as per the demands by the packers prior to the bill’s passage. However, the wording of the law appears to contradict McGerr, stipulating that the packers were responsible for the inspection fees. In addition, Mowry, Blum, Rego, and Morris do not mention what the language or concessions that McGerr describes the packers winning from the bill’s creator, Indiana Senator Albert J. Beveridge. It is likely that future revisions of the bill prior to or after its passage may account for the discrepancy. See also U.S. Food and Drug Administration, “Federal Meat Inspection Act, Title 21, Chapter 12, Subchapter 5, item 694,” http://www.fda.gov/RegulatoryInformation/Legislation/ucm148693.htm, (accessed February 27, 2016).
event that helpful more clearly understand the origins, significance, and implications of his words and actions. Rather than consider him to be merely a president bent on stamping out socialism and preserving public order, or an executive devoting his energies to promoting a liberal statist perspective, Roosevelt is arguably better described as a progressive statist. His rhetoric championed the “public interest” when it conflicted with private interests, expressed a desire to see the federal government empowered to tackle the “bad” corporate practices he viewed as contradictory to the general welfare of the nation, and created binary oppositions that portrayed his political detractors as antithetical to American values and the public’s well-being.

The political philosophy to which Roosevelt adhered was distinct from liberal statist and conservative ones based on the focus of attention. A liberal statist, like the reformers of the Gilded Age, concerned about rights of the individual, might claim that the problems of society were the result of corruption the government’s ranks. Political rhetoric and energies focused on the government, rather than on business or society, as the source of the country’s issues. A conservative, on the other hand, might argue that agitators like foreigners, disgruntled wage-laborers, and socialists were trying to undermine the natural order of the economy and the nation. The remedy was to have the government intervene on their behalf, as men like coal magnate George Baer demanded in 1902, focusing on the individual protestor rather than on the government or themselves.

Though elements of both political traditions overlapped with Roosevelt’s ideology, neither viewpoint fully explains his words or actions. Based on his speeches, addresses, and personal correspondence, it is more accurate to categorize him as a progressive statist. He embraced the concept of the public and their prioritization over individual liberties when the two were at cross-purposes, an important tenet of progressive thought, and was quite adamant on
expanding federal power, especially the presidency’s authority, to supervise and regulate corporations for the benefit of the public. In Roosevelt’s case, the focus of attention is on the corporations, rather than on any one individual citizen or the government.

As an “advocate” of legislative action to protect consumers of food and medicine from tainted products, Roosevelt desired the intervention and expansion of federal power. His approach to the broad legal category of statutory law was markedly different from “Old Guard” conservatives in the Republican Party, and also distinct from the liberal reformers of the Gilded Age. Although his rhetoric was part of a larger body of progressive thought at the turn of the twentieth century, Roosevelt’s position as president lent the cause of progressive reformers additional weight, authority, and recognition that contributed to the creation of laws, lawsuits, and administrative bodies meant to correct the ills of unmitigated capitalism and industrialization. His presidency represents an important change in the relations between corporations and the federal government: it bound the image of the president and the concept of the “representative of the people” closer together.
CONCLUSION

Understanding Roosevelt and his rhetoric from beyond a merely conservative or liberal statist viewpoint is crucial when examining both his administration’s actions and the intersection his conceptualizations of the public good and his role as executive. He did not align with the Republican Party establishment and protect the interests of managers and investors, intervening primarily at the behest of the magnates when labor disputes occurred. His letters and speeches repeatedly set him at odds with corporate interests of men like J.P. Morgan, James Hill, George Baer, and the members of the Chicago beef trust. What was good for the corporations did not necessarily imply a good outcome for the public. In this respect, it is hard to imagine Roosevelt being the kind of statesman who would serve the private “interests” without regard for the public good.

His anti-socialist rhetoric, while important, does not imply a reduction of all his political views to the servitude of Northern Securities or the coal operators of Pennsylvania. The arguments employed against socialism were in defense of the public interest, as the “victory” of such views meant the dissolution of what Roosevelt considered to be quintessential American values. Therefore, he opposed socialists on the grounds that they were too bound up in overthrowing the entire American system, and, because of that, were discredited as charlatans and “enemies of the Republic.” Attempting to dismiss his rhetoric as little more than the concessions of a conservative afraid of socialism appealing to the masses oversimplifies a complex historical figure to the point where important nuances are lost. If Roosevelt was just a
McKinleyite who did things only slightly differently than his predecessor, why did “Old Guard” conservatives oppose him, or feel the need to have Roosevelt promise to uphold the legacy of McKinley’s administration? While it is possible that such dissent within a political party in power could explain some aspects of their reluctance to support his policies, it does not provide a completely satisfying answer.

In addition to not being merely a conservative, Roosevelt was also not the embodiment of liberal statism, expressing the need to defend individual rights under the auspices of federal protection, as some strands of classical liberalism of the period would have advocated. Much as Chessman, Mowry, and Rego correctly pinpoint Roosevelt’s desire to augment federal power, it is the beneficiary of that accumulation of new powers that their analyses do not accurately describe. Despite his praise of individual enterprise, honesty, and upright and moral behavior that went hand-in-glove with financial success, the individual was rarely, if ever, the focus of Roosevelt’s speeches.

His rhetoric also did not emphasize the need to protect rights guaranteed under the Constitution, an important aspect that would have been present if he had more liberal tendencies. Appeals concerning the freedoms inherent to any individual American citizen are not a major element of his rhetoric. Civic virtue, and the connection between true American prosperity and the virtue of its citizenry, however, does show up time and again, reinforcing other rhetorical techniques that he used to promote his vision for America.

Finally, the issue of states’ rights versus federal rights was not up for debate when Roosevelt took the podium. It was the federal government, and over time increasingly the executive branch, that had the power and ability, and therefore obligation, to supervise and regulate corporate action. When the Constitution was cited in his speeches, it was to underline
the precedence of his actions and policies. State governments had neither the jurisdiction nor the power to regulate something as large as the large-scale businesses like Northern Securities, the coal operators, or the “beef trust.” He therefore consistently argued against allowing antitrust legislation to remain to conform to a state-level model. The Constitution’s Interstate Commerce Clause granted the federal government the right to expand its influence over corporate practices, and had the capacity to devise a coherent body of laws that would be applied across all the states.

The political philosophy that Roosevelt endorsed, therefore, is the confluence of progressivism and statist ideals. The progressive language involves the principle of subordinating corporate and individual interest to the greater good when the two conflicted, and is the bedrock of so many of his speeches, letters, and political stances that he took while in office. When questioned by political opponents or the press, Roosevelt consistently privileged the need to protect the “public interest” from the deleterious effects of certain corporate leaders, who were more concerned with making a profit than the obligations they owed to the public good.

Public morality played an important support role in Roosevelt’s public interest rhetoric, as it consistently was one of his key opening statements he would make in his speeches, whether before Congress during an Annual Message or while giving a speech to a local audience in Boston or Bangor. He endorsed the concept of “industrial virtues,” and like his fellow politicians of the late-nineteenth/early-twentieth century, he associated economic success with good morals. His support of that idea, however, was modified to include an important proviso. That caveat was that while good, moral citizens would succeed financially because they had virtues like hard work and honesty, corporations that were “bad” used “unreasonable” or unethical business practices and had amassed great riches and influence because of it. This perspective continually
appears in his private and public utterances, and he used that rhetoric to frame his proposed solutions to the current economic and social problems of his day.

Roosevelt’s statist views are also quite apparent in his oratory. The problems facing the nation were not within the bounds of the private, local, or even state-level reform efforts. Previous experience with the difficulty of enforcing the Sherman Antitrust Act of 1890 convinced him that additional regulatory powers were required. Moreover, the power was to be in the hands of the federal government, and specifically in the office of the presidency. Expanding federal power was not self-aggrandizement, he argued, but the necessary development of standing legislation, all in the name of the “public good.” Whether rhetorically sparring with railroad trust executives, coal operators, or corporate meatpackers, there was a recurring call for increased federal authority over areas such as finance, labor, and public health and safety in his rhetoric.

Both historiographical traditions are still worthwhile contributions to the larger body of historical knowledge concerning Roosevelt, his administration, and the wider narrative surrounding the Progressive Era. Where both the liberal statist versus conservative schools of thought are incomplete, however, is when they go for broad biographies, comparative studies with other presidents like Woodrow Wilson, or try to incorporate him within larger political movements, the works lose important subtleties. In order to transcend this debate, without discounting the value of previous scholarly work, this analysis made Roosevelt’s rhetoric the defining point of focus. By zeroing in on the words he crafted and the way he arranged them to persuade his listeners, historians can obtain a more precise description of his ideology. Based on the analysis of his letters and speeches, Roosevelt was a “progressive statist,” committed to
expanding federal authority over interstate commerce and corporations in order to regulate them for the benefit of the American people.

Roosevelt had a consistent message while in office, time and again shaping the discourse in such a manner that appealed to reform-minded individuals and made his opponents out to be at best misguided, at worst a serious danger to the stability and well-being of the public. He constructed binary oppositions of “reasonable” versus “unreasonable,” “defender” of the public interest versus narrow-minded and profit hungry corporate businessmen, and linked the moral (emotional) with the rational (policy) through his construction of the “good” and “bad” trusts. Accusations of being anti-property during the Northern Securities lawsuit were countered by his affirmations of the inviolable nature of property, as well as repeated positive references to the “virtues” of honesty, private enterprise, and diligence.

Much of what Roosevelt said parallels Freeden’s description of effective rhetoric, where the rhetorician employed techniques that would effectively communicate his or her message to the masses as well as to intellectuals. He not only used straightforward language in his addresses to the general public, he also drew on the emotions of his audience and linked them with the policy debates of the period. Lauding prosperity, property, and the values by which American had become quite wealthy, he pulled on both the hopes and fears of his audience as he constructed his binary oppositions. Roosevelt and like-minded activists stood with the public interest as its defenders, in opposition to the ideologies of socialism on the one hand and the rule of the “bad” trusts on the other. What America needed, he argued, was not an abolition of private enterprise or the acquiescence to the current status quo that the nation was experiencing. He did not call for the resignation or removal of government officials, to be replaced by “moral men.” What would ensure that the public interest was properly protected from harm would be the
extension of federal supervision and authority over matters concerning interstate commerce. Roosevelt’s appeal to constitutional precedents in order to justify new, expansive policies is a strong example of what Freedan describes in his work as effective rhetoric, as it combines both the moral (emotion) with more concrete “facts” (policy) to produce compelling persuasive speech.

The appeals he made in the beginning years were directed at garnering public support, as the Republican Party leaders greatly circumscribed his influence within the party with their refusal to go along with his reforms. His letters during the coal strike in 1902 also clearly show a president wrestling with the political realities of his time, seeing the need for greater federal authority over commercial activity but frustrated by the action of corporate leaders and advised against rash action by men like Attorney General Knox. Nevertheless, asking for advice from influential people like former president Grover Cleveland, and having people like Senator Hanna and Secretary of War Elihu Root work behind the scenes with corporate magnates, Roosevelt was able to eventually end the strike, thus helping to avert a “coal famine” in the coming winter and avoiding disastrous results in the 1902 congressional elections that November.

As his presidency progressed and federal power steadily expanded over the private sector, Roosevelt viewed the Anthracite Coal Commission, the Bureau of Corporations, and the Supreme Court decision regarding Northern Securities as key victories of the public interest over the “individualism” exhibited by men like J.P. Morgan, James Hill, and George Baer. These successes appeared in subsequent speeches and correspondence, and served to reinforce his commitment to defending the general or public welfare from the actions of wealthy and irresponsible magnates. Speeches from 1905-6 increasingly referenced resistance by the corporate elites to Roosevelt’s policies, and the mounting frustration appeared in his rhetoric.
When constructing the binary opposition of “good” versus “bad” trusts, he began to point out his opponents in a more direct way, as evidenced by his explicit naming of guilty parties (the beef trust/meatpackers) in speeches before Congress in 1906 and to the general public during the same timeframe.

The Northern Securities Antitrust case, the Anthracite Coal Strike Commission, and the regulatory legislation of 1906 were all examples of Roosevelt’s attempts to enact his progressive statist ideology in the areas of judiciary law, administrative decisions law, and statutory law. These categories affected the government’s relation to matters of finance, labor, and public health. Although not uncontested victories, these particular points in his presidency mark instances where he was able to use his rhetorical techniques in order effectively to justify his administration’s prosecution of Northern Securities, arbitration of the coal strike, and passage of regulatory legislation aimed at improving food and drug safety.

In the case of the lawsuit against Northern Securities, Roosevelt opted for the judge-made law approach, and relied on pre-existing laws and the Supreme Court’s interpretation of them to dissolve the railroad merger, thus supporting, as he argued from 1901-04, the pre-eminence of the “public interest” over the private, acquisitive interest of corporate leaders. Those leaders expected protection and benefits from the government, but did not fulfill their obligation to the state by not harming the public welfare. While not explicitly named by Roosevelt in his rhetoric, the implied targets of his rhetoric were railroad promoter James J. Hill, financier J.P. Morgan, and the other railroad executives and investors with an interest in the case.

Attempts by Morgan and their supporters to smooth over ruffled feathers and bring the matter to a quick and discreet close received the same answer that Attorney General Knox gave when presenting the suit. “Reasonable” trusts were not in danger from prosecution, but
corporations engaged in “unreasonable” restraints of trade, especially when those practices produced a negative impact on the public interest, warranted the full prosecution of the law under the Sherman Act. Fortunately for Roosevelt, the Court upheld the charges against the trust, and used quite similar language that he espoused in front of Congress and Symphony Hall in Boston. Northern Securities was declared to be a trust formed for the purpose of creating an “unreasonable” restraint of trade in the transportation industry, which harmed the public good and was therefore to be broken up into smaller holdings.

In the case of the Coal Strike of 1902-3, the binary opposition was even clearer, pitting the stiff-necked coal operators like George Baer and his business associates against the American public when a labor dispute cut off access to essential energy reserves in the Pennsylvania coal mines. Roosevelt portrayed himself, through his rhetoric, as the agent of the public, attempting to bring both sides to the negotiation table in order to provide coal consumers with the necessary fuel required for running a nation-state during the early 1900s. He took a different tack with this crisis, preferring to use the administrative decisions approach, at first relying on his White House assistants to investigate and compile data concerning the strikers’ conditions and demands, then moving to a more involved stance as the strike dragged on from May and into October.

When Roosevelt’s attempt to end the strike on October 3, 1902, failed due to the refusal of Baer and the other coal operators to recognize the demands of John Mitchell and the UMW, he applied both direct and indirect pressure on the corporate leaders. After talks between the coal mine owners, J.P. Morgan, and Senator Hanna continued to stall, Roosevelt threatened to bring federal troops into the mines, securing the public its badly needed energy source, but also cutting the owners out of any profit. This bluff managed to get Baer and other corporate leaders to agree to arbitration by the presidentially-appointed commission known as the Anthracite Coal Strike
Commission, and soon afterward the strike ended and the long process of commission investigation resulted in a settlement that was imposed on the industry.

The Coal Strike Commission was an opportunity to demonstrate what could be done with administration, albeit temporary, by a special commission. One of the “preconditions” for the “opportunity” of the commission’s creation was the simple fact that this was a labor-management dispute within the industry – not an industry engaged in illegal business practices. A labor dispute—divided industry—allowed the Roosevelt administration to act as an intervening third party, justified by the citizen-consumers’ needs; these needs forced the president to act within the Executive—to impanel a presidential commission. There was no similar set of circumstances to do the same thing in the meatpacking industry and the problem had to be dealt with via the passage of new statutory laws.

Lastly, the Pure Food and Drug/Meat Inspection Acts of 1906 demonstrates Roosevelt adopting the role of “public advocate-in-chief,” promoting additional federal legislation over interstate commerce to protect citizen-consumers from tainted meat products and adulterated medicines. The binary opposition he constructed was the public interest versus the profit-driven meatpackers belonging to the “beef trust.” When dealing with conditions in the meatpacking houses of Chicago leaked out the public via reform-minded journalists and authors, Roosevelt turned to the statutory law, or legislative, approach. In his rhetoric called for an expansion of federal legislation that could grant the federal government the funding and authority to inspect and prosecute violations of the health standards regarding food and drug safety. The proposed statutes would add to the pre-existing laws in place at the state level, but surpass them in scope and provide the federal government with necessary funding to increase the number of inspectors in order to more effectively confirm the quality of the public’s meat products. With burgeoning
public support in the newspapers and journals, and strong bipartisan support for the in the Senate, Roosevelt was successful in achieving his goal of augmenting the power of the federal government in pursuit of protecting citizen-consumers of food and medicines.

This examination of Roosevelt and his rhetoric contributes to the historiographical field by providing a more nuanced view of him and better connects his views with those of the more statist reformers of the Progressive Era. The progressive language of “public good” and the need for state power to expand and become more involved in the lives and businesses of Americans is a key commonality between Roosevelt and the broader currents of progressivism. There is a strong element of republicanism throughout his speeches and letters, where civic duty and the moral citizen play a central role in the formation and maintenance of a healthy, functioning republic. Strands of classical liberalism also influenced in his rhetoric, as he utilized concepts like “industrial virtues” and associated, in theory, economic success with moral virtues. All these components were a part of the larger rhetorical framework that guided Roosevelt’s decisions. Previous scholarly works on Roosevelt, therefore, have only missed the mark, metaphorically, by generalizing his views from either his republican or liberal aspects of his rhetoric.

In conclusion, Roosevelt’s political ideology can be more accurately described as being progressive statist, rather than the current historiographical divide between the Roosevelt-as-liberal statist and Roosevelt-as-conservative schools of thought. Based on his emphasis of the public interest over private interest, his insistence on the need for expanded government power over interstate commerce and corporate activities, and the preference for legislation empowering the federal level of government, especially the executive branch, over state or local level government is indicative of a progressive statist viewpoint. Understanding his rhetoric from this perspective establishes a distinction of his views from Progressive thinkers and politicians of the

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233 Eisnach, The Lost Promise, 131-37.
period, but simultaneously recognizing the ideological connective tissue that he shared with the larger social, economic, and political trends of the early 1900s. The private and public instances of his use of persuasive speech point to a complex political actor, who saw himself as the defender of the public good. He consistently called for judicial action, administrative action, and legislative action to protect that broader interest from the actions of “bad” trusts run by men who abused their wealth and power in society, while allowing “good” trusts who did not engage in such behaviors to continue to build up America’s economy and benefit the public interest.
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