

Liberty University

**Our Enemy, the State:**

**Liberty versus Power on the American Home Front during the First World War**

A Dissertation Submitted to

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## Abstract

World War I marked a significant shift in the structure and practice of the federal government. The key feature of this shift was the centralization of national power in the federal government and a burgeoning bureaucracy. This increase in the centralization of power led to an escalation of conflicts between the expanded assertions of national power and the civil liberties of American citizens. While this relationship between state power and civil liberties has been the focus of extensive scholarly research, much less has been written about a mostly forgotten perspective that viewed war as destructive to human flourishing beyond the dictates of court-defined civil liberties. Based upon a classical liberal tradition, shaped by the experiences of those who lived through the war and adapted by a subsequent generation of libertarian scholars, this study examines the transformation of social power into state power during the First World War through this perspective. American participation in the war redistributed power from the voluntary interactions within society to the coercive hand of the state. The war apparatus on the home front played upon existing prejudices and invented new ones by co-opting social institutions into state-endorsed mechanisms of coercion. Ultimately, the war unleashed a major acceleration in the transformation of social power into state power. This transformation represented a fundamental shift from a society that placed great emphasis on voluntarism to one centered on the use of the force of the state to achieve political aims. In this post-war statism, war became the health of the state, and its long-lasting effects are felt even today.

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## Chapter One: Introduction

For many Americans, World War I is a forgotten war. While millions of Europeans died across years of brutal trench warfare, the United States was only at war for 19 months. The American Expeditionary Force was only involved in direct combat operations during the summer and fall of 1918. The First World War was transformational for American society not because of the fighting at Belleau Wood or Saint-Mihiel but because of what happened on the home front. Looking beneath the surface of American military participation in World War I, “we can discern one fundamental fact, namely: a great redistribution of power between society and the state.”<sup>1</sup>

World War I marked a significant shift in the structure and practice of the federal government. The key feature of this shift was the centralization of national power in the federal government and a burgeoning bureaucracy. This increase in the centralization of power led to an escalation of conflicts between the expanded assertions of national power and the civil liberties of American citizens. While this relationship between state power and civil liberties has been the focus of extensive scholarly research, much less has been written about a mostly forgotten perspective that viewed war as destructive to human flourishing beyond the dictates of court-defined civil liberties. Based upon a classical liberal tradition, shaped by the experiences of those who lived through the war and adapted by a subsequent generation of libertarian scholars, this study examines the transformation of social power into state power during the First World War through this perspective. American participation in the war redistributed power from the voluntary interactions within society to the coercive hand of the state. The war apparatus on the home front played upon existing prejudices and invented new ones by co-opting social institutions into state-endorsed mechanisms of coercion. Ultimately, the war unleashed a major

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<sup>1</sup> Albert Jay Nock, *Our Enemy, the State* (New York, NY: William Morrow & Company, 1935), 3.



acceleration in the transformation of social power into state power. This transformation represented a fundamental shift from a society that placed great emphasis on voluntarism to one centered on the use of the force of the state to achieve political aims. In this post-war statism, in the words of Randolph Bourne, war became the health of the state, and its long-lasting effects are felt even today.

## Historiography

Despite the limitations of the conventional scholarship on the relationship between state power and civil liberties during World War I, this type of research provides valuable insights for the present study. The most important early works in this area were from Harvard Law Professor Zechariah Chafee, who was critical of the Department of Justice and the Supreme Court's wartime free speech decisions.<sup>2</sup> For his efforts, the Department of Justice investigated Chafee, and his job was threatened.<sup>3</sup>

The earliest accounts of the situation on the home front came from wartime administrators and politicians whose one-sided narratives rationalized and reinforced the federal government's activities during the World War I.<sup>4</sup> The 1930s saw two highly critical accounts of the relationship between war and arms manufacturers: H.C. Engelbrecht and F.C. Hanighen's

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<sup>2</sup> Zechariah Chafee Jr., "Freedom of Speech in War Time," *Harvard Law Review* 32, no. 8 (1919): 932–973; Zechariah Chafee Jr., *Freedom of Speech* (London: George Allen & Unwin, Ltd., 1920).

<sup>3</sup> Donald L. Smith, *Zechariah Chafee, Jr.: Defender of Liberty and Law* (Cambridge, MA: Harvard University Press, 1986), 36–57.

<sup>4</sup> John Lord O'Brian, "Uncle Sam's Spy Policies: Safeguarding American Liberty During the War," *The Forum*, April 1919; George Creel, *How We Advertised America* (New York, NY: Harper & Brothers, 1920); Bernard M. Baruch, *American Industry in The War: A Report of the War Industries Board* (Washington, DC: Government Printing Office, 1921); William G. McAdoo, *Crowded Years: The Reminiscences of William G. McAdoo* (Boston, MA: Houghton Mifflin Company, 1931); Robert Lansing, *War Memoirs of Robert Lansing, Secretary of State* (Indianapolis, IN: The Bobbs-Merrill Company, 1935).

*Merchants of Death* and General Smedley Butler's *War is a Racket*.<sup>5</sup> These narratives sought to connect the financial motivations of the armament industry with the impact on American society. At the same time, historians questioned the impact of the government's propaganda efforts during the war and the spillover of the government's repressive measures into peacetime.<sup>6</sup> This period also saw the first generation of revisionist scholars who sought to understand the motivations that led the United States into war in 1917.<sup>7</sup>

Two separate developments took place during the 1940s. First, political scientists began to explore the scope of executive authority during wartime. Harold Laski observed that President Wilson "exercised, in the pressure of wartime conditions, an almost dictatorial power," but believed that this power had been effectively checked by Congress.<sup>8</sup> Edward Corwin's *Total War and the Constitution* acknowledged that President Wilson's exercise of power to create emergency agencies during the war served as precedents for the New Deal but was not otherwise critical of Wilson's actions during the war.<sup>9</sup> In Clinton Rossiter's *Constitutional Dictatorship*, the author acknowledged that "[i]n Woodrow Wilson was concentrated indefinitely more power than had ever been given to an American President," but concluded that "[n]either actually nor potentially were the liberties of the American people abridged to any serious degree in the first

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<sup>5</sup> H.C. Engelbrecht and F.C. Hanighen, *Merchants of Death: A Study of the International Armament Industry* (New York, NY: Dodd, Mead & Company, 1934); Smedley D. Butler, *War Is a Racket* (New York, NY: Round Table Press, 1935).

<sup>6</sup> James R. Mock and Cedric Larson, *Words That Won the War: The Story of the Committee on Public Information, 1917-1919* (Princeton, NJ: Princeton University Press, 1939); James R. Mock, *Censorship, 1917* (Princeton, NJ: Princeton University Press, 1941).

<sup>7</sup> C. Hartley Grattan, *Why We Fought* (New York, NY: Vanguard Press, 1929); Walter Millis, *Road to War: America, 1914-1917* (Boston, MA: Houghton Mifflin Company, 1935); Charles C. Tansill, *America Goes to War* (Boston, MA: Little, Brown and Company, 1942).

<sup>8</sup> Harold J. Laski, *The American Presidency: An Interpretation* (London: George Allen & Unwin, Ltd., 1940), 24.

<sup>9</sup> Edward S. Corwin, *Total War and The Constitution* (New York, NY: Alfred A. Knopf, 1947), 49–50; Edward S. Corwin, *The President: Office and Powers, 1787-1948* (New York, NY: New York University Press, 1948), 285–287.

World War.”<sup>10</sup> According to this traditional view of expanded executive powers, the Supreme Court’s failure to strike down any of the federal government’s actions validated their use.<sup>11</sup>

The second development of the 1940s followed the opening of many of the archives of the war’s emergency agencies. The most significant contributions came from O.A. Hilton, who mined records (especially those of the Council on National Defense) to present the first detailed evidence of the activities of these agencies on the home front.<sup>12</sup> When the FBI turned over records of the American Protective League to the National Archives in the 1950s, Harold Hyman examined the records and concluded that “the League was a force for outrageous vigilantism blessed with the seal and sanction of the federal government.”<sup>13</sup> Joan Jensen’s study of the APL found “a conscious compromise between states’ rights and federal intervention in matters of subversion, a tool by which [Wilson] enforced war statutes without direct federal coercion or martial law.”<sup>14</sup> Recognizing the use of the APL and other organizations as proxies for direct federal involvement was a crucial development in the historical understanding of the war’s impact on American society.

The post-World War II “Red Scare” saw a renewed interest in the treatment of immigrants and radicals during the First World War. John Blum explored how the patriotic fervor encouraged by the government during the war spilled over into peacetime violence against immigrants and radicals and provided a fertile environment for the explosive growth of the re-

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<sup>10</sup> Clinton Rossiter, *Constitutional Dictatorship: Crisis Government in The Modern Democracies* (Princeton, NJ: Princeton University Press, 1948), 241, 250.

<sup>11</sup> *Ibid.*, 254.

<sup>12</sup> O.A. Hilton, “The Oklahoma Council of Defense and the First World War,” *The Chronicles of Oklahoma* 20, no. 1 (March 1942): 18–42; O.A. Hilton, “Public Opinion and Civil Liberties in Wartime 1917-1919,” *The Southwestern Social Science Quarterly* 28, no. 3 (1947): 201–224; O.A. Hilton, “Freedom of the Press in Wartime 1917-1919,” *The Southwestern Social Science Quarterly* 28, no. 4 (1948): 346–361.

<sup>13</sup> Harold M. Hyman, *To Try Men’s Souls: Loyalty Tests in American History* (Berkeley, CA: University of California Press, 1960), 297.

<sup>14</sup> Joan M. Jensen, *The Price of Vigilance* (Chicago, IL: Rand McNally & Company, 1969), 311.

born Ku Klux Klan.<sup>15</sup> Robert K. Murray's *Red Scare* demonstrated how "the seeds of excessive hate and intolerance...can suddenly develop into dangerous malignancies that spread with lightning rapidity through the whole social system."<sup>16</sup> In assessing the role of nativism in America since the Civil War, John Higham concluded that "[t]he fury that broke upon the German-Americans in 1915 represented the most spectacular judgment in the history of American nativism."<sup>17</sup> H.C. Peterson and Gilbert Fite surveyed the conflicts between pro-war and anti-war organizations, while William Preston focused on the federal suppression of the Industrial Workers of the World and its significant immigrant membership.<sup>18</sup>

The burgeoning Civil Rights Movement also contributed to another look at the relationship between the government and the civil liberties of Americans during the war. In *The Wilson Administration and Civil Liberties, 1917-1921*, Harry Scheiber was critical of President Wilson's unwillingness to reign in his subordinates for their abusive use of discretionary powers.<sup>19</sup> In a wide-ranging study on the President's constitutional obligation to protect civil liberties, Richard Longaker found fault with Wilson for recognizing before the war the likely impact on civil liberties and then later doing very little about it.<sup>20</sup> The war was the catalyst for the civil liberties movement, according to Donald Johnson's account of the rise of the ACLU.<sup>21</sup>

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<sup>15</sup> John M. Blum, "Nativism, Anti-Radicalism, and the Foreign Scare," *Midwest Journal* III, no. 1 (Winter 1950-51): 46-53.

<sup>16</sup> Robert K. Murray, *Red Scare: A Study in National Hysteria, 1919-1920* (Minneapolis, MN: University of Minnesota Press, 1955), ix.

<sup>17</sup> John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick, NJ: Rutgers University Press, 1988), 196.

<sup>18</sup> H.C. Peterson and Gilbert C. Fite, *Opponents of War, 1917-1918*, Paperback. (Seattle, WA: University of Washington Press, 1968); William Preston, *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933* (Cambridge: Harvard University Press, 1963).

<sup>19</sup> Harry N. Scheiber, *The Wilson Administration and Civil Liberties, 1917-1921* (Ithaca, NY: Cornell University Press, 1960).

<sup>20</sup> Richard P. Longaker, *The Presidency and Individual Liberties* (Ithaca, NY: Cornell University Press, 1962), 21-24.

<sup>21</sup> Donald Johnson, *Challenge to American Freedoms: World War I and the Rise of American Civil Liberties Union* (Lexington, KY: University of Kentucky Press, 1963).

In the same light, Paul Murphy's *World War I and the Origins of Civil Liberties in the United States* found the centralization of power to discretionary agencies had a "particularly troubling" impact on civil liberties.<sup>22</sup>

The social upheaval during the 1960s, the war in Vietnam, and the Watergate scandal saw the beginning of a reassessment of executive power. Arthur Schlesinger, Jr. expressed grave concerns about the expansion and abuse of executive power but believed that Wilson had mostly acted upon delegated war powers from Congress.<sup>23</sup> A new generation of scholars refined the traditional view of executive powers and saw Justice Robert Jackson's concurrence in *Youngstown Sheet & Tube Co. v. Sawyer* as a valuable framework for understanding the exercise of those powers.<sup>24</sup> In that case, Jackson distinguished between instances in which the President acted within the expressed or implied authority of Congress; actions in which Congress had not spoken (the "zone of twilight"); and actions in defiance of congressional intent. Scholars such as Louis Henkin, Harold Koh, and Michael Glennon argued that, within the context of Jackson's framework, the Constitution required that maximum federal power in emergencies and foreign relations was only possible when Congress and the President worked together.<sup>25</sup> Thomas Franck and John Hart Ely made similar arguments to understand the relationship between war and emergency powers within a constitutional relationship between Congress and the President.<sup>26</sup>

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<sup>22</sup> Paul L. Murphy, *World War I and the Origin of Civil Liberties in the United States* (New York, NY: W.W. Norton & Company, 1979), 22.

<sup>23</sup> Arthur M. Schlesinger, *The Imperial Presidency* (Boston, MA: Houghton Mifflin Company, 1973), 92.

<sup>24</sup> *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 634 (1952).

<sup>25</sup> Louis Henkin, *Foreign Affairs and the Constitution* (New York, NY: Norton, 1975); Harold Koh, *The National Security Constitution: Sharing Power after the Iran-Contra Affair* (New Haven, CT: Yale University Press, 1990); Michael Glennon, *Constitutional Diplomacy* (Princeton, NJ: Princeton University Press, 1990).

<sup>26</sup> Thomas M. Franck, *Political Questions/Judicial Answers: Does the Rule of Law Apply to Foreign Affairs?* (Princeton, NJ: Princeton University Press, 1992); John Hart Ely, *Constitutional Lessons of Vietnam and Its Aftermath* (Princeton, NJ: Princeton University Press, 1993).

More recently, John Yoo built upon the legal arguments he used to help justify the expansive actions of the federal government in response to 9/11 to conclude that “the Constitution is far more open-ended in the structure required for foreign affairs.”<sup>27</sup>

On the home front, David Kennedy’s *Over Here* is still considered by many scholars to be the standard work on the impact of the war in America.<sup>28</sup> More recently, Christopher Capozzola’s scholarship explored how a culture of “coercive voluntarism” drove the war mobilization effort and aided the state in co-opting social power.<sup>29</sup> William Thomas, Jr.’s *Unsafe for Democracy* took a critical look at the Justice Department’s efforts to suppress dissenting views of the war and its negative impact on the structure of American government.<sup>30</sup> William Ross’s approach in *World War I and the American Constitution* is a synthesis history that is careful not to take any sides.<sup>31</sup> Another subject of interest to scholars since 1980 has been the Committee on Public Information and its efforts to shape public opinion about the war.<sup>32</sup> Lastly, Richard Gamble explored the role of progressive Christianity while Jonah Goldberg posited that the roots of 20th century fascism lay firmly on the left, including the Wilson administration.<sup>33</sup>

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<sup>27</sup> John Yoo, *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11* (Chicago, IL: University of Chicago Press, 2005), 11.

<sup>28</sup> David M. Kennedy, *Over Here: The First World War and American Society* (Oxford: Oxford University Press, 1980).

<sup>29</sup> Christopher Capozzola, *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen* (New York, NY: Oxford University Press, 2008).

<sup>30</sup> William H. Thomas, Jr., *Unsafe for Democracy: World War I and the U.S. Justice Department’s Covert Campaign to Suppress Dissent* (Madison, WI: The University of Wisconsin Press, 2008).

<sup>31</sup> William G. Ross, *World War I and the American Constitution*, Cambridge Studies on the American Constitution (Cambridge: Cambridge University Press, 2017).

<sup>32</sup> Stephen Vaughn, “First Amendment Liberties and the Committee on Public Information,” *The American Journal of Legal History* 23, no. 2 (1979): 95–119; Stephen Vaughn, *Holding Fast the Inner Lines: Democracy, Nationalism, and the Committee on Public Information* (Chapel Hill, NC: University of North Carolina Press, 1980); John Maxwell Hamilton, *Manipulating the Masses: Woodrow Wilson and the Birth of American Propaganda* (Baton Rouge, LA: Louisiana State University Press, 2020).

<sup>33</sup> Richard M. Gamble, *The War for Righteousness: Progressive Christianity, the Great War, and the Rise of the Messianic Nation* (Wilmington, DE: Intercollegiate Studies Institute, 2014); Jonah Goldberg, *Liberal Fascism: The Secret History of the American Left from Mussolini to the Politics of Meaning* (New York, NY: Doubleday, 2007).

## Research Questions

Scholars that explored the relationship between state power and civil liberties, as well as the role of the President in protecting civil liberties, have made innumerable contributions to the traditional historiography, but these approaches have some limitations. The most important limitation within these frameworks is the state as the judge of its own power. For example, scholarship on the impact of civil liberties during the First World War is often defined by the outcomes of Supreme Court cases. When the Court upholds the exercise of a particular power, historians may see this as a justification for the power—especially if they cannot point to a specifically abridged right. Historians who disagree with the outcomes of individual cases nonetheless argue from within a constitution-based framework in which the state is the final arbiter of its authority. Political scientists who focus on executive power tend to be more interested in the relationship between executive power and legislative power within this same framework. Even within this framework, almost no attention is paid to the wide-ranging delegations of authority from Congress to the President.

Moreover, among those scholars who evaluate the use of presidential power, surprisingly little attention is given to the Wilson administration. The primary weakness, then, is that the consolidation of state power through judicial decree or executive action is important but insufficient to express the full measure of social power eclipsed by the war. Social power can be diminished even if there is an obverse court decision on the matter and even when there might be no legal cause of action to justify a complaint. The inability of this traditional approach to measure the diminution of social power outside of a constitutional framework suggests a

fundamental limitation to the state power vs. civil liberties approach. The limits to this traditional methodology give rise to an alternative in the form of a modern liberty vs. power framework that recognizes the constitutional approach but does not confine itself to it. Within the context of the First World War, this approach raises three essential research questions.

**First: What are the intellectual origins of the modern liberty vs. power framework?**

Four intellectual traditions contributed to this approach. The first was a perspective derived from an older classical liberal theory of conflict, which had its immediate origins at the end of the 19th century in opposition to American imperialism. The ideas of anti-imperialists like William Graham Sumner, E.L. Godkin, Oswald Garrison Villard, and Mark Twain challenged the expansionist foreign policy of the time as in conflict with republican principles as espoused by the Declaration of Independence, the Constitution, and embodied in Washington’s farewell address.<sup>34</sup> The anti-imperialists also demonstrated that foreign policy and domestic policy were inextricably linked; a nation could not expand its influence externally without having profound effects on the relationship between a state and the people at home.

The second tradition emerged in the lead-up to the First World War. As war engulfed the European continent, a generation of explicitly libertarian thinkers examined the relationship between social power (“the productive consequence of voluntary interactions among men”) and state power with a domestic focus.<sup>35</sup> Villard provided an intellectual link to the anti-imperialist movement. In the tradition of David Hume and Adam Smith, Villard sought to use empathy to

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<sup>34</sup> See, i.e., William G. Sumner, “The Conquest of the United States by Spain,” *The Yale Law Journal* 8, no. 4 (1899): 168–193; E.L. Godkin, “The Eclipse of Liberalism,” *The Nation* LXXI (August 9, 1900): 105–106; Oswald Garrison Villard, *Fighting Years: Memoirs of a Liberal Editor* (New York, NY: Harcourt, Brace and Company, 1939); Mark Twain, “To the Person Sitting in Darkness,” *North American Review* (Boston, Mass., etc., United States: North American Review Corp., etc., February 1901).

<sup>35</sup> Nock, *Our Enemy, the State*, 3–10; Murray N. Rothbard, *Conceived in Liberty*, 4 vols. (Auburn, AL: Ludwig von Mises Institute, 2011).



understand the war from the German perspective to keep America neutral.<sup>36</sup> Another significant influence on what would become the Old Right was Francis Neilson, a Member of Parliament who resigned his seat on account of his pacifist beliefs. Neilson's chief contribution during the war was to explain how the war came about from "the whole brawling gang of governments—the whole intolerable system of orthodox statecraft, wherever practised [sic] —the whole filthy prairie-dog's-nest of traditional diplomacy, wherever found...."<sup>37</sup> According to Neilson's account, the victims of the war were people of all countries who did not wish harm to others and just wanted to be left alone.<sup>38</sup>

Writing after the war but before the expansive programs of the New Deal, journalist H.L. Mencken explained that "Government has now gone far beyond anything dreamed of in Jefferson's day."<sup>39</sup> According to Mencken, government "has taken on a vast new mass of responsibilities; it has spread out its powers until they penetrate to every act of the citizen, however secret; it has begun to throw around its operations the high dignity and impeccability of a state religion; its agents become a separate and superior caste, with authority to bind and loose, and their thumbs in every pot."<sup>40</sup> He concluded: "But it still remains, as it was in the beginning, the common enemy of all well-disposed, industrious and decent men."<sup>41</sup>

Mencken's examination of the relationship between government and citizens was critical of Wilson and progressivism and outlined the nature of the argument for the Old Right. One of

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<sup>36</sup> Oswald Garrison Villard, *Germany Embattled: An American Interpretation* (New York, NY: Charles Scribner's Sons, 1915).

<sup>37</sup> Francis Neilson, *How Diplomats Make War* (New York, NY: B.W. Huebsch, 1915), vi (from the introduction by Albert Jay Nock).

<sup>38</sup> *Ibid.*

<sup>39</sup> H. L. Mencken, "The Immortal Democrat," *The American Mercury* IX, no. 33 (September 1926): 124.

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

the most influential authors among libertarians was Albert Jay Nock, whose most important work, *Our Enemy, the State*, was critical of government intervention resulting in the accumulation of state power at the expense of social power.<sup>42</sup> Nock's premise was based on James Madison's observation in a letter to Thomas Jefferson about "the old trick of turning every contingency into a resource for accumulating force in the government."<sup>43</sup> More importantly, Nock understood that individual political issues were secondary to the overall redistribution of social power into state power.<sup>44</sup> Thus, when the Supreme Court invalidated the National Recovery Act in 1935, to Nock this represented a "wave-motion" of "little importance" compared to the "tidal-motion" that transformed social power into state power.<sup>45</sup> This understanding is critical to understanding the limitations within the traditional scholarly framework.

Austrian economic theory, especially that of Ludwig von Mises, provides the third intellectual tradition to this framework. The Austrian School was founded in the late 19th century through the work of Carl Menger, who independently developed the theory of marginal utility; and Eugen von Böhm-Bawerk, who extended Menger's theoretical work through public policy applications.<sup>46</sup> One of the central elements of Austrian economics is the concept of spontaneous order. Classical economists model decision-making through the lens of homo economicus, a perfectly rational decision-maker who maximizes utility through self-interest. In business, "[b]y means of diligence and attention to business he strives to eliminate all sources of

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<sup>42</sup> Nock, *Our Enemy, the State*, 4.

<sup>43</sup> *Ibid.*, 5.

<sup>44</sup> *Ibid.*, 3.

<sup>45</sup> *Ibid.*, 16n.

<sup>46</sup> Carl Menger, *Principles of Economics*, trans. James Dingwall and Bert F. Hoselitz (Auburn, AL: Ludwig von Mises Institute, 2007); Jörg Guido Hülsmann, *Mises: The Last Knight of Liberalism* (Auburn, AL: Ludwig von Mises Institute, 2007), 150; Randall G. Holcombe, ed., *The Great Austrian Economists* (Auburn, AL: Ludwig von Mises Institute, 1999).

error so that the results of his action are not prejudiced by ignorance, neglectfulness, mistakes, and the like."<sup>47</sup> But Austrians reject this idea. Ludwig von Mises explained that "a party engaged in trade does not always and cannot always remain true to the principles governing the businessman, that he is not omniscient, that he can err, and that, under certain conditions, he even prefers his comfort to a profit-making business."<sup>48</sup> Instead, Austrian theory "takes people as they are, and demonstrates how individuals, each pursuing their own plans and purposes, can contribute to the emergence of a broader order that benefits others in society."<sup>49</sup> Within the Austrian framework, the combination of millions of decisions by purposeful human action produces far better results than the top-down, central planning efforts of government bureaucracies.

The fourth intellectual contribution to the liberty vs. power framework came from the New Left. The focus of these historians was the relationship between corporate elites and the government bureaucracy. Gabriel Kolko explained how big businesses encouraged government intervention to stifle competition and generate industrial stability.<sup>50</sup> And while many historians saw the war as the death knell of progressivism, James Weinstein saw it as fulfillment.<sup>51</sup> Another New Left influence on the liberty vs. power framework came from William Appleman Williams,

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<sup>47</sup> Ludwig von Mises, *Epistemological Problems of Economics*, trans. George Reisman, Third Edition. (Auburn, AL: Ludwig von Mises Institute, 2003), 191.

<sup>48</sup> Ibid.

<sup>49</sup> Christopher J. Coyne and Peter J. Boettke, *The Essential Austrian Economics* (Vancouver: Fraser Institute, 2020), 32; Ludwig von Mises, *Human Action: A Treatise on Economics* (Auburn, AL: Ludwig von Mises Institute, 1998).

<sup>50</sup> Gabriel Kolko, *The Triumph of Conservatism: A Reinterpretation of American History, 1900–1916* (New York, NY: Free Press, 1963); Gabriel Kolko, *Railroads and Regulations, 1877-1916* (Princeton, NJ: Princeton University Press, 1965).

<sup>51</sup> James Weinstein, *The Corporate Ideal in the Liberal State, 1900-1918* (Boston, MA: Beacon Press, 1968), 214–254.

who saw American imperialism as a continuation of the frontier thesis.<sup>52</sup> These historians provided a critical understanding of the changing relationship between government and industry in the lead-up to the war and how this growing partnership had adverse impacts on American society.

The synthesis of these four intellectual influences generated a modern libertarian approach to this conflict theory as described by economist Murray Rothbard. Writing in his multi-volume American history series *Conceived in Liberty*, Rothbard explained history as “the great conflict which is eternally waged between Liberty and Power...”<sup>53</sup> Rothbard built directly upon the work of Albert Jay Nock. Rothbard explained: “In those areas of history when liberty—social power—has managed to race ahead of state power and control, the country and even mankind have flourished. In those eras when state power has managed to catch up or surpass social power, mankind suffers and declines.”<sup>54</sup> The central element in Rothbard’s version of history was: “Who will control the state, and what power will the state exercise over the citizenry?”<sup>55</sup> This “Rothbardian synthesis,” together with more recent contributions from historians Walter Karp, Robert Higgs, and Ralph Raico, rounds out a comprehensive libertarian perspective to understand the transformation of social power into state power during the First World War.<sup>56</sup>

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<sup>52</sup> William Appleman Williams, *The Tragedy of American Diplomacy* (Cleveland, OH: World Publishing Company, 1959); William Appleman Williams, *The Contours of American History* (Chicago, IL: Quadrangle Books, 1961).

<sup>53</sup> Murray N. Rothbard, *Conceived in Liberty*, vol. 1 (Auburn, AL: Mises Institute, 2011), xv-xvi.

<sup>54</sup> *Ibid.*, xvi.

<sup>55</sup> *Ibid.*

<sup>56</sup> David M. Hart, “Classical Liberalism and the Problem of Class,” *Liberty Matters* (November 2016), <https://oll.libertyfund.org/page/liberty-matters-david-hart-classical-liberalism-porblem-of-class>; Walter Karp, *The Politics of War: The Story of Two Wars Which Altered Forever the Political Life of the American Republic, 1890–1920* (New York, NY: Franklin Square Press, 2003); Walter Karp, *Buried Alive: Essays on Our Endangered Republic* (New York, NY: Franklin Square Press, 1992); Robert Higgs, *Crisis and Leviathan: Critical Episodes in the Growth of American Government*, 25th Anniversary Edition. (Oakland, CA: The Independent Institute, 2012); Ralph Raico, “American Foreign Policy: The Turning Point, 1898-1919,” in *The*

**Second: How did the war transform the relationship between society and state? A**

confluence of several factors drove the decision to go to war in 1917, including the imperialist legacy of the Spanish-American War, progressive ideals that encouraged this imperialism, a positive shift in the relationship between the United States and the United Kingdom, patriotism that often spilled over into nativism and xenophobia, and a newly established banking system designed “to furnish an elastic currency” and then molded to finance a war.<sup>57</sup> Once the United States entered the war, patriotism rose to a fever pitch, and dissent was squelched. The transformation builds upon Joan Jensen’s observation that war statutes were enforced not from top-down federal coercion but through an intentional compromise that avoided direct federal involvement in favor of action by organizations such as the American Protective League.<sup>58</sup> This significantly lessened the likelihood of open confrontation between the federal government and citizens and raised thorny issues in challenging state action—yet another complication to the traditional state power vs. civil liberties approach. Mobilization took place through a combination of cooperative federalism and what Christopher Capozzola described as “coercive voluntarism.”<sup>59</sup> This centralization of power impacted critical relationships between society and state, including the areas of transportation, conscription, economic intervention, propaganda and censorship, surveillance, and class warfare.

The central focus of this study is the relationship between liberty and power during the war from the perspective of this libertarian framework. This methodology draws upon political,

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*Failure of America’s Foreign Wars*, ed. Richard M. Ebeling and Jacob G. Hornberger (Fairfax, VA: Future of Freedom Foundation, 1996); Ralph Raico, *Great Wars & Great Leaders: A Libertarian Rebuttal* (Auburn, AL: Ludwig von Mises Institute, 2015).

<sup>57</sup> *Federal Reserve Act*, 38 Stat. 251, Ch. 6, 1913.

<sup>58</sup> Jensen, *The Price of Vigilance*, 311.

<sup>59</sup> Capozzola, *Uncle Sam Wants You*, 8.

social, economic, and legal events on the home front where social power was converted into state power. To be sure, this study is not meant to be a full-on history of World War I on the home front. Instead, the intent of this research effort is purposely designed to strike a balance between a wide-ranging view of the relationship between the state and the people during the war and providing enough detail to identify specific and critical episodes that contributed to changes in this relationship. We are interested in a selection of particular events meant to highlight the themes identified in this introduction. Nock described the increase of state power by its increasing nationalization of power at the expense of state and local governments, the growth of administrative bureaucracy, and the development of a permanent class dependent upon the state.<sup>60</sup> But he does not describe in any detail how this transformation takes place. The approach here, then, builds upon Nock and Rothbard—first, to explain the convergence of historical factors that served as justifications or rationalizations for the centralization of state power; second, to describe the methods by which implementation took place; and third, demonstrate how this state power was consolidated.

Within the context of the transformation of the relationship between society and state, is it worthwhile to explore to what extent progressives had a plan. As we will see, there is no simple answer to this question. Some dyed-in-the-wool *idealists* advocated for massive transfers of power from voluntary society to the coercive state even before the war began. Some were *opportunists* who took advantage of the war to press their advantage and continued to advance their efforts long after the war ended. And yet others, including President Wilson, were *traditionalists* who called for the end to the wartime emergency agencies after the Armistice. Complicating this picture, Wilson appointed idealists and opportunists to his cabinet and often

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<sup>60</sup> Nock, *Our Enemy, the State*, 10–15.

backed their efforts or did little to reign them in. In any case, when considered as a whole, progressives were mainly in line with the massive expansion of government power during the neutrality period and especially after the American entry into the war.

**Third: What is the legacy of World War I as seen from this liberty vs. power approach?** The mobilization effort and the war itself had an enormous impact on social power. This transformation had immediate effects on free speech, immigration, and even rent control. But the primary legacy of the events on the home front was to establish precedents that others would later use to convert social power into state power. While most of the emergency agencies of the war period were abolished after the war, this initial exercise of state power provided evidence for those seeking to use that power in a more lasting way. The most obvious parallels to these wartime agencies are seen in the New Deal's "alphabet soup" agencies (including many that persist today). And yet, this does not capture the fullest story of the war's legacy.

## **Chapter Overview**

This study is organized both chronologically and thematically. Chapter Two sets the stage by describing the factors contributing to the American decision to go to war in 1917. The most important of these was the imperialist bent to American foreign policy that began in the 1890s and gathered steam with the Spanish-American War in 1898. These events also gave birth to modern anti-imperialist thought that linked an expansionist foreign policy with inevitable impacts on the domestic front. However, the "large policy" espoused by Henry Cabot Lodge, Theodore Roosevelt, and others was insufficient to lead America into war. A change in the relationship between the governments of the United States and Great Britain, which had been antagonistic for most of the 19th century, predisposed America to intervene on the side of the

Allied powers. Moreover, some progressives saw the war as an opportunity to use the state's power to shape American society into their vision. The confluence of these factors, together with a fatally flawed neutrality policy, provided an irresistible urge to overcome American non-interventionist impulses and intervene in Europe.

The central portion of this study explores how social power was transformed into state power across a vast expanse of American society. Chapter Three addresses the Financial State—the means by which the financial and banking sector was shaped to fight the war. This impacted the home front in several ways. American banks made extensive loans to Allied powers, making the United States financially invested on one side of the balance of power. A newly established central bank allowed the war to be financed through inflation—an area where libertarian scholars have made significant contributions.

In Chapter Four, the Infrastructure State, this study explores how the state expanded its powers in railroads, shipping, and telecommunications. While the railroads had already been extensively regulated before the war, the threat of a railroad strike in 1916 was the pretense for additional expansion; during the war, the government seized the railways. The state takeover of the shipping industry during the war presaged a century of intervention in transportation industries. And during the war, the government seized control of the telephone and telegraph systems, a move that had both political and economic consequences.

The Warfare State is surveyed in Chapter Five. The National Defense Act of 1916 federalized the National Guard, centralizing power previously assigned to the states. One of the most contentious transformations of power was the nation's first-ever mass conscription effort, later endorsed by the Supreme Court on dubious authority. The war also saw the development of what was later called a military-industrial complex, an idea popularized by President



Eisenhower's farewell address but first explored those in the Old Right tradition during the 1930s.

Chapter Six discusses the Regulatory State—the massive economic intervention during and immediately after the war. After the war, governments used the economic dislocations they caused to enact rent controls that further distorted the housing markets. The distortion of prices by temporary emergency agencies had the impact of transferring wealth and power from ordinary Americans into the hands of the state and its favored elites. Here is another area where libertarian scholars have made critical contributions to the conflict methodology.

The Propaganda State is addressed in Chapter Seven. State-sponsored propaganda heavily influenced American society, both from outside sources (Britain's War Propaganda Bureau) and inside (the Committee on Public Information). Great Britain, who had cut Germany's undersea cables at the outset of the war, controlled the flow of information destined for the United States. The fabrication and exaggeration of German atrocities in Belgium helped steer American opinion against Germany. On the home front, George Creel's Committee on Public Information used its authority to dictate a state-endorsed version of the war that helped to generate pressure to conform. The CPI also used historians to propagandize the war. The state's concentration of information power also threatened academic freedom when contrary opinions questioned the war effort.

In Chapter Eight, this study explores the Surveillance State and the use of state power to investigate Americans whose views were not sufficiently patriotic. In perhaps the most potent transformation of social power into state power, the Department of Justice endorsed the efforts of the American Protective League—an organization of as many as 250,000 citizens who supplemented federal agents in investigating their fellow citizens for espionage, sedition, or

slacking (dodging the draft). Many state and local governments also cooperated with the federal government in setting up Councils of Defense to aid the war effort. Altogether, these organizations generated enormous social pressure—what one historian called “coercive voluntarism”—in support of the war effort.

Chapter Nine, the Class Warfare State, surveys the impact of the war on those who became its victims—radicals and pacifists who opposed the war, immigrants, and other “hyphenated Americans” who were attacked by Roosevelt and Wilson, African Americans, and women. Here again, the libertarian conflict theory has essential contributions to explaining how a ruling class seizes power to exploit its victims.

Finally, Chapter Ten addresses the legacy of the First World War on the relationship between liberty and power. The war had both immediate and long-lasting impacts on American society. To be sure, the transformation of social power into state power was not uniformly in one direction. Many of the temporary emergency agencies were abolished after the war. After the war, the “return to normalcy” sought to reverse the progressive aims in both domestic and foreign policy. The value to the state of the exercise of power during the war was in demonstrating a precedent at a time when another convergence of factors would call forth their use. Many historians have noted the parallels between the emergency agencies of the war period and those of the New Deal. But the parallels to the New Deal only scratch the surface—the legacy of World War I exerts a vast influence over American society. Each area discussed in this study has its own extended legacy—the financing of wars, the military-industrial complex, vast regulatory and administrative bureaucracies, and a massive national security and surveillance apparatus.

The decision to intervene in Europe in 1917 was a transformational decision that accelerated changes that had been underway since the 1880s and had enormous consequences for American society. Emergency agencies of the wartime government used propaganda and censorship to co-opt social institutions to convert patriotism and nationalism into nativism and xenophobia. This generated state-endorsed, coercive pressure to participate in the war effort on the home front or be exposed to charges of sedition or espionage. The First World War marked a massive acceleration in the transformation of social power into state power. What was once a society that placed great emphasis on voluntarism took a great leap toward one in which war and crisis became the health of the state.

*Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions agst. danger real or pretended from abroad.*

-James Madison to Thomas Jefferson, May 13, 1798<sup>1</sup>

## Chapter Two: The Imperial State

On August 1, 1914, Germany declared war on Russia, and its troops crossed into Luxembourg as a prelude to an invasion of France. On that same day, 4,000 miles away, the news was of a different war. In a demonstration of remembrance of the Spanish-American War, Assistant Secretary of the Navy Franklin D. Roosevelt presented one of the anchors of the sunken battleship *U.S.S. Maine* to the city of Reading, Pennsylvania.<sup>2</sup> The anchor had been secured for Reading by the efforts of Congressman John H. Rothermel, whose primary opponent called the acquisition of the anchor a “political scheme” to regain election.<sup>3</sup> The local news media even questioned the authenticity of the anchor.<sup>4</sup> The assurances of authenticity of the anchor by Roosevelt came too late, though, as Democratic voters selected Arthur Dewalt to replace Rothermel as the party’s nominee.<sup>5</sup> The crowds that showed up in Reading that day to see Roosevelt present the anchor to the city brought with them the memories of America’s first significant foreign war 16 years earlier—a war that overturned the nation’s longstanding aversion to foreign intervention and put the United States on a path to its own brand of imperialism. The *Maine*’s anchor provided a vital link to that earlier war and its legacy. The

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<sup>1</sup> James Madison to Thomas Jefferson, May 13, 1798, Congressional Series, 17:130-131, in J.C.A. Stagg, ed., *The Papers of James Madison*, 44 vols. (Charlottesville, VA: University of Virginia Press, 1962–2023).

<sup>2</sup> “Anchor Formally Accepted by City,” *Reading Times*, August 3, 1914. For a photograph of the anchor and plaque, see the Appendix.

<sup>3</sup> “Berks Democrats Endorse Dewalt,” *Reading Times*, March 9, 1914.

<sup>4</sup> “Date of ‘Maine’ Anchor Only 44 Years Too Early,” *Reading Times*, May 15, 1914.

<sup>5</sup> “Dewalt Wins Nomination to Congress,” *Reading Times*, May 20, 1914.

Spanish-American War's departure from America's non-interventionist roots set the nation on a path that made intervention in Europe all but inevitable once war broke out in 1914, even if most Americans didn't realize it at the time. The "variety of economic, political, strategic, intellectual, and psychological factors" that gave support to American imperial ambitions in the 1890s were just the beginning of a transformation of the reach and influence of American power into the international area.<sup>6</sup>

This chapter explores the coalescence of those factors in the period from the 1890s to the outbreak of war in 1914. Perhaps the most critical factor was the Spanish-American War and its imperialist legacy. The perspective of the Anti-Imperialist League, as seen through its members' speeches, writings, and broadsides, saw the Spanish-American War as a departure from the long non-interventionism tradition espoused by George Washington, Thomas Jefferson, John Quincy Adams, and others. The anti-imperialist vision sought to link America's imperialist ambitions with anticipated impacts on the home front. Classical liberalism provided a key source of inspiration for the view that expansionism conflicted with republican principles and formed an essential element of Rothbard's liberty vs. power framework. Despite this history of non-interventionism, the relative ease with which the United States dispatched of the Spanish in 1898 left American foreign policy more favorably disposed to foreign intervention than at any other time in the nation's history.

At home, Americans began to be swept up in a new progressive movement that many saw as an opportunity to use the state to shape society both domestically and abroad. Progressivism channeled a reform spirit into domestic political issues but also had a foreign policy component

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<sup>6</sup> E. Berkeley Tompkins, *Anti-Imperialism in the United States: The Great Debate, 1890-1920* (Philadelphia, PA: University of Pennsylvania Press, 1970), 291.

that eventually stifled opposition to intervention. At the same time, a shift in the relationship between the governments of the United States and Great Britain away from the antagonism that existed for most of the 19th century was brought about by an alignment of shared political and economic objectives. This transformation in the Anglo-American relationship placed a thumb on the scale of a supposed American policy of neutrality when war first broke out in 1914.

All of these factors contributed to an understanding that, despite American claims of neutrality, the United States would eventually and inevitably enter the war on the side of the Allied Powers. This powerful movement toward war overwhelmed America's historical and ideological instincts against foreign intervention. While the anti-imperialists of the 1890s voiced their opposition to intervention freely, those who resisted American intervention in Europe in the First World War were surveilled, reported, arrested, prosecuted, and persecuted by a new centralized authority that would not tolerate dissent.

### **Spanish-American War and the Imperialist Legacy**

As Julius W. Pratt has documented, the early understanding of the Spanish-American War did not recognize this intervention as the result of an intentional plan but rather a historical accident.<sup>7</sup> For example, in a letter to Theodore Roosevelt, the astute British observer James Bryce noted that “[h]ow stupendous a change in the world these six months have brought. Six months ago you no more thought of annexing the Philippine Isles and Porto Rico than you think

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<sup>7</sup> Julius W. Pratt, “The ‘Large Policy’ of 1898,” *The Mississippi Valley Historical Review* 19, no. 2 (1932): 219–242.

of annexing Spitzbergen to-day.”<sup>8</sup> The influential politician and jurist H.H. Powers noted in September 1898:

The past few months have witnessed one of the most remarkable developments of public opinion ever observed in this or any other country. A year ago we wanted no colonies, no alliances, no European neighbors, no army and not much navy. Our relations with foreign nations were to be of the simplest. Our role in the old world was to be nil, and in the rest of the new world that of the dog in the manger. The Monroe Doctrine was construed as requiring no constructive action on our part and no positive obligations toward the civilized world. The Washington Doctrine was frankly interpreted to mean national isolation. Our position on these points might be questionable, but it was not equivocal. We at least knew our own minds.<sup>9</sup>

According to Pratt, even two decades later, Powers explained the acquisitions of Hawaii, the Philippines, and Puerto Rico as “the great inadvertence,” “so unexpected.... And now an empire had arisen, an empire of which we had been the builders, but not the architect.”<sup>10</sup>

By the 1920s, revisionist historians began to uncover new evidence to demonstrate that American imperialism in the last decade of the 19th century was not an accident but rather a deliberate plan of ambitious politicians who took advantage of “the wider implications of a war with Spain.”<sup>11</sup> In September 1897, then-Assistant Secretary to the Navy Theodore Roosevelt explained his naval strategy to Senator Henry Cabot Lodge in a potential war with Spain to include a recommendation that “our Asiatic squadron should blockade, and if possible take, Manila.”<sup>12</sup> Roosevelt took advantage of one absence from the office of his boss, Secretary of the Navy John D. Long, to arrange for the appointment of Commodore George Dewey to command

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<sup>8</sup> Joseph B. Bishop, ed., *Theodore Roosevelt and His Time: Shown in His Own Letters*, vol. I (New York, NY: Charles Scribner’s Sons, 1920), 106.

<sup>9</sup> H.H. Powers, “The War as a Suggestion of Manifest Destiny,” *The Annals of the American Academy of Political and Social Science* 12 (September 1898): 173.

<sup>10</sup> H.H. Powers, *America Among the Nations* (Chautauqua, NY: The Chautauqua Press, 1919), 97–107.

<sup>11</sup> Charles A. Beard and Mary R. Beard, *The Rise of American Civilization*, vol. II (New York, NY: The Macmillan Company, 1927), 375.

<sup>12</sup> Henry Cabot Lodge and Charles F. Redmond, eds., *Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge, 1884-1918*, vol. I (New York, NY: De Capo Press, 1971), 278.

of the Asiatic squadron.<sup>13</sup> On January 31, 1898, Senator Lodge wrote to Henry White, explaining that “there may be an explosion any day in Cuba which would settle a great many things. We have got a battleship in the harbor of Havana, and our fleet, which overmatches anything the Spaniards have, is masked at the Dry Tortugas.”<sup>14</sup> Two weeks later, the *Maine* exploded. Professor Pratt provides the most charitable explanation for Senator’s Lodge’s letter—that he anticipated a “political” explosion that would settle the issue in Cuba.<sup>15</sup> Then, Roosevelt took advantage of a second more costly absence on February 25, 1898, to coordinate with Lodge to telegram Dewey that in the case of war with Spain, to begin “offensive operations in Philippine Islands.”<sup>16</sup> By April 21, the war was underway.

Many historians have now concluded that the United States did not stumble into imperialism as James Bryce, H.H. Powers, and others originally supposed. The acquisition of Hawaii, the war with Spain, the subsequent acquisition of Puerto Rico, the Philippines, and control of Cuba were all part of an intentional, interventionist, expansionist strategy to thrust the United States into world affairs as an imperial power. The architects of this “Large Policy” were Roosevelt and Lodge, with political support from Speaker of the House Thomas Reed and others, public relations support from William Randolph Hearst’s newspapers, and intellectual support from strategist Alfred Thayer Mahan, Frederick Jackson Turner, and others. The explosion of the *Maine* and the deaths of hundreds of sailors, aided by outrageous headlines in the press, helped to overcome American resistance to intervention in Cuba. Soon thereafter, the easy victory over

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<sup>13</sup> Walter Millis, *The Martial Spirit: A Study of Our War with Spain* (Cambridge, MA: The Riverside Press, 1931), 85–86.

<sup>14</sup> Allan Nevins, *Henry White: Thirty Years of Diplomacy* (New York, NY: Harper & Brothers, 1930), 130.

<sup>15</sup> Julius W. Pratt, *Expansionists of 1898: The Acquisition of Hawaii and the Spanish Islands* (Baltimore, MD: Johns Hopkins University Press, 1936), 226.

<sup>16</sup> Millis, *The Martial Spirit*, 85–86; 111–112.



Spain helped to overcome American resistance to intervening elsewhere. Historian Louis A. Pérez, Jr. explained the legacy of the Spanish-American War: “The war of 1898...fixed permanently how Americans came to think of themselves: a righteous people given to the service of righteous purpose.”<sup>17</sup> According to Pérez, “These sentiments...were in fact deeply inscribed in the national myth.... [They represented] the belief in an exalted manifest destiny as a matter of a logic for an international presence.... It was the American way.”<sup>18</sup>

The principal opposition to American expansionism came from the American Anti-Imperialist League. Founded in June 1898 in Boston, the League was not explicitly anti-war but instead sought “to protest against the adoption of an imperial policy by the United States.”<sup>19</sup> As Stanford President David Starr Jordan remarked after Dewey’s May Day victory, “[t]he crisis comes when the war is over.”<sup>20</sup> According to Jordan, “Our question is not what we shall do with Cuba, Porto Rico, and the Philippines. It is what these prizes will do to us.... [Imperialism] is un-American; it is contrary to our traditions; it is delicious; it is intoxicating.”<sup>21</sup> The basic argument of the League was that imperialism was contrary to American history and tradition; that it would be costly and divert attention from domestic issues; and that foreign policy and domestic policy were inextricably linked such that an imperialist foreign policy would have profound effects on the relationship between a government and the people at home.

The League made its argument against contemporary imperialism through mass petitions, speeches, and published broadsides that relied heavily on historical, political, and constitutional

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<sup>17</sup> Louis A. Pérez, Jr., *Cuba in the American Imagination: Imagination, Metaphor, and the Imperial Ethos* (Chapel Hill, NC: The University of North Carolina Press, 2008), 11.

<sup>18</sup> *Ibid.*

<sup>19</sup> Tompkins, *Anti-Imperialism in the United States*, 123.

<sup>20</sup> David Starr Jordan, *The Days of a Man: Being Memories of a Naturalist, Teacher, and Minor Prophet of Democracy*, vol. 1 (Yonkers-on-Hudson, NY: World Book Company, 1922), 695.

<sup>21</sup> *Ibid.*

arguments that imperialism was inconsistent with republican government. Typical of League speeches and broadsides were references to the Declaration of Independence and President George Washington's farewell address.<sup>22</sup> In 1796, the outgoing President recommended that the United States should:

Observe good faith and justice towards all nations; cultivate peace and harmony with all.... The great rule of conduct for us in regard to foreign nations is in extending our commercial relations, to have with them as little political connection as possible.... The period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.<sup>23</sup>

The League also cited "the essential principles of our government...which ought to shape its administration" in President Jefferson's first inaugural address: "peace, commerce, and honest friendship with all nations, entangling alliances with none" (even if Jefferson did not exactly live up to that standard as Washington's Secretary of State).<sup>24</sup> This was the explicit foreign policy of President McKinley's predecessor, President Grover Cleveland, who later became an original officer of the League.<sup>25</sup> League members also took the opportunity to use President McKinley's words against him: "I speak not of forcible annexation, for that cannot be thought of. That, by our code of morality, would be criminal aggression."<sup>26</sup>

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<sup>22</sup> Anti-Imperialist League, *Save the Republic: Anti-Imperialist Leaflet No. 11-21* (Washington, DC: Anti-Imperialist League, 1898); George F. Hoar, *Letter from the Hon. George F. Hoar, March 29, 1899* (Washington, DC: Anti-Imperialist League, 1898); Tompkins, *Anti-Imperialism in the United States*, 132.

<sup>23</sup> Jennifer E. Steenshorne, ed., *The Papers of George Washington*, Digital Edition., vol. 20, Presidential Series (Charlottesville, VA: University of Virginia Press, 2008), 713–715. President John Adams took this warning to heart and opened talks to withdraw from the 1778 treaties with France. The American delegation took the negotiations seriously and insisted on calling the agreement a negotiation rather than a treaty.

<sup>24</sup> First Inaugural Address, March 4, 1801, Main Series, 33:150, in James P. McClure and J. Jefferson Looney, eds., *The Papers of Thomas Jefferson* (Charlottesville, VA: University of Virginia Press, 1950–2020).

<sup>25</sup> James D. Richardson, *A Compilation of the Messages and Papers of the Presidents*, vol. VIII (Washington, DC: Authority of Congress, 1899), 301, 327.

<sup>26</sup> Tompkins, *Anti-Imperialism in the United States*, 132; Hoar, *Letter from the Hon. George F. Hoar*, 9–12.

The League's members provided some of the most influential arguments against imperialism, not just in direct relation to the Spanish-American War but as a fundamental change in American foreign policy. American social scientist William Graham Sumner explained in a speech to the Phi Beta Kappa Society of Yale University that, by pursuing a foreign policy of expansionism and imperialism, "we are throwing away some of the most important elements of the American symbol, and are adopting some of the most important elements of the Spanish symbol."<sup>27</sup> According to Sumner, "[w]e have beaten Spain in a military conflict, but we are submitting to be conquered by her on the field of ideas and policies."<sup>28</sup> Sumner's speech relied on three key points. First, a colonial system was incompatible with our political system. A nation could not talk about liberty for its people and then fail to extend them to the people it subjugated.<sup>29</sup> Second, the protectionist trade policies inherent in a colonial system (of which we revolted against) would crush the colonial economies. Instead, Sumner believed that the free trade that existed between states was "the grandest experiment in absolute free trade that has ever existed."<sup>30</sup> Finally, Sumner argued that the militarism associated with imperialism was contradictory with the principles of democracy. Imperialism would lead to taxation, lavish spending, and corruption. In sum, "expansion and imperialism are a grand onslaught on democracy."<sup>31</sup> The antagonism and inherent contradictions between the two positions were obvious to Sumner, but he believed the masses no longer had the "sound instinct" to resist "every appeal to their vanity in the way of pomp and glory which they knew must be paid for."<sup>32</sup>

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<sup>27</sup> Sumner, "The Conquest of the United States by Spain," 168.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*, 174–182.

<sup>30</sup> *Ibid.*, 182–185.

<sup>31</sup> *Ibid.*, 185–192.

<sup>32</sup> *Ibid.*, 187.

Despite his pessimism, Sumner gave a quintessential exposition of classical liberal principles—liberty, free markets, and limited government, in the face of an imperial foreign policy that could not co-exist for long.

In the middle of a twenty-month stay in Vienna when the *Maine* exploded, Mark Twain was initially swept up in the war fervor. Writing to his close friend Rev. Joseph H. Twichell, Twain explained, “I have never enjoyed a war—even in written history—as I am enjoying this one. For this is the worthiest one that was ever fought, so far as my knowledge goes. It is worthy thing to fight for one’s freedom; it is another sight finer to fight for another man’s.”<sup>33</sup> Twain soon realized he had been duped. As he later told his biographer Albert Paine, “[w]hen the United States sent word to Spain that the Cuban atrocities must end she occupied the highest moral position ever taken by a nation since the Almighty made the earth. But when she snatched the Philippines she stained the flag.”<sup>34</sup>

If Rudyard Kipling’s poem “The White Man’s Burden” was the siren song for American imperialism, Mark Twain’s satirical essay “To the Person Sitting in Darkness” was the League’s definitive reply. Twain opened by mocking the conduct of Rev. William Ament, a missionary in China with the American Board of Commissioners for Foreign Missions, for demanding the payment of indemnities for the loss of life and property during the Boxer Rebellion.<sup>35</sup> Twain argued that demanding indemnities from Chinese peasants would condemn them to poverty and death; using the “blood-money...for the propagation of the Gospel...concrete a blasphemy so hideous and so colossal that, without doubt, its mate is not findable in the history of this or of

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<sup>33</sup> Albert Bigelow Paine, ed., *Mark Twain’s Letters*, vol. II (New York, NY: Harper & Brothers, 1917), 663.

<sup>34</sup> Albert Bigelow Paine, *Mark Twain: A Biography*, vol. III (New York, NY: Harper & Brothers, 1912), 1064.

<sup>35</sup> Twain, “To the Person Sitting in Darkness,” 162–164.

any other age.”<sup>36</sup> According to Philip Foner, Twain’s travels had exposed him to how missionaries were used to advance imperialist aims.<sup>37</sup> Twain’s ridicule of Ament, then, was not just an attack on Ament himself but of the imperialist movement as a whole.<sup>38</sup> Twain then criticized the imperialist policies of England, Germany, and Russia before turning his aim toward the United States.<sup>39</sup> While still believing that the initial effort in Cuba was a just cause, Twain argued that President McKinley gave in to the temptation to follow in the footsteps of the European colonial powers to subjugate the Philippines.<sup>40</sup> And therein, Twain returned the great contradiction that William Graham Sumner had exposed: “The Person Sitting in Darkness is almost sure to say: ‘There is something curious about this—curious and unaccountable. There must be two Americas: one that sets the captive free, and one that takes a once-captive’s new freedom away from him, and picks a quarrel with him with nothing to found it on; then kills him to get his land.’”<sup>41</sup> If Sumner provided the sober political arguments against imperialism, it was Twain who provided the sharp satirical bite. But the logic was the same: consistent with classical liberal principles, democracy was incompatible with imperialism.

Irish-American journalist E.L. Godkin, editor of *The Nation*, was one of the most consistent and early voices against imperialism. In a June 29, 1889, address to the Phi Beta Kappa Society of Harvard University, Edward J. Phelps, the former United States Minister to Great Britain, called for “a distinctive, definite, wise, grand, and above all, a consistent American

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<sup>36</sup> Ibid., 164.

<sup>37</sup> Philip Sheldon Foner, *Mark Twain, Social Critic* (New York, NY: International Publishers, 1958), 362.

<sup>38</sup> Ibid., 350.

<sup>39</sup> Twain, “To the Person Sitting in Darkness,” 166–169.

<sup>40</sup> Ibid., 169–170.

<sup>41</sup> Ibid., 170.

policy in our international relations.”<sup>42</sup> According to Phelps, this new “international attitude” called for “a naval force...that should leave us nothing to fear from collision with any other naval power in the world.”<sup>43</sup> Godkin responded on the pages of *The Nation*, questioning the cost of building a navy and acknowledging that “[t]he building of a great navy is already on their cards.”<sup>44</sup> Months later, the report of the Naval Policy Board recommended a massive shipbuilding effort.<sup>45</sup> These recommendations were too much for Congress, who scaled them down considerably.<sup>46</sup> But the naval arms race was underway.

In March 1893, when Alfred Thayer Mahan called for the annexation of Hawaii, Godkin responded in consecutive issues, seeking to expose the unstated assumptions in Mahan’s article.<sup>47</sup> According to Godkin, the strategic value of Hawaii was not a singular objective but rather necessarily one piece of a larger strategy that would require a massive naval buildup.<sup>48</sup> The United States could not take advantage of Hawaii as a coaling station without investing in a fleet to defend it, the seas around it, and the coastal waters of the nation.<sup>49</sup> In sum, Godkin believed that Mahan was praising the strategic benefits of Hawaii while hiding the methods that the nation would need to take advantage of the annexation.<sup>50</sup> The following week, Godkin continued his attack on Mahan’s thesis that the American movement into the Pacific was part of

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<sup>42</sup> Edward J. Phelps, *International Relations Address Before the Phi Beta Kappa Society of Harvard University, June 29, 1889* (Burlington, VT: Free Press Association, 1889), 12.

<sup>43</sup> *Ibid.*, 19.

<sup>44</sup> E.L. Godkin, “Our Diplomacy,” *The Nation* XLIX, no. 1254 (July 11, 1889): 24.

<sup>45</sup> “Report of Naval Board,” *Proceedings of the United States Naval Institute* XVI, no. 2 (1890): 201–277; Tompkins, *Anti-Imperialism in the United States*, 13.

<sup>46</sup> Tompkins, *Anti-Imperialism in the United States*, 13; Donald A. Yerxa, “The State of Maine and the New Navy, 1889-1893,” *Maine History* 14, no. 4 (April 1975): 183–205.

<sup>47</sup> Alfred Thayer Mahan, “Hawaii and Our Future Sea-Power,” *The Forum* XV (March 1893): 1–11; E.L. Godkin, “Naval Politics,” *The Nation* LVI (March 9, 1893): 173–174; E.L. Godkin, “Armed Evangelists,” *The Nation* LVI (March 16, 1893): 190–191.

<sup>48</sup> Godkin, “Naval Politics,” 173–174.

<sup>49</sup> *Ibid.*, 174.

<sup>50</sup> *Ibid.*

a “law” of “natural, necessary, irrepressible expansion”—essentially an argument for manifest destiny beyond the continent.<sup>51</sup> Godkin questioned whether the sparsely populated Pacific coast really necessitated expansion.<sup>52</sup> He argued that thinking about becoming “armed evangelists” before tackling the “many social and political problems of the gravest order” at home risked wandering “very far from American ideas of the ends of government and of the moral responsibilities attaching to the possession of great strength.”<sup>53</sup> Like the others in the League, Godkin’s arguments in classical liberalism—which by 1900 he lamented was “a declining, almost a defunct force.”<sup>54</sup>

Oswald Garrison Villard later wrote that Godkin was “the greatest editorial writer the American press has ever produced.”<sup>55</sup> Villard, then a young journalist for the *New York Evening Post*, came out against the war soon after the *Maine* was sunk. Villard absorbed the morality of his grandfather, William Lloyd Garrison, and the ideas of classical liberalism from Godkin and family friend Carl Schurz. Unlike some others within the League who were not necessarily opposed to intervention, Villard realized he was a true pacifist. He saw patriotism not in embracing war but rather trying every effort to avoid it.<sup>56</sup> According to one biographer, Villard “wrote with slashing sarcasm that, at times, equaled Godkin’s.”<sup>57</sup> Villard’s opposition to imperialism as a young journalist at the turn of the century would later prove to be an important link between the League and the anti-war movement in the lead-up to the First World War, as well as to the Old Right thinkers that became prominent in the 1930s.

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<sup>51</sup> Mahan, “Hawaii and Our Future Sea-Power,” 2–3; Godkin, “Armed Evangelists.”

<sup>52</sup> Godkin, “Armed Evangelists,” 191.

<sup>53</sup> *Ibid.*

<sup>54</sup> Godkin, “The Eclipse of Liberalism,” 105.

<sup>55</sup> Villard, *Fighting Years*, 119.

<sup>56</sup> Michael Wreszin, *Oswald Garrison Villard: Pacifist at War* (Bloomington: Indiana University Press, 1965), 20.

<sup>57</sup> *Ibid.*, 21.

Of course, there were other influential and prolific members of the League and the anti-imperialist movement in general. Among them, Edward Atkinson, Carl Schurz, and Moorfield Storey were some of the most notable. In this review, Sumner represented the academic voice who used political and constitutional arguments against imperialism. Twain was the satirist who initially supported the war but immediately flipped upon realizing the nation's imperialist aims. Godkin was the editor who recognized the expansionist program earlier than most and whose relentless columns pounded away at his opponents. Villard was the moralist and pacifist whose legacy reached into the New Deal and the early Cold War. While they had differences, they all shared a commitment to classical liberalism underpinning their arguments against imperialism.

Ultimately, the American Anti-Imperialist League failed to convince the nation's political leaders to avoid the interventionist and expansionist foreign policy the country eventually pursued. Perhaps it was doomed to fail from the start—the League's arguments were historical and intellectual and never had enough of a populist appeal to reach the masses. The League tried to steer the nation against a fierce wind of political will. The League reached its apogee at the turn of the century, but whatever influence it had begun to decline; and the League made no serious efforts to oppose American entry into the First World War.<sup>58</sup> Nonetheless, the intellectual tradition of the American Anti-Imperialist League and particularly the classical liberal ideas of anti-imperialists like Sumner, Twain, Godkin, and Villard provided key contributions to the modern liberty vs. power framework. These ideas demonstrated that foreign policy and domestic policy were inseparably linked; the United States could not expand its influence across the world without having profound effects on the relationship between a state and the people at home.

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<sup>58</sup> Tompkins, *Anti-Imperialism in the United States*, 236; Nock, *Our Enemy, the State*, 184.



## Progressivism

In October 1893, *Harper's* published an article by Carl Schurz, later a prolific contributor to the American Anti-Imperialist League, recognizing the abortive attempt by President Benjamin Harrison to annex Hawaii as a new form of manifest destiny.<sup>59</sup> According to Schurz, this new form went beyond “merely the incorporation in the United States of territory contiguous to our borders, but rather the acquisition of such territory, far and near, as may be useful in enlarging our commercial advantages, and in securing to our Navy facilities desirable for the operations of a great naval power.”<sup>60</sup> The intellectual inspiration for this expansionist vision came from a wide range of sources—but the most influential sources for the first generation of progressives were Alfred Thayer Mahan and Frederick Jackson Turner.<sup>61</sup>

In *The Influence of Sea Power upon History, 1660-1783*, Mahan explained that a navy was necessary for the expansion of economic trade and influence across the world. According to Mahan, sea power was “not only the military strength afloat, that rules the sea or any part of it by force or arms, but also the peaceful commerce and shipping from which alone a military fleet naturally and healthfully springs, and on which it securely rests.”<sup>62</sup> Theodore Roosevelt, then a Commissioner at the United States Civil Service Commission, wrote to Mahan to compliment him on the newly published book and hoped that it would make its way to those in Congress

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<sup>59</sup> Frederic Bancroft, ed., *Speeches, Correspondence and Political Papers of Carl Schurz*, vol. V (New York, NY: G.P. Putnam's Sons, 1913), 191–214.

<sup>60</sup> *Ibid.*, V:194.

<sup>61</sup> Alfred Thayer Mahan, *The Influence of Sea Power Upon History, 1660-1783*, Fifth Edition. (Boston, MA: Little, Brown and Company, 1894); Robert Endicott Osgood, *Ideals and Self-Interest in America's Foreign Relations: The Great Transformation of the Twentieth Century* (Chicago, IL: University of Chicago Press, 1964), 29–41; Ronald Spector, *Professors of War: The Naval War College and the Development of the Naval Profession* (Newport, RI: Naval War College Press, 1977); Thomas F.X. Varacalli, “National Interest and Moral Responsibility in the Political Thought of Admiral Alfred Thayer Mahan,” *Naval War College Review*, no. 2 (Spring 2016): 108–127; Frederick Jackson Turner, “The Significance of the Frontier in American History,” *Annual Report of the American Historical Association for the Year 1893* (1894): 197–227; Frederick Jackson Turner, “The Problem with the West,” *Atlantic Monthly* 78, no. 467 (September 1896): 289–297.

<sup>62</sup> Mahan, *The Influence of Sea Power Upon History, 1660-1783*, 28.

opposed to the Navy.<sup>63</sup> Edmund Morris called the two days Roosevelt spent reading the book “one of the most important weekends of his life.”<sup>64</sup> While historians have debated the extent of Mahan’s direct influence on Roosevelt, the two carried on regular correspondence for 25 years.<sup>65</sup> It is safe to say that, in recognizing the role of sea power, Mahan put into words a strategy that Roosevelt endorsed as part of a larger, more aggressive foreign policy. In his obituary of Mahan, Roosevelt explained that “in the vitally important task of convincing the masters of all of us—the people as a whole—of the importance of a true understanding of naval needs, Mahan stood alone. There was no one else in his class, or anywhere near it.”<sup>66</sup>

In Congress, one of the earliest converts to Mahan was Henry Cabot Lodge, then a representative on the Naval Affairs Committee.<sup>67</sup> Lodge had known Mahan since the 1880s, and they began a long friendship and ongoing correspondence over their respective careers.<sup>68</sup> Lodge absorbed Mahan’s ideas and responded to Mahan’s call for action by endorsing them in his speeches and writings. At least partly in response to Mahan’s call in 1893 for the annexation of Hawaii as “a first-fruit and a token that the nation in its evolution has aroused itself to the necessity of carrying its life...beyond the borders that heretofore have sufficed for its activities,” Lodge suggested the existence of a royalist uprising to seize Hawaii on January 4, 1895.<sup>69</sup> A few days later, Robert Wilcox led an effort to overthrow the Republic of Hawaii and reinstate Queen

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<sup>63</sup> Richard W. Turk, *The Ambiguous Relationship: Theodore Roosevelt and Alfred Thayer Mahan* (Westport, CT: Greenwood Press, 1987), 109.

<sup>64</sup> Edmund Morris, *The Rise of Theodore Roosevelt* (New York, NY: Coward, McCann & Geoghegan, Inc., 1979), 424.

<sup>65</sup> Turk, *The Ambiguous Relationship*, 1–6, 109–172.

<sup>66</sup> Theodore Roosevelt, “A Great Public Servant,” *The Outlook*, January 13, 1915, 86.

<sup>67</sup> John A. Garraty, *Henry Cabot Lodge: A Biography* (New York, NY: Alfred A. Knopf, 1965), 146–147.

<sup>68</sup> *Ibid.*, 315; Karl Schrifftgiesser, *The Gentleman from Massachusetts: Henry Cabot Lodge* (Boston, MA: Little, Brown and Company, 1944), 110–114.

<sup>69</sup> Mahan, “Hawaii and Our Future Sea-Power,” 8; Schrifftgiesser, *The Gentleman from Massachusetts*, 132–133; Speech of Senator Henry Cabot Lodge, *Congressional Record*, 53rd Congress, 3rd Sess., Vol. 27, Part 1 (January 4, 1895), 622–623, 1895.

Lili‘uokalani to the throne. As a result, Lodge looked prescient, and the episode helped stir passions in the Senate in favor of American annexation.<sup>70</sup> Lodge framed Hawaiian annexation as a race between two powers: “The time seems to have come when the United States must take decisive action in regard to Hawaii...if we don’t act, England probably will.”<sup>71</sup>

The impact of Mahan on Lodge was evident by Lodge’s speech to the Senate on March 2, 1895: “The sea power has been one of the controlling forces in history. Without the sea power no nation has really been great.”<sup>72</sup> To project sea power, Lodge insisted that the nation needed ports and coaling stations necessary to maintain a proper navy.<sup>73</sup> In an accompanying article published that month, Lodge proudly proclaimed his imperialism: “We have a record of conquest, colonization, and territorial expansion unequalled by any people in the nineteenth century.”<sup>74</sup> Even more explicitly than Mahan’s relationship with Roosevelt, Mahan gave Lodge the words behind the imperialist theory.

Another voice that caught the ears of Roosevelt and Lodge was that of historian Frederick Jackson Turner. His articles “The Significance of the Frontier in American History” and “The Problem with the West” gave academic backing to this new version of manifest destiny.<sup>75</sup> According to Turner, “[t]he existence of an area of free land, its continuous recession, and the advance of American settlement westward, explain American development.”<sup>76</sup> Turner believed that the consequences of settling the West meant that the “energies of expansion” would be

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<sup>70</sup> Schriftgiesser, *The Gentleman from Massachusetts*, 133–134.

<sup>71</sup> “Crowning Curse,” *Boston Globe*, February 1, 1893.

<sup>72</sup> Speech of Senator Henry Cabot Lodge, *Congressional Record*, 53rd Congress, 3rd Sess., Vol. 27, Part 4 (March 2, 1895), 3082-3084, 3107-3109, 1895; Garraty, *Henry Cabot Lodge*, 152–153.

<sup>73</sup> Garraty, *Henry Cabot Lodge*, 152.

<sup>74</sup> Henry Cabot Lodge, “Our Blundering Foreign Policy,” *The Forum* XIX (March 1895): 16.

<sup>75</sup> Turner, “The Significance of the Frontier in American History”; Turner, “The Problem with the West.”

<sup>76</sup> Turner, “The Significance of the Frontier in American History,” 199.

diverted to “the demands for a vigorous foreign policy, for an interoceanic canal, for a revival of our power upon the seas, and for the extension of American influence to outlying islands and adjoining countries....”<sup>77</sup>

Roosevelt certainly drew inspiration from Turner’s writings.<sup>78</sup> Turner’s first article was published while Roosevelt was working on the third of *The Winning of the West*.<sup>79</sup> Roosevelt wrote to Turner, explaining that “I think you have struck some first class ideas, and have put into definite shape a good deal of thought which has been floating around rather loosely;” and promised to include and credit Turner’s ideas in the third volume.<sup>80</sup>

The Large Policy of Lodge and Roosevelt, fortified by the ideas of Mahan and Turner, was not just the imperial dream of these few men but a strategy that had immediate appeal for the growing progressive movement. It was, as Carl Schurz surmised, a new form of manifest destiny that had military, economic, religious, and humanitarian components. In a provocative thesis, William E. Leuchtenburg advanced the argument that “Progressives, contrary to orthodox accounts, did not oppose imperialism but, with few exceptions, ardently supported the imperialism surge or, at the very least, proved agreeably acquiescent.”<sup>81</sup> Leuchtenburg examined voting records and speeches to conclude that Progressives generally voted for increased military expenditures that supported imperialist foreign policies and did not speak out against such

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<sup>77</sup> Turner, “The Problem with the West”; Warren Zimmermann, *First Great Triumph: How Five Americans Made Their Country a World Power* (New York, NY: Farrar, Straus and Giroux, 2004), 24.

<sup>78</sup> Zimmermann, *First Great Triumph*, 461; Morris, *The Rise of Theodore Roosevelt*, 465–467.

<sup>79</sup> H.W. Brands, ed., *The Selected Letters of Theodore Roosevelt* (New York, NY: Cooper Square Press, 2001), 86–87; Zimmermann, *First Great Triumph*, 217.

<sup>80</sup> Brands, *The Selected Letters of Theodore Roosevelt*, 87; Morris, *The Rise of Theodore Roosevelt*, 466; Evan Thomas, *The War Lovers: Roosevelt, Lodge, Hearst, and the Rush to Empire, 1898* (New York, NY: Little, Brown and Company, 2010), 58–59.

<sup>81</sup> William E. Leuchtenburg, “Progressivism and Imperialism: The Progressive Movement and American Foreign Policy, 1898-1916,” *The Mississippi Valley Historical Review* 39, no. 3 (1952): 483; Gerald E. Markowitz, “Progressivism and Imperialism: A Return to First Principles,” *The Historian* 37, no. 2 (1975): 257–275.

policies.<sup>82</sup> Moreover, leading Progressives such as Senator Albert J. Beveridge of Indiana believed that the people of Cuba, Puerto Rico, and the Philippines were not capable of self-government.<sup>83</sup> According to Leuchtenburg, imperialism was an extension of domestic progressivism because they both embraced the philosophy of using the positive power of government with “an almost religious faith in the democratic mission of America.”<sup>84</sup> In fact, as Richard M. Gamble has shown, progressivism did have a significant religious component. Many progressive Christians defended using war to bring democracy and Christianity (“the highest form of civilization”) to the less enlightened.<sup>85</sup> Progressive theologians would later embrace this philosophy as a reason to intervene during the First World War.

Moreover, leading intellectual progressives embraced expansionism and imperialism, even if it wasn’t the militant variety preferred by Roosevelt and Lodge. Later one of the founders of the highly influential magazine *The New Republic*, Herbert Croly explained that when a people were “incapable of efficient national organization,” even democracies could pursue colonial expansion.<sup>86</sup> Co-founder Walter Lippmann believed that intervention was necessary to establish an “international protectorate” to create “efficient authority in the weak states.”<sup>87</sup> According to Lippmann, it was “supremely important to organize the backwards portions of the earth. They are the arenas in which danger stimulates primitive patriotism and rich prizes stimulate a primitive adventure. Reduce the danger and the prizes by stable government, and the

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<sup>82</sup> Leuchtenburg, “Progressivism and Imperialism,” 483–484.

<sup>83</sup> Claude G. Bowers, *Beveridge and the Progressive Era* (New York, NY: The Literary Guild, 1932), 73–76; Leuchtenburg, “Progressivism and Imperialism,” 484.

<sup>84</sup> Leuchtenburg, “Progressivism and Imperialism,” 500–501.

<sup>85</sup> Richard M. Gamble, *The War for Righteousness: Progressive Christianity, the Great War, and the Rise of the Messianic Nation* (Wilmington, DE: Intercollegiate Studies Institute, 2014), ch. 3.

<sup>86</sup> Herbert Croly, *The Promise of American Life* (New York, NY: The Macmillan Company, 1909), 308; Charles Forcey, *The Crossroads of Liberalism: Croly, Weyl, Lippmann, and The Progressive Era, 1900-1925* (New York, NY: Oxford University Press, 1961), 31.

<sup>87</sup> Walter Lippmann, *The Stakes of Diplomacy* (New York, NY: Henry Holt and Company, 1915), 169.

whole world will breathe more easily.”<sup>88</sup> Lippmann believed that democracy civilized a “docile, mystically consecrated population.”<sup>89</sup> On the eve of American intervention in the First World War, Lippmann proclaimed that “[t]he kind of world we desire, a world of stable, interdependent democracies acting as the guardians of less developed peoples—that vision depends upon the cooperation of the United States and Great Britain.”<sup>90</sup> The magazine’s backer, Williard Straight, was an “Anglophile interventionist” who pushed *The New Republic* toward interventionism and imperialism.<sup>91</sup> According to Charles Forcey, “[l]ike most progressives,” Straight “saw no necessary contradiction between imperialism abroad and progressivism at home.”<sup>92</sup>

Leuchtenburg’s thesis was challenged on several fronts, including the claims he only focused on a few prominent progressive politicians and his definition of imperialism, which included jingoism and militarism.<sup>93</sup> Responding to these critics, Gerald E. Markowitz profiled the views of 400 individual progressives identified in Otis Graham’s *An Encore for Reform* and confirmed “the essential truth in Leuchtenburg’s essay—that the great majority of progressives saw reform at home and an imperial policy abroad as complementary.”<sup>94</sup> In the wake of the Treaty of Paris (1898), Arthur J. Pillsbury, the progressive editor of *Overland Monthly*,

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<sup>88</sup> Ibid., 171; Gerald E. Markowitz, “Progressive Imperialism: Consensus and Conflict in the Progressive Movement on Foreign Policy, 1898-1917” (Ph.D. diss., University of Wisconsin, 1971), 176.

<sup>89</sup> Lippmann, *The Stakes of Diplomacy*, 219.

<sup>90</sup> Walter Lippmann, “What Program Shall the United States Stand for in International Relations?,” *The Annals of the American Academy of Political and Social Science* 66, no. 1 (July 1916): 64.

<sup>91</sup> Forcey, *The Crossroads of Liberalism*, 226–227.

<sup>92</sup> Ibid., 172.

<sup>93</sup> Howard W. Allen, “Republican Reformers and Foreign Policy, 1913-17,” *Mid-America* XLIV (October 1962): 222–229; Walter I. Sutton, “Progressive Republican Senators and the Submarine Crisis, 1915-1916,” *Mid-America* XLVII (April 1965): 75–88; Barton J. Bernstein and Franklin A. Leib, “Progressive Republican Senators and American Imperialism, 1898–1916: A Reappraisal,” *Mid-America* L (July 1968): 1963–205; John Milton Cooper, “Progressivism and American Foreign Policy: A Reconsideration,” *Mid-America* LI (October 1969): 260–277; Markowitz, “Progressivism and Imperialism,” 258.

<sup>94</sup> Markowitz, “Progressive Imperialism: Consensus and Conflict in the Progressive Movement on Foreign Policy, 1898-1917”; Markowitz, “Progressivism and Imperialism,” 258–259; Otis L. Graham, Jr., *An Encore for Reform: The Old Progressives and the New Deal* (New York, NY: Oxford University Press, 1967), 187–217.

explained in “The Destiny of Duty” that “under the providence of God, and guided by the unerring promptings of an ever-present duty, the mission of this country will be to plant the tree of liberty (industrial and civic) wherever it will grow, and if need be, nurture and guard it with all the power of army and navy.”<sup>95</sup> Later historians believed that Markowitz’s conclusions were true “at some level of generality” but had their own limitations.<sup>96</sup> In any case, despite historiographic squabbling over definitional elements, the thematic link between progressivism and imperialism identified by Leuchtenburg appears secure.

### **The Great Rapprochement**

On the morning of April 25, 1898, United States Navy ships *Olympia* (with Commodore Dewey aboard), *Baltimore*, and *Raleigh* steamed from Hong Kong on their way to Mirs Bay, China. War had been declared against Spain and Dewey began to move against Manila. Britain was officially neutral, and Perry’s Asiatic squadron could no longer remain in Hong Kong. The ships left, “cheered to the echo as they steamed from the harbor by the British soldiers and sailors ashore and afloat, who, with the blood of the race, envied them the prospect of a fight.”<sup>97</sup> At the same time, the officially neutral British delayed their proposed lease of Mirs Bay from the Chinese so that Dewey’s squadron could operate from there during the war.<sup>98</sup> And British authorities in Hong Kong permitted Dewey to use the trans-Pacific cable for faster

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<sup>95</sup> Arthur J. Pillsbury, “The Destiny of Duty,” *Overland Monthly* 33, no. 194 (February 1899): 169; Markowitz, “Progressive Imperialism: Consensus and Conflict in the Progressive Movement on Foreign Policy, 1898-1917,” 10.

<sup>96</sup> John A. Thompson, *Reformers and War: American Progressive Publicists and the First World War* (Cambridge: Cambridge University Press, 1987), 117–119.

<sup>97</sup> French Ensor Chadwick, *The Relations of the United States and Spain* (New York, NY: Charles Scribner’s Sons, 1911), 156; Bradford Perkins, *The Great Rapprochement: England and the United States, 1895-1914* (New York, NY: Atheneum, 1968), 45.

<sup>98</sup> Perkins, *The Great Rapprochement*, 45.

communications with Washington.<sup>99</sup> These anecdotes marked just a few examples from the Spanish-American War of the shift in Anglo-American relations that began around 1895 and contributed to the American decision to intervene in 1917 on the British side.

Bradford Perkins asserts that rapprochement had already begun by 1895 when the United States aggressively intervened in negotiations over a boundary dispute between Venezuela and British Guiana. According to Perkins, the American insistence on arbitration (which the British eventually acquiesced to) was seen as a direct challenge to British claims.<sup>100</sup> British historian R.A. Humphreys understood that the British acceptance of the terms insisted upon by the United States was recognition of the emerging position the Americans played on the world stage.<sup>101</sup> Humphreys wrote that “[t]he Venezuela crisis of 1895 was one of the most momentous episodes in the history of Anglo-American relations in general and of Anglo-American rivalries in Latin America in particular.”<sup>102</sup>

By 1896, the winds behind the sails of rapprochement began blowing harder. The defeat of William Jennings Bryan and his threat to the gold standard, together with a succession of Republican presidents, promoted a British-friendly imperial policy driven by the expansion of markets.<sup>103</sup> American neutrality during the Second Boer War, together with Theodore Roosevelt’s belief that England’s “interest and ours will run on rather parallel lines in the future,” set the stage for increasingly amicable relations during the first decade of the 20th century.<sup>104</sup> Roosevelt’s cordial relationships with a succession of British politicians and

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<sup>99</sup> Ibid., 44–45.

<sup>100</sup> Ibid., 14–17.

<sup>101</sup> R. A. Humphreys, “Presidential Address: Anglo-American Rivalries and the Venezuela Crisis of 1895,” *Transactions of the Royal Historical Society* 17 (December 1967): 163.

<sup>102</sup> Ibid., 133.

<sup>103</sup> Perkins, *The Great Rapprochement*, 72–73.

<sup>104</sup> Lodge and Redmond, *Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge, 1884-1918*, I:494.



diplomats helped to warm the Anglo-American relationship. In a letter to Arthur Hamilton, a Conservative MP and frequent correspondent, Roosevelt reassured Lee that “[y]ou need not ever be troubled by the nightmare of a possible contest between the two great English-speaking peoples. I believe that it is practically impossible now, and that it will grow entirely so as the years go by. In keeping ready for possible war I never even take into account a war with England.”<sup>105</sup> Roosevelt first met Cecil Spring Rice on a trans-Atlantic crossing in 1886.<sup>106</sup> They became friends so quickly that Spring Rice served as Roosevelt’s best man when he married Edith Carow in London just a few weeks later.<sup>107</sup>

Other changes marked shifts in the Anglo-American relationship. The American upgrade from Ministers to Ambassadors in 1893 reflected the same kind of self-confidence that Henry Adams noticed when he returned to Washington in 1904, where “the contrast of atmosphere astonished him, for he had never before seen his country think as a world-power.”<sup>108</sup> Changes in economics and trade and the British decision to abandon the western hemisphere also played essential roles in bringing the British and Americans closer together.<sup>109</sup> Along the way, signposts signaled changing attitudes, including the sentiment displayed by Americans toward the British upon the death of Queen Victoria.<sup>110</sup>

Walter Millis relates an anecdote that may have spoken to the views of some Americans regarding the British upon the outbreak of war in August 1914:

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<sup>105</sup> “Theodore Roosevelt to Arthur Hamilton Lee,” June 6, 1905, Theodore Roosevelt Papers, Library of Congress Manuscript Division; Perkins, *The Great Rapprochement*, 106–107.

<sup>106</sup> Perkins, *The Great Rapprochement*, 108; Morris, *The Rise of Theodore Roosevelt*, 358.

<sup>107</sup> Perkins, *The Great Rapprochement*, 108.

<sup>108</sup> H.C. Allen, *Great Britain and the United States: A History of Anglo-American Relations (1783-1952)* (New York, NY: St. Martin’s Press, 1955), 549, 569; Henry Adams, *The Education of Henry Adams: An Autobiography* (Boston, MA: Houghton Mifflin Company, 1918), 463.

<sup>109</sup> Perkins, *The Great Rapprochement*, 119–208.

<sup>110</sup> *Ibid.*, 115–117.

As the King and Queen drove through cheering crowds to Parliament, a group of Americans at the Carlton Hotel cheered and yelled with the rest, and one mighty Yankee voice sang out above the tumult: 'New York is with you!' The King 'bowed and smiled to the greeting.'<sup>111</sup>

But was American opinion congruent with that one mighty Yankee voice? In a review of newspaper opinions from September 1914, *The National Review (China)* proclaimed that "[t]o all practical purposes his judgment was correct. Indeed it may be said that if he had said, 'The United States are with you' he would have not been far wrong."<sup>112</sup> The column claimed that "[h]is verdict would have been borne out by a survey of the press on this side."<sup>113</sup> Bradford Perkins notes that while public opinion polls did not exist at the time, *The Literary Digest* did, in fact, do a survey of the press three months after the war began.<sup>114</sup> According to the Digest, 189 editors (51.5%) reported pro-Allied sentiment in their areas, while 140 (38.1%) were neutral or divided and just pro-German sentiment from 38 editors (10.4%).<sup>115</sup> Most of the pro-German sentiment came from predominately German areas of the Midwest.<sup>116</sup> Among the editors themselves, (66.0%) proclaimed themselves neutral, while 105 (28.3%) sided with the Allies, and 20 (5.4%) expressed pro-German sentiments (mainly from the Midwest).<sup>117</sup> To the extent that newspaper editors (and their expressions of the feelings of the people in their areas) were a proxy for public opinion, it does appear that the period of rapprochement did have a tangible impact on the attitudes of Americans toward the British. By the end of 1914, then, much of the antagonism that existed between the two countries had faded and was replaced by an understanding that respected shared political and economic objectives and recognized the

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<sup>111</sup> Millis, *Road to War*, 45; Perkins, *The Great Rapprochement*, 3.

<sup>112</sup> "Washington Letter," *The National Review (China)*, September 19, 1914, 156.

<sup>113</sup> *Ibid.*

<sup>114</sup> Perkins, *The Great Rapprochement*, 3–4.

<sup>115</sup> "American Sympathies in the War," *Literary Digest*, November 14, 1914, 939.

<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.*

American role on the world stage. Americans were not eager for war, but neither were they neutral in their hearts.

### **The Imperial State and the Centralization of Power**

The contemporary arguments made by William Graham Sumner and others in the Anti-Imperialist League would not have been called libertarian at the time, but they were undoubtedly steeped in the classical liberal foundations of libertarianism. These men took the warnings of George Washington, Thomas Jefferson, and John Quincy Adams that colonialism and imperialism were incompatible with a democratic political system. Colonialism and imperialism brought with them protectionism and militarism, which were costly and tended to divert attention away from domestic issues. The link between foreign policy and domestic policy meant that we could not maintain a colonial empire without having direct impacts on the home front. As Sumner concluded, “expansion and imperialism are a grand onslaught on democracy.”<sup>118</sup>

The classical liberal arguments made against imperialism at the turn of the century were advanced further by libertarian scholars. For example, Christopher J. Coyne and Rachel L. Mathers took the concept of F.A. Hayek’s “fatal conceit” and applied it in a specifically foreign policy context.<sup>119</sup> According to Coyne and Mathers, there are five parallels between Hayek’s fatal conceit and the fatal conceit of foreign intervention. First, good intentions do not necessarily lead to good results.<sup>120</sup> Core to modern libertarian philosophy is the idea that good intentions are not enough. Intentions must be linked to results, for many good ideas often have

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<sup>118</sup> Sumner, “The Conquest of the United States by Spain,” 185–192.

<sup>119</sup> Christopher J. Coyne and Rachel L. Mathers, “The Fatal Conceit of Foreign Intervention,” in *What Is so Austrian about Austrian Economics?*, ed. Roger Koppl, Steven Horwitz, and Pierre Desrochers, vol. 14, *Advances in Austrian Economics* (Emerald Group Publishing Limited, 2010), 225–250.

<sup>120</sup> *Ibid.*, 226.

disastrous results. The war on drugs and the war on poverty are but two catastrophic examples. Similarly, foreign intervention cannot be driven by good intentions alone. Many choices to intervene because of humanitarian concerns have often backfired spectacularly. The second parallel is a “[r]eliance on top-down planning.”<sup>121</sup> This reliance on central planning for foreign interventions has the same weaknesses seen in central planning for domestic economies. According to Hayek, “[m]odern economics explains how such an extended order can come into being, and how it itself constitutes an information-gathering process, able to call up, and put to use, widely dispersed information that no central planning agency, let alone any individual, could know as a whole, possess, or control.”<sup>122</sup> In the same way, those who plan military interventions cannot determine the critical items of local knowledge that are necessary for success. Third is the “view of development as a technological issue.”<sup>123</sup> Here, the central issue is the idea that development can be solved when a central plan is backed by sufficient resources along with the effort to execute the plan. The fourth parallel is the “[r]eliance on bureaucracy over markets.”<sup>124</sup> This parallel is closely related to the previous two—grandiose central plans cannot be executed through markets but rather through the applications of the plan by existing or new bureaucratic structures. Lastly, this system favors the “primacy of collectivism over individualism.”<sup>125</sup> Here, the goals in foreign interventions are designed by experts for a greater good that often sacrifices individual rights and freedoms. Coyne and others have extended this work using recent examples of militarism and intervention.<sup>126</sup> The fatal conceit of foreign

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<sup>121</sup> *Ibid.*, 227.

<sup>122</sup> F.A. Hayek, *The Fatal Conceit: The Errors of Socialism*, ed. W.W. Bartley III (Chicago, IL: University of Chicago Press, 1988), 14.

<sup>123</sup> Coyne and Mathers, “The Fatal Conceit of Foreign Intervention,” 227.

<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.*

<sup>126</sup> Christopher J. Coyne and Abigail R. Hall, *Tyranny Comes Home: The Domestic Fate of U.S. Militarism* (Stanford, CA: Stanford University Press, 2018); Karras J. Lambert, Christopher J. Coyne, and

intervention, then, demonstrates that militarism and imperialism have undesirable outcomes because such interventions are often “comprehensive and complex” and “extend beyond the limits of what can be rationally constructed through reason.”<sup>127</sup>

The Spanish-American War, by itself, does not explain the centralization of imperial power in the state. In fact, efforts toward American imperialism came in the two decades prior, as elements of what became the Large Policy fell into place. American intervention in 1898 was possible because so many of these constituent parts, including a growing Navy and an intellectual strategy to use it, were already in place. The growth of the Navy, the policy decisions made in Congress and successive administrations, and the decision to intervene in Cuba all took place within the scope of traditional practices of democratic government. Moreover, the build-up of a distinctive American imperial policy, while not necessarily apparent to observers at the time, was not an accident but an intentional plan of Theodore Roosevelt and Henry Cabot Lodge, with support from Thomas Reed, William Randolph Hearst, Alfred Thayer Mahan, Frederick Jackson Turner, and others. While these men often had different motives and different aims, and while not all would be considered progressives in the same light as those who would later serve in the Wilson administration, the evidence shows that they all shared the distinction of contributing to a plan that would “set the United States on the road to become a great power.”<sup>128</sup> At least, that was their (good) intention.

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Nathan P. Goodman, “The Fatal Conceit of Foreign Intervention: Evidence from the Afghanistan Papers,” *Peace Economics, Peace Science and Public Policy* 27, no. 3 (September 1, 2021): 285–310.

<sup>127</sup> Coyne and Mathers, “The Fatal Conceit of Foreign Intervention,” 246.

<sup>128</sup> Zimmermann, *First Great Triumph*, 8–9.

## Conclusions

The relative ease with which the United States defeated Spain, in such a short period of time and with little cost to American lives, helped the nation overcome its resistance to imperial ambitions. The swiftness of American victory helped to overturn the lynchpin of American foreign policy for over 100 years. According to journalist John Avlon, “once celebrated as civic scripture, more widely reprinted than the Declaration of Independence, George Washington’s Farewell Address is now almost forgotten.”<sup>129</sup> And with it, the aversion to intervention among the political class began to disappear.

The American Anti-Imperialist League would continue its activities into the second decade of the 20th century, but its opposition was never more robust than it was at the turn of the century, after which it went into steady decline. Moreover, the League was an imperfect proxy for the anti-war movement. At its core, the League opposed the imperialism of the period, but its members didn’t oppose the Spanish-American War itself. That its members believed they could separate one from the other revealed the organization’s naiveté, a weakness that would be exposed when the full scale of the Large Policy was understood. While the League failed to make a meaningful impact on American foreign policy going forward, its ideas provided fundamental building blocks for the later development of the modern liberty vs. power framework.

The disappearance of serious resistance to intervention after 1898 was the dominant factor that influenced politicians to place a heavy thumb on the scale after 1914 in a way that would not have been imaginable just a few decades earlier. The convergence of shared objectives

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<sup>129</sup> John Avlon, *Washington’s Farewell: The Founding Father’s Warning to Future Generations* (New York, NY: Simon & Schuster, 2017), 1.

between the United States and Britain was a second element of foreign policy that swayed American politicians away from a nation that represented a plurality of its immigrants. Progressives saw the power of the state as a means toward reform not just at home but abroad. The combination of these factors overwhelmed both America's historical aversion to intervention and its claims of neutrality. American intervention on the side of the British was all but inevitable. The die had been cast.

On August 3, 2014, a hundred years after the USS Maine anchor was first presented to the City of Reading, the monument was rededicated.<sup>130</sup> Instead of the many thousands who were present a century earlier, about 40 people showed up on that Sunday morning in 2014. The anchor remains on display, but the war (and its role in driving America toward imperialism) seems to have been forgotten.

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<sup>130</sup> "Dozens at Ceremony to Rededicate Anchor of USS Maine in Reading City Park," *Reading Eagle*, August 4, 2014. See the Appendix.

*[Keynes] was quite certain that the war could not last much more than a year and that the belligerent countries could not be ruined by it. The world, he explained, was enormously rich, but its wealth was, fortunately, of a kind which could not be rapidly realized for war purposes: it was in the form of capital equipment for making things which were useless for waging war. When all the available wealth had been used up—which he thought would take about a year—the Powers would have to make peace. We could not use the cotton factories in Lancashire to help our Navy blockade Germany; Germany could not use its toymakers' factories to equip her armies.*

David Garnett, *The Golden Echo*<sup>1</sup>

### Chapter Three: The Financial State

Economist John Maynard Keynes, who worked for the British Treasury during the war and represented Treasury at the Paris Peace Conference after the war, resigned when he realized the Treaty would be much harsher than necessary. Keynes predicted disaster, and his resulting work, *The Economic Consequences of the Peace* (published in 1920), became an international best-seller and established his reputation as a leading economist.<sup>2</sup> History would largely vindicate Keynes for his post-war views. But years earlier, just after the outbreak of war, Keynes was not so prescient as the anecdote above indicates.

The factors described in the previous chapter shaped the geo-political landscape in a way that helped the United States overcome resistance to intervention abroad. The realization of shared political, economic, and cultural objectives tilted American favor in the direction of the British. But this is not yet the complete picture. This chapter addresses the Financial State—the means by which the financial and banking sector was shaped to fight the war. A modern income tax provided a new source of income for the federal government. A newly established central

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<sup>1</sup> David Garnett, *The Golden Echo*, vol. 1 (New York, NY: Harcourt, Brace and Company, 1954), 271.

<sup>2</sup> John Maynard Keynes, *The Economic Consequences of the Peace* (New York, NY: Harcourt, Brace and Howe, 1920).



bank allowed the war to be financed through inflation. Then, by changing the focus of the Federal Reserve, the federal government enabled American banks to make extensive loans to Allied powers, ensuring the United States would be financially invested on one side of the balance of power. What Keynes did not fully understand in 1914 was that these changes to the economy in the years leading to the war enabled a massive scheme of war financing that made a more protracted war more likely.

Keynes' views in 1914 may have been viewed through the common (although not universal) lens in Britain that the war would be "over by Christmas."<sup>3</sup> One economic historian has suggested that Keynes might have been influenced by Norman Angell's influential book *The Great Illusion* (1913) which argued that war was futile because "international finance has become so interdependent and so interwoven with trade and industry that the intangibility of an enemy's property extends to his trade."<sup>4</sup> According to Angell, "[t]he forces which have brought about the economic futility of military power have also rendered it futile as a means of enforcing a nation's moral ideals or imposing social institutions upon a conquered people."<sup>5</sup> Angell, who later won the Nobel Peace Prize for *The Great Illusion*, was wrong—the supposed futility of war built upon economic interdependence did not prevent war from breaking out. And Keynes was also wrong—the war lasted far longer than he had estimated. Economists and historians understand, as Keynes did, that war financing is generally brought about by some combination of four methods: taxation, domestic debt, printing money, and external funding, and the limitations

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<sup>3</sup> Stuart Hallifax, "'Over by Christmas': British Popular Opinion and the Short War in 1914," *First World War Studies* 1, no. 2 (October 1, 2010): 103–121.

<sup>4</sup> John Maynard Keynes and T. W. Hutchison, "The Collected Writings of John Maynard Keynes, Volumes I-VI and XV-XVI," *The Economic History Review* 26, no. 1 (1973): 145n; Norman Angell, *The Great Illusion: A Study of the Relation of Military Power to National Advantage*, Fourth Revised and Enlarged Edition. (New York, NY: G.P. Putnam's Sons, 1913), xi.

<sup>5</sup> Angell, *The Great Illusion: A Study of the Relation of Military Power to National Advantage*, xi.

associated with each of these approaches.<sup>6</sup> Keynes's chief weakness may have been his lack of imagination in understanding how capital resources could be mobilized for war. Today, it is not difficult to imagine how cotton factories in Lancashire and toy factories in Germany could have been transformed in short order to contribute to the war effort.

While policymakers in the United States were not mobilizing for war in 1914, in the years leading up to the war, they certainly exhibited the imagination and creativity that Keynes lacked in developing additional tools that would later contribute to financing the war in Europe. At least three different themes contributed to this effort. First, the implementation of the modern income tax in 1913 settled a decades-long debate over what would later become a key source of revenue for the federal government. Second, the establishment of the Federal Reserve in the same year was designed to provide for centralization of monetary policy and flexibility in the tools available to deal with financial crises. A central bank designed around domestic economic policy objectives was quickly shifted to support the Allied war effort, discarding some of the very regulations meant to ensure sound financial decision-making. Third, the Wilson Administration, Congress, the Treasury Department, and the Federal Reserve worked to expand the availability of credit—by approving commercial loans to Allies, changing rules to provide financing to foreign governments and allowing rediscounting of acceptances to be able to finance American munitions exports to the Allies, and several changes to the Federal Reserve Act to reduce collateral requirements which allowed the Treasury Department to finance the war effort through inflation. All of these measures, designed to create additional money, undermined the proclaimed policy of neutrality and firmly tied the flexibility and even the viability of the American financial system to the successful outcome of the war in Europe. At the same time,

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<sup>6</sup> Rosella Cappella Zielinski, *How States Pay for Wars* (Ithaca: Cornell University Press, 2016), 2.

opponents of the income tax and the Federal Reserve (some who would go on to oppose American intervention in the war) developed arguments against these institutions grounded in classical liberal principles—arguments that would become the foundation for the Rothbardian synthesis.

In addition to taxation and money creation, the American war effort was paid for by borrowing from the public in the form of Liberty bonds—four of which were sold during the war and one Victory bond after the war. In fact, these bonds raised \$24B or 58% of total war financing between March 1917 and May 1919.<sup>7</sup> Despite the volume raised, which was crucial to the war effort, the bonds are less valuable in terms of demonstrating the tools of the state in a financial sense. Instead, the liberty bonds are more instructive of the publicity campaign used to advertise the bonds. In that light, liberty bonds will be covered in Chapter Seven.

### **The Income Tax**

The Civil War provided the first implementation of a federal income tax. The Revenue Act of 1861 implemented a flat tax of 3% on incomes above \$800 as a means of providing revenue for the war effort.<sup>8</sup> The following year, the flat income tax provision was replaced by a progressive tax—3% on incomes above \$600 and 5% on incomes above \$10,000.<sup>9</sup> The final wartime adjustment to the federal income tax came in 1864, when rates changed again to 5%

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<sup>7</sup> Milton Friedman and Anna Jacobson Schwartz, *A Monetary History of the United States* (Princeton, NJ: Princeton University Press, 1963), 221; Hugh Rockoff, “Until It’s Over, Over There: The US Economy in World War I,” in *The Economics of World War I*, ed. Stephen Broadberry and Mark Harrison (Cambridge: Cambridge University Press, 2005), 316. For an example of the posters used to advertise the Liberty Loan campaigns, see the Appendix.

<sup>8</sup> *Revenue Act of 1861*, 12 Stat. 292, 309, 1861; Sheldon D. Pollack, “The First National Income Tax, 1861-1872,” *The Tax Lawyer* 67, no. 2 (Winter 2014): 319–320.

<sup>9</sup> *Revenue Act of 1862*, 12 Stat. 432, 1862; Pollack, “The First National Income Tax, 1861-1872,” 321–322.

over \$600, 7.5% above \$5,000, and 10% above \$10,000.<sup>10</sup> Collection peaked in 1866 when the federal government collected nearly \$73M (one-fifth of all total receipts) but declined thereafter when politicians could no longer justify such taxes after the war ended.<sup>11</sup> The law expired in 1872, and the first federal income tax experiment ended with it.<sup>12</sup>

The Civil War era experience with the federal income tax revealed several key observations. First, war placed substantial pressure on governments to find additional sources of revenue. According to one authoritative account, “[e]ach of the major wars fought by the United States brought about drastic changes in taxation to provide the revenue required to meet the heavy demands of national defense. . . .”<sup>13</sup> War, then, became the predominant factor in spawning new taxes and tax increases—in this case, the first federal income tax was directly tied to raising revenue for the Union war effort. Second, governments were not content with initial tax efforts but would continue to push rates up as demands for revenue increased. In fact, Congress passed the increased (and graduated) rates in 1862 before any revenue had even been collected under the 1861 law.<sup>14</sup> Third, once a new revenue source was defined, it became difficult to reverse course. So even though many politicians used the war as the reason for instituting the income tax, the end of the war was not a sufficient reason to repeal it. Although Congress made downward changes to rates after the war, it was not until 1872 when the income tax disappeared—and not

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<sup>10</sup> *Revenue Act of 1864*, 13 Stat. 223, 1864; Pollack, “The First National Income Tax, 1861-1872,” 325.

<sup>11</sup> U.S. Bureau of the Census, *Historical Statistics of the United States: Colonial Times to 1970*, Bicentennial Edition. (Washington, DC: Government Printing Office, 1975), 1091; Pollack, “The First National Income Tax, 1861-1872,” 325–330.

<sup>12</sup> Pollack, “The First National Income Tax, 1861-1872,” 330; Stephanie Hunter McMahon, “A Law With a Life of Its Own: The Development of the Federal Income Tax Statutes Through World War I,” *Pittsburgh Tax Review* 7, no. 1 (2009): 15–18.

<sup>13</sup> Lillian Doris, ed., *The American Way in Taxation: Internal Revenue, 1862-1963* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1963), 15.

<sup>14</sup> Pollack, “The First National Income Tax, 1861-1872,” 321.

because of its repeal, but because of a sunset provision.<sup>15</sup> These observations would later prove prescient when examining the federal income tax relative to both world wars.

Civil War-era debates about the income tax generally started from the premise that some amount of federal income was necessary (especially during wartime); if tariffs were to be reduced, then something would have to replace them. Many politicians did not openly clamor for taxation of income but believed it was “a political necessity and the lesser among evils.”<sup>16</sup> Income taxes were seen as more broadly based and more “equitable”—understood to mean a tax that “the wealthy could not escape or evade.”<sup>17</sup> Nonetheless, one anecdote related by Mark Twain indicated that the income tax was neither popular nor equitable.

In early 1870, after marrying Olivia Langdon and moving to Buffalo, New York, Twain recounted that the first visitor to his new home was an assessor with the U.S. Internal Revenue Department, a branch that Twain confessed he had never heard of.<sup>18</sup> In conversation, Twain impressed the assessor with all the recent money he had made—over \$214,000 in 1869!<sup>19</sup> The man handed Twain an envelope with an “advertisement” that turned out to be a tax return—an episode that Twain recounted as one that the “stranger had enabled me to make an ass of myself.”<sup>20</sup> Under the law in place at the time, only \$1000 would have been exempted from his income, subjecting Twain to a federal income tax of \$10,650 (5% flat rate on \$213,000).<sup>21</sup> Twain then consulted an acquaintance who he described as “a very opulent man, whose house is a palace,

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<sup>15</sup> *Ibid.*, 327–330.

<sup>16</sup> *Ibid.*, 320; Sidney Ratner, *Taxation and Democracy in America* (New York, NY: John Wiley & Sons, 1967), 81–82.

<sup>17</sup> Pollack, “The First National Income Tax, 1861-1872,” 312.

<sup>18</sup> “Personal,” *Buffalo Express*, February 3, 1870, 4; Mark Twain, “A Mysterious Visit,” *Buffalo Express*, March 19, 1870, 2.

<sup>19</sup> Twain, “A Mysterious Visit,” 2.

<sup>20</sup> *Ibid.*, 2.

<sup>21</sup> *Revenue Act of 1867*, 14 Stat. 471, 477, 1867; Twain, “A Mysterious Visit,” 2; Pollack, “The First National Income Tax, 1861-1872,” 327.

whose table is regal, whose outlays are enormous, yet a man who has no income....”<sup>22</sup> The man showed Twain the magic of deductions—and reduced his income to \$1,250.40.<sup>23</sup> It’s not clear whether Twain actually filed that return, but the Internal Revenue Department did take notice—reporting his account in the Department’s *Internal Revenue Record and Customs Journal* publication.<sup>24</sup> According to an attached note, Twain’s account was suggestive “of some fun, and any amount of truth in reference to the assessment of incomes, and we think it would be interesting to revenue officers generally.”<sup>25</sup> Whatever truth existed in Twain’s story, it demonstrated that the stated goals of income taxation—being more “equitable”—was already being wholly undermined by apparent abuse of the deductions built into the system. Twain’s willingness to lampoon the federal income tax suggests that the tax was unpopular enough that he, a very wealthy man, didn’t expect any backlash about equity concerns. Twain was a Republican, later turned Mugwump who supported Grover Cleveland in 1884 over James G. Blaine. His opposition to the federal income tax was part of what would become a classical liberal foundation to his political beliefs.

By the 1880s, the growing share of American exports on the world market stirred interest in naval construction to protect the nation’s merchant ships, promote the expansion of economic trade, and expand American influence across the world (a banner that Mahan would soon take up, as described in Chapter Two).<sup>26</sup> These ideas put pressure on Congress to find new sources of revenue. In the 1874 version of his international relations textbook, Yale President Theodore D.

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<sup>22</sup> Twain, “A Mysterious Visit,” 2.

<sup>23</sup> *Ibid.*

<sup>24</sup> “The Last Number,” *Buffalo Express*, April 12, 1870, 2.

<sup>25</sup> “A Mysterious Visit,” *Internal Revenue Record and Customs Journal*, April 9, 1870, 116; “The Last Number,” 2.

<sup>26</sup> Robert Seager, “Ten Years Before Mahan: The Unofficial Case for the New Navy, 1880-1890,” *The Mississippi Valley Historical Review* 40, no. 3 (1953): 494.

Woolsey explained that the United States did not maintain a “powerful navy...on account of its great cost, and its danger to civil liberty.”<sup>27</sup> This was no great revelation; Woolsey extended an argument not unfamiliar to the founders regarding standing armies. Moreover, it was the declared policy of the United States that “powerful navies and large standing armies as permanent establishments...[were] detrimental to national prosperity and dangerous to civil liberty.”<sup>28</sup> U.S. Navy Captain Stephen B. Luce (soon to be Mahan’s predecessor as the first President of the Naval War College) responded, defending the honor of sailors ancient and modern as “true and loyal.”<sup>29</sup>

But Luce was not done. In 1883, he began an article on Christian Ethics by explaining that “[r]eligion and War are the two great central facts of history. Around these two points cluster pretty much all that is worth knowing of the past. Religion gave birth to education; War led the way to civilization.”<sup>30</sup> Luce wrote glowingly about “the exaltation of the military spirit by the fervor of religion” and deplored its decline since the time of Cromwell.<sup>31</sup> By 1891, Luce proclaimed that “[w]ar is one of the great agencies by which human progress is effected,” and that “war is an ordinance of God.”<sup>32</sup>

The connection between naval construction and national prosperity worked its way into official documents, although without the religious fervor that Luce used. In his 1885 report, the

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<sup>27</sup> Theodore D. Woolsey, *Introduction to the Study of International Law*, Third Edition. (New York, NY: Scribner, Armstrong & Co., 1874), 210.

<sup>28</sup> U.S. Department of State, *Maritime Law: Correspondence Relative to Neutral Rights between the Government of the United States and the Powers Represented in the Congress at Paris* (Washington, DC: A.O.P. Nicholson, 1856), 13.

<sup>29</sup> Stephen B. Luce, “A Powerful Navy Not Dangerous to Civil Liberty,” *The United Service* II (January 1880): 110.

<sup>30</sup> Stephen B. Luce, “Christian Ethics as an Element of Military Education,” *The United Service* (January 1883): 1.

<sup>31</sup> *Ibid.*, 8.

<sup>32</sup> Stephen B. Luce, “The Benefits of War,” *North American Review* 153, no. 421 (1891): 672, 683.

Secretary of the Navy explained that “[i]t is largely for the purpose of protecting the mercantile marine and for assisting its healthy development that the Navy exists....”<sup>33</sup> Two years later, the Secretary’s report complained about a “decline in our ocean shipping...national calamity” for which Congress was “partly responsible.”<sup>34</sup> It lamented the nation’s “illiberal policy” which he believed “has not been to foster and encourage enterprise, but to limit and destroy it....”<sup>35</sup> The nation’s course was “like a soulless machine working on at random, it will meet the fate of many other nations that have flourished for a time and then fallen by their own weight.”<sup>36</sup> The desire to fund increased naval construction efforts dovetailed with the need to find another source of federal revenue, but revenue bills to reinstate an income tax floundered in Congress in the mid-1880s as neither of the two major parties took a position on the issue.<sup>37</sup>

Nonetheless, the 1880s saw the Navy move forward in small steps—Congress approved the construction of three cruisers in 1883, the founding of the Naval War College in 1884, and the construction of nine additional ships in 1885. In his inaugural address, President Benjamin Harrison declared that “the construction of a sufficient number of modern warships and of their necessary armament should progress as rapidly as is consistent with care and perfection.” Harrison’s biographers in the *American Presidency Series* wrote that “[b]y the time Harrison left the White House, the United States was well on its way toward naval stature in world affairs. The contributions of the Harrison administration cannot be exaggerated.”<sup>38</sup> Under these

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<sup>33</sup> U.S. Navy, *Annual Report of the Secretary of the Navy* (Washington, DC: Government Printing Office, 1885), xvii.

<sup>34</sup> U.S. Navy, *Annual Report of the Secretary of the Navy* (Washington, DC: Government Printing Office, 1887), 45–46.

<sup>35</sup> *Ibid.*, 50.

<sup>36</sup> *Ibid.*

<sup>37</sup> Ratner, *Taxation and Democracy in America*, 151–152.

<sup>38</sup> Homer E. Socolofsky and Allan B. Spetter, *The Presidency of Benjamin Harrison* (Lawrence, KS: University Press of Kansas, 1987), 96–97.



pressures, the Navy Department's budget, hovering between \$13.5M and \$17.2M for much of the 1880s, finally rose to \$21.4M in 1889 and \$22.0M in 1890, reaching \$58.8M by 1898.<sup>39</sup>

While early arguments about the income tax centered around the practicality of revenue generation for the war effort, by the 1880s, opponents of federal income taxes soon began to voice moral, political, and constitutional arguments grounded in classical liberal principles. One of the most notable voices against the income tax during this period was David A. Wells, a member of President Abraham Lincoln's National Revenue Commission and a special commissioner of the revenue under President Andrew Johnson. Wells attacked the fundamental unfairness of exempting income below a specific value, arguing that "the exemption cannot be founded or defended on any sound principles of free constitutional government. It is a simple manifestation of tyrannical power, under whatever form a government in may be enforced."<sup>40</sup> Exemptions from taxation served a private purpose, and thus, according to Wells, "when [taxes] are imposed for any other [than a public] purpose, the Government acts the part of a highwayman, and takes forcibly the property of A and gives it to B."<sup>41</sup> Wells concluded by explaining that a graduated income tax was discriminatory and violated the Fifth Amendment's prohibition of taking of private property for public use without compensation.<sup>42</sup>

The efforts by Luce, Mahan, and others to grow the Navy coincided with increasingly generous veterans' pensions (reaching 41.5% of all federal receipts in 1893) and a growing populist movement that peaked in the 1890s.<sup>43</sup> All of these factors contributed to the clamor for a

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<sup>39</sup> U.S. Department of the Treasury, *Annual Report of the Secretary of the Treasury on the State of the Finances* (Washington, DC: Government Printing Office, 1947), 274–275.

<sup>40</sup> David A. Wells, "The Communism of a Discriminating Income-Tax," *North American Review* 130 (March 1880): 239.

<sup>41</sup> *Ibid.*, 240.

<sup>42</sup> *Ibid.*, 244.

<sup>43</sup> U.S. Bureau of the Census, *Historical Statistics of the United States: Colonial Times to 1970*, 1145; William H. Glasson, *Federal Military Pensions in the United States* (New York, NY: Oxford University Press,

new federal income tax. In 1894, seizing upon an effort by President Grover Cleveland to reduce tariffs, Democrats in Congress attached an income tax amendment that included a flat tax of 2% above \$4,000.<sup>44</sup> In the debate on the bill, opponents continued to advance moral, political, and constitutional objections. Senator George F. Hoar of Massachusetts, who would later become associated with the American Anti-Imperialist League, declared that “I am opposed to the income tax, first, because it is a class of taxation which, except during the extremity of a great war, always has been and always ought to be left to the States.”<sup>45</sup> Hoar explained that the bill “gives to Government officials the power of inquisition into the business of private citizens.”<sup>46</sup> According to Hoar, the internal revenue system “is odious, it is a sore, it is an irritation, it is a sting in all parts of the country.... It is not merely the discomfort to the citizen, it is the most odious form and the most dangerous and injurious form of political patronage that we have in our entire system, and we all have hoped that the time would soon come when we could get rid of it.”<sup>47</sup>

David A. Wells weighed in again with a more comprehensive argument against the income tax.<sup>48</sup> His effort caught the attention of Senator David B. Hill of New York, who objected to the income tax on principle, as it was not among the measures recommended by President Cleveland or his Secretary of the Treasury John G. Carlisle.<sup>49</sup> Like Hoar, Hill decried

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1918), 144, 271–272; Sheldon D. Pollack, “Origins of the Modern Income Tax, 1894–1913,” *The Tax Lawyer* 66, no. 2 (Winter 2013): 303; Theda Skocpol, “America’s First Social Security System: The Expansion of Benefits for Civil War Veterans,” *Political Science Quarterly* 108, no. 1 (1993): 96.

<sup>44</sup> *Revenue Act of 1894*, 28 Stat. 509, 1864; Pollack, “Origins of the Modern Income Tax, 1894–1913,” 306.

<sup>45</sup> Speech of Senator George F. Hoar, *Congressional Record*, 53rd Congress, 2nd Sess., Vol. 26, Part 7 (June 21, 1894), 6629–6631, 1894.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> David A. Wells, “An Income Tax: Is It Desirable?” *The Forum* XVII (March 1894): 1–13.

<sup>49</sup> Speech of Senator David B. Hill, *Congressional Record*, 53rd Congress, 2nd Sess., Vol. 26, Part 4 (April 9, 1894), 3557–3568, 1894. Hill had previously assumed the governorship of New York when Cleveland was elected President. His use of patronage to control the state Democratic party contrasted with Cleveland’s

the “inquisitorial” nature of tax assessment, arguing that “[y]our home is your castle and it is sacred from intrusion.”<sup>50</sup> Hill raised concerns over the income tax as “boldly proposed as a permanent policy of the Government; its injustice is vigorously defended, its discriminations are heartily approved, and its illy-conceived sectionalism is unblushingly excused.”<sup>51</sup> Finally, Hill compared “American individual liberty and civil equality” to the “crowded, contiguous armed camps called Europe.”<sup>52</sup> According to Hill, taxation led to “bureaucracy, machinery, and inquisition”—instruments of interference and repression.<sup>53</sup> Here, Senator Hill linked the burden of taxation to militarism and European-style imperialism. In short, “[i]t may be impracticable that our distinctively American experiment of individual freedom should go on.”<sup>54</sup>

On February 1, 1894, the income tax amendment to the tariff bill passed in the House by a vote of 182-48, with 122 not voting. Then the full tariff bill, with the income tax amendment, passed the House by a vote of 204-140; 196 Democrats and 8 Populists (mainly from the South and Midwest) voted in favor; while 122 Republicans, 17 Democrats, and one Populist (from the Northeast and West Coast) voted against.<sup>55</sup> In the Senate, Hill’s attempt to remove the income tax provisions failed by a vote of 24-40 (with 21 not voting).<sup>56</sup> The full tariff bill narrowly passed the Senate 39-34 (with 12 not voting), with the same sectionalism as seen in the House vote.<sup>57</sup> It

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decision to eschew partisanship. Here, his presentation benefited the wealthy moneyed interests of his state, but also exemplified the core arguments against the income tax. See Herbert J. Bass, “David B. Hill and the ‘Steal of the Senate,’ 1891,” *New York History* 41, no. 3 (July 1960): 299–311.

<sup>50</sup> Speech of Senator David B. Hill, 3559.

<sup>51</sup> *Ibid.*, 3561.

<sup>52</sup> *Ibid.*, 3563.

<sup>53</sup> *Ibid.*, 3564.

<sup>54</sup> *Ibid.*, 3563.

<sup>55</sup> Wilson–Gorman Tariff Debate, *Congressional Record*, 53rd Congress, 2nd Sess., Vol. 26, Part 2 (February 1, 1894), 1795-1797, 1894; Ratner, *Taxation and Democracy in America*, 180–181.

<sup>56</sup> Wilson–Gorman Tariff Debate, *Congressional Record*, 53rd Congress, 2nd Sess., Vol. 26, Part 7 (June 28, 1894), 6934, 1894.

<sup>57</sup> Wilson–Gorman Tariff Debate, *Congressional Record*, 53rd Congress, 2nd Sess., Vol. 26, Part 7 (July 3, 1894), 7136, 1894; Ratner, *Taxation and Democracy in America*, 189.

imposed a 2% tax on incomes above \$4,000.<sup>58</sup> President Cleveland allowed the bill, so distorted from his original vision but judged to be better than nothing, to become law without his signature.<sup>59</sup>

In the end, the 1894 tariff law would not succeed as the income tax provisions were struck down by the Supreme Court.<sup>60</sup> In his majority opinion, Chief Justice Melville Fuller explained in *Pollock v. Farmers' Loan & Trust Co.* that “[t]he tax...so far as it falls on the income of real estate and of personal property, being a direct tax within the meaning of the Constitution, and, therefore, unconstitutional and void because not apportioned according to representation, all those sections, constituting one entire scheme of taxation, are necessarily invalid.”<sup>61</sup> This decision effectively prevented further attempts to enact an income tax until the 16<sup>th</sup> Amendment was passed in 1913.

E.L. Godkin, editor of *The Nation*, summarized the fundamental unfairness associated with the income tax:

The history of taxation from the earliest ages has been the history of the attempts of one class to make other classes pay the expenses, or an undue share of the expenses, of the Government. Aristocrats have always been trying to shift the taxes on to the people, and the people on to the aristocrats; the landed interest on to the commercial and the commercial on to the landed. There has not been a single instance of the coming together of a community to contrive a scheme of perfect fairness and equality for everybody. Every fiscal system the world has ever seen has always been in a state of convulsion through the efforts of some class of persons to prevent these taxes from being oppressive, or to make them unduly light. And no government has ever yet formally surrendered the claim of right to use taxation as a means of promoting or discouraging certain occupations, habits, tastes, and tendencies.<sup>62</sup>

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<sup>58</sup> *Wilson-Gorman Tariff Act of 1894*, 28 Stat. 570, 1894.

<sup>59</sup> Wilson–Gorman Tariff Debate, *Congressional Record*, 53rd Congress, 2nd Sess., Vol. 26, Part 8 (August 28, 1894), 8666, 1894; Arthur A. Ekirch, “The Sixteenth Amendment: The Historical Background,” *Cato Journal* 1 (1981): 167; Ratner, *Taxation and Democracy in America*, 189.

<sup>60</sup> *Pollock v. Farmers' Loan & Trust Co.*, 158 U.S. 429 (1895).

<sup>61</sup> *Ibid.*, 637.

<sup>62</sup> E.L. Godkin, “The Income Tax Decision,” *The Nation* LX (April 11, 1895): 272.

Godkin, Wells, and others who opposed the federal income tax on the grounds that it could never be fairly implemented; as a result, it gave to government an arbitrary power that was inconsistent with American constitutional principles.

By the turn of the century, the continued desire for tariff reductions met with increasing calls to replace tariff revenue with income taxes, but none of these efforts were successful until President Taft endorsed a constitutional amendment to provide Congress with the power to tax income.<sup>63</sup> By 1909, dissatisfaction with the *Pollock* decision, together with growing support in Congress for the amendment and the high tide of progressivism, led to its required two-thirds passage in each house.<sup>64</sup> On February 3, 1913, Delaware ratified the proposed amendment as the necessary 36<sup>th</sup> state, and it came into force, having the effect of overturning the Supreme Court's decision in *Pollock*.<sup>65</sup> Upon ratification, Congress now possessed an unambiguous "power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."<sup>66</sup>

Soon after taking office, President Woodrow Wilson endorsed tariff reform efforts, including a new federal income tax. Congress wasted no time, working throughout the summer of 1913 to pass new revenue bills in the House and Senate.<sup>67</sup> A conference committee met and reconciled differences between the House and Senate bills in time for President Wilson to sign the new law into effect on October 3, 1913.<sup>68</sup> The Revenue Act of 1913 levied taxes of 1% above \$3,000 (single) and \$4,000 (married), an additional 1% surtax above \$20,000, and 6% above

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<sup>63</sup> Pollack, "Origins of the Modern Income Tax, 1894–1913," 316–317.

<sup>64</sup> *Ibid.*, 322.

<sup>65</sup> *Ibid.*, 323.

<sup>66</sup> *U.S. Const., Amend. XVI*, 1913.

<sup>67</sup> Pollack, "Origins of the Modern Income Tax, 1894–1913," 325–327.

<sup>68</sup> *Revenue Act of 1913*, 38 *Stat. 114*, 1913; Pollack, "The First National Income Tax, 1861–1872," 327.

\$500,000.<sup>69</sup> The tax was retroactive to March 13th and collected an estimated \$28M for the 9+ months of the 1913 income year and \$41M in its first full year of operation.<sup>70</sup> These totals represented just 3.8% and 5.9% of total receipts, respectively.<sup>71</sup>

## The Federal Reserve

From 1896 until 1906, the Gross National Product of the United States more than doubled, from \$13.3B to \$28.7B, a year-to-year growth rate of over 7%.<sup>72</sup> Amidst this economic boom, Otto Heinze, brother of F. August Heinze of United Copper, devised a scheme to corner the market in United Copper's stock. When Otto overestimated the amount of stock owned by the Heinze family, the scheme failed and took with it Charles T. Barney's Knickerbocker Trust Company, which provided funding to Otto Heinze's brokerage house.<sup>73</sup> Despite United Copper being traded "on the curb" rather than the exchange itself, the *New York Times* concluded at the time that "the ramifications of the failure and the possible consequences of the utter collapse of United Copper had a disastrous effect on Stock Exchange sentiment...."<sup>74</sup> The crisis was averted primarily due to the intervention of J.P. Morgan, who purchased \$30M of city bonds to prevent bankruptcy of New York City; and acquired shares of Tennessee Coal, Iron and Railroad Company to avert the collapse of Moore & Schley, one of New York City's largest brokerage

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<sup>69</sup> *Revenue Act of 1913*; Pollack, "Origins of the Modern Income Tax, 1894–1913," 327–328.

<sup>70</sup> David Paris and Cecelia Hilgert, "70th Year of Individual Income and Tax Statistics, 1913-1982," *Statistics of Income Bulletin* 3, no. 3 (Winter 1984): 1.

<sup>71</sup> U.S. Department of the Treasury, Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1914, with Appendices (Washington, DC: Government Printing Office, 1915), 43; U.S. Department of the Treasury, Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1915, with Appendices (Washington, DC: Government Printing Office, 1916), 53.

<sup>72</sup> U.S. Bureau of the Census, *Historical Statistics of the United States: Colonial Times to 1970*, 224.

<sup>73</sup> Robert F. Bruner and Sean D. Carr, *The Panic of 1907: Lessons Learned from the Market's Perfect Storm* (Hoboken, NJ: John Wiley & Sons, 2007), 37–76.

<sup>74</sup> "Crash in Coppers; Heinze Quits Bank," *New York Times*, October 17, 1907, 2.

firms.<sup>75</sup> By the end of 1907, the Panic resulted in a double-digit drop in production, a 26% drop in imports, a three-fold spike in unemployment, and a precipitous drop in immigration.<sup>76</sup>

The Panic of 1907 and J.P. Morgan's role in halting the slide highlighted the limits of the federal government's ability to intervene in financial markets. Congress reacted by passing the Aldrich-Vreeland Act, a law that established the National Monetary Commission "to inquire into and report to Congress...what changes are necessary or desirable in the monetary system of the United States or in the laws relating to banking and currency...."<sup>77</sup> Senator Nelson W. Aldrich (R-RI), chairman, explained the commission's task as "[t]o secure an organization of capital and credit by which confidence can be firmly established, and credit maintained under all circumstances and conditions...."<sup>78</sup> The Aldrich plan, drafted in secret at Jekyll Island, Georgia, was favored by bankers who wanted private, centralized control, but was opposed by Democrats who had surged into control of Congress in 1912.<sup>79</sup> Democrats sought control through a politically appointed Federal Reserve Board.<sup>80</sup> President Wilson proposed a compromise by which the regional banks would be controlled by bankers and political appointees would be in control of the Board—but with "no clear division of authority between the two."<sup>81</sup> While

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<sup>75</sup> Bruner and Carr, *The Panic of 1907*, 105–125.

<sup>76</sup> *Ibid.*, 141–142.

<sup>77</sup> *Aldrich–Vreeland Act of 1908*, 35 Stat. 546, 1908, 552; Herman E. Krooss, ed., *Documentary History of Banking and Currency in the United States* (New York, NY: Chelsea House Publishers in Association with McGraw-Hill Book Co., 1969), 2084, 2090–2099.

<sup>78</sup> National Monetary Commission, *An Address by Senator Nelson W. Aldrich Before the Economic Club of New York, November 29, 1909, on the Work of the National Monetary Commission* (Washington, DC: Government Printing Office, 1910), 3.

<sup>79</sup> Allan H. Meltzer, *A History of the Federal Reserve* (Chicago, IL: University of Chicago Press, 2003), 66.

<sup>80</sup> *Ibid.*, 67.

<sup>81</sup> Carter Glass, *An Adventure in Constructive Finance* (Garden City, NY: Doubleday, Page & Company, 1927), 81–82; Meltzer, *A History of the Federal Reserve*, 67.

Representative Carter Glass (D-VA) sought to differentiate the democratic proposal from the Aldrich plan, Fed governor Paul M. Warburg later showed how similar the two plans were.<sup>82</sup>

Resistance within Congress to both the Aldrich plan and Glass's bill arose not from opposition to a central bank but to how it would be controlled.<sup>83</sup> The opposition galvanized behind evidence gathered by the Pujo Committee in the "money trust" investigation. The committee's report, although hampered by a lack of cooperation, concluded that

there is an established and well-defined identity and community of interest between a few leaders of finance, created and held together through stock ownership, interlocking directorates, partnership and joint account transactions, and other forms of domination over banks, trust companies, railroads, and public-service and industrial corporations, which has resulted in great and rapidly growing concentration of the control of money and credit in the hands of these few men.<sup>84</sup>

Those who objected believed that control of the new Federal Reserve system would be concentrated in the money trust, which opponents argued was a privatized banker's monopoly that was about to be endorsed by the federal government. Representative Charles A. Lindbergh (R-MN), while acknowledging that the federal government had the constitutional power to regulate the value of money, argued that the Glass bill was "the Aldrich bill in disguise," a "deceptive attempt" and "a great grant to the banks..."<sup>85</sup> Lindbergh bemoaned how political parties controlled by bosses enabled Congress to establish private monopolies by granting privileges to special interests, all at the expense of the people.<sup>86</sup> According to Lindbergh, the

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<sup>82</sup> Paul M. Warburg, *The Federal Reserve System: Its Origin and Growth*, vol. 1 (New York, NY: The Macmillan Company, 1930), 178–406.

<sup>83</sup> Meltzer, *A History of the Federal Reserve*, 65–66; American Institute for Economic Research, *America's Unknown Enemy: Beyond Conspiracy* (Great Barrington, MA: American Institute for Economic Research, 1993), 26.

<sup>84</sup> U.S. House of Representatives, Report of the Committee Appointed Pursuant to House Resolutions 429 and 504 to Investigate the Concentration of Control of Money and Credit (Washington, DC: Government Printing Office, 1913), 129.

<sup>85</sup> Speech of Representative Charles Lindbergh, *Congressional Record*, 63rd Congress, 2nd Sess., Vol. 51, Part 2 (December 22, 1913), 1445-1454, 1913, 1446–1447.

<sup>86</sup> *Ibid.*, 1448–1449.



decision by many Democrats to vote for the Glass bill (despite having voted against the Aldrich-Vreeland Act in 1908 and the plank in the party's 1912 platform opposing the Aldrich plan and any establishment of a central bank) was evidence of the extent to which the money trust exerted its control.<sup>87</sup>

To gain the support of rebellious Democrats led by Senator William Jennings Bryan (D-NE) and Representative Robert Henry (D-TX), the Wilson administration promised support for an upcoming antitrust bill and brokered concessions including that an official history of the Federal Reserve later categorized as “relatively meaningless language to the basic provisions of the Glass bill.”<sup>88</sup>

With progressives within the Democratic party mollified by Wilson's promises, Glass's compromise bill became law on December 23, 1913.<sup>89</sup> The Act's preamble explained its purpose “to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States....”<sup>90</sup> When the dust cleared, it soon became clear who had won the battle. Frank A. Vanderlip, president of the National City Bank of New York and one of the attendees at the secret Jekyll Island meeting, concluded that “although the Aldrich Federal Reserve plan was defeated when it bore the name of Aldrich, nevertheless its essential points were all contained in the plan that finally was adopted.” A later review of the Act's passage by

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<sup>87</sup> Ibid., 1447.

<sup>88</sup> Robert T. Johnson, *Historical Beginnings...The Federal Reserve* (Boston, MA: Federal Reserve Bank of Boston, 2010), 23, 26–27. Bryan later expressed regret, writing that “[t]he Federal Reserve Bank that should have been the farmer's greatest protection has become his greatest foe.... It would be better to repeal it, go back to old conditions and take our chances with individual financiers, than to turn the Federal Reserve Bank over to Wall Street and allow its tremendous power to be used for the carrying out of the plans of the Money Trust.” William Jennings Bryan, “My Forecast on Next Year's Election,” *Hearst's International* XLIV, no. 5 (November 1923): 23.

<sup>89</sup> *Federal Reserve Act*.

<sup>90</sup> Ibid.

the American Institute for Economic Review explained how the compromise benefited the banks:

In its final form, the Federal Reserve Act represented a compromise among three political groups. Most Republicans (and the Wall Street bankers) favored the Aldrich Plan that came out of Jekyll Island. Progressive Democrats demanded a reserve system and currency supply owned and controlled by the Government in order to counter the "money trust" and destroy the existing concentration of credit resources in Wall Street. Conservative Democrats proposed a decentralized reserve system, owned and controlled privately but free of Wall Street domination. No group got exactly what it wanted. But the Aldrich plan more nearly represented the compromise position between the two Democrat extremes, and it was closest to the final legislation passed.<sup>91</sup>

Milton Friedman and Anna Schwartz found that the Act established "a system very similar in general structure to, and identical in many details with, the specific plan of reform recommended by the Commission."<sup>92</sup> And one modern scholar concluded that "[t]he New York bankers got all they wanted, with the single exception of banker control...the Federal Reserve Act owes as much, if not more, to Senator Nelson Aldrich as it does to Representative Carter Glass."<sup>93</sup>

Prior to the official opening of the Federal Reserve Banks on November 16, 1914, Secretary of the Treasury William Gibbs McAdoo announced that the Federal Reserve will put an end to the annual anxiety from which the country has suffered for the past generation about insufficient money and credit to move the crops each year, and will give such stability to the banking business that the extreme fluctuations in interest rates and available credits which have characterized banking in the past will be destroyed permanently.<sup>94</sup>

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<sup>91</sup> American Institute for Economic Research, *America's Unknown Enemy: Beyond Conspiracy*, 26.

<sup>92</sup> Friedman and Schwartz, *A Monetary History*, 171.

<sup>93</sup> Elmus Wicker, *The Great Debate on Banking Reform: Nelson Aldrich and the Origins of the Fed* (Columbus, OH: The Ohio State University Press, 2005), 94, 109.

<sup>94</sup> Federal Reserve Board, "Announcement of Opening" (Washington, DC, November 15, 1914).

The creation of the Federal Reserve would, according to Gibbs, promise “incalculable benefits to the American people.”<sup>95</sup> Whether the Fed could provide answers to the promises made by Gibbs would soon be subject to the most severe of tests.

### **Financing the War**

Although the federal income tax and the establishment of the Federal Reserve preceded the breakout of war in Europe, their existence was fortuitous both for politicians eager to involve the United States in war and for banking interests to profit from the war. The income tax was a fraction of federal revenue in 1914 but became an increasingly valuable source of income for the war effort. The war contributed to the permanence of the federal income tax in American society. The Federal Reserve enjoyed a symbiotic relationship with the war: its very existence enabled massive financing for the Allied war effort; the war sanctioned the centralization of Fed power in Benjamin Strong, Governor of the Federal Reserve Bank of New York, who became “*de facto* leader of the entire Federal Reserve System.”<sup>96</sup> One of the key episodes in the early life of the Fed was the immediate pressure to approve commercial loans to the British and French governments, which eroded American claims of neutrality and linked the financial success of American firms to the successful outcome of the war in Europe. Together, these economic factors contributed to a serious decline in social power even before American troops took up arms in 1917.

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<sup>95</sup> Ibid.

<sup>96</sup> Lester V. Chandler, *Benjamin Strong, Central Banker* (Washington, DC: The Brookings Institution, 1958), 41.

When the war began in Europe in 1914, an initial round of excise taxes designed for preparedness raised barely half of the projected revenue of \$100M.<sup>97</sup> Recognizing this deficit, the Treasury Department went to its new well and called for new revenues by raising tax rates on individual and corporate incomes.<sup>98</sup> In September 1916, Congress responded by doubling income tax rates and making them retroactive to the beginning of the year.<sup>99</sup> By 1917, the new rates (including both individual and corporate income taxes), together with a surtax on incomes over \$2,000, collected almost three times as much revenue as the year before: nearly \$360M in 1917 compared to \$125M in 1916, and doubled its percentage of total federal revenue from 16% to 32%.<sup>100</sup> Even this was relatively benign compared to the War Revenue Act of 1917, which was described at the time as “the most gigantic fiscal enactment in history.”<sup>101</sup> The key feature of the new law was that its taxes were to be superimposed onto the existing tax system in place since 1916.<sup>102</sup> Taxpayers were now subject to a 2% tax on income over exemptions of \$1,000 single/\$2,000 married (the exemptions having been slashed from \$3,000/\$4,000 to bring millions of new taxpayers into the fold; an additional 2% on incomes over the \$3,000/\$4,000 exemptions; and a progressive surtax starting at 1% over \$5,000/\$7,000 all the way to 50% above \$1M.<sup>103</sup> As

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<sup>97</sup> U.S. Department of the Treasury, *Treasury Annual Report (1915)*, 53; Charles Gilbert, *American Financing of World War I*, Contributions in Economics and Economic History 1 (Westport, CT: Greenwood Publishing, 1970), 26–27; W. Elliot Brownlee, “Wilson and Financing the Modern State: The Revenue Act of 1916,” *Proceedings of the American Philosophical Society* 129, no. 2 (1985): 2.

<sup>98</sup> U.S. Department of the Treasury, *Treasury Annual Report (1915)*, 51–52; Brownlee, “Wilson and Financing the Modern State,” 177.

<sup>99</sup> *Revenue Act of 1916*, 39 Stat. 756, 777, 1916.

<sup>100</sup> U.S. Department of the Treasury, Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1916, with Appendices (Washington, DC: Government Printing Office, 1917), 32; U.S. Department of the Treasury, Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1917, with Appendices (Washington, DC: Government Printing Office, 1918), 56; Gilbert, *American Financing of World War I*, 71–76.

<sup>101</sup> Edwin R.A. Seligman, “The War Revenue Act,” *Political Science Quarterly* 33, no. 1 (March 1918): 1.

<sup>102</sup> *War Revenue Act of 1917*, 40 Stat. 300, 1917; Seligman, “The War Revenue Act,” 5.

<sup>103</sup> *War Revenue Act of 1917*; Seligman, “The War Revenue Act,” 37; Gilbert, *American Financing of World War I*, 96.

a result of these massive tax increases, revenues from income taxes (including excess profits taxes) skyrocketed from \$360M in 1917 (32% of all receipts) to \$2.84B in 1918 (68% of all receipts).<sup>104</sup> The final revenue bill of the war, passed in 1918, simplified the rates by combining the normal and additional rates into a single rate (set at 12% for 1918 and 8% for 1919), made the surtax even more progressive, and shifted more of the overall tax burden from the wealthiest to the middle class.<sup>105</sup> The share of income tax and excess profits compared to total receipts went from a paltry 3.8% in 1914 to an incredible 68% in 1918 and would remain above 50% until 1923.<sup>106</sup>

Across the scope of the whole war, taxes contributed over \$7B toward the overall war financing effort, or about 22% of the total.<sup>107</sup> The government also raised \$24B (58%) in borrowing from the public through multiple Liberty Loan drives, to be discussed in Chapter Seven.<sup>108</sup> The remaining 20% (\$6.4B) was raised through direct and indirect money creation—money created by banks through fractional reserve banking and changes to the rules for reserve requirements.<sup>109</sup>

While taxes, and particularly the income tax, became an increasingly valuable source of revenue for the federal government to fund the war, the newly created Federal Reserve worked together with the Treasury Department to play an even more important role. First, the federal

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<sup>104</sup> U.S. Department of the Treasury, *Treasury Annual Report (1917)*, 56; U.S. Department of the Treasury, Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1918, with Appendices (Washington, DC: Government Printing Office, 1919), 126; Gilbert, *American Financing of World War I*, 71, 76, 98.

<sup>105</sup> *Revenue Act of 1918*, 40 Stat. 1057, 1919; Gilbert, *American Financing of World War I*, 110–112.

<sup>106</sup> U.S. Department of the Treasury, *Treasury Annual Report (1914)*, 43; U.S. Department of the Treasury, *Treasury Annual Report (1918)*, 126; Gilbert, *American Financing of World War I*, 76.

<sup>107</sup> Rockoff, “Until It’s Over, Over There: The US Economy in World War I,” 316; Friedman and Schwartz, *A Monetary History*, 221.

<sup>108</sup> Friedman and Schwartz, *A Monetary History*, 221.

<sup>109</sup> *Ibid.*

government, initially opposed to commercial loans to countries at war, reversed course under heavy pressure from large banking interests. Second, the Fed used creative techniques to bypass its own rules to provide financing to foreign governments. Third, the Board changed its rules to allow rediscounting of acceptances to be able to finance American munitions exports to the Allies—a change that enabled massive loans to England and France. Finally, Congress made several changes to the Federal Reserve Act to reduce collateral requirements, which permitted the Fed to issue more notes—and allowed the Treasury Department to finance the war effort through inflation.

The election of Woodrow Wilson and the end of President Taft’s Dollar Diplomacy marked a warning sign to banking and business interests interested in providing commercial loans to belligerent powers. In August 1914, when Morgan and Company inquired with the Administration about a loan to France, Secretary of State Bryan objected strongly in a letter to the President. According to Bryan, while there was no international agreement preventing loans to belligerents, the United States should use its influence to set an example that might lead to such an agreement.<sup>110</sup> Moreover, Bryan argued that the loans would undermine American neutrality and tie the value of the loans to the success of the Allied effort.<sup>111</sup> When Wilson agreed, Bryan sent a telegram to Morgan and Company explaining that “[t]here is no reason why loans should not be made to the governments of neutral nations, but in the judgment of this Government, loans by American bankers to any foreign nation which is at war are inconsistent

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<sup>110</sup> Bryan to Wilson, August 10, 1914, 30:372, in Arthur S. Link, ed., *The Papers of Woodrow Wilson*, 69 vols. (Princeton: Princeton University Press, 1966–1994).

<sup>111</sup> Bryan to Wilson, August 10, 1914, 30:372, in *ibid.*

with the true spirit of neutrality.”<sup>112</sup> Two months later, Frank Vanderlip, President of the National City Bank, pressed forward with a plan to extend credit to the French government. Bryan relented, backing off the administration’s opposition, which the President defended by making a technical distinction between credits and loans.<sup>113</sup> Ray Stannard Baker, who would become Wilson’s press secretary at Versailles, explained that “the new proposals involved a recession from a position based upon ‘the true spirit of neutrality’ to one based upon ‘strict neutrality.’”<sup>114</sup>

The first crack in the administration’s neutrality policy had appeared. It took no time for banks to start exploiting it: By early 1915, Morgan and Company was the exclusive commercial agent for the British and French governments, making commissions on all purchases.<sup>115</sup> Next, the Federal Reserve joined in. Although “[t]he Federal Reserve banks are permitted only to buy warrants issued by States and municipalities of the United States,” the Board interpreted a loophole in its own rules by allowing a commercial firm to act in between the Federal Reserve banks and the foreign government.<sup>116</sup> When Morgan and Company proposed a dollar exchange program for the British government, Fed governor Strong replied that “drafts drawn by London

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<sup>112</sup> The Secretary of State to J.P. Morgan and Company, 580, in U.S. Department of State, *Papers Relating to the Foreign Relations of the United States: 1914 Supplement, The World War* (Washington, DC: Government Printing Office, 1928).

<sup>113</sup> “Memorandum of a Conversation with the Pres. at 8:30 This Evening Relative to Loans and Bank Credits to Belligerent Governments,” Exhibit No. 56, 5:161-162, in U.S. Senate, Report of the Special Committee on Investigation of the Munitions Industry (Washington, DC: Government Printing Office, 1936); see also Charles A. Beard, “New Light on Bryan and War Policies,” *The New Republic* LXXXVII, no. 1124 (June 17, 1936): 177–178.

<sup>114</sup> Ray Stannard Baker, *Woodrow Wilson: Life and Letters* (New York: Doubleday, Doran, 1927), V:187.

<sup>115</sup> “Memorandum Regarding Commercial Agency Agreements Between British and French Governments and J.P. Morgan & Co.,” Exhibit No. 2161, 26:8092, in U.S. Senate, *Munitions Industry Report*.

<sup>116</sup> “Memorandum Prepared for the Federal Reserve Board by Mr. Warburg,” Exhibit No. 2387, 27:8384-8386, in *ibid.*; Tansill, *America Goes to War*, 86–87.

bankers or merchants accepted by New York banks or bankers, proceeds of which shall be used in payment for export of goods, may be received by Federal Reserve banks.”<sup>117</sup>

But the Federal Reserve was far from done. By August 1915, Secretary of the Treasury McAdoo and Secretary of State Lansing (who replaced Bryan, who had resigned in June) continued a pressure campaign on the President to reverse course regarding general loans to belligerent countries.<sup>118</sup> At the same time, Strong now pushed hard at the Fed for an amendment to Regulation J, which was passed in McAdoo’s absence in April of that year and prohibited the rediscounting of acceptances based on munitions exports.<sup>119</sup> In a contentious meeting on September 2, 1915, Fed governor Warburg—who had engineered the passage of Regulation J in McAdoo’s absence—objected that if Strong’s amendment passed, “the door [would be] thrown open to drafts drawn by foreign governments or their representatives.” Strong replied that it was true—“the proposed changes would open the way to the undertaking of business with foreign governments”—but that nothing in the Federal Reserve Act prohibited such transactions.<sup>120</sup> While it may be easy to get lost in the technical details of what seem to be obscure financial regulations, it should not take away from the momentous change this amendment made—it enabled a loan to the British and French governments for \$500M.<sup>121</sup>

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<sup>117</sup> “Cablegram from Mr. Davison to Mr. Morgan, April 10, 1915,” Exhibit No. 2405, 27:8221, in U.S. Senate, *Munitions Industry Report*; Tansill, *America Goes to War*, 87–88.

<sup>118</sup> Tansill, *America Goes to War*, 104.

<sup>119</sup> *Ibid.*, 102–103; “Secretary McAdoo to President Wilson, August 21, 1915,” Exhibit No. 2219, 26:8123–8125, in U.S. Senate, *Munitions Industry Report*; Federal Reserve Board, “Regulation J, Series of 1915, (April 2, 1915),” *Federal Reserve Bulletin* 1, no. 1 (May 1, 1915): 45–46; Priscilla Roberts, “‘Quis Custodiet Ipsos Custodes?’ The Federal Reserve System’s Founding Fathers and Allied Finances in the First World War,” *The Business History Review* 72, no. 4 (1998): 596–597.

<sup>120</sup> “Excerpts from the Minutes of the Federal Reserve Board Meeting of September 2, 1915,” Exhibits No. 2436 and 2437, 27:8416–8420, in U.S. Senate, *Munitions Industry Report*.

<sup>121</sup> Tansill, *America Goes to War*, 108–113.



The final element of the war financing strategy was money creation. By reducing collateral requirements and moving government debt onto its balance sheet, the Federal Reserve could expand the issuance of notes. At first, the Fed conceived a scheme to bypass the Act's collateral requirements. Later, Congress made several changes to the Federal Reserve Act, which had the effect of allowing the Treasury Department to finance the war effort through inflation.

As early as the end of 1914, the New York Reserve Bank under Fed Governor Strong manufactured a scheme known as “reversing the pump,” which had the impact of allowing the Fed to issue notes disconnected from the collateral requirement.<sup>122</sup> H. Parker Willis, then the Secretary of the Federal Reserve Board, explained that “[t]he result was that the bank was able to ‘pump’ out as many notes as it wished, so long as it had a single dollar of commercial paper of eligible variety....”<sup>123</sup> According to Willis, “[t]his practice...[of] neutralizing the [Federal Reserve] Act...speedily spread throughout the system and was fully known to the Federal Reserve Board, whose members appeared to have but little sympathy with the idea of elastic currency.”<sup>124</sup> The Act's note issuance provisions were “little more than a piece of hampering machinery which tended to restrict the convenience of the community....”<sup>125</sup> Strong defended this practice against criticism that it was inflationary and beyond the scope of the Act, but the method remained contentious.<sup>126</sup>

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<sup>122</sup> H. Parker Willis, *The Federal Reserve System: Legislation, Organization and Operation* (New York, NY: The Ronald Press Company, 1923), 858–859; Raymond P. H. Fische, “The Federal Reserve Amendments of 1917: The Beginning of a Seasonal Note Issue Policy,” *Journal of Money, Credit and Banking* 23, no. 3 (1991): 311–312; Jane Knodell, “Making a Central Bank Out of the Federal Reserve: A Historical Perspective on Wartime Amendments to the Federal Reserve Act,” *Review of Political Economy* (February 7, 2023): 7–9.

<sup>123</sup> Willis, *The Federal Reserve System*, 859.

<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.*, 861.

<sup>126</sup> “The Financial Situation,” *Commercial and Financial Chronicle* 101, no. 2611 (July 10, 1915): 70–71; “The Financial Situation,” *Commercial and Financial Chronicle* 101, no. 2612 (July 17, 1915): 158–160; “The Financial Situation,” *Commercial and Financial Chronicle* 101, no. 2615 (August 7, 1915): 398; Benjamin Strong, “Issuing Federal Reserve Notes to Acquire Gold,” *Commercial and Financial Chronicle* 101, no. 2615

In 1916 and 1917, Congress passed several amendments to the Federal Reserve Act that further expanded the Fed's money-creation capability. First, Congress authorized the Federal Reserve to advance loans to member banks on their own 15-day promissory notes, provided they were secured by eligible paper or government securities.<sup>127</sup> Next, Congress amended the Act to allow these loans to be used as collateral for Federal Reserve note issuance.<sup>128</sup> Finally, Congress permitted gold to serve as collateral for issued notes and reduced the collateral requirement for such notes.<sup>129</sup>

These changes had several consequences, some almost immediate and others longer term. First, the “reversing the pump” scheme explained by Willis led to a massive influx of gold into the Federal Reserve banks and expanded credit availability.<sup>130</sup> Next, the 15-day loans contributed significantly to the immediate success of the first Liberty bond because member banks could roll over their 15-day loans into their bond subscriptions with a savings of 0.5%, an equivalent to over \$400K in tax-free dollars every 15 days.<sup>131</sup> This expanded the borrowing opportunities (at lower cost) for the Treasury Department. Finally, the relaxation of the collateral requirements expanded the note-issue capability of the Federal Reserve such that by the end of 1917, the Fed

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(August 7, 1915): 412–413; Federal Reserve Board, Second Annual Report of the Federal Reserve Board for the Year Ending December 31, 1915 (Washington, DC: Government Printing Office, 1916), 162–164.

<sup>127</sup> Federal Reserve Board, Third Annual Report of the Federal Reserve Board Covering Operations for the Year 1916 (Washington, DC: Government Printing Office, 1917), 135–136; Friedman and Schwartz, *A Monetary History*, 191; Fische, “The Federal Reserve Amendments of 1917,” 315.

<sup>128</sup> Friedman and Schwartz, *A Monetary History*, 191; Fische, “The Federal Reserve Amendments of 1917,” 315; Knodell, “Making a Central Bank Out of the Federal Reserve,” 16.

<sup>129</sup> Fische, “The Federal Reserve Amendments of 1917,” 313.

<sup>130</sup> *Ibid.*, 316–317; Murray N. Rothbard, *The Case Against the Fed* (Auburn, AL: Ludwig von Mises Institute, 2007), 127.

<sup>131</sup> Federal Reserve Board, “Law Department,” *Federal Reserve Bulletin* (October 1917): 41; Fische, “The Federal Reserve Amendments of 1917,” 315.

had issued over \$300M in Federal Reserve notes against \$157.7M in discounted and bought bills.<sup>132</sup>

Here again, the technical details of these changes should not distract from the fundamental result they enabled: a significantly more capable Federal Reserve in creating money to finance the war. The monetary base nearly doubled from \$3.4B in 1913 to \$6.2B by the war's end in 1918 and expanded further to \$7.4 by 1920.<sup>133</sup> The total stock of money (M2) was \$15.7B in 1913, \$26.7B in 1918, and \$34.8B in 1920.<sup>134</sup> The result of this expansion of the money supply was that the cost of living (measured by the Consumer Price Index) rose nearly 57% from 1913 to 1918 and almost 109% from 1913 to 1920. At the behest of Congress and the Treasury, the Federal Reserve has become the “engine of inflation.”<sup>135</sup> Taken together, taxation and money creation provided over 40% of the total war financing effort.

### **The Financial State and the Centralization of Power**

The Financial State’s contributions to the war are complex, but several observations are worth mentioning. Contemporary arguments about the federal income tax were often based in classical liberal arguments. Opponents believed in small government with necessary functions. Instead, these opponents argued that the income tax was applied unfairly or arbitrarily or that collection warranted unnecessary intrusion into an individual’s privacy. Opponents did not generally question the government's power to tax but believed that the income tax was a direct

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<sup>132</sup> Comptroller of the Currency, Annual Report of the Comptroller of the Currency to the Second Session of the Sixty-Fifth Congress of the United States, December 3, 1917 (Washington, DC: Government Printing Office, 1918), 127, 132.

<sup>133</sup> Milton Friedman and Anna Jacobson Schwartz, *Monetary Trends in the United States and the United Kingdom: Their Relation to Income, Prices, and Interest Rates, 1867-1975* (Chicago, IL: University of Chicago Press, 1982), Table 4.8, 123-124.

<sup>134</sup> *Ibid.*

<sup>135</sup> Meltzer, *A History of the Federal Reserve*, 89.

tax in violation of Article I, Section 9, Clause 4’s prohibition of unapportioned direct taxes. The 16<sup>th</sup> Amendment neutralized this objection.

The modern libertarian argument against the income tax, according to Frank Chodorov, is based upon the idea that constitutional amendments can still violate the doctrines and purposes that imbued the original document: “The Constitution, then, is held in high esteem only because of the high esteem Americans put upon the doctrine of natural rights. Any law, political practice, or even amendment that infringes those rights is automatically deemed ‘unconstitutional.’ The infringement is ‘evil.’”<sup>136</sup> In the case of the federal income tax, the libertarian argument is based upon the fundamental natural right of property; income is property and cannot be taken away. The 16th Amendment, while legitimate in a constitutional sense, has no validity in a natural rights context.<sup>137</sup> Chodorow argued that the income tax was the “root of all evil” because it fundamentally changed the structure of federalism and centralized more power in the executive branch.<sup>138</sup>

Murray Rothbard argued that income taxation was a violent intervention that shifted resources from producers to tax-consumers, including government bureaucracies and those subsidized by the government.<sup>139</sup> According to Rothbard, taxation of income encourages consumption at the expense of savings and investment.<sup>140</sup> The state was no different from a robber demanding money at gunpoint.<sup>141</sup> The modern libertarian argument against income taxes, then, as explained by Chodorov and Rothbard, departs from the small government, classical

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<sup>136</sup> Frank Chodorov, *The Income Tax: Root of All Evil*, 2002 Online Edition. (New York, NY: Devin-Adair, 1954), 4.

<sup>137</sup> *Ibid.*, 8–9.

<sup>138</sup> *Ibid.*, 32.

<sup>139</sup> Murray N. Rothbard, *Man, Economy, and State with Power and Market*, Scholar’s Edition. (Auburn, AL: Ludwig von Mises Institute, 2009), 914.

<sup>140</sup> *Ibid.*, 915.

<sup>141</sup> Murray N. Rothbard, *The Ethics of Liberty* (New York, NY: New York University Press, 1998), 163.

liberal reasoning of the late 19th century and embraces the arguments of Lysander Spooner against the social contract and Frédéric Bastiat's claim that taxation was "legal plunder."<sup>142</sup>

The relationship between the Treasury Department and the Federal Reserve with regard to the war did not go unnoticed among historians. Charles Gilbert, in his study reviewing American financing of the war, concluded that "[d]uring World War I the Federal Reserve System was molded into a tool of the Treasury, thereby greatly influencing the future development of the system."<sup>143</sup> In Allan Meltzer's highly regarded history of the Federal Reserve, the author declared plainly: "Independence was sacrificed to maintain interest rates that lowered the Treasury's cost of debt finance. The System became subservient to the Treasury's perceived demands."<sup>144</sup> Meltzer concluded: "The early experience of the Federal Reserve induced it to abandon, or modify, the principles underlying the act."<sup>145</sup>

Murray Rothbard believed that the creation of the Federal Reserve System "arrived fortuitously for the financing of U.S. entry into World War I, for it is doubtful whether the government would have been politically able to finance the war through taxes, borrowing from the public, or the simple printing of greenbacks. As it was, the Fed was able to engineer the doubling of the money supply from its inception in 1914 until 1919."<sup>146</sup> H. Parker Willis, the Board's Secretary from 1914 until 1918, wrote that "[i]t was the entry of the United States into the World War that finally cast a decisive vote in favor of a still further degree of high centralization, and that practically guaranteed some measure of fulfillment for the ambitions that

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<sup>142</sup> Lysander Spooner, *The Constitution of No Authority* (Boston, MA, 1870), 36–37; Frédéric Bastiat, *The Law*, trans. Dean Russell (Irvington-on-Hudson, NY: Foundation for Economic Education, Inc., 1972), 17–22.

<sup>143</sup> Gilbert, *American Financing of World War I*, xix.

<sup>144</sup> Meltzer, *A History of the Federal Reserve*, 85.

<sup>145</sup> *Ibid.*, 67.

<sup>146</sup> Murray N. Rothbard, *The Progressive Era* (Auburn, AL: Ludwig von Mises Institute, 2017), 485.

had centered around the Federal Reserve Bank of New York [and its governor, Benjamin Strong].”<sup>147</sup> As a result, the relationship between the war effort and the Federal Reserve System and the war effort was a symbiotic one; the Fed enabled massive financing of the Allies, and the war gave Strong more power to pursue his objectives. Chief among them was persuading Secretary of the Treasury McAdoo “to permit the Reserve Banks to become the real, active, and effective fiscal agents for the Government. If he does that, our place in the country’s banking system will be established for all time.”<sup>148</sup> According to Rothbard, as a result of this ambitious move, “[u]nder the spur of war...the Fed was now clothed with full governmental power.”<sup>149</sup>

Rothbard’s prodigious output is just one conspicuous example of just how much of an outsized role the Federal Reserve holds in modern libertarian thought. But this modern view is built upon familiar ground. Contemporary criticism of the Federal Reserve’s ability to inflate the value of currency was consistent with what would later be described as Austrian Business Cycle Theory, a critical economic element of the Rothbardian synthesis. Senator Elihu Root (R-NY), a vociferous opponent of the central bank, explained that inflation driven by the Federal Reserve would create a period of “false prosperity, and of inevitable catastrophe.”<sup>150</sup> Representative Charles Lindbergh described the massive post-war gold inflow to the United States as the beginning of the inflationary boom that preceded the 1920-1921 depression.<sup>151</sup>

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<sup>147</sup> H. Parker Willis, *The Theory and Practice of Central Banking* (New York, NY: Harper & Brothers, 1936), 90–91.

<sup>148</sup> Chandler, *Benjamin Strong, Central Banker*, 105.

<sup>149</sup> Rothbard, *The Progressive Era*, 486.

<sup>150</sup> Speech of Senator Elihu Root, *Congressional Record*, 63rd Congress, 2nd Sess., Vol. 51, Part 1 (December 13, 1913), 830-838, 1913, 831.

<sup>151</sup> Charles A. Lindbergh, *The Economic Pinch* (Philadelphia, PA: Dorrance & Company, 1923), 98–102.

Ludwig von Mises, who served as an artillery officer in the Austro-Hungarian Army and an economic advisor in the war department, explained after the war the connection between inflation and economic calculation:

In all great wars monetary calculation was disrupted by inflation. Earlier it was the debasement of coin; today it is paper-money inflation. The economic behavior of the belligerents was thereby led astray; the true consequences of the war were removed from their view. One can say without exaggeration that inflation is an indispensable intellectual means of militarism. Without it, the repercussions of war on welfare would become obvious much more quickly and penetratingly; war-weariness would set in much earlier.<sup>152</sup>

Although Root nor Lindbergh could have known it, Mises had just before the war published *The Theory of Money and Credit*, which contained his first explanation of Austrian Business Cycle Theory. According to Mises, artificially low interest rates generate an artificial, credit-induced boom, but it cannot last and eventually comes crashing down.<sup>153</sup>

Consistent with his own understanding of Mises's economic theories, Rothbard believed that a central bank like the Federal Reserve represented a coercive intervention because it replaced voluntary exchanges with a threat of violence.<sup>154</sup> Instead of the voluntary exchanges taking place in a free market, which ought to maximize social utility, coercive intervenors gain at the expense of their subject.<sup>155</sup> According to Gabriel Kolko, the creation of the Federal Reserve represented a “triumph of political capitalism” because major economic interests (specifically, New York-based banks) were able to utilize “political outlets to attain conditions of stability, predictability, and security—to attain rationalization—in the economy.”<sup>156</sup> In Rothbard's view,

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<sup>152</sup> Ludwig von Mises, *Nation, State, and Economy*, trans. Leland B. Yeager (New York, NY: New York University Press, 1983), 195.

<sup>153</sup> Ludwig von Mises, *The Theory of Money and Credit*, trans. J.E. Batson (Auburn, AL: Ludwig von Mises Institute, 2009), 365–366.

<sup>154</sup> Rothbard, *Man, Economy, and State*, 879.

<sup>155</sup> *Ibid.*, 879–880.

<sup>156</sup> Kolko, *The Triumph of Conservatism*, 3, 217–254.

the New York bankers who advocated for the Federal Reserve represented “a parasitic and destructive...group” or class that owed its continued existence to the state, which he defined as “the organization of the political means.”<sup>157</sup>

Although the federal income tax and the Federal Reserve came into existence before the war, it was preparedness for the war, and then the war itself, that served as the sole rationalization for the centralization of state power. The massive tax increases sought to fund preparedness for war and then the war itself. The war cemented the permanence of the federal income tax in American society. The changes to the Federal Reserve, including inventive interpretations of its own rules, changes to its regulations, and congressional amendments to the Federal Reserve Act, all served the singular purpose of making it easier for the Treasury Department to finance the war. The methods by which these changes were implemented generally took place within the scope of customary practices of democratic government. The Fed’s “reversing the pump” scheme, which had the impact of neutralizing provisions with the very Federal Reserve Act that governed the agency, is the only method that raises questions—but in any case, this became a common (if still objectionable) procedure of administrative government.

Secretary McAdoo was a progressive leader who favored a central bank, believing it would help to lend stability to the financial system. Those who advocated for a central bank were not necessarily textbook progressives, but their history shows a willingness to advance progressive ideas. Carter Glass, like the President, was a southern Democrat. As described in this chapter, he helped to craft a compromise bill that eventually made it over the line. Secretary As chairman of the National Monetary Commission, Nelson Aldrich developed plans for a central

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<sup>157</sup> Murray N. Rothbard, *Anatomy of the State* (Auburn, AL: Ludwig von Mises Institute, 2009), 15.



bank as a result of the Panic of 1907, an event that served as motivation for many. In this sense, their progressivism was opportunistic.

## Conclusions

The war had shaped the Federal Reserve into a tool of the state—a legacy that Benjamin Strong’s biographer described as “a major contributor to the winning of the war, an efficient fiscal agent for the Treasury, a great source of currency and reserve funds, and a permanent and indispensable part of the banking system.”<sup>158</sup> From the perspective of state power, this seems undoubtedly true. But within the framework of Albert Jay Nock’s *Our Enemy, The State* and Rothbard’s liberty vs. power approach, the modern income tax, the creation of the Federal Reserve System, the changes to the system to finance the war effort, and the further centralization of the Fed by Strong represented a genuine shift of social power (or liberty) into state power. Massive taxation shifted resources from individuals and businesses to the state and organizations subsidized by the state. Income taxes encouraged consumption at the expense of savings and investment. The Federal Reserve represented a classic form of regulatory capture in which the business and banking industry was able to institutionalize their power by government fiat. Once the Fed was created, it financed the Allied war effort—both at home and in Europe—through inflation—a form of tax that robs individuals of the purchasing power of their dollars. From the perspective of liberty, the Financial State’s contributions to the war were a disaster for human thriving.

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<sup>158</sup> Chandler, *Benjamin Strong, Central Banker*, 102.

When Keynes predicted that the war would only last a year, perhaps he lacked the imagination to understand how the economy could be so quickly mobilized for war—and how the financial structures set up (especially in the United States) to finance a war would enable the fighting to go on far beyond what he believed was possible. By the end of the war, Keynes was much closer to the truth when he explained how the economic consequences of the Treaty of Versailles would reverberate through history.

*The foundation of any and every civilization, including our own, is private ownership of the means of production. Whoever wishes to criticize modern civilization, therefore, begins with private property.*

Ludwig von Mises<sup>1</sup>

#### **Chapter Four: The Infrastructure State**

On November 18, 1918, one week after the Armistice, Postmaster General Albert Burleson seized possession and control of the submarine cables of nine different companies.<sup>2</sup> In doing this, Burleson cited all the wartime authorities granted to the President by Congress. To an “outspoken democratic statist” such as Burleson, the Armistice meant nothing to government control of telegraphs, telephones, and submarine cables—it would continue on into 1919 as if nothing happened.<sup>3</sup> President Wilson’s Postmaster General, in the view of one historian, “holds the dubious distinction of being the worst member of the entire Wilson administration on civil liberties.”<sup>4</sup> The impact of the war on civil liberties will be discussed in Chapters Eight and Nine—but the breadth of Burleson’s portfolio meant that his influence was felt beyond the censoring of mail and messages.

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<sup>1</sup> Ludwig von Mises, *The Free and Prosperous Commonwealth: An Exposition of the Ideas of Classical Liberalism*, ed. Arthur Goddard, trans. Ralph Raico (Princeton, NJ: D. Van Nostrand Company, Inc., 1962), 63.

<sup>2</sup> Order Assuming Possession and Control of Cables, November 18, 1918, 68, in U.S. Post Office Department, Government Control and Operation of Telegraph, Telephone and Marine Cable Systems, August 1, 1918, to July 31, 1919 (Washington, DC: Government Printing Office, 1921).

<sup>3</sup> Richard R. John, “When Techno-Diplomacy Failed: Walter S. Rogers, the Universal Electrical Communications Union, and the Limitations of the International Telegraph Union as a Global Actor in the 1920s,” in *History of the International Telecommunication Union (ITU): Transnational Techno-Diplomacy from the Telegraph to the Internet*, ed. Gabriel Balbi and Andreas Fickers, Innovation and Diplomacy in Modern Europe 1 (Berlin: De Gruyter Oldenbourg, 2020), 66.

<sup>4</sup> Samuel Walker, *Presidents and Civil Liberties from Wilson to Obama: A Study of Poor Custodians* (Cambridge: Cambridge University Press, 2012), 15.

This chapter will discuss how the government seized the nation's infrastructure for its own purposes—including railroads, shipping, and telecommunications—and how those actions, through the deeds of Burleson and others, transformed social power into state power. Moreover, judicial review was inadequate to stem this tide both because the Supreme Court was unwilling to question the scope of Congress's war powers and because many businesses taken over by the government either approved or did not oppose the actions. As a result of the war, the nation's infrastructure was inexorably altered.

## Railroads

Federal regulation of the railroads began in 1887 when Congress passed the Interstate Commerce Act, creating the Interstate Commerce Commission (ICC).<sup>5</sup> The Commission's initial mandate was "restricted in scope and feeble in effect," in part because some in the railroad industry embraced regulation "on their terms" and in part because the courts were skeptical of broad economic regulation.<sup>6</sup> When Charles Elliott Perkins, President of the Chicago, Burlington and Quincy Railroad, asked railroad attorney Richard Olney (who would later become President Cleveland's Attorney General) whether the railroads should pursue abolishing the ICC, Olney replied:

The Commission, as its functions have now been limited by the courts, is, or can be made, of great use to the railroads. It satisfies the popular clamor for a government supervision of railroads, at the same time that that supervision is almost entirely nominal. Further, the older such a Commission gets to be, the more inclined it will be found to take the business and railroad view of things. It thus becomes a sort of barrier between the

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<sup>5</sup> *Interstate Commerce Act of 1887*, 24 Stat. 379, 1887.

<sup>6</sup> I. Leo Sharfman, *Interstate Commerce Commission: A Study in Administrative Law and Procedure*, vol. 1 (New York, NY: The Commonwealth Fund, 1931), 23; Kolko, *Railroads and Regulations*, 34–35; *Cincinnati, New Orleans & Texas Pacific Railway Co. v. ICC*, 162 U.S. 184 (1896) (ICC is not empowered either expressly, or by implication, to fix rates in advance); *Texas and Pacific Ry. Co. v. ICC*, 162 U.S. 197 (1896).

railroad corporations and the people and a sort of protection against hasty and crude legislation hostile to railroad interests.... The part of wisdom is not to destroy the Commission, but to utilize it.<sup>7</sup>

And so the early history of the federal government's first regulatory effort was one in which the railroads sought to capture the agency for its own benefit—to effectuate the cartelization of the railroad industry that was so difficult to achieve voluntarily.

After the turn of the century, Congress slowly strengthened the enforcement powers of the ICC—but generally with the assent of the railroads. The Elkins Act of 1903—a bill written by the Pennsylvania Railroad—sought to outlaw rebates that were used by smaller railroads to stimulate business but were costly to the established railroads.<sup>8</sup> Like the establishment of the ICC itself, “the legal machinery of the government was now to do what [the railroads] had failed to accomplish themselves.”<sup>9</sup> Even the Hepburn Act of 1906, which finally granted rate-making authority to the Commission, was supported by the railroads because it made good financial sense.<sup>10</sup> The final piece of consequential legislation before the war was the Mann-Elkins Act of 1910, which expanded the ICC's rate-making power—another bill that the railroads did not oppose.<sup>11</sup> According to one authority, “the railroads found themselves increasingly dependent upon government authorization for the maintenance or modification of their practices, particularly in matters of rate policy.”<sup>12</sup> The railroads saw the Interstate Commerce Act as a “great advantage to the railroad companies...of great advantage to the shippers;” it was

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<sup>7</sup> Richard Olney, to Charles Elliott Perkins, December 28, 1892, in Marver H. Bernstein, *Regulating Business by Independent Commission* (Westport, CT: Greenwood Press, 1977), 265.

<sup>8</sup> *Elkins Act of 1903*, 32 Stat. 847, 1903; Sharfman, *Interstate Commerce Commission*, 1:35–37; Kolko, *Railroads and Regulations*, 94–96.

<sup>9</sup> Kolko, *Railroads and Regulations*, 100–101.

<sup>10</sup> *Hepburn Act of 1906*, 34 Stat. 584, 1906; Kolko, *Railroads and Regulations*, 146–147.

<sup>11</sup> *Mann-Elkins Act of 1910*, 36 Stat. 539, 1910.

<sup>12</sup> Sharfman, *Interstate Commerce Commission*, 1:71.

protection for the railroads and the shippers against themselves and against each other.<sup>13</sup> The favorable relationship between the railroads and the ICC paid off in 1914 when the railroads won rate increases in the *Five Percent Case* amidst declining revenues the previous three years.<sup>14</sup> It was against this backdrop, then, that the railroads found themselves when war broke out in Europe.

In December 1915, representatives of the four major railroad brotherhoods met in Chicago and began agitating for an eight-hour day that included time and a half after eight hours.<sup>15</sup> In March 1916, the brotherhoods announced that the overwhelming majority of their members had voted in favor of negotiating with the railroads on the proposal.<sup>16</sup> When the railroad workers threatened to strike, President Wilson agreed to intervene to avert a nationwide rail shutdown.<sup>17</sup> The President proposed a compromise that granted concessions to both sides, but Congress rejected Wilson's proposal in favor of a straightforward bill that granted the workers' demands.<sup>18</sup>

Those speaking in favor of the bill, including its primary sponsor Representative William C. Adamson (D-GA), repeatedly referred to it as a "temporary" or "hasty" measure designed to

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<sup>13</sup> Statement of Mr. E.B. Pierce, General Solicitor of the Rock Island and Pacific Railroad Company, 149-150, in U.S. Senate, Interstate Commerce Committee., Hearing Before the Committee on Interstate Commerce on the Bills S. 3776 and S. 5106. February 3 and 4, 1910. Series No. 1 (Washington, DC: Government Printing Office, 1910).

<sup>14</sup> *Five Percent Case*, 31 I.C.C. 351, in Interstate Commerce Commission of the United States, *Decisions of the Interstate Commerce Commission of the United States, June 1914 to October 1914* (Washington, DC: Government Printing Office, 1915).

<sup>15</sup> "Eight Hour Day and Raise Up to Rail Men," *Chicago Tribune*, December 21, 1915, 13; "Railroad Men Meeting in Chicago," *National News (Chicago)*, December 24, 1915, 1.

<sup>16</sup> "Will Demand 8-Hour Day," *Sioux City Journal*, March 10, 1916, 3.

<sup>17</sup> "Railway Men Firm for Their Demands," *New York Times*, August 7, 1916, 1; "President to Name R.R. Peace Terms," *New York Times*, August 16, 1916, 1.

<sup>18</sup> "President to Name R.R. Peace Terms," 1; An Address to a Joint Session of Congress, August 29, 1916, 38:96-101, in Link, PWW; K. Austin Kerr, *American Railroad Politics, 1914-1920: Rates, Wages, and Efficiency* (Pittsburgh, PA: University of Pittsburgh Press, 1968), 33-34.

respond to the emergency.<sup>19</sup> The debate in the House was also obscured by repeated references to the benefits of an eight-hour work day, despite the fact that brotherhood spokesman W.G. Lee had previously admitted that eight-hour shifts were impossible with the existing route configuration.<sup>20</sup> In fact, the bill was a pay raise disguised as regulation of working hours, as many Republicans and railroad representatives opposed to the bill pointed out.<sup>21</sup> While the railroads relied on rate regulation as protection from competition, wage regulation had heretofore been off the table.

Representative William S. Bennet (R-NY) argued against the bill, calling it “revolutionary” and “the first step away from the old democracy of Thomas Jefferson and the Federal policy of Alexander Hamilton to the socialism of Karl Marx.”<sup>22</sup> Bennet also pointed out that the Supreme Court had recently ruled that neither the federal nor state government could interfere with private contracts between employers and employees—as a result, the Adamson bill was plainly unconstitutional.<sup>23</sup> He warned against the concentration of too much power in the hands of Congress.<sup>24</sup> Representative Richard W. Parker (R-NJ) contended that “it is dangerous, if it be not beyond the power of Government to fix wages in the way that was demanded by the party that refused the arbitration.”<sup>25</sup>

After just a single day of debate, the House passed the bill by a margin of 239-56 (132 not voting).<sup>26</sup> The result was the same in the Senate the next day, where the bill passed 43-28 (24

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<sup>19</sup> Adamson Bill Debate (House), *Congressional Record*, 64th Congress, 1st Sess., Vol. 53, Part 13 (September 1, 1916), 13579-13610, 1916, 13581–13584, 13592–13594.

<sup>20</sup> “Railway Men Not Seeking Real Eight Hour Day,” *Logan (Utah) Republican*, August 17, 1916, 8.

<sup>21</sup> “Railroads Oppose An Eight-Hour Day,” *New York Times*, January 7, 1916, 10.

<sup>22</sup> Adamson Bill Debate (House), 13580.

<sup>23</sup> *Ibid.*, 13581; *Adair v. United States*, 208 U.S. 161 (1908); *Coppage v. Kansas*, 236 U.S. 1 (1915).

<sup>24</sup> Adamson Bill Debate (House), 13581.

<sup>25</sup> *Ibid.*, 13585.

<sup>26</sup> *Ibid.*, 13608.

not voting).<sup>27</sup> President Wilson signed the bill on September 3, 1916, averting (for the time being) a possible nationwide railroad strike. But the battle over the Adamson Act was not yet over.

Just days earlier, on the same day he addressed a joint session of Congress over the impending railroad strike, the President signed several bills. He had high praise for the Navy Act, which was “a very remarkable measure. Never before, by one single act of legislation, has so much been done for the creation of an adequate navy. Our navy has steadily grown. I think the development of that arm of force has always had the enthusiastic support of the nation.”<sup>28</sup> Wilson was excited by “peculiar feelings” at the signing of the Philippine Autonomy Act (“Jones Law”), which put the Philippines on a path to independence.<sup>29</sup> Of the other bills, “[t]his bill that I have signed for the army is merely the appropriations bill....”<sup>30</sup> Whether intentional or not, Wilson’s apparent reticence concealed the true nature of the Army Appropriations Act of 1916, which would become among the most consequential pieces of legislation during the entire course of the war period.

The Army Appropriations Act contained two provisions that would prove to have a monumental impact on the home front during the war. The first created the Council of National Defense, made up of the Secretaries of War, Navy, Interior, Agriculture, Commerce, and Labor.<sup>31</sup> The real work of the Council was done by the CND’s advisory commission and the

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<sup>27</sup> Adamson Bill Debate (Senate), *Congressional Record*, 64th Congress, 1st Sess., Vol. 53, Part 13 (September 2, 1916), 13610-13655, 1916.

<sup>28</sup> Remarks upon Signing Various Bills, August 29, 1916, 38:101, in Link, *PWW*.

<sup>29</sup> Remarks, in *ibid*.

<sup>30</sup> *Ibid*.

<sup>31</sup> *Army Appropriations Act of 1916*, 39 Stat. 619, 1916, 649.



many state and local affiliates, subjects that will be covered in Chapters Six (The Regulatory State) and Eight (The Surveillance State).

The second provision found itself buried as the last line item for the Ordnance Department:

The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same to the exclusion, as far as may be necessary, of all other traffic thereon for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needed or desirable.<sup>32</sup>

A measure with such dramatic sweep would seem to have garnered significant attention in Congress, but the record reflects just the opposite. On July 24, 1916, while the Senate was considering amendments to the Army appropriations bill, Senator George T. Oliver (R-PA) asked Senator George E. Chamberlain (D-OR), Chairman of the Committee on Military Affairs, about the “very important and very drastic amendment” reported by the committee.<sup>33</sup>

Chamberlain then admitted:

Frankly, this provision was not as carefully considered by the committee as these great questions ought to be considered. There were no hearings had on it. No representatives of the railroad companies were heard nor were any representatives of the War Department heard by the committee. But after some discussion of the matter the committee formulated the provision.<sup>34</sup>

Nonetheless, Chamberlain explained that “I do not believe that in our Government there would ever be a time when the Government would have to take possession of the [rail] roads.”<sup>35</sup> The remainder of the substantive debate on the amendment, consuming less than a single page within the *Congressional Record*, concerned whether the Senate should remove from the amendment

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<sup>32</sup> Ibid., 645.

<sup>33</sup> Railroad Amendment Debate, *Congressional Record*, 64th Congress, 1st Sess., Vol. 53, Part 11 (July 24, 1916), 11491-11492, 1916.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

the qualification that taking possession occur “when in war *or when war is imminent...*”<sup>36</sup> At the conclusion of this short debate, the transportation system takeover amendment was passed in an unrecorded vote, was agreed to by the House, and became a provision in the final bill—without any other substantive debate.<sup>37</sup>

Newspaper reports of the amendment declared it to be the “most important” addition to the bill but did not otherwise comment on it except to note that the amendment would probably not apply during a potential railroad strike because it only applied in time of war.<sup>38</sup>

Transportation weekly *The Traffic World* noted matter-of-factly that the amendment was “agreed upon without discussion outside the senate and very little in it...”<sup>39</sup> The “very important and very drastic amendment” became law without so much as a single protest within Congress about the power of the President to seize control of the railroads—and without any consultation with the railroads themselves or even the War Department.

When the railroads challenged the Adamson Act in federal court, Circuit Judge William C. Hook ruled in a brief opinion on an expedited schedule that the law was unconstitutional. “Upon a consideration of the Adamson law and of what is said of its practical effect and what was intended to be accomplished by it, the judgment is that as the court construes the terms of the law it cannot be sustained.”<sup>40</sup> The expedited schedule posed problems for the court. “It is far

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<sup>36</sup> Ibid.

<sup>37</sup> Ibid.; *Army Appropriations Act of 1916*. The amendment originally included a second provision, not relevant to transportation systems, which was struck when the House of Representatives agreed to the transportation systems language. The final bill, H.R. 16460, was vetoed by President Wilson for reasons related to the Articles of War. Those provisions were removed and the substitute bill, H.R. 17498, was passed and became law.

<sup>38</sup> “Senate Gets Greatest U.S. Military Bill,” *Pittsburgh Daily Post*, July 4, 1916, 2; “Strike Parley Now Agreed On, Capital Hears,” *Evening Public Ledger* (Philadelphia, PA), August 14, 1916, 2.

<sup>39</sup> “President May Run Railroads,” *The Traffic World* XVIII, no. 5 (July 29, 1916): 303.

<sup>40</sup> Opinion of Circuit Judge William C. Hook, in Supreme Court of the United States, Transcript of Record: Francis C. Wilson, United States Attorney for the Western District of Missouri, Appellant, vs. Alexander New and Henry C. Ferris, as Receivers of the Missouri, Oklahoma & Gulf Railway Company. No. 797, 1916, 52–53.

from being an agreeable duty for a judge,” Hook explained, “to record a judicial conclusion without the care and deliberation essential to a conviction that he would stand to in every circumstance.”<sup>41</sup> Judge Hook realized that ruling on a temporary junction would have sent the case to the 8th Circuit, while ruling on the merits would result in a direct appeal to the Supreme Court.<sup>42</sup> And so he did the latter. The *Commercial and Financial Chronicle* lamented that “the people of the United States have been humiliated by unseemly haste on the part of authorities in Washington which first led to ill-advised legislation and now to a decision by a court without essential deliberation.”<sup>43</sup>

The unusually brisk pace of the litigation continued in Washington, where the Supreme Court heard oral arguments in January 1917. By March, in order to place further pressure on the Court to uphold the law, the railroad brotherhoods were threatening to strike again, but the newly formed Council of National Defense intervened to mediate.<sup>44</sup> The sinking of three American ships by German U-boats pressed the issue further and forced the railroads to capitulate to workers’ demands.<sup>45</sup> The next day, in what was a mere formality, the Supreme Court upheld the law in a 5-4 decision.<sup>46</sup> Bypassing the Court’s previous decisions regarding the freedom of contract, Chief Justice White wrote in the majority opinion that the threat of a nationwide strike resulted in the threat of “the entire interruption of interstate commerce....” This was an

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<sup>41</sup> *Ibid.*, 53.

<sup>42</sup> *Ibid.*, 52–53.

<sup>43</sup> “Testing the Adamson Act--Unseemly Haste,” *Commercial and Financial Chronicle* 103, no. 2683 (November 25, 1916): 1926.

<sup>44</sup> “Council of Defense Acts to Avert Railroad Strike,” *Sandusky (Ohio) Star-Journal*, March 16, 1917, 1.

<sup>45</sup> “Three American Ships Sunk; One Unwarned, 22 Men Missing; U-Boats Refuse Aid; Militia Demobilization Is Stopped and Railroad Strike Abandoned on President’s Order,” *New York Times*, March 19, 1917, 1.

<sup>46</sup> *Wilson v. New*, 243 U.S. 332 (1917).

emergency in which Congress could act.<sup>47</sup> In dissents, Justices Day and Pitney questioned the logic by which the threats of the railroad brotherhoods could generate the emergency conditions by which Congress could legislate: “The suggestion that it was passed to prevent a threatened strike, and in this sense to remove an obstruction from the path of commerce, while true in fact is immaterial in law. It amounts to no more than saying that it was enacted to take care of an emergency.”<sup>48</sup> Citing the Supreme Court’s previous decision in *Ex parte Milligan*, Pitney wrote that “an emergency can neither create a power nor excuse a defiance of the limitations upon the powers of the government.”<sup>49</sup>

While the labor unrest over the Adamson Act was finally quelled by the federal government’s mediation and the subsequent Supreme Court decision, the short American experiment with armed neutrality failed. President Wilson entered the United States into the war by declaring that “[t]he world must be made safe for democracy.”<sup>50</sup> The railroad companies, who had filed for (and been denied by the Interstate Commerce Commission) expedited review of rate increases in the *Fifteen Percent Case*—now had an actual emergency on their hands.<sup>51</sup> The declaration of war, together with the Selective Service Act and lucrative employment opportunities in war industries, placed immense pressure on the railroads to retain qualified employees.<sup>52</sup> Reviewing estimates of operating income for the railroads, the ICC concluded that

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<sup>47</sup> *Ibid.*, 243:347–348.

<sup>48</sup> *Ibid.*, 243:376–377 (Justice Pitney, dissenting).

<sup>49</sup> *Ibid.* (Justice Pitney, dissenting).

<sup>50</sup> An Address to a Joint Session of Congress, April 2, 1917, 519–527, in Link, *PWW*.

<sup>51</sup> *Fifteen Percent Case*, 45 I.C.C. 303, in Interstate Commerce Commission of the United States, *Decisions of the Interstate Commerce Commission of the United States, May 1917 to July 1917* (Washington, DC: Government Printing Office, 1917), 309–310.

<sup>52</sup> John F. Stover, *The Life and Decline of the American Railroad* (New York, NY: Oxford University Press, 1970), 163; Secretary of the Treasury McAdoo, who was later appointed by President Wilson to be Director-General of the United States Railroad Administration, and who described his job as “with an authority that was as nearly absolute as any power can be in America,” later lamented that he was “not very successful” in having skilled railroad workers diverted from the draft. McAdoo, *Crowded Years*, 447, 451–452.

“[t]hese figures and diagrams do not suggest a country-wide emergency.” According to the ICC, only “a most urgent and extraordinary situation would justify permitting tariffs carrying a large percentage increase to become effective,” but the record did not show such an emergency.<sup>53</sup> The Commission was content to project trends in railroad income based on prior statistics with regard to the fact that “[t]he future of these conditions, immediate or remote, cannot be predicted with even a fair degree of certainty.”<sup>54</sup> And so the threat of a railroad strike supposed an emergency to enable Congress to act with emergency powers, without the benefit of hearings, witnesses, or any substantial debate and minimal judicial review; but the existence of war, the drafting of millions of able-bodied men away from their jobs and into the Army, the prospect of more profitable war industry jobs for existing railroad workers, more than 6,000 pages of testimony, and “a mass of statistical and other exhibits” was not sufficient to justify an emergency for the railroads to raise their rates.<sup>55</sup>

At the same time the ICC was hearing the *Fifteen Percent Case*, the Council on National Defense called on the railroads to cooperate and coordinate their efforts to maximize the movement of freight.<sup>56</sup> The result was the Railroads’ War Board, a committee designed to “coordinate their operations in a continental railway system, merging during such period all their merely individual and competitive activities in the effort to produce a maximum of national transportation efficiency.”<sup>57</sup> Despite the fact that the Board was “approved and encouraged by

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<sup>53</sup> *Fifteen Percent Case* in Interstate Commerce Commission of the United States, *Decisions of the ICC*, May-July 1917, 316.

<sup>54</sup> *Fifteen Percent Case*, in *ibid.*, 335 (Dissent of Commissioner McChord).

<sup>55</sup> *Fifteen Percent Case*, in *ibid.*, 310.

<sup>56</sup> Max Thelen, “Federal Control of Railroads in War Time,” *The Annals of the American Academy of Political and Social Science* 76 (1918): 16.

<sup>57</sup> American Railway Association Special Committee on National Defense, “How the Railroads Will Be Operated During the War,” *The Railroads’ War Board*, no. 1 (April 20, 1917): 1.

the Administration” and had representation from the Council of National Defense and the Interstate Commerce Commission, its prospects were doomed by a collection of outside forces.<sup>58</sup>

Perhaps the most embarrassing failure to hamper the effectiveness of the Board was the entangled mix of organizations seeking to establish priority for their transports, including the War Department, the Navy Department, the Shipping Board, the Food Administration, and the Fuel Administration.<sup>59</sup> In response, Congress responded by creating a Priority Commission headed by Robert S. Lovett of the Union Pacific Railroad.<sup>60</sup> A history of the Union Pacific Railroad acknowledged that “Lovett did little to untangle the snarl. He shared the view that he lacked the authority to cancel priority orders, and he was reluctant to issue new ones except in dire emergencies. As a result, the lack of coordination in transportation worsened steadily.”<sup>61</sup> In some cases, 85% of rail traffic was tagged as priority.<sup>62</sup> Secretary of the Treasury William Gibbs McAdoo acknowledged after the war that “[w]hen practically everything carries a priority tag, preference loses its virtue. In short, the priority system was an acknowledged failure.”<sup>63</sup>

By December 1917, a confluence of factors brought the railroad issue to a boil. The railroads, stung by the ICC’s failure to approve rate increases, were slow to implement the

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<sup>58</sup> McAdoo, *Crowded Years*, 452; Daniel Willard, President of the Baltimore and Ohio Railroad, represented the Council of National Defense while Edgar E. Clark represented the Interstate Commerce Commission, both as ex-officio members. American Railway Association Special Committee on National Defense, “How the Railroads Will Be Operated During the War,” 1; I. Leo Sharfman, *The American Railroad Problem: A Study in War and Reconstruction*, The Century New World Series (New York, NY: The Century Co., 1921), 78.

<sup>59</sup> McAdoo, *Crowded Years*, 453; Walker D. Hines, *War History of American Railroads*, Economic and Social History of the World War (New Haven, CT: Yale University Press, 1928), 13–14; Sharfman, *The American Railroad Problem*, 79.

<sup>60</sup> *Priority of Shipments Act*, 40 Stat. 272, n.d.; To Robert Scott Lovett, August 17, 1917, 43:504, in Link, *PWW*.

<sup>61</sup> Maury Klein, *Union Pacific: The Rebirth, 1894-1969* (Minneapolis, MN: University of Minnesota Press, 2006), 224–226.

<sup>62</sup> J.D.A. Morrow, “Why and Wherefore of the Coal Shortage,” *Coal Age* 13, no. 1 (January 5, 1918): 11; Stover, *The Life and Decline of the American Railroad*, 164.

<sup>63</sup> McAdoo, *Crowded Years*, 454.

Adamson law.<sup>64</sup> As a result, wages and work conditions worsened and contributed to labor unrest.<sup>65</sup> Locomotives ordered by the railroads failed to materialize, bumped by the high demand for war materiel.<sup>66</sup> The deteriorating financial situation of the railroads was exacerbated by Liberty bonds crowding out the credit markets.<sup>67</sup> As if this wasn't enough, the Justice Department made repeated threats that the coordinated activities of the Railroads' War Board—whose very existence was urged by the Council of National Defense and approved and encouraged by the Wilson Administration—represented anti-trust violations that could not be overlooked.<sup>68</sup> All of this was compounded by a brutally cold winter that dumped feet of snow and clogged harbors, ports, and waterways with ice.<sup>69</sup>

The scales finally tipped when the ICC, in response to a rehearing request on the *Fifteen Percent Case*, instead issued a Special Report to Congress recommending unification of the railroads, either by removing the anti-trust restrictions that had hampered cooperation or takeover by the federal government.<sup>70</sup> On December 26, 1917, using the powers granted to him in the Army Appropriations Act of 1916, President Wilson chose the second option and initiated

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<sup>64</sup> Kerr, *American Railroad Politics*, 57.

<sup>65</sup> *Ibid.*, 54; Stover, *The Life and Decline of the American Railroad*, 163.

<sup>66</sup> Hines, *War History of American Railroads*, 12–13; Stover, *The Life and Decline of the American Railroad*, 163.

<sup>67</sup> Kerr, *American Railroad Politics*, 49–50; McAdoo, *Crowded Years*, 455.

<sup>68</sup> Statement of Daniel Willard, President of the Baltimore & Ohio Railroad, March 12, 1931, 173, in War Policies Commission, Hearings before the Commission Appointed under the Authority of Public Resolution No. 98 (War Policies Commission) (Washington, DC: Government Printing Office, 1931); Hines, *War History of American Railroads*, 14–15. See also Sharfman, *The American Railroad Problem*, 83; Walter M.W. Splawn, *Government Ownership and Operation of Railroads* (New York, NY: The Macmillan Company, 1928), 371; McAdoo, *Crowded Years*, 455; Stover, *The Life and Decline of the American Railroad*, 163–164.

<sup>69</sup> “Running the Railroads Under the New Regime,” *Railway Age* 64, no. 3 (January 18, 1918): 153–157; Charles F. Brooks, “The ‘Old-Fashioned’ Winter of 1917-18,” *Geographical Review* 5, no. 5 (1918): 405–414; James P. Johnson, “The Wilsonians as War Managers: Coal and the 1917-18 Winter Crisis,” *Prologue* 9, no. 4 (n.d.): 203–204.

<sup>70</sup> Interstate Commerce Commission of the United States, 32nd Annual Report of the Interstate Commerce Commission (Washington, DC, 1918), 4–9; Sharfman, *The American Railroad Problem*, 86–87; Splawn, *Government Ownership and Operation of Railroads*, 371; McAdoo, *Crowded Years*, 457–458; Kerr, *American Railroad Politics*, 59–64.

a federal takeover of the railroads.<sup>71</sup> The President appointed Secretary of the Treasury McAdoo as Director General of Railroads as part of what would become the United States Railroad Administration (USRA)—the nationalized railway system that would direct the railroads until February 1920.<sup>72</sup>

McAdoo led the USRA into 1918 with several advantages over the previous efforts of the Railroads' War Board. First, McAdoo's leadership was not burdened by anti-trust threats that crippled cooperation efforts by the Railroads' War Board.<sup>73</sup> Second, the spring thaw that came after the unusually harsh winter gave natural momentum to the USRA's efforts. And third, McAdoo's Railroad Wage Commission (chaired by Secretary of the Interior Franklin K. Lane) had the imprimatur of government to recommend rate and wage increases that had been repeatedly denied to the railroads in 1917—increases that could be mandated by McAdoo without seeking approval from the ICC.<sup>74</sup> The Lane Commission's report served as the basis of McAdoo's decision in May 1918 to order much steeper wage increases than what the railroads had requested on multiple occasions during 1917.<sup>75</sup> Nonetheless, McAdoo still caused discord by making the wage increases retroactive to January 1, 1918, but implementing rate increases in June 1918—a decision that cost the railroads \$412M in additional net operating income.<sup>76</sup>

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<sup>71</sup> A Proclamation, December 26, 1917, 45:358-361, and An Address to a Joint Session of Congress, January 4, 1918, 45:448-451, in Link, *PWW*.

<sup>72</sup> A Proclamation, December 26, 1917, 45:358-361, in *ibid.*; *Federal Control Act*, 40 Stat. 451, 1918.

<sup>73</sup> *Federal Control Act*, 458.

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McAdoo, *Crowded Years*, 471; William J. Cunningham, *American Railroads: Government Control and Reconstruction* (Chicago, IL: A.W. Shaw Company, 1922), 37.

<sup>75</sup> General Order No. 27, May 25, 1918, 63-84, and General Order No. 28, May 25, 1918, 86-95, in United States Railroad Administration, Bulletin No. 4: Public Acts, Proclamations by the President Relating to the United States Railroad Administration, and General Orders Issued by the Director General of Railroads to July 1, 1918 (Washington, DC: Government Printing Office, 1918); McAdoo, *Crowded Years*, 488-491.

<sup>76</sup> McAdoo, *Crowded Years*, 492-493.



With these built-in advantages in place, conditions improved—railroad traffic volumes increased, and car shortages decreased until the war ended on November 11, 1918.<sup>77</sup> Soon thereafter, McAdoo resigned from the Treasury Department and the Railroad Administration, and McAdoo's deputy, Walker D. Hines, took over as Director General of Railroads. Hines's tenure was more controversial in part because opponents were more apt to criticize the USRA after the war was over. Hines also resisted maintenance and improvement programs, refused to implement rate increases over fears of inflation, and left the railroads in a poorer financial condition.<sup>78</sup> He also entered into "national agreements" that committed the previous wartime general orders into the post-war regulatory regime.<sup>79</sup> These agreements significantly limited the flexibility of railroad management to operate once private control was returned in 1920.

In the meantime, progressives saw the USRA as an experiment for permanent federal control of the railroads. Glenn E. Plumb, counsel to the railroad brotherhoods, submitted the most ambitious proposal for permanent federal control.<sup>80</sup> Secretary McAdoo, too, proposed peacetime control of the railroads by the federal government by extending the existing control for five years.<sup>81</sup> Congress eventually demurred on such plans, instead passing the Transportation Act of 1920.<sup>82</sup> The Act nominally returned control of the railroads to private hands but also

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<sup>77</sup> Hines, *War History of American Railroads*, 40–41.

<sup>78</sup> Kerr, *American Railroad Politics*, 79, 88–91, 121–124; Stover, *The Life and Decline of the American Railroad*, 174.

<sup>79</sup> Hines, *War History of American Railroads*, 175–179.

<sup>80</sup> Plumb Plan League, *Plumb Plan League to Secure Public Ownership and Democracy in the Operation of the Railroads* (Washington, DC: Plumb Plan League, 1919); Kerr, *American Railroad Politics*, 160–174.

<sup>81</sup> U.S. Senate, Interstate Commerce Committee., *Extension of Tenure of Government Control of Railroads: Statements of Hon. W.G. McAdoo, Director General of Railroads* (Washington, DC: Government Printing Office, 1919), 46–48.

<sup>82</sup> *Transportation Act, 1920*, 41 Stat. 456, 1920; Stover, *The Life and Decline of the American Railroad*, 175–177.

provided for a regulatory regime that was favorable to the railroads—including compensation for the takeover, exemption from anti-trust laws, and a “fair rate of return” on their investments.<sup>83</sup>

The railroads were never a unified entity, and railroads in general did not always approve of the individual steps along the way. Nonetheless, the railroads as a whole secured a significant amount of political power first by capturing the Interstate Commerce Commission, which secured the goals of pooling and cartelization efforts of the 1870s, which could not be maintained by voluntary action. The war itself would prove to be beneficial to the railroads, who never opposed the federal takeover.<sup>84</sup> Instead, the railroads largely benefited from the actions of the United States Railroad Administration and the Transportation Act of 1920 because they were able to use “political outlets to attain conditions of stability, predictability, and security—to attain rationalization—in the economy.”<sup>85</sup>

## Shipping

American maritime history dates to the earliest colonial outposts at Jamestown and Plymouth, but it wasn't until the colonial annexations of the Philippines, Puerto Rico, and Hawaii at the end of the 19th century that merchant shipping began to make its mark on the world stage.<sup>86</sup> Still, by the outbreak of war in Europe in 1914, American-flagged ships represented only a small fraction of worldwide net tonnage.<sup>87</sup>

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<sup>83</sup> Kolko, *Railroads and Regulations*, 228–230.

<sup>84</sup> McAdoo, *Crowded Years*, 461–462.

<sup>85</sup> Kolko, *The Triumph of Conservatism*, 3, 217–254.

<sup>86</sup> Winthrop L. Marvin, *The American Merchant Marine: Its History and Romance from 1620 to 1902* (New York, NY: Charles Scribner's Sons, 1902); René De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping in the Twentieth Century*, Twayne's Evolution of American Business Series (New York, NY: Twayne Publishers, 1992), 23.

<sup>87</sup> Federal Reserve Board, “The World's Shipping: A Statistical Survey,” *Federal Reserve Bulletin* (February 1921): 188; De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping*, 47; McAdoo, *Crowded Years*, 294.

Despite the efforts of the ever-enthusiastic Secretary of the Treasury McAdoo, Congress did little to assuage concerns about the limited merchant marine capability. Congress did pass the Foreign Ship Registry Act, which permitted foreign-built ships to be registered as U.S.-flagged vessels, and the War Risk Insurance Act, which provided government-backed insurance for American ships and their cargo.<sup>88</sup> McAdoo secured the backing of President Wilson for “a shipping corporation of which the American government would own all, or a major part, of the capital stock,” but Congress balked.<sup>89</sup> A Republican-led filibuster in the Senate (together with the defection of some 130 Democrats in the House) eventually killed the first shipping bill as many in Congress resisted the prospect of government ownership of a merchant fleet, but McAdoo believed the real reason was the threat of lost profits to the shipping industry.<sup>90</sup>

A German submarine sank the RMS Lusitania on May 7, 1915, killing 123 Americans, but Congress was out of session, so there was still no movement on shipping legislation.<sup>91</sup> The bill supported by the Administration was re-introduced on January 30, 1916, after a month-long speaking tour the previous fall by McAdoo to gain farmer support for the plan—because farmers were paying the brunt of the higher freight rates.<sup>92</sup> The Secretary sought to link the government ownership of a merchant marine fleet to the growing preparedness movement in that the

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<sup>88</sup> *Foreign Ship Registry Act*, 38 Stat. 698, 1914; *War Risk Insurance Act*, 38 Stat. 711, 1914; De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping*, 48; McAdoo, *Crowded Years*, 297.

<sup>89</sup> McAdoo, *Crowded Years*, 295–296; De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping*, 48–49.

<sup>90</sup> McAdoo, *Crowded Years*, 303–34; De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping*, 49; “Wilson Insists on Shipping Measure,” *New York Tribune*, September 29, 1914, 6; “Oppose Ship Ownership,” *Washington Post*, September 25, 1914, 9.

<sup>91</sup> “Lusitania Sunk by a Submarine, Probably 1,260 Dead,” *New York Times*, May 8, 1915; De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping*, 51.

<sup>92</sup> McAdoo, *Crowded Years*, 311–312; De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping*, 51–52; “Merchant Marine Is Big Theme of M’Adoo,” *Helena Independent*, October 28, 1915, 1, 6; Statement of Mr. George P. Hampton, March 4, 1916, 671–699, in U.S. Senate, Committee on the Merchant Marine and Fisheries, Creating a Shipping Board, A Naval Auxiliary, and a Merchant Marine: Hearings on H.R. 10500 (February 10 to March 9, 1916) (Washington, DC: Government Printing Office, 1916).

merchant marine vessels could serve as a naval auxiliary.<sup>93</sup> These arguments and an amendment to prohibit the purchase of ships from belligerent nations helped to bring wayward Democrats into the fold.<sup>94</sup> Together with the belief that the agreements among Allied powers at the Paris Economic Conference in June represented "militarism translated into commercial warfare," the Administration finally had enough support to push the shipping bill over the line.<sup>95</sup>

On September 7, 1916, President Wilson signed the Shipping Act, which created the "United States Shipping Board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve...."<sup>96</sup> McAdoo later estimated that delays in passing the shipping bill had already cost \$1B in increased shipping rates, but delays in nominations cost another four months until the Shipping Board was formally organized on January 30, 1917.<sup>97</sup> After the United States declared war on Germany on April 6, 1917, the Board used the authority granted in the Shipping Act to create the Emergency Fleet Corporation "for the purchase, construction, equipment, lease, charter, maintenance, and operation of merchant vessels in the commerce of the United States."<sup>98</sup> More delays came when a squabble between the Shipping Board's chairman, William Denman, and the Emergency Fleet Corporation's general manager, General George Goethals, became public.<sup>99</sup> Denman, a lawyer with little relevant experience, wanted to

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<sup>93</sup> "McAdoo Tells the Post-Dispatch of Administration's Plan to Put New Shipping Bill Before Congress," *St. Louis Post-Dispatch*, October 17, 1915, 56; McAdoo, *Crowded Years*, 311–312.

<sup>94</sup> "Senate Democrats Unite on Ship Bill," *New York Times*, July 9, 1916, 6; Arthur S. Link, *Wilson*, 5 vols. (Princeton, NJ: Princeton University Press, 1947–1965) 4:340; Richard Sicotte, "Economic Crisis and Political Response: The Political Economy of the Shipping Act of 1916," *The Journal of Economic History* 59, no. 4 (1999): 881.

<sup>95</sup> William S. Culbertson, *Commercial Policy in War Time and After: A Study of the Application of Democratic Ideas to International Commercial Relations*, Problems of War and of Reconstruction (New York, NY: D. Appleton and Co., 1919), 348.

<sup>96</sup> *Shipping Act of 1916*, 39 *Stat.* 728, 1916; De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping*, 53; McAdoo, *Crowded Years*, 315.

<sup>97</sup> McAdoo, *Crowded Years*, 297, 316; De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping*, 54.

<sup>98</sup> *Shipping Act of 1916*, 731–732.

<sup>99</sup> "Denman Rebukes Goethals For His Talk on Ships," *New York Times*, May 28, 1917, 1.

build wooden ships to avoid interference with existing (and overburdened) commercial efforts, while Goethals, supervisor of the construction of the Panama Canal and accustomed to getting his way, preferred to build steel ships with prefabricated parts.<sup>100</sup> The President finally settled the controversy by removing both Denman and Goethals, but one historian concluded that “the Denman-Goethals controversy had resulted in the misuse, if not outright loss, of six more months.”<sup>101</sup>

When Edward N. Hurley took over as chairman on July 27, 1917, the Board recognized that with all shipyards already at capacity (building ships ordered by the Allies), it would have to create its own manufacturing capacity, including building its own shipyards. Until those new facilities, including the massive Hog Island shipyard near Philadelphia came online, the Board oversaw three lines of effort to acquire ships to transport the American Expeditionary Force to Europe. First, the Board commandeered 97 German and Austrian ships with a capacity of seven hundred thousand tons that were interned in ports since August 1914.<sup>102</sup> Second, the Board requisitioned 431 ships (all over 2,500 tons dead-weight capacity) under construction in

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<sup>100</sup> United States Shipping Board, First Annual Report of the United States Shipping Board (Washington, DC: Government Printing Office, 1917), 7–8; “Denman Puts a Crimp in Goethals’ Steel Ship Plan,” *Tampa Daily Tribune*, July 17, 1917, 1; Edward N. Hurley, *The Bridge to France* (Philadelphia, PA: J.B. Lippincott Company, 1927), 28–29.

<sup>101</sup> “Goethals Resigns; Denman Dropped,” *New York Times*, July 25, 1917, 1; De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping*, 55; Hurley, *The Bridge to France*, 29.

<sup>102</sup> From Thomas Watt Gregory, April 20, 1917, 42:113, To Charles Allen Culberson, April 21, 1917, 42:116, in Link, *PWW; Joint Resolution of Congress Concerning Seizure of Enemy Ships*, 40 Stat. 75, 1917; United States Shipping Board, First Annual Report of the United States Shipping Board, 19–20; Hurley, *The Bridge to France*, 39. For a discussion of the seizure of merchant ships as part of the American regulatory strategy, see Chapter Six.

American shipyards.<sup>103</sup> And third, the Board seized all U.S.-flagged cargo and passenger vessels with over 2,500 tons dead-weight capacity already in service.<sup>104</sup>

Even after the Denman-Goethals row was resolved, delays persisted in signing contracts for the new shipyards such that by February 12, 1918, the first keel had just been laid at Hog Island.<sup>105</sup> When the Shipping Board's Labor Adjustment Board granted a raise to shipyard workers on the Pacific coast to avert a strike, workers at shipyards on the Great Lakes and Atlantic agitated for matching raises and went on strike when their demands were not met.<sup>106</sup> By August 31, 1918, the Emergency Fleet Corporation had spent nearly \$117M on shipbuilding at Hog Island but had yet to deliver a single ship to the war effort.<sup>107</sup> Senator Hiram Johnson (R-CA) proclaimed that "Hog Island is the most reckless waste of public funds which has ever come to my attention."<sup>108</sup> A Justice Department investigation found no evidence of criminal conduct but questioned why the cost of the shipyard ballooned from the initial estimate of \$21M to \$61M.<sup>109</sup> The *New York Times* was not impressed and called for further investigation to get "to the bottom of this extraordinary business and elicited the last bit of evidence bearing upon the responsibility of the Hog Island builders for presenting such a huge bill to the Government."<sup>110</sup>

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<sup>103</sup> *Urgent Deficiencies Act*, 40 Stat. 182, 1917; From George Washington Goethals, June 15, 1917, 42:523, in Link, *PWW*; U.S. Committee on Public Information, "President Authorizes the Requisition of Shipping (Executive Order 2664), July 18, 1917," *Official Bulletin* 1, no. 54 (July 18, 1917): 1; Hurley, *The Bridge to France*, 31–38.

<sup>104</sup> Hurley, *The Bridge to France*, 42–44.

<sup>105</sup> "Ascribes Delay to Goethals Row," *New York Times*, February 13, 1918, 1.

<sup>106</sup> "Labor Slackers Halt New Ships; Crisis Impending," *New York Times*, February 13, 1918, 1, 5; Willard E. Hotchkiss and Henry R. Seager, *History of the Shipbuilding Labor Adjustment Board, 1917 to 1919*. Bulletin of the United States Bureau of Labor Statistics No. 283, Labor as Affected by the War Series (Washington, DC: Government Printing Office, 1921), 15–23.

<sup>107</sup> United States Shipping Board, *Second Annual Report of the United States Shipping Board* (Washington, DC: Government Printing Office, 1918), 194.

<sup>108</sup> "Orders Inquiry at Hog Island," *New York Times*, February 15, 1918, 1.

<sup>109</sup> U.S. Committee on Public Information, "Full Text of Report on Hog Island Shipyard Inquiry; No Fraud Disclosed But Accounts in Chaotic Condition and Plant Cost Is Held to Be Above 'Reasonable Need,'" *Official Bulletin* 2, no. 495 (July 18, 1917): 9–14.

<sup>110</sup> "The Hog Island Bill," *New York Times*, December 23, 1918, 10.

Coordination of what ships were available was accomplished through the Shipping Control Committee and its chairman, P.A.S. Franklin, President of the International Mercantile Marine Company, who Hurley described unapologetically as his “shipping control dictator.”<sup>111</sup> Given full authority to coordinate shipping, Franklin designed a “liquid fleet” whereby all vessels were stripped of their previous organizational identifications and assigned to a pool that the Shipping Control Committee controlled and prioritized.<sup>112</sup>

By the war's end on November 11, 1918, the program delivered 470 ships, while 1,705 other ships remained under construction.<sup>113</sup> If the unpredictability of war excused some of the delays and mistakes that led to the waste of many millions during the war, such waste was more difficult to justify afterward. While some existing shipbuilding contracts were canceled in the months after the war, many were continued.<sup>114</sup> At Hog Island, 122 ships were constructed between 1918 and 1922—every single one completed after the Armistice.<sup>115</sup> In total, 1,234 ships were completed by the Emergency Fleet Corporation between 1919 and 1922.<sup>116</sup> After Hurley resigned, Admiral William S. Benson ran the Shipping Board as “the most outspoken and courageous defender of the U.S. merchant marine,” pushing to expand the Board’s managing agent program.<sup>117</sup> This initiative assigned Shipping Board-controlled ships to new steamship companies that took in windfall profits on productive routes while the government assumed the

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<sup>111</sup> Hurley, *The Bridge to France*, 101.

<sup>112</sup> *Ibid.*, 101–105; James P. Baughman, *The Mallorays of Mystic: Six Generations in American Maritime Enterprise* (Middletown, CT: Wesleyan University Press, 1972), 255–256; De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping*, 57–58.

<sup>113</sup> De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping*, 59.

<sup>114</sup> United States Shipping Board, Third Annual Report of the United States Shipping Board (Washington, DC: Government Printing Office, 1919), 9–10; Hurley, *The Bridge to France*, 251–253.

<sup>115</sup> United States Shipping Board, Third Annual Report of the United States Shipping Board, 9–10.

<sup>116</sup> De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping*, 60.

<sup>117</sup> *Ibid.*, 62.

losses on less successful ones.<sup>118</sup> One historian who reviewed the Board's confidential files on managing agents concluded that "the government had little or no idea about who was receiving the ships, much less whether they were likely to make a long-term commitment.... The lack of a clear plan...resulted in deficits for the government, while many get-rich-quick operators reaped a bonanza of private profit at government expense."<sup>119</sup> Like other government programs before it (and many afterward), it became captured by the industry it sought to regulate.<sup>120</sup>

The last act of shipping regulation in the immediate post-war period would prove to be one of the most impactful and longstanding issues whose legacy reaches even until today. At the behest of Admiral Benson and the shipping industry, Senator Wesley Jones (R-WA) pushed legislation to extend the power of the Shipping Board to provide a merchant marine fleet "necessary for the national defense and for proper growth of its foreign domestic commerce," despite the war having ended some 18 months prior.<sup>121</sup> The landmark law, the Merchant Marine Act of 1920 (commonly called the Jones Act), which passed without almost any debate, was a nakedly protectionist measure. About the law, Senator Jones remarked, "They say it will drive foreign shipping from our ports. Granted; I want it to do it."<sup>122</sup> The law's most substantial provision required:

That no merchandise shall be transported by water, or ported in coastwise by land and water, on penalty of forfeiture thereof, between points in trade the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States....<sup>123</sup>

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<sup>118</sup> Ibid., 60–61.

<sup>119</sup> Ibid., 61.

<sup>120</sup> Ibid., 63.

<sup>121</sup> *Merchant Marine Act of 1920*, 41 Stat. 988, 1920; Paul Maxwell Zeis, *American Shipping Policy* (Princeton, NJ: Princeton University Press, 1938), 115–116.

<sup>122</sup> De La Pedraja, *The Rise and Decline of U.S. Merchant Shipping*, 62.

<sup>123</sup> *Jones Act*, 999 (Sec. 27).



The full impact of the Jones Act will be discussed in more detail in Chapter Ten, but in 1920, it had the effect of expanding the federal government's sphere of power in the shipping industry. The war provided the test case; the Jones Act doubled down on government centralization of power to benefit a coalition of interested partners, including the Department of War, the Department of the Navy, American shipping companies, and shipyards, together with American ship workers.

Much of the contemporary criticism of the federal government's shipping programs during the war was based upon straightforward, classical liberal arguments about state-owned enterprises. Many in Congress, especially Republicans and southern Democrats, believed that state ownership was outside the scope of the proper role of the federal government. In 1914, the threat of war was too remote to overcome these objections. But by 1916, McAdoo had cleverly linked the commercial opportunities of a government-controlled commercial fleet with the benefits of a naval auxiliary—a connection that landed more surely after the sinking of the *Lusitania*. McAdoo's astute calculation “demonstrated the political efficacy of promoting economic stimulus in the guise of military necessity.”<sup>124</sup> The threat of war in 1916 provided the emergency necessary to overcome the resistance in Congress to the shipping bill that had sunk it two years earlier. Even then, once the war was over, the Jones Act consolidated and extended the federal government's power over the shipping industry.

### **Telecommunications**

In the early hours of August 4, 1914, the British cable ship *Alert* pulled away from the docks in Dover and moved out into the channel, where the crew spent the next few hours

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<sup>124</sup> Kennedy, *Over Here*, 305.

locating and then cutting five German submarine cables.<sup>125</sup> Endorsed by the Committee of Imperial Defense in a 1911 planning session, the action disrupted German communications and more importantly, forced American cable traffic to travel through the United Kingdom.<sup>126</sup> The severing of Germany's submarine cables demonstrated the critical role telecommunications would play in the war, not only by denying communications to the Germans but by allowing the British to control, censor, and shape the cable traffic that the Americans would see. It would have a profound impact on the decision to go to war in the United States.

The global breadth of its colonies gave the British a significant advantage over the United States in long-distance communications, especially its submarine cable network. In his second inaugural address, President McKinley recognized the importance of cutting enemy cables before the invasion of Cuba in 1898 to isolate the island from Spain and other Spanish colonies.<sup>127</sup> McKinley also repeatedly called for the construction of submarine cables to Hawaii and the Philippines.<sup>128</sup> The Senate passed a bill appropriating \$3M money for a cable across the Pacific, but the legislation stalled when the House and Senate couldn't agree on a final bill.<sup>129</sup> At the same time, Signal Corps officer George Squier called the Spanish-American War "a war of 'coal

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<sup>125</sup> Jonathan Reed Winkler, *Nexus: Strategic Communications and American Security in World War I* (Cambridge, MA: Harvard University Press, 2008), 5.

<sup>126</sup> *Ibid.*, 6, 16–17.

<sup>127</sup> Second Annual Message, December 5, 1898, XIII:6313-6324, in James D. Richardson, ed., *Compilation of the Messages and Papers of the Presidents, 1789-1922*, 20 vols. (New York, NY: Bureau of National Literature, 1897–1922).

<sup>128</sup> Special Message, February 10, 1899, XIII:6354-6355, Third Annual Message, December 5, 1899, XIII:6373-6374, Fourth Annual Message, December 3, 1900, XIII:6449, in *ibid.*

<sup>129</sup> Pacific Cable Bill (S. 2), *Congressional Record*, 56th Congress, 1st Sess., Vol. 33, Part 5 (April 11, 1900), 4012-4014, 1900; "Hawaii to Get a Cable," *Pacific Commercial Advertiser*, April 24, 1900, 1; Winkler, *Nexus*, 19–20. Winkler writes that "Congress appropriated funds to support a project, but the clamor of competing firms and the lack of a clear encouragement from the executive branch prevented the selection of a recipient." But there is no evidence that the bill passed. In fact, the evidence suggests otherwise; *See also Monthly Summary of Commerce and Finance of the United States for the Fiscal Year 1903*, vol. X, New Series (Washington, DC: Government Printing Office, 1903) ("By reason of the difference between the Senate and the House, nothing further was done in that Congress.").

and cables.”<sup>130</sup> Squier believed the British cable system represented “one vast intelligence transmission system” and proposed a comparable system for the United States.<sup>131</sup> Despite these appeals, the United States did not make any sustained efforts to expand its submarine cable network.

On the radio front, the United States signed but did not ratify (upon pressure from commercial radio firms and amateur radio operators) the Second International Radio Telegraphic Convention held in Berlin in 1906, removing the impetus for domestic regulation and leaving the radio waves unregulated and operators unlicensed.<sup>132</sup> A change in control of Congress from Republicans to Democrats in 1910 muted the lobbying power of commercial radio companies opposed to regulation.<sup>133</sup> Together with a series of high-profile ship accidents culminating with the sinking of the *Titanic* on April 15, 1912, these changes contributed to the renewed effort for ratification of the 1906 convention and momentum for federal radio regulation.<sup>134</sup> The enabling legislation for the convention was the Radio Act of 1912, enacted on August 12, which required the licensing of radio stations and operators.<sup>135</sup> The new law also authorized the President, in time of war, to close radio stations, seize their equipment, and use the station on behalf of the federal government.<sup>136</sup> Ten days later, the naval appropriations bill included \$400K (with costs not to exceed \$1M) for the construction of six high-power radio stations.<sup>137</sup> By January 1914, construction had only begun at one of the stations—at Darien in the Panama Canal Zone, with

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<sup>130</sup> George Owen Squier, “The Influence of Submarine Cables Upon Military and Naval Supremacy,” *Proceedings of the United States Naval Institute* XXVI, no. 4 (October 1900): 600.

<sup>131</sup> *Ibid.*, 602–615.

<sup>132</sup> Linwood S. Howeth, *History of Communications-Electronics in the United States Navy* (Washington, DC: Government Printing Office, 1963), 118–130.

<sup>133</sup> *Ibid.*, 158.

<sup>134</sup> *Ibid.*, 159–162.

<sup>135</sup> *Radio Act of 1912*, 37 Stat. 302, 1912.

<sup>136</sup> *Ibid.*, 303.

<sup>137</sup> *Naval Appropriations Act of 1912*, 37 Stat. 328, 1912, 338.

operation not expected until Fall 1914—and the cost estimate had risen to \$350K for each station.<sup>138</sup> Congress expanded the authorization to \$1.5M in 1915, but the lack of emphasis on the program reduced the six stations to four, only one of which was completed before 1917.<sup>139</sup>

When the *Alert* cut the German cables on August 4, 1914, the American telecommunications network became even more reliant on British global telecommunications dominance. The next day, still two weeks before Wilson would ask the nation to “be neutral in fact as well as in name,” the President ordered “that all radio stations within the jurisdiction of the United States of America are hereby prohibited from transmitting or receiving for delivery messages of an unneutral nature, and from in any way rendering to any one of the belligerents any unneutral service, during the continuance of hostilities.”<sup>140</sup> One month later, using the authority granted to him by the Radio Act, President Wilson authorized the Secretary of the Navy to take over “one or more of the high-powered radio stations within the jurisdiction of the United States and capable of trans-Atlantic communication....”<sup>141</sup> The order came in response to two radio stations (one in Sayville, New York, and the other in Tuckerton, New Jersey) operated by German companies that caused a conundrum for the administration in how to act neutral. Germany, suffering the loss of their cable connections to the West, sought to use the radio stations while Great Britain wanted them shut down.<sup>142</sup> The Tuckerton station, which had not yet

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<sup>138</sup> Statement of Rear Admiral Robert S. Griffin, Chief Bureau of Steam Engineering, January 14, 1914, 333-338, in U.S. House of Representatives, Committee on Naval Affairs, Hearings before the Committee on Naval Affairs of the House of Representatives on Estimates Submitted by the Secretary of the Navy, 1914 (Washington, DC: Government Printing Office, 1914).

<sup>139</sup> *Naval Appropriations Act of 1916*, 38 Stat. 328, 1912, 946; Howeth, *History of Communications-Electronics in the United States Navy*, 222–224.

<sup>140</sup> To Enforce Neutrality of Wireless Stations, August 5, 1914, 16:7962, *American Neutrality*, August 20, 1914, 16:7978-7979, in Richardson, *CMPP*.

<sup>141</sup> Taking Over High-Power Radio Station for Use of the Government, September 5, 1914, 16:8006-8007, in *ibid*.

<sup>142</sup> Winkler, *Nexus*, 40–42; Howeth, *History of Communications-Electronics in the United States Navy*, 225–226.

secured a license, was seized on September 9, 1914, and operated by the Navy afterward.<sup>143</sup> On July 9, 1915, the Navy took over the Sayville radio station on the pretext that its owner's decision to increase the station's power violated a provision of the Hague Convention of 1907 that forbade belligerents from "[e]rect[ing] on the territory of a neutral Power a wireless telegraphy station or other apparatus for the purpose of communicating with belligerent forces on land or sea."<sup>144</sup> Seizing the assets of German companies as if they were the belligerent power would become a common theme throughout the wartime period—even before Congress enacted the Trading with the Enemy Act in 1917.

In 1914, in addition to the income taxes and excess profits taxes described in Chapter Three, Congress took the opportunity to impose a 1% federal excise tax on telegraph messages and telephone calls over 15 cents.<sup>145</sup> This tax had previously been imposed for four years during and after the Spanish-American War.<sup>146</sup> This wartime excise tax continued after the war, was increased and graduated in 1919, and was not repealed until 1924.<sup>147</sup>

Once the United States entered the war, President Wilson once again used the authority of the Radio Act to approve the seizure of radio stations for use by the Navy and the shuttering of others.<sup>148</sup> Commercial radio stations were taken over and re-opened and operated by the

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<sup>143</sup> U.S. Navy, Annual Reports of the Navy Department for the Fiscal Year 1915 (Washington, DC: Government Printing Office, 1916), 264–265; The Secretary of the Navy (Daniels) to the Officer in Charge of the Tuckerton Radio Station, September 22, 1914, 679, in U.S. Department of State, *Papers Relating to the Foreign Relations of the United States: 1914 Supplement, The World War*.

<sup>144</sup> "Navy Takes Over Sayville Radio," *New York Times*, July 9, 1915, 1; Article 3 in *The Hague Convention (V) on 1907 Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land* (Washington, DC: Carnegie Endowment for International Peace, 1915), 1; U.S. Navy, Annual Reports of the Navy Department for the Fiscal Year 1915, 266; Winkler, *Nexus*, 50–52.

<sup>145</sup> *Emergency Internal Revenue Tax Act of 1914*, 38 Stat. 745, 1914, 760.

<sup>146</sup> *Spanish-American War Revenue Act*, 30 Stat. 448, 1898, 460; *Revenue Act of 1924*, 43 Stat. 253, 1924, 352.

<sup>147</sup> *Revenue Act of 1918*, 1102.

<sup>148</sup> Taking Over Necessary and Closing Unnecessary Radio Stations, April 6, 1917, 17:8241, in Richardson, *CMPP*.

Navy.<sup>149</sup> The order also shut down amateur radio operators; one report from Buffalo, New York, indicated that sixty Erie County sheriff deputies were dispatched in April 1917 to “dismantle all wireless stations in this county.”<sup>150</sup> Popular magazine *The Electrical Experimenter* detailed in its July 1917 issue how radio inspectors ensured that shut-down stations could not operate:

Heavy wire is wrapt around the poles of the spark gap and the ends of this wire are joined with wax bearing the great seal of the United States of America. Heavy prison penalties are provided for the breakage of this seal. The wire short-circuits the spark gap and makes it impossible to secure a spark. The impression of the great seal is made in red wax on an ordinary piece of paper.<sup>151</sup>

Thomas H. Reed, City Manager in San Jose, California, went so far as to announce that maintaining a wireless station was treason, although this reaction seems to have been on the extreme side.<sup>152</sup> The shutdown of radio stations that began in April 1917 was just one example of how federal directives could not have been effectively enforced without the unhesitating cooperation of state and local authorities. The following year, Congress approved a joint resolution declaring that:

the President during the continuance of the present war is authorized and empowered, whenever he shall deem it necessary for the national security or defense, to supervise or to take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems, or any part thereof, and to operate the same in such as manner as may be needful or desirable for the duration of the war....<sup>153</sup>

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<sup>149</sup> Arthur C. Young, “A Brief Account of What Happened at Buffalo When Orders Were Received to Disconnect All Radio Apparatus and Dismantle All Aerial Wires, and the Means Used to Enforce the Orders,” *QST* (July 1917): 26; “All Commercial Radio Stations Taken by Navy; Amateurs Closed,” *Evening Public Ledger* (Philadelphia, PA), April 7, 1917, 2.

<sup>150</sup> “1500 Radio Stations Ordered Closed by Navy,” *Philadelphia Inquirer*, April 15, 1917, 10; “Local Amateur Radio Stations Closed by Federal Orders,” *Palladium-Item* (Richmond, IN), April 20, 1917, 1; Young, “A Brief Account,” 26.

<sup>151</sup> “How the Government Seals Radio Apparatus,” *The Electrical Experimenter* (July 1917): 188.

<sup>152</sup> “Treason to Possess Wireless Stations,” *San Jose Evening News*, April 23, 1917, 1.

<sup>153</sup> *Joint Resolution, 40 Stat. 904*, 1918.

Wilson exercised this authority on July 22, authorizing the Postmaster General to take control of telegraph and telephone systems.<sup>154</sup> The Post Office determined that 1,152 telephone companies and 14 telegraph companies fell under its operating responsibility.<sup>155</sup>

Postmaster General Albert Burleson, who became the administration's chief villain in the telecommunications arena, formally took government control of the wires on August 1, 1918.<sup>156</sup> Government control and centralization of the telegraph, telephone, and submarine cable systems envisioned by the joint resolution of Congress emboldened the power of Burleson, who had advocated for such action since 1913—before the war had even started.<sup>157</sup> Curiously, though, the President's proclamation on July 22 didn't include submarine cables, which weren't taken over until the end of the war—which turned out to be a peculiar episode. The President's exercise of the authority to seize control of submarine cables came on November 2, 1918, just eight days before the Armistice.<sup>158</sup> Burleson assumed possession and control of the cables on November 18, a week after the Armistice—citing all the wartime authorities granted by Congress to the President.<sup>159</sup> Then, on December 12, 1918, a month after the Armistice, Burleson appointed Newcomb Carlton of Western Union to manage the continued government control of submarine cables—an operation that would continue (as with telegraph and telephone systems) until the end of July 1919.<sup>160</sup> Like Secretary of the Treasury McAdoo, Burleson was a progressive who

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<sup>154</sup> Possession and Control of Telegraph and Telephone Systems, July 22, 1918, 18:8551-8553, in Richardson, *CMPP*.

<sup>155</sup> U.S. Post Office Department, *Government Control and Operation of Telegraph, Telephone and Marine Cable Systems*, 7–8.

<sup>156</sup> *Ibid.*, 48.

<sup>157</sup> “Federal Ownership Halts,” *New York Times*, December 21, 1913, 2.

<sup>158</sup> Possession and Control of Marine Cable Systems, November 2, 1918, 18:8630-8631, in Richardson, *CMPP*.

<sup>159</sup> Order Assuming Possession and Control of Cables, November 18, 1918, 68, in U.S. Post Office Department, *Government Control and Operation of Telegraph, Telephone and Marine Cable Systems*.

<sup>160</sup> Appointment of Manager of Cables, December 12, 1918, 72-74, in *ibid.*

believed in state control—not just during the war but afterward as well.<sup>161</sup> As Postmaster General, Burluson was especially harsh toward anti-war voices, delaying or blocking the delivery of newspapers and magazines that included their views—an issue that will be covered in Chapter Eight.

The assumption of federal control over the telegraph and telephone systems lasted less than a year; as such, it is difficult to measure the value or lack thereof of such control. Nonetheless, one historian was not impressed: “In theory the assumption of government control was to make the national network more efficient and helpful to the war effort. In practice it simply became another layer of administration, and after the war the general sentiment was that it had not been particularly successful.”<sup>162</sup> In practice, Burluson could not follow through on promises of lower costs; he raised telephone and telegraph charges in 1919 at the behest of AT&T.<sup>163</sup>

Press treatment of Burluson’s rate increase was harsh. The measure was “shooting the government-ownership idea full of holes,” and “the worst service for the most money;” while Burluson had “unwittingly rendered the country a very valuable service by demonstrating the falsity of the theory that government control or government ownership makes either for economy or efficiency.”<sup>164</sup> In a rare act of political contrition, Congressman James B. Aswell (D-LA), author of the joint resolution, apologized and acknowledged that “[t]his means the death knell to

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<sup>161</sup> John, “When Techno-Diplomacy Failed,” 60, 66.

<sup>162</sup> Winkler, *Nexus*, 277; Christopher N. May, *In the Name of War: Judicial Review and the War Powers since 1918* (Cambridge, MA: Harvard University Press, 1989), 45–46.

<sup>163</sup> Toll Rate Schedule, December 13, 1918, 75-79, Schedule of Domestic Telegraph Rates Effective April 1, 1919, March 29, 1919, 86, in U.S. Post Office Department, *Government Control and Operation of Telegraph, Telephone and Marine Cable Systems*; Adam D. Thierer, “Unnatural Monopoly: Critical Moments in the Development of the Bell System Monopoly,” *Cato Journal* 14, no. 2 (Fall 1994): 276; Winkler, *Nexus*, 45–46.

<sup>164</sup> *News-Press* (St. Joseph, MO), *Union* (Springfield, MA), *Telegram* (Portland, ME), in “Mr. Burluson on the Grill,” *Literary Digest* LXI, no. 3 (April 19, 1919): 15.



Government control or ownership of telegraph, telephone and railroad lines. I owe it to my people and to Congress to apologize for my resolution if Government control means increase in rates.”<sup>165</sup>

Burleson was also stung by charges of favoritism by consulting with AT&T and Western Union prior to the takeover at the expense of their competitors, especially Clarence Mackay’s Postal Telegraph Company and Commercial Cable Company.<sup>166</sup> Once the Armistice was signed, Mackay wrote to Burleson asking for the return of telegraph lines to private control, arguing that “the war no longer justifies the Government’s retaining these telegraph lines for war purposes.”<sup>167</sup> In response, Burleson removed Mackay and his executives from the board.<sup>168</sup> After the Armistice, AT&T President Theodore N. Vail called for a combined telephone, telegraph, and cable system— “one nationwide system, under single control.”<sup>169</sup> AT&T would surely benefit from this system at the expense of competitors like Mackay and others. Burleson’s treatment of Mackay was not only unfair but also reinforced the dominant market shares of AT&T and Western Union—a seemingly hypocritical move in an era otherwise favorable to anti-trust enforcement. In fact, it was the 1913 Kingsbury Commitment between the Justice

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<sup>165</sup> “To Apologize for Wire Control Law,” *Baltimore Sun*, April 7, 1919, 1.

<sup>166</sup> May, *In the Name of War*, 46–48; John Brooks, *Telephone: The First Hundred Years* (New York, NY: Harper & Row, 1976), 151–153.

<sup>167</sup> “Control of Cables Taken Over by Government,” *Commercial and Financial Chronicle* 107, no. 2787 (November 23, 1918): 1972.

<sup>168</sup> Appointment of Manager of Cables, December 12, 1918, 72-74, in U.S. Post Office Department, *Government Control and Operation of Telegraph, Telephone and Marine Cable Systems*.

<sup>169</sup> “Would Put Wires Under One Head; Cables Likewise,” *New York Times*, December 9, 1918, 1, 13; Theodore N. Vail to Hon. John A. Moon, December 30, 1918, 33, in Extension of Remarks of Hon. John A. Moon, of Tennessee, *Appendix to the Congressional Record*, 65th Congress, 3rd Sess., Vol. 57, Part 3 (February 2, 1919), 32-37, 1916; Vail had announced as early as August 1913 that “[w]e believe in and were the first to advocate state or government control and regulation of public utilities....” Mutual Relations and Interests of the Bell System and the Public, 130-135, in Theodore N. Vail, *Views on Public Questions: A Collection of Papers and Addresses of Theodore Newton Vail, 1907-1917* (Privately Printed, 1917).

Department and AT&T, “while appearing in the independents’ favor, actually allowed AT&T to gain greater control over the industry.”<sup>170</sup>

The third strike against Burleson, and consequently against continued government control of telephone and telegraph lines, was Burleson’s failure to keep assurances to telegraph employees. To counter labor’s hostility toward Burleson, the Postmaster General promised to be “a model employer” and “a generous employer” who was in favor “of paying them a generous wage, from 15 to 30 percent more than is being paid for similar service in outside employment.”<sup>171</sup> But Burleson never ordered any wage increases and resisted company efforts to do so.<sup>172</sup>

Perhaps because the congressional authorization for the takeover of the telephone, telegraph, and submarine cable systems came after the United States had entered the war, there existed far less contemporary criticism of the takeover as “socialistic” as had occurred during the debates over the Shipping Bill. Moreover, the concessions to market dominants AT&T and Western Union left most of the criticism to scorned competitors like Mackay’s Postal Telegraph Company and Commercial Cable Company.

On the legal front, Marconi’s American subsidiary challenged the basis of President Wilson’s proclamation enforcing the neutrality of wireless stations by questioning the legal authority for such an action, but nothing appeared to come from this effort.<sup>173</sup> The only legal challenge to government control to reach the Supreme Court came indirectly in a case involving

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<sup>170</sup> Thierer, “Unnatural Monopoly,” 272.

<sup>171</sup> Statement of Hon. Albert S. Burleson, Postmaster General, July 2, 1918, 40-41, in U.S. House of Representatives, Committee on Interstate and Foreign Commerce, Federal Control of Systems of Communication: Hearings before the Committee on Interstate and Foreign Commerce of the House of Representatives (July 2, 1918) (Washington, DC: Government Printing Office, 1918).

<sup>172</sup> May, *In the Name of War*, 46.

<sup>173</sup> To Enforce Neutrality of Wireless Stations, August 5, 1914, 16:7962, in Richardson, *CMPP*; “The Censorship of Messages,” *Wireless Age* 1, no. 12 (September 1914): 964–966.

a state challenge to Burleson's post-war rate increases. On the claim that these rates exceeded state law, the Supreme Court ruled that the state could not prevail because "at best...a mere excess or abuse of discretion in exerting a power given...involves considerations which are beyond the reach of judicial power."<sup>174</sup> In a companion case, the Court explained that "[t]he complete and undivided character of the war power of the United States is not disputable.... [A]s the power which was exerted was supreme, to interpret it upon the basis that its exercise must be presumed to be limited was to deny the power itself."<sup>175</sup> Judicial review of the takeover of the telecommunications network was practically non-existent, then, for two reasons. First, although for different reasons, telephone and telegraph companies and their unions generally did not oppose federal control, no cases directly challenged the law.<sup>176</sup> And second, as these cases demonstrated, the Supreme Court was unwilling to question the scope of the war power.

### **The Infrastructure State and the Centralization of Power**

The Infrastructure State made several contributions to the centralization of power in the federal government. Contemporary arguments about the nationalization of the nation's private infrastructure often brought charges of socialism, but these arguments held less sway as time went on, especially after the United States entered the war. While it is important not to over-generalize, big businesses with large market shares tended to support or otherwise did not oppose government takeovers, while smaller companies often had more reservations.

These actions by businesses with significant market power are consistent with both Old Right and modern libertarian theory about the relationship between business and government. In

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<sup>174</sup> *Dakota Central Tel. Co. v. South Dakota*, 250 U.S. 163, 184 (1919).

<sup>175</sup> *Northern Pacific Ry. Co. v. North Dakota*, 250 U.S. 135, 150 (1919).

<sup>176</sup> May, *In the Name of War*, 32–34.

a May 1936 column in the *Atlantic Monthly*, Albert Jay Nock lambasted the idea of American business following a laissez-faire policy. “On the contrary, it has sought State intervention at every tack and turn of its affairs, often—in fact, quite regularly—employing most disruptable measures to obtain it.... Who hectored the State into the shipping business, and plumped for setting up the Shipping Board?”<sup>177</sup> More recently, the work of the New Left historian Gabriel Kolko made important contributions to modern theory. When AT&T President Theodore Vail urged Postmaster General Albert Burleson to raise telephone rates, Vail (like the New York-based banks in the previous chapter) was using “political outlets to attain conditions of stability, predictability, and security—to attain rationalization—in the economy.”<sup>178</sup> Vail did not oppose the takeover because doing so allowed stability—“the elimination of internecine competition and erratic fluctuations in the economy.”<sup>179</sup> Predictability was practically ensured; the terms of the takeover were negotiated with AT&T beforehand and signed in a contract that, among other things, guaranteed AT&T stockholders its existing \$8 per year dividend.<sup>180</sup> Once the takeover was complete, AT&T received security—“protection from the political attacks latent in any formally democratic political structure”—while competitors like Clarence Mackay were attacked and maligned by Burleson for not toeing the government line.<sup>181</sup>

AT&T’s decades-long monopoly of the telephone system was in fact cemented by the federal government itself, first with the 1913 Kingsbury Commitment and then by cooperating with the federal takeover during the war. This, too, is consistent with modern libertarian thinking

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<sup>177</sup> Albert Jay Nock, “Impostor-Terms,” *Atlantic Monthly* 157, no. 2 (February 1936): 165.

<sup>178</sup> Kolko, *The Triumph of Conservatism*, 3.

<sup>179</sup> *Ibid.*

<sup>180</sup> Brooks, *Telephone*, 151–153; Kolko, *The Triumph of Conservatism*, 3.

<sup>181</sup> Kolko, *The Triumph of Conservatism*, 3.

on monopolies. Adam D. Thierer exploded the myth that AT&T was a natural monopoly.<sup>182</sup> In the introduction to his review of government anti-trust cases, economist Dominick Armentano explains:

Government, and not the market, is the source of monopoly power. Government licensing, certificates of public convenience, franchises, patents, tariffs, and other legally restrictive devices can and do create monopoly, and monopoly power, for specific business organizations protected from open competition. Abusive monopoly is always to be associated with governmental interference of production or exchange, and such situations do injure consumers, exclude sellers, and result in an inefficient misallocation of resources. But importantly...such monopoly situations are legal, created and sanctioned by the political authority for its own purposes.<sup>183</sup>

In sum, the actions of AT&T and others who either approved or did not oppose government takeovers were consistent with the understanding that the takeovers would benefit them by eliminating competition and guaranteeing profits.

The threat of war, and then the war itself, was the most significant explanation for the centralization of state power in taking over the nation's railroads, shipping, and telecommunications networks. The emergency caused by the threat of a nationwide railroad strike was sufficient for the Supreme Court to validate the Adamson Act, but the American entry into the war weeks later and the massive mobilization effort underway was somehow not enough justification for the railroads—their workforce already under threat from the draft and the lure of more lucrative defense industries, to raise rates. The threat of war in 1916 was the decisive element that pushed the shipping bill over the line—a threat that was not realistic in 1914 when the bill was first proposed. The war was the direct cause of the seizure of telegraph and telephone networks—and in the case of submarine cables, *after* the Armistice—but the Armistice was not

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<sup>182</sup> Thierer, “Unnatural Monopoly,” 267–285.

<sup>183</sup> Dominick T. Armentano, *Antitrust and Monopoly: Anatomy of a Policy Failure* (New York: Wiley, 1982), 3.

sufficient to return control. If not for Postmaster General Burleson's very public mismanagement, government control may have gone on longer.

Burleson's pre-war advocacy for government control and centralization of the telegraph, telephone, and cable systems was the hallmark of an idealist progressive who believed in the aggressive use of government power without the need for a precipitating event. So too was Secretary McAdoo's enthusiastic support for a federal government-controlled merchant marine by the end of 1914. The Plumb Plan and the less ambitious scheme proposed by McAdoo for federal control of the railroads after the war represented opportunist progressivism, where government operations during the war provided an example and precedent for later peacetime control. Senator Wesley Jones was a traditional Republican and not a progressive, but his advocacy of the merchant marine during and after the war, and as a proponent of prohibition, endorsed the use of government power to attempt to shape society in the same way that progressives did. President Wilson, as with other areas of this study, was willing to advance progressive plans further during the war but scaled back the motivated efforts of his subordinates after the Armistice.

All the actions described in this chapter—across three different and vast industries—were taken by President Wilson with explicit authorization from Congress. In the few instances where cases reached the Supreme Court, the justices were unwilling to question the use of emergency powers or delve into the scope of Congress's war powers. The transformation of social power into state power took place within the scope of customary practices of democratic government. The battle between liberty and power was a loss for liberty at every turn by majority votes in Congress and a painfully thin veneer of judicial review.

## Conclusions

The nation's infrastructure networks—railroads, shipping, and telecommunications—were under varying degrees of regulation. But during the war, all three were taken over by the federal government. For dyed-in-the-wool progressives like Treasury Secretary William Gibbs McAdoo and Postmaster General Albert Burleson, the war was just an excuse to put their state control theories into practice. None of the industries taken over by the federal government acted as unified entities, but by and large, they either did not oppose or supported the takeovers. Some saw the takeovers as inevitable; others saw the takeovers as entrenching their market share at the expense of competitors.

The railroads were nominally returned to private control in 1920, but they largely benefited from the actions of the United States Railroad Administration and in subsequent legislation because they, like other industries, were able to use the power of government to secure advantages for themselves. The shipping industry was likewise transformed both by the war and after; the Jones Act consolidated and extended the federal government's power over the shipping industry. Telecommunications, especially radio, were mostly unregulated before the war. Afterward, all were the subject of calls for state control.

Postmaster General Burleson's missteps and mismanagement—many of which were made after the war was effectively over—were so great that the backlash against his efforts all but ensured that the federal takeover of telegraphs, telephones, and submarine cables would not last beyond 1919. The wartime progressive experiments in these areas were a failure because Burleson—aside from his strong personal biases—could not possibly have known all the information necessary to make the decisions that market processes would elucidate. Burleson's

failure was socialism's great failure—in Hayek's words, the fatal conceit.<sup>184</sup> The response to Burleson's failures, though, was just a temporary setback—a minor roadblock in the unending transformation of social power into state power.

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<sup>184</sup> Hayek, *The Fatal Conceit*, 85–88.



*All those who seek to destroy the liberties of a democratic nation ought to know that war is the surest and the shortest means to accomplish it.*

Alexis de Tocqueville, *Democracy in America*<sup>1</sup>

### Chapter Five: The Warfare State

On January 10, 1916, troops assigned to the Mexican revolutionary general Pancho Villa stopped a train near Santa Isabela, Chihuahua, Mexico, and killed 18 passengers who were American employees of a mining company.<sup>2</sup> Two months later, Villa himself and nearly 500 of his soldiers crossed into the United States in the early hours of March 9 near Columbus, New Mexico, and attacked the town.<sup>3</sup> Historians have long debated the significance of these two events, but for some, the motivation was at least in part to encourage American intervention in Mexico as a means of distracting or delaying the United States from intervening in Europe—likely at the behest of Germany.<sup>4</sup>

President Wilson did send an ultimately unsuccessful expedition into Mexico to capture Villa, but these events also contributed to an atmosphere that resulted in a major expansion of the warfare state in the United States. This chapter will discuss how the Preparedness Movement, the threat of war, and then the war itself contributed to the passage of the National Defense Act of

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<sup>1</sup> Alexis de Tocqueville, *Democracy in America*, trans. Henry Revue, 7th ed. (New York, NY: Edward Walker, 1847), 285.

<sup>2</sup> Friedrich Katz, *The Life and Times of Pancho Villa* (Stanford, CA: Stanford University Press, 1998), 557–560.

<sup>3</sup> *Ibid.*, 560–566.

<sup>4</sup> *Ibid.*, 550–557; James A. Sandos, “German Involvement in Northern Mexico, 1915-1916: A New Look at the Columbus Raid,” *The Hispanic American Historical Review* 50, no. 1 (1970): 81–83. Regardless of the intentions of Villa or the Germans, Wilson believed that “Germany is anxious to have us at war with Mexico so that our minds and energies will be taken off the great war across the sea.” Joseph P. Tumulty, *Woodrow Wilson as I Know Him* (Garden City, NY: Doubleday, Page & Company, 1921), 159.

1916, the Selective Service Act of 1917, and the birth of the modern military-industrial complex. These changes reflected a massive shift in civil-military relations, presaged a century of foreign military intervention, and resulted in a major transformation of social power into state power. Here again, like so many other expansions of authority by the federal government, the Supreme Court failed to provide adequate judicial review—and, in upholding the Selective Service Act, relied upon questionable reasoning. Together, these events contributed to a culture of militarism that permeated American society and all but ensured that the United States would enter the war sooner or later. Once the war began, the draft turned upside down the notion of a voluntaristic community. In embracing this militarism, the nation transformed into a warfare state.

### **The National Defense Act**

When war broke out in Europe in 1914, the American military was the product of several post-Spanish-American war reforms. The most important was the Militia Act of 1903, which divided the militia into the newly established National Guard (the organized militia) and every able-bodied male citizen between 18 and 45 years old (the reserve militia) and provided federal funding to states for equipment and training.<sup>5</sup> The law permitted the President to call the National Guard into federal service for up to nine months, but such troops could only be used within the United States.<sup>6</sup> The Act was later amended so that the National Guard could be deployed “either within or without the territory of the United States,” but both the Judge

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<sup>5</sup> *Militia Act of 1903*, 32 Stat. 775, 1903; see also *Army Reorganization Act of 1901*, 31 Stat. 748, 1901; *Army Efficiency Act of 1903*, 32 Stat. 830, 1903 (establishment of General Staff).

<sup>6</sup> *Militia Act of 1903*, 776.

Advocate General of the Army and the Attorney General of the United States later proclaimed that this provision was beyond the power of the federal government.<sup>7</sup>

Alongside the dubious constitutionality of this provision, the other significant pressure to reform the military in 1914 was the Preparedness Movement. Led by General Leonard Wood and ex-President Theodore Roosevelt, the movement pressed for military training as readiness. Beyond that, the motives of many involved were varied, but one key strain was a group of influential, northeastern, Anglophile internationalists who favored intervention on the side of the Allied powers.<sup>8</sup> Their position was built on the foundation of the late 19th-century imperialism advocated by Roosevelt, Lodge, Mahan, and others, as described in Chapter Two. This powerful coalition of diplomats, lawyers, politicians, and bankers, with “one foot in Washington, D.C., the strategic capital of the Western Hemisphere, and another in New York City, the financial capital,” represented the most aggressive position in the movement.<sup>9</sup> The Anglophile tinge to the movement not only spoke to its preference for the Allied powers, but its proponents also saw universal military training as essential to assimilating immigrants and other hyphenated Americans—who Roosevelt said were not Americans at all.<sup>10</sup> The legislative proposal that best represented this position was put forward by President Wilson’s first Secretary of War, Lindley

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<sup>7</sup> *Militia Act of 1908*, 35 Stat. 399, 1908, 400; Militia: Use of Outside of the United States (C. 14148-I, December 20, 1911), 644, in *Digest of the Opinions of the Judge Advocate General of the Army 1912-1940* (Washington, DC: Government Printing Office, 1942); George W. Wickersham, Authority of President to Send Militia into a Foreign Country, February 17, 1912, 322-329, in George Kearney, ed., *Official Opinions of the Attorneys General of the United States*, vol. 29 (Washington, DC: Government Printing Office, 1913).

<sup>8</sup> Alan Dawley, *Changing the World: American Progressives in War and Revolution* (Princeton, NJ: Princeton University Press, 2003), 21–27.

<sup>9</sup> *Ibid.*, 24.

<sup>10</sup> Henry L. Stimson, *The Issues of the War* (New York, NY: National Security League, 1917), 16–17; “Roosevelt Bars the Hyphenated,” *New York Times*, October 13, 1915, 1.

M. Garrison, who proposed a Continental Army of four hundred to five hundred thousand volunteer soldiers in place of the constitutionally limited National Guard.<sup>11</sup>

Wilson initially opposed the Preparedness Movement, fending off charges of negligence of national defense and believing that it would jeopardize American neutrality.<sup>12</sup> After the sinking of the *Lusitania* on May 7, 1915, Wilson realized that this position was no longer tenable and eventually supported a “surprisingly moderate” version of Garrison’s plan that “would not be so sweeping in design that it would antagonize Congress.”<sup>13</sup> Opponents still saw the fingerprints of the northeastern establishment, and when Congress scrutinized the details, the supposed benefits of the Continental Army faded. The plan’s failure and disagreements with Wilson over “fundamental principles” prompted Garrison’s resignation.<sup>14</sup>

Like those who supported preparedness, opponents of any military bill were a mixed bunch that included Jeffersonian democrats, pacifists, socialists, organized labor, farmers, and many in the South and West who saw the Northeastern coalition as embracing militarism out of self-interest. According to opponents, preparedness upended the “cardinal principle of our polity [which] has always been the subordination of the military to the civil authority as a necessary safeguard for the republic....”<sup>15</sup> According to preparedness opponent and pacifist Oswald Garrison Villard, “[n]ever in the history before this have we built up a military machine in this

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<sup>11</sup> U.S. Department of War, College Division, General Staff Corps, *Statement of a Proper Military Policy for the United States* (Washington, DC, 1915), 28–32; U.S. Department of War, Annual Report of the Secretary of War 1915 (Washington, DC: Government Printing Office, 1915), 20–26.

<sup>12</sup> An Annual Message to Congress, December 8, 1914, 31:423-424, in Link, *PWW*.

<sup>13</sup> George C. Herring, “James Hay and the Preparedness Controversy, 1915-1916,” *The Journal of Southern History* 30, no. 4 (1964): 388–389.

<sup>14</sup> From Lindley Miller Garrison, February 9, 36:143-144, To Lindley Miller Garrison, February 10, 36:162-164, From Lindley Miller Garrison, February 10, 36:164, To Lindley Miller Garrison, February 10, 1916, 36:164-165, To Hugh Lenox Scott, February 14, 1916, 36:176, in Link, *PWW*.

<sup>15</sup> Oswald Garrison Villard, “Preparedness Is Militarism,” *The Annals of the American Academy of Political and Social Science* 66 (1916): 218.

country comprising men remaining at home and exercising their political power to further their own profits.”<sup>16</sup>

The compromise solution was crafted by Representative James Hay (D-VA), Chairman of the House Military Affairs Committee, an opponent of preparedness who had come around by the summer of 1915 when he “recognize[d] the need of some military legislation...[i]f the recommendations...are feasible and...practicable....”<sup>17</sup> Hay’s plan ditched the controversial Continental Army proposal in place of a greatly expanded National Guard, provided federal funding for Guard units, and provided additional federal control over the Guard—provisions all supported by the National Guard Association.<sup>18</sup> When Attorney General Thomas Gregory endorsed the bill’s constitutionality, Wilson got on board.<sup>19</sup> Hay’s bill became law on June 3, 1916, as the National Defense Act.<sup>20</sup> Hardcore preparedness advocates howled; Roosevelt called the new law “as foolish and unpatriotic a bit of flintlock legislation as was ever put on the statute book.”<sup>21</sup> But they got something: “a step in the right direction—as long a step, perhaps, as a

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<sup>16</sup> Oswald Garrison Villard, “Our Drift into Militarism,” *The Nation* 103, no. 2666 Supplement (August 3, 1916): 3.

<sup>17</sup> “I Recognize the Need,” *Army and Navy Journal* LII, no. 46 (July 17, 1915): 1465.

<sup>18</sup> The National Guard Association even supported a constitutional amendment to permit Guard soldiers from fighting outside the United States. Statement of Maj. Gen. J. Clifford R. Foster, of St. Augustine, Fla., Adjutant General of the Florida National Guard, and Chairman of the Executive Committee of the National Guard Association of the United States, 2:983, in U.S. House of Representatives, Committee on Military Affairs, Hearings Before the Committee on Military Affairs, House of Representatives, Sixty-Fourth Congress, First Session, on the Bill to Increase the Efficiency of the Military Establishment of the United States, 2 vols. (Washington, DC: Government Printing Office, 1916).

<sup>19</sup> From Thomas Watt Gregory, February 25, 1916, 36:217, To Thomas Watt Gregory, March 2, 1916, 36:240, in Link, *PWW*.

<sup>20</sup> *National Defense Act of 1916*, 39 Stat. 166, 1916.

<sup>21</sup> Theodore Roosevelt, *Letter from Theodore Roosevelt to the Congress of Constructive Patriotism Held under the Auspices of the National Security League, Washington, D.C., January 26, 1917* (Washington, DC: National Security League, 1917), 3.

Democratic Congress could be expected to take.”<sup>22</sup> Opponents, on the other hand, got the militarism they feared.

The most contentious provision of the National Defense Act, involving federal control of the National Guard, did not attempt to deal with the constitutional limitations of federal power over the Guard but instead sought to bypass the issue altogether. According to the Act:

When Congress shall have authorized the use of the armed land forces of the United States...the President may...draft into the military service of the United States...any or all members of the National Guard.... All persons so drafted shall, from the date of their draft, stand discharged from the militia....<sup>23</sup>

In other words, the Act did not attempt to directly assert federal power over the National Guard, but rather, upon the authority of the President, discharge the members of the Guard from that service and draft them into the regular Army. This provision codified into federal power (with a twist) an aspect of a Spanish-American war-era law that permitted state militia units to volunteer for federal service such that it “was outside the constitutional obligation resting upon the militia.”<sup>24</sup> The critical difference, of course, was that state militia units could decide against volunteering for service in Cuba in 1898 (which some did), but National Guard members could not do so in the First World War.<sup>25</sup>

The Act, described by one political scientist as “the most comprehensive piece of military legislation ever passed by Congress,” expanded the regular peacetime Army to 175,000 soldiers.<sup>26</sup> It also included other provisions, including funding for the U.S. Signal Corps

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<sup>22</sup> “The Democratic Plan for Strengthening the Army,” *Literary Digest* LII, no. 10 (March 4, 1916): 547.

<sup>23</sup> *National Defense Act of 1916*, 211.

<sup>24</sup> *Act of April 22, 1898*, 30 Stat. 361, 1898, 362; Frederick Bernays Wiener, “The Militia Clause of the Constitution,” *Harvard Law Review* 54, no. 2 (1940): 192–193.

<sup>25</sup> Millis, *The Martial Spirit*, 158–159.

<sup>26</sup> Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (Cambridge: Cambridge University Press, 1982), 232; *National Defense Act of 1916*, 166.

Aviation Division, establishment of the Reserve Officer Training Corps, and procedures to requisition factories for munitions production—a provision that will be covered in more detail in Chapter Six.<sup>27</sup>

One final provision of interest in the National Defense Act authorized the construction of nitrate plants powered by hydroelectric dams to manufacture munitions.<sup>28</sup> The plants were to be owned and operated only by the federal government, and the surplus sold for farming—provisions meant to take the sting out of the argument from some southern democrats about munitions profiteering.<sup>29</sup> Government engineers selected Muscle Shoals at Florence, Alabama, on the Tennessee River, but construction did not begin until August 1918 and was not completed until 1925.<sup>30</sup> The Wilson Dam, constructed by justification of the threat of war, would later become the first of many hydroelectric facilities belonging to the massive Tennessee Valley Authority during the New Deal.

In sum, then, the National Defense Act enacted three fundamental changes. First, it greatly expanded the war powers of the President. Second, it disrupted the traditional relationship between the states and the National Guard by effectively federalizing the Guard at the whim of the President. And third, the expansion of the peacetime military force threatened to alter the balance of civil-military relations in favor of militarism. These changes moved the United States further away from its stated policy of neutrality and made intervention in the War more likely. Left unstated in the Act was how American leaders planned to access sufficient manpower to ultimately fight in Europe once the decision to intervene was made.

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<sup>27</sup> *National Defense Act of 1916*, 174-176 (Sec. 13), 191 (Sec. 40), and 213-214 (Sec. 120).

<sup>28</sup> *Ibid.*, 215.

<sup>29</sup> *Ibid.*; “What Muscle Shoals Is to the South,” *Montgomery Advertiser*, June 25, 1916, 1.

<sup>30</sup> “Thousands Attend Centennial Celebration of the Flower City,” *Birmingham News*, August 11, 1918, 14; “18 Giant Wilson Dam Turbines Begin Work for Nation on Sept. 1,” *Birmingham News*, August 20, 1925, 6.

## Conscription

Woodrow Wilson hoped to solve the manpower problem through volunteers, especially since Congress was hesitant to resort to conscription without testing volunteering first. The only previous nationwide experience with a draft, during the Civil War, was unpopular, produced riots, did not substantially contribute to the forces on either side and, in the end, was considered chiefly symbolic in nature.<sup>31</sup> As a professor, Wilson called the Enrollment Act of 1863 an “obnoxious act” with “[i]nequalities in its enforcement as between locality and locality,” and as President, wanting to avoid the mistakes of the past, initially insisted on volunteers.<sup>32</sup> Yet Wilson did not close off the door to conscription either. In April 1916, amidst the debate over the National Defense Act, he explained that “I hope...that the measure can be so framed as to give us an ample skeleton and unmistakable authority to fill it out any time that the public safety may be deemed to require it.”<sup>33</sup> Wilson’s decision for war came on March 20, 1917, but as late as March 24, the President still opposed conscription before volunteers.<sup>34</sup> What happened in that fateful last week of March 1917 to change Wilson’s mind?

By the end of March 1917, at least three reasons contributed to Wilson’s decision to eschew volunteers for conscription. First, the British experience with volunteers between 1914 and 1916 had been disruptive to the economy; those most likely to volunteer were also those who

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<sup>31</sup> John W. Chambers II, *To Raise an Army: The Draft Comes to America* (New York, NY: The Free Press, 1987), 41–65.

<sup>32</sup> Woodrow Wilson, *A History of the American People* (New York, NY: Harper & Brothers, 1902), IV:237.

<sup>33</sup> To Albert Sidney Burleson, April 20, 1916, 36:513, in Link, *PWW*.

<sup>34</sup> Entry for March 20, 1917, 117-118, Entry for March 24, 1917, 120-121, in E. David Cronon, ed., *The Cabinet Diaries of Josephus Daniels, 1913-1921* (Lincoln, NE: University of Nebraska Press, 1963).



were employed in key industries.<sup>35</sup> Recognizing this problem, Wilson later explained that “the idea of the draft is not only the drawing of men into the military service of the Government, but the virtual assigning of men to the necessary labor of the country. Its central idea was to disturb the industrial and social structure of the country just as little as possible.”<sup>36</sup> Second, the overall number of soldiers the administration expected to contribute to the war effort continued to grow—from one million to 1.5 million men.<sup>37</sup> Third, and perhaps the final straw, was former President Roosevelt’s offer to organize a volunteer regiment, which introduced a number of personal and political complications that Wilson sought to avoid.<sup>38</sup>

Together, these reasons made it all but impossible for the administration to assemble an effective fighting force that could provide a meaningful contribution to the Allied war effort. As a result, the President backed legislation drawn up by the War Department to augment the regular Army and the National Guard with units “to be raised and maintained exclusively by selective draft.”<sup>39</sup> In Congress, Wilson had to rely upon Representative Julius Kahn (R-CA), ranking member of the Committee on Military Affairs, as floor manager of the selective service bill in the House because the chairman, Stanley Dent (D-AL), was opposed to the bill.<sup>40</sup>

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<sup>35</sup> Newton D. Baker, “Some Legal Phases of the War,” *American Bar Association Journal* 7, no. 7 (1921): 323; Frederick Palmer, *Newton D. Baker: America at War* (New York, NY: Dodd, Mead & Company, 1931), 192.

<sup>36</sup> To Elizabeth Merrill Bass, May 4, 1917, 42:214, in Link, *PWW*.

<sup>37</sup> Chambers II, *To Raise an Army*, 133.

<sup>38</sup> From Newton Diehl Baker, with Enclosure, March 26, 1917, 41:469-471, To Newton Diehl Baker, March 27, 1917, 41:478, in Link, *PWW*; Palmer, *Newton D. Baker: America at War*, 194–206; Chambers II, *To Raise an Army*, 136–144; Capozzola, *Uncle Sam Wants You*, 25–26.

<sup>39</sup> From Newton Diehl Baker, March 29, 1917, 500-501 (footnote 1), A Statement, April 6, 1917, 41:550-551, To Edward William Pou, April 13, 1917, 42:52, in Link, *PWW*.

<sup>40</sup> Palmer, *Newton D. Baker: America at War*, 194. Dent did not oppose conscription per se but objected to the “arbitrary” exemptions within the bill. He also believed that those who could not vote (19- and 20-year-olds) should not be subjected to conscription. Speech of Representative Stanley H. Dent, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 1 (April 23, 1917), 960-961, 1917.

Before the debate over conscription gathered steam, an exchange from a Senate Finance Committee hearing just after the war was declared demonstrated how unclear the American commitment to the war would be. Major Palmer E. Pierce, an aide to Secretary of War Newton D. Baker, explained to Senator Thomas S. Martin (D-VA), chairman of the committee, the justification for the \$3B requested by the War Department. After reading a long list of supplies, Pierce added, “[a]nd we may have to have an army in France!” “Good lord!” replied the stunned Senator. “You’re not going to send soldiers over there, are you?”<sup>41</sup> Pierce’s comment revealed what the War Department had already concluded: there would be a massive draft, and an American army would be sent to France.

The debate in Congress over the conscription bill lasted a week. The bill was introduced on Thursday, April 19; debate began on Monday, April 23; the House and the Senate both passed similar bills overwhelmingly on Saturday, April 28.<sup>42</sup> Opponents of the bill objected on several grounds, but key among them were protests against the incompatibility of democratic government and compulsory service, with comparisons to slavery. Opposition in the House came primarily from within Wilson’s own party. James W. Wise (D-GA) proclaimed: “I do not believe in slavery, either military or industrial.” Wise hoped that “we will not, in setting up democracy in the world, for which we are now fighting, destroy democracy at home.”<sup>43</sup> According to Robert Y. Thomas, Jr. (D-KY), conscription was “another name for slavery,” but he admitted that he would vote for conscription if the alternative was no army.<sup>44</sup>

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<sup>41</sup> Palmer, *Newton D. Baker: America at War*, I:120.

<sup>42</sup> House Vote on H.R. 3545, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 2 (April 28, 1917), 1557, 1917; Senate Vote on S. 1871, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 2 (April 28, 1917), 1500-1501, 1917.

<sup>43</sup> Speech of Representative James W. Wise, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 2 (April 26, 1917), 1211, 1917.

<sup>44</sup> Speech of Representative Robert Y. Thomas, Jr., *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 2 (April 26, 1917), 1222, 1917.

Clarence C. Dill (D-WA) called out the hypocrisy of the American war aims with the compulsory nature of conscription. “Since it is a war for democracy, we should wage it with that ideal in mind....” According to Dill, “the voluntary plan of raising an army is in harmony with our history as a people and that it not only maintains the freedom of the individual citizen but permits the widest exercise of that freedom, while the conscription plan violates and overrides it absolutely and entirely.”<sup>45</sup> Similarly, Carl C. Van Dyke (D-MN) declared that “[t]he proposition to empower the Government to impose universal service and levy military conscription is a complete subversion of democratic principles and is opposed to every American tradition. It takes away the sovereign power of choice from the citizen and confiscates his personal freedom on the altar of forced military service.”<sup>46</sup> Mark R. Bacon (R-MI) took inspiration from Cobdenite and *Economist* editor Francis Hirst, who wrote that conscription was a “deadly slavery.”<sup>47</sup> Dill, Van Dyke, and Bacon were among 50 representatives in the House, including its first elected woman, Jeannette Rankin (R-MT), to vote against the declaration of war.<sup>48</sup>

In the Senate, Robert La Follette (R-WI) remained one of the strongest anti-war voices. In the debate over the declaration of war, La Follette read approvingly of a telegram he had received: “Stand firm against the war and the future will honor you. Collective homicide can not establish human rights. For our country to enter the European war would be treason to

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<sup>45</sup> Speech of Representative Clarence C. Dill, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 2 (April 27, 1917), 1408, 1917.

<sup>46</sup> Speech of Representative Carl C. Van Dyke, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 2 (April 26, 1917), 1242, 1917.

<sup>47</sup> F.W. Hirst, *The Political Economy of War*, New and Revised Edition. (London: J.M. Dent & Sons, 1916), 7.

<sup>48</sup> House Vote on Declaration of War, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 1 (April 5, 1917), 412-413, 1917. Rankin holds the distinction of voting against the declarations of war for both world wars--in fact, she was the only member of Congress to vote against war in 1941. In 1917, Rankin told the House clerk: “I want to stand by my country, but I cannot vote for war. I vote no.” Mary Barmeyer O’Brien, *Jeannette Rankin, 1880-1973: Bright Star in the Big Sky* (Helena, MT: Falcon Press, 1995).

humanity.”<sup>49</sup> In the debate over the conscription bill, La Follette protested that “[w]ithin a few months, under a pretext of carrying democracy to the rest of the world, we have done more to undermine and destroy democracy in the United States than it will be possible for us as a Nation to repair in a generation of time.”<sup>50</sup> But despite the best efforts of La Follette and others, opponents of the bill were outnumbered both in the House and the Senate. The joint conference committee reported a bill on May 16; the House passed it that same day (by a much narrower margin—199 in favor and 178 against) and the Senate the next day.<sup>51</sup> The President signed the Selective Service Act into law on May 18, 1917.<sup>52</sup>

Upon passage of the Act, the President issued a proclamation that sought to explain away the coercive nature of the draft: “It is in no sense a conscription of the unwilling; it is rather, selection from a nation which has volunteered in mass.”<sup>53</sup> Although the Act only exempted members of a “well-recognized religious sect or organization” from combatant service, opponents of the draft drew hope from these words (and others from Secretary of War Baker) that “its provisions will be liberally construed and that no unnecessary hardships will be inflicted upon real conscientious objectors, even though they may not be covered by the exact letter of the law.”<sup>54</sup>

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<sup>49</sup> Speech of Senator Robert M. La Follette, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 1 (April 4, 1917), 225, 1917.

<sup>50</sup> Speech of Senator Robert M. La Follette, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 2 (April 27, 1917), 1355, 1917.

<sup>51</sup> House Vote on Conference Report No. 52, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 3 (May 16, 1917), 2396-2397, 1917; Senate Vote on Conference Report No. 52, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 3 (May 17, 1917), 2457, 1917.

<sup>52</sup> *Selective Service Act of 1917*, 40 Stat. 76, 1917.

<sup>53</sup> A Draft of a Proclamation, May 1, 1917, 42:180-182, in Link, *PWW*. The proclamation was issued on May 18, 1917.

<sup>54</sup> *Selective Service Act of 1917*, 78 (Sec. 4). In a letter to the American Union Against Militarism, Baker wrote: “I hope that the administration of whatever law is passed, will make it possible for us to avoid the unhappy difficulties [regarding conscientious objectors] which occurred in England and which you mention.” American Union Against Militarism, *Conscription and the “Conscientious Objector” to War: Facts Regarding*

The actual administration of the draft sought to avoid the problems associated with Civil War conscription that led to riots in New York City in July 1863. Instead of a top-down approach, the Selective Service Act authorized the President to establish local draft registration boards, of which over 4,000 were created (mainly at the county level) staffed by 12,000 members and an additional 125,000 registrars and assistants.<sup>55</sup> According to Major General Enoch Crowder, who was the Judge Advocate General for the United States Army and Provost Marshal General overseeing the draft effort, the local boards “would put the administration of the draft into the hands of the friends and neighbors of the men to be affected...and it would instantly invite the aid and cooperation of every local community throughout the land.”<sup>56</sup> Another “feature” of the local board system was that

they became the buffers between the individual citizen and the Federal Government; and thus they attracted and diverted, like local grounding wires in an electric coil, such resentment or discontent as might have proved a serious obstacle to war measures, had it been focussed on the central authorities. Its diversion and grounding at 5,000 local points dissipated its force, and enabled the central war machine to function smoothly without the disturbance that might have been caused by the concentrated total of dissatisfaction.... The war value of this function was enormous....<sup>57</sup>

Crowder, without any bit of irony, later lauded the local boards as “the enunciation of the true democratic doctrine of local self-government....”<sup>58</sup>

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*Exemptions from Military Service Under the Conscription Act* (Washington, DC: American Union Against Militarism, 1917), 6.

<sup>55</sup> *Selective Service Act of 1917*, 79 (Sec. 4); E.H. Crowder, Report of the Provost Marshal General to the Secretary of War on the First Draft under the Selective-Service Act, 1917 (Washington, DC: Government Printing Office, 1918), 5.

<sup>56</sup> E.H. Crowder, *The Spirit of Selective Service* (New York, NY: The Century Co., 1920), 120.

<sup>57</sup> E.H. Crowder, Second Report of the Provost Marshal General to the Secretary of War on the Operations of the Selective Service System to December 20, 1918 (Washington, DC: Government Printing Office, 1919), 277–278.

<sup>58</sup> Crowder, *The Spirit of Selective Service*, 120.

On June 5, 1917, the local boards registered nearly 10 million enrollees—almost all the male population of the United States between 21 and 30.<sup>59</sup> This momentous effort would not have been possible without the complete cooperation of state and local authorities, who had been contacted before the law was passed to begin setting up the administrative structure.<sup>60</sup> Even so, registration under the Selective Service Act was no measure of local self-government as Crowder explained. The Act made these duties compulsory, such that failure or neglect would subject state and local officials to criminal liability—including imprisonment.<sup>61</sup> Moreover, this provision almost certainly violated the Supreme Court’s still-nascent anti-commandeering doctrine, which forbid the federal government from requiring state and local officials to enforce federal laws.<sup>62</sup> The cooperation of every state governor ensured there would be no legal challenge in this regard.

Crowder echoed the words of the President in diverting attention away from the compulsory nature of the draft: “Conscription in America was not to be a drafting of the unwilling, for the total of her able manhood had volunteered in masse. The Federal Government would not invade the state and snatch away its citizens. The citizens themselves had willingly come forward and pledged their service.”<sup>63</sup>

The second stage in the draft took place on July 20, when Secretary of War Baker drew a capsule from a glass bowl, broke it open, and announced that “I have drawn the first number,” which was 258.<sup>64</sup> Of the 10,500 capsules, those who had the number 258 on their registration

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<sup>59</sup> Crowder, *First Report of the Provost Marshal General*, 5, 11.

<sup>60</sup> *Ibid.*, 7–9. For two examples of the World War I-era draft registration cards, see the Appendix.

<sup>61</sup> *Selective Service Act of 1917*, 80-81 (Sec. 80-81).

<sup>62</sup> “As to the authority so conferred on state magistrates, while a difference of opinion exists, and may exist on this point in different states, whether state magistrates are bound to act under it; none is entertained by the Court, that state magistrates, may, if they choose, exercise the authority, unless prohibited by state legislation.” *Prigg v. Pennsylvania*, 41 U.S. 539, 622 (1842).

<sup>63</sup> Crowder, *The Spirit of Selective Service*, 125.

<sup>64</sup> “Drawing for Nation’s Draft Army Ends at 2:18 A.M. After 16 1/2 Hours; Missing City Lists Cause Worry,” *New York Times*, July 21, 1917, 1.

card would be the first among 1,374,000 men called to meet the first goal of 687,000 soldiers.<sup>65</sup> The counting continued under 2:18 AM the next morning when 3,217 was drawn at the last number.<sup>66</sup>

Selection from the original 1,374,000 men was given to 4,557 local boards—generally the same boards as the original registration boards—but their members were required to be appointed by the President.<sup>67</sup> In practice, state governors nominated many of the same individuals for appointment by the President.<sup>68</sup> District boards in each of the federal judicial districts handed appeals from the local boards, which were final subject to the President’s discretion.<sup>69</sup> States were assigned quotas based on population with credits given for volunteers; so-called “Banner Communities” were those who had already met their quota through volunteers and thus were not required to contribute through conscription.<sup>70</sup> Conversely, communities with large numbers of “nondeclarant” aliens exempted from military service resented that these men counted toward the state’s population (and, therefore, the state’s quota) but could not fill the conscription quotas.<sup>71</sup> From the selection of number 258 on July 20 until August 25, these local boards heard nearly one million cases.<sup>72</sup>

Perhaps not surprisingly, authority granted to the local boards resulted in disparate results based on politics, racial prejudice, or just plain arbitrariness. Frederick Palmer’s biography of

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<sup>65</sup> “Draft Lottery Selects 1,374,000 Men for Examination to Provide 687,000 of First Increment Troops,” *Washington Post*, July 21, 1917, 1.

<sup>66</sup> “Drawing for Nation’s Draft Army Ends at 2:18 A.M. After 16 1/2 Hours; Missing City Lists Cause Worry,” 1.

<sup>67</sup> *Selective Service Act of 1917*, 79 (Sec. 4).

<sup>68</sup> Crowder, *First Report of the Provost Marshal General*, 12.

<sup>69</sup> *Selective Service Act of 1917*, 79-80 (Sec. 4).

<sup>70</sup> Crowder, *First Report of the Provost Marshal General*, 15–17.

<sup>71</sup> *Ibid.*, 20–21; Crowder, *Second Report of the Provost Marshal General*, 88–93; Kennedy, *Over Here*, 156–157.

<sup>72</sup> Crowder, *First Report of the Provost Marshal General*, 22.

Secretary of War Baker noted that some governors nominated partisans to stack draft exemptions more heavily on one side of the aisle.<sup>73</sup> Complaints about this practice arose in Texas, New York, Pennsylvania, and Wisconsin, but it is unclear if and how political motivations influenced the overall selection of individuals.<sup>74</sup> In any case, the thought that political corruption would infiltrate the draft's selection and exemption process was not sufficient for Baker to intervene in governors' nominations or the President's willingness to accept them.<sup>75</sup>

Blacks were accepted and enrolled for military service at higher rates than whites, particularly in the South.<sup>76</sup> In one particularly egregious example, Fulton County, Georgia, exempted 526 of 815 white registrants while selecting 196 of 202 blacks.<sup>77</sup> Herbert Aptheker described this disparity: "In the ruling class 'way of life,' the policy is that the Negro shall get far less than his proportionate share—but not when it comes to forming battalions of death."<sup>78</sup> Among

More detail on the impact of the war on African Americans will be covered in Chapter Nine.

The draft law's dependency exemption, together with a lack of interpretive guidance, resulted in arbitrary decisions by local draft boards. While over 82% of married men were deferred, the numbers varied widely: some boards exempted almost all married men (six states had induction rates of married men under 10%) while other boards exacted more scrutiny (five

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<sup>73</sup> Palmer, *Newton D. Baker: America at War*, I:334-335.

<sup>74</sup> *Ibid.*, I:334-338.

<sup>75</sup> *Ibid.*, I:335-336.

<sup>76</sup> Herbert Aptheker, *Toward Negro Freedom* (New York, NY: New Century Publishers, 1956), 117; Regarding draft resistance in the South among rural blacks and whites, see Jeanette Keith, *Rich Man's War, Poor Man's Fight: Race, Class, and Power in the Rural South during the First World War* (Chapel Hill, NC: University of North Carolina Press, 2004).

<sup>77</sup> Aptheker, *Toward Negro Freedom*, 117.

<sup>78</sup> *Ibid.*



states had induction rates that exceeded 30%).<sup>79</sup> Even when Crowder issued guidance to the local boards on dependency determinations, the system “was found to lack sufficient flexibility to cover satisfactorily the great mass of intermediary cases.”<sup>80</sup>

From the pool of nearly 10 million men, over three million were called to the local boards, which ultimately selected just over one million men for military service.<sup>81</sup> By December 20, over five hundred thousand men had been sent to Army camps.<sup>82</sup> In June and August 1918, a second round of registration boards was held for those who had turned 21 since June 1917, adding over nine hundred thousand men to the list.<sup>83</sup> A third and final registration was held on September 12th, 1918, expanding the ages to include 18 to 45-year-olds.<sup>84</sup> Given the expanded age range, it was no surprise that this round registered over 13 million new men—and over 24 million across all three registration periods.<sup>85</sup>

A thorn in the side of selective service was the conscientious objector. While the Act provided for such exemptions, they were grounded upon membership in:

a well-recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organization.<sup>86</sup>

This conscientious objector exemption was narrowly tailored to existing religious groups and left no room for pacifists whose political, moral, or ethical objections were not necessarily

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<sup>79</sup> Crowder, *First Report of the Provost Marshal General*, 85; Crowder, *Second Report of the Provost Marshal General*, 108–109; Kennedy, *Over Here*, 156.

<sup>80</sup> Crowder, *Second Report of the Provost Marshal General*, 109–110.

<sup>81</sup> Crowder, *First Report of the Provost Marshal General*, 23.

<sup>82</sup> *Ibid.*, 27; Crowder, *The Spirit of Selective Service*, 134.

<sup>83</sup> Crowder, *Second Report of the Provost Marshal General*, 22–24.

<sup>84</sup> *Ibid.*, 24–26.

<sup>85</sup> *Ibid.*, 30–31.

<sup>86</sup> *Selective Service Act of 1917*, 78 (Sec. 4).

religiously grounded. Moreover, the law did not provide a complete exemption but instead required the objector to engage in “noncombatant” activity, as defined by the President.<sup>87</sup>

Perhaps the most notable example of a conscientious objector was Roger Nash Baldwin, an activist with the American Union Against Militarism and director of the National Civil Liberties Bureau (NCLB), which would later become the American Civil Liberties Union. Naively trying to fend off a federal espionage investigation of the NCLB, Baldwin simply sent the Justice Department the organization’s sensitive files and exposed both himself and the organization’s contributors to further harm.<sup>88</sup> An ACLU historian later wrote that it “reflected Baldwin’s still unshaken belief that he and the government were united in a common purpose.”<sup>89</sup>

But Baldwin could not have been more wrong. On August 31, 1918, federal agents, supplemented by civilian volunteers of the American Protective League (operating with the approval of Attorney General Gregory), raided the offices of the NCLB and seized its files.<sup>90</sup>

Two weeks later, Baldwin delivered a statement to the local draft board:

I am opposed to the use of force to accomplish any end, however good. I am therefore opposed to participation in this or any other war. My opposition is not only to direct military service, but to any service whatsoever designed to help prosecute the war. I am furthermore opposed to the principle of conscription in time of war or peace, for any purpose whatever. I will decline to perform any service under compulsion regardless of its character.<sup>91</sup>

Baldwin’s words represented a classic statement of libertarian thought. His opposition to the draft was based on the non-aggression principle, the idea that the initiation or threat of force

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<sup>87</sup> Ibid.

<sup>88</sup> Samuel Walker, *In Defense of American Liberties: A History of the ACLU* (New York, NY: Oxford University Press, 1990), 37.

<sup>89</sup> Ibid.

<sup>90</sup> “U.S. Detectives Raid Objectors’ Bureau,” *Brooklyn Daily Eagle*, September 1, 1918, 56; Walker, *In Defense of American Liberties*, 38; Robert C. Cottrell, *Roger Nash Baldwin and the American Civil Liberties Union* (New York, NY: Columbia University Press, 2000), 78. The role of the American Protective League will be covered in more detail in Chapter Eight.

<sup>91</sup> Baldwin, Letter to Local Board 129, in Cottrell, *Roger Nash Baldwin*, 81.

against an individual or his property is wrong—even when and especially when the state is the aggressor.<sup>92</sup> At his trial on October 30, despite his eloquent defense, Baldwin pleaded guilty, and Judge Julius Mayer sentenced him to a year in prison.<sup>93</sup> Baldwin’s case not only revealed the shortcomings of the draft law’s conscientious objector provisions, but exposed the lengths to which the state would go to undermine opposition to the war.

Statistics compiled by the Secretary of War shed light on how conscientious objector claims were treated. During the war, 64,693 claims for noncombatant service were made, 56,830 of those claims were recognized by local boards, and 29,679 were found physically fit, of which 20,873 were inducted into service.<sup>94</sup> The report also indicated that “a substantial number” of other objectors, “who made no claims before the local boards or whose claims were rejected by the boards” were also inducted.<sup>95</sup> Of those 20,873 inducted for service despite their noncombatant claims, only 3,989 were on religious or other grounds.<sup>96</sup> Of those men, 1,300 were assigned to noncombatant service, 1,200 were furloughed to agriculture, 99 were furloughed to an American Friends reconstruction unit in France, 940 remained in camp after the Armistice, and 504 were tried by a general court-martial.<sup>97</sup> Just one man of the 504 was acquitted; 3 convictions were disapproved by the reviewing authority, and 50 others were disapproved on the recommendation of the Judge Advocate General. These 450 convicted conscientious objectors,

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<sup>92</sup> Murray N. Rothbard, *For a New Liberty: The Libertarian Manifesto* (Auburn, AL: Ludwig von Mises Institute, 2006), 27 (“The libertarian creed rests upon one central axiom: that no man or group of men may aggress against the person or property of anyone else”).

<sup>93</sup> “Baldwin, Pacifist, Sentenced to Year,” *New York Herald*, October 31, 1918, 14; Roger Nash Baldwin, “The Faith of a Heretic,” *The Nation* CVII, no. 2784 (November 9, 1918): 549; Walker, *In Defense of American Liberties*, 40; Cottrell, *Roger Nash Baldwin*, 88.

<sup>94</sup> U.S. Secretary of War, *Statement Concerning the Treatment of Conscientious Objectors in the Army* (Washington, DC: Government Printing Office, 1919), 16.

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*, 24.

<sup>97</sup> *Ibid.*, 25.

considered “absolutists” because they (like Baldwin) refused to cooperate at all with the war effort, were treated harshly. In the 504 court-martial cases, 17 received death sentences, 142 were sentenced to life in prison, while the average sentence in the remaining cases was more than 16 years.<sup>98</sup>

In addition to conscientious objectors, the federal government reported that 337,649 men (1.41% of the total registration of over 24 million men) deserted—that is, men who registered on their respective draft day but then refused to show.<sup>99</sup> About half of these men were apprehended, while the other half escaped justice.<sup>100</sup> But this likely paled in comparison to those who did not register at all. Major General Crowder estimated that perhaps ten to fifteen percent of eligible men evaded registration, which suggests a total of three million or more over the course of the war.<sup>101</sup> A more comprehensive review of the opponents and victims of the draft and the treatment of conscientious objectors will be covered in Chapter Nine.

Debates about the scope of the war powers persisted into 1917 and became more acute after the Selective Service Act passed and while the deployment of American forces to Europe was underway in the fall of that year—but before American soldiers had been fully committed to battle. The most vigorous defender of the administration’s war powers was former Supreme Court Justice Charles Evans Hughes. In a widely cited speech to the American Bar Association, Hughes contemplated an expansive view of war powers: “[t]he power to wage war is the power to wage war successfully.”<sup>102</sup> According to Hughes, Congress’s power to raise an army included

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<sup>98</sup> *Ibid.*, 8–9.

<sup>99</sup> E.H. Crowder, *Final Report of the Provost Marshal General to the Secretary of War on the Operations of the Selective Service System to July 15, 1919* (Washington, DC: Government Printing Office, 1920), 12.

<sup>100</sup> *Ibid.*, 12. Chapter Nine sheds further light on the validity of these statistics.

<sup>101</sup> Chambers II, *To Raise an Army*, 211.

<sup>102</sup> Charles Evans Hughes, “War Powers Under the Constitution,” *Report of the Fortieth Annual Meeting of the American Bar Association Held at Saratoga Springs, New York, September 4, 5, 6, 1917* (1917): 238; “War Powers Ample, Hughes Declares,” *New York Times*, September 6, 1917, 1.

conscription and was not limited by the Thirteenth Amendment, nor did it require provisions for conscientious objectors.<sup>103</sup> Hughes agreed that the National Guard could not be sent outside the United States but nonetheless argued that Congress could conscript the Guard into the Army for the purpose of prosecuting a war—including outside the United States.<sup>104</sup> Hughes further contended that “power explicitly conferred and absolutely essential to the safety of the Nation is not destroyed or impaired by any later provision of the constitution or by any one of the amendments”—an ominous sign for civil liberties, without even questioning whether “the safety of the Nation” was at risk in a European war.<sup>105</sup> In closing, Hughes argued that the United States had “a *fighting* constitution”—his expansive view of the war powers was necessary to preserve liberty.<sup>106</sup>

The most persistent criticism came from Hannis Taylor, a lawyer and former ambassador to Spain under President Cleveland. Taylor was adamant that neither the National Guard nor drafted soldiers could serve overseas. The Selective Service Act was “the most flagrantly unconstitutional in our entire history.”<sup>107</sup> Taylor chastised the “leaders of the American bar who are now standing mute in the presence of the most sacred duty that ever confronted them.”<sup>108</sup> According to arguments Taylor made in a petition to Congress, the exemption from service abroad for both the National Guard and for those conscripted was based in the Constitution, affirmed by the Supreme Court, re-affirmed by Attorney General Wickersham in 1912, and endorsed by President Wilson in four separate public speeches.<sup>109</sup> In other words, in passing the

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<sup>103</sup> Hughes, “War Powers Under the Constitution,” 233–237.

<sup>104</sup> *Ibid.*, 237–238.

<sup>105</sup> *Ibid.*, 248.

<sup>106</sup> *Ibid.*

<sup>107</sup> “Constitutional Warrant for the Draft,” *Indianapolis Star*, August 12, 1917, 16.

<sup>108</sup> *Ibid.*

<sup>109</sup> Hannis Taylor, “An Appeal to the Congress to Prevent the Sending of the Conscripted National Militia to European Battle Fields in Open Defiance of the Constitution of the United States,” in *Extension of*

Selective Service Act, Congress could not overcome by legislation an exemption explicit in the Constitution.

President Wilson, apparently annoyed with Taylor's constitutional arguments but unwilling to respond to them in kind, asked Attorney General Gregory, "Do you think there is anything we could do to this wretched creature, Hannis Taylor, or is he too small game to waste powder on?"<sup>110</sup> It is unclear what measures Wilson had in mind, but in any case, Gregory advised that "I do not believe it is worth while to make any reply...."<sup>111</sup> Taylor's Bureau of Investigation file shows correspondence between Albert S. Burluson's Post Office Department and A. Bruce Bielaski, the Bureau's chief, concerning the publication of Taylor's articles in various newspapers across the country.<sup>112</sup> Despite Gregory's comments to the President, the Bureau did investigate newspapers that published Taylor's articles and took notice of his arguments in a draft law case that reached the Supreme Court.<sup>113</sup> Postmaster General Burluson needed no advice from the President and banned at least one newspaper from the mails for publishing articles by Taylor.<sup>114</sup>

The constitutionality of the Selective Service Act was tested when a consolidated list of cases reached the Supreme Court in December 1917. Writing for a unanimous Court, Chief Justice Edward White upheld the Act on three grounds. First, citing Vattel's *Law of Nations*, White explained that "the very conception of a just government and its duty to the citizen

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Remarks of Hon. William Gordon, of Ohio, *Appendix to the Congressional Record*, 65th Congress, 3rd Sess., Vol. 55, Part 8 (October 4, 1917), 640-643, 1917, 641-642.

<sup>110</sup> To Thomas Watt Gregory, August 27, 1917, 44:60, in Link, *PWW*.

<sup>111</sup> From Thomas Watt Gregory, September 1, 1917, 44:119-120 in *ibid*.

<sup>112</sup> OG 49473, in Investigative Case Files of the Bureau of Investigation 1908-1922 (National Archives: Washington, DC, 1976).

<sup>113</sup> Report of John R. Dillon, August 30, 1917, Report of John R. Dillon, November 7, 1917, Report of Roger E. Skelly, November 18, 1917, and Memorandum for Mr. Bielaski, May 11, 1918, OG 49473, in *ibid*.

<sup>114</sup> "West Virginia Paper Under Ban," *Baltimore Sun*, September 21, 1917, 3.

includes the reciprocal obligation of the citizen to render military service in case of need, and the right to compel it.”<sup>115</sup> Second, the Civil War-era conscription law, “contemporaneously challenged on grounds akin to, if not absolutely identical with, those here urged,” was upheld by the Pennsylvania Supreme Court in 1863 because “the validity of the act was maintained for reasons not different from those which control our judgment.”<sup>116</sup> Lastly, the Court dismissed arguments that conscription violated the Thirteenth Amendment with no legal argument but rather mockery of the attempt:

Finally, as we are unable to conceive upon what theory the exaction by government from the citizen of the performance of his supreme and noble duty of contributing to the defense of the rights and honor of the nation, as the result of a war declared by the great representative body of the people, can be said to be the imposition of involuntary servitude in violation of the prohibitions of the Thirteenth Amendment, we are constrained to the conclusion that the contention to that effect is refuted by its mere statement.<sup>117</sup>

Another challenge to the Selective Service Act reached the Supreme Court three months later. Arguing against the law, Taylor raised the same arguments as he had in his congressional petition. In ruling against him, the Court explained that Congress’s power to raise armies was not constrained by the militia clause; therefore, the Act was constitutional.<sup>118</sup>

From the perspective of the war effort, the conscription was a massive win. The Selective Service Act, with ready cooperation from state and local authorities, quickly mobilized millions of men for service in France. This cooperative effort, especially at the local level, placed a buffer between communities and the officers and employees of the federal government that had the impact of lessening direct opposition to the draft. On the opposite side, conscientious objectors

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<sup>115</sup> *Selective Draft Law Cases*, 245 U.S. 366, 378 (1918).

<sup>116</sup> *Kneedler v. Lane*, 45 Pa. 238 (1863); *Selective Draft Law Cases*, 245:388.

<sup>117</sup> *Selective Draft Law Cases*, 245:390.

<sup>118</sup> *Cox v. Wood*, 247 U.S. 3 (1918).

and organizations that supported them fared poorly in resisting conscription. Nonetheless, these objectors would have a lasting legacy long after the war.

### **The Military-Industrial Complex**

On the evening of January 17, 1961, President Dwight D. Eisenhower delivered his farewell address to the nation. When speaking about the military establishment, Eisenhower warned that “we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.”<sup>119</sup> The President explained that “[w]e must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.”<sup>120</sup> Eisenhower saw the growth of the military-industrial complex as a new problem to confront, and it certainly was unique in terms of scale and within the context of the Cold War. But the “conjunction of an immense military establishment and a large arms industry” was not new in the American experience of 1961.<sup>121</sup> Such a conjunction existed, albeit on a smaller scale, as the United States considered whether to enter the First World War. The “danger that public policy could itself become the captive of a scientific-technological elite” that Eisenhower spoke about in 1961 was a genuine concern amid progressive public policy shaped by the wartime environment of 1915-1916.<sup>122</sup>

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<sup>119</sup> Dwight D. Eisenhower, *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1960-61* (Washington, DC: Office of the Federal Register, 1961), 1038.

<sup>120</sup> *Ibid.*

<sup>121</sup> *Ibid.*

<sup>122</sup> *Ibid.*, 1039.



The connection between arms manufacturers and war was seen early on as the war raged in Europe. In the spring of 1915, the International Congress of Women, led by its President Jane Addams, passed a resolution expressing that “the private profits accruing from the great armament factories [is] a powerful hindrance to the abolition of war.”<sup>123</sup> On February 3, 1917, during the ongoing preparedness debate and just two months before the declaration of war, pacifist congressman Oscar Callaway (D-TX) took the floor of the House of Representatives and read a letter that alleged a conspiracy. According to Callaway, J.P. Morgan conspired with steel, shipbuilding, and munitions manufacturers to purchase control of major newspapers and control their messaging to support “preparedness, militarism, financial policies, and other things of national and international nature considered vital to the interests of the purchasers.”<sup>124</sup> Callaway later offered to provide proof of the “newspaper conspiracy” but apparently never did.<sup>125</sup> Nonetheless, J. Hampton Moore (R-PA) called for a congressional investigation—and others in Congress, including Representative Percy Quinn (D-MS) and Senator Charles Townsend (R-MI)—offered support.<sup>126</sup>

There was no investigation in 1917, so it is impossible to know what Congress might have found at the time. But two years later, an intriguing clue appeared in Gabriel Hanotaux’s *Histoire Illustrée de la Guerre de 1914*. Hanotaux, a French statesman and historian, alleged that

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<sup>123</sup> International Congress of Women, *Report of the International Congress of Women, The Hague, April 28-May 1, 1915* (Amsterdam: International Women’s Committee of Permanent Peace, 1915), 39.

<sup>124</sup> Speech of Representative Oscar Callaway, *Congressional Record*, 64th Congress, 2nd Sess., Vol. 54, Part 3 (February 3, 1917), 2571, 1917, 2571.

<sup>125</sup> “Moore Asks Inquiry Into Charges on Preparedness Campaign,” *New York Times*, February 14, 1917, 8; “Is There A Conspiracy to Pervert Intelligence,” *Altoona Times*, February 16, 1917, 6.

<sup>126</sup> “Moore Asks Inquiry Into Charges on Preparedness Campaign”; Speech of Representative J. Hampton Moore, *Congressional Record*, 64th Congress, 2nd Sess., Vol. 54, Part 4 (February 13, 1917), 3215-3217, 1917; Speech of Representative Percy E. Quinn, *Congressional Record*, 64th Congress, 2nd Sess., Vol. 54, Part 4 (February 16, 1917), 3450, 1917; Speech of Senator Charles E. Townsend, *Congressional Record*, 64th Congress, 2nd Sess., Vol. 54, Part 4 (February 21, 1917), 3736-3737, 1917.

Robert Bacon, a former J.P. Morgan lieutenant, former Secretary of State, former Ambassador to France, and Roosevelt confidant, told him that he was part of an influential campaign to pressure the United States into the war on the side of the Allies.<sup>127</sup> According to Hanotaux, the efforts of Bacon and other influential Americans in France (including the new American ambassador to France, Myron Herrick) reassured the French that the Americans would eventually come on board.<sup>128</sup> Around the same time, Sir Gilbert Parker revealed his role as the chief propagandist to the Americans for Wellington House, Britain's War Propaganda Bureau during the war.<sup>129</sup> Parker revealed a wide-ranging campaign, to be further explored in Chapter Seven, to influence American opinion toward intervention.<sup>130</sup> To be sure, there is no evidence that Wellington House's efforts were connected to those of Bacon and other Americans. Moreover, these stories are not quite the conspiracy theories advanced by Callaway, but they do seem to be plausible evidence of non-neutrality among influential and powerful men before American entry into the war. Despite the efforts of another congressman, M. Alfred Michaelson (R-IL) in 1921, Congress showed no interest in an investigation.<sup>131</sup>

In a 1924 evaluation of Woodrow Wilson, Harry Elmer Barnes wrote that “[w]e did not actually go to war to protect ourselves from imminent German invasion, or to make the world safe for democracy, but to protect our investment in Allied bonds, to ensure a more extensive development of the manufacture of war materials and to make it possible to deliver our

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<sup>127</sup> Gabriel Hanotaux, *Histoire Illustrée de La Guerre de 1914* (Paris: Gounouilhau, 1915–1924), 9:54–58 (passage translated by Leticia Stalling).

<sup>128</sup> *Ibid.*

<sup>129</sup> Gilbert Parker, “The United States and the War,” *Harper’s Monthly* CXXXVI (March 1918): 521–531.

<sup>130</sup> *Ibid.*, 522.

<sup>131</sup> Speech of Representative M. Alfred Michaelson, *Congressional Record*, 67th Congress, 1st Sess., Vol. 61, Part 2 (May 26, 1921), 1813–1814, 1921.

munitions to Allied ports.”<sup>132</sup> Concerns about the impact of the military-industrial complex came to the public’s attention again in the 1930s with the publication of *Merchants of Death* and Smedley Butler’s *War is a Racket*.<sup>133</sup> In the former, authors H.C. Engelbrecht and F.C. Hanighen explored how arms merchants maintain close connections with military departments, bankers, and the press to wield and exert influence through the political process to inflate their profits.<sup>134</sup> In a review of the First World War, the authors examined how the British blockade of Germany biased American neutrality in favor of the Allies—to which the United States would provide nearly endless financing and supply massive amounts of arms.<sup>135</sup> The principal beneficiaries of these outcomes were American financiers such as J.P. Morgan and arms manufacturers that experienced massive profits during the war.<sup>136</sup> Engelbrecht and Hanighen did not allege a conspiracy to draw the United States into the war. Instead, they argued that arms merchants and their financiers not only played an outsized role in the American decision to enter the war but also saved the economy from a massive recession.<sup>137</sup>

General Butler’s *War is a Racket* was published in the wake of a popular speaking tour. Butler argued that war “is conducted for the benefit of the very few, at the expense of the very many. Out of war a few people make huge fortunes.”<sup>138</sup> According to Butler, the very few were munitions makers, bankers, ship builders, manufacturers, meat packers, and speculators.<sup>139</sup> Butler examined the profits of arms manufacturers, government contractors, and financiers

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<sup>132</sup> Harry Elmer Barnes, “Woodrow Wilson,” *The American Mercury* I, no. 4 (April 1924): 484.

<sup>133</sup> Engelbrecht and Hanighen, *Merchants of Death*; Butler, *War Is a Racket*; see also “Arms and the Men,” *Fortune* IX (March 1934): 53–57, 113–126.

<sup>134</sup> Engelbrecht and Hanighen, *Merchants of Death*, 1–11, 143–147.

<sup>135</sup> *Ibid.*, 173–174.

<sup>136</sup> *Ibid.*, 173–189.

<sup>137</sup> *Ibid.*, 176.

<sup>138</sup> Butler, *War Is a Racket*, 1–2.

<sup>139</sup> *Ibid.*, 8.

before and during the war to show the massive profits they made.<sup>140</sup> The racket was not a conspiracy but an irresistible impulse to capture the enormous profits that could be made during the war. The billions of dollars owed to American arms manufacturers and bankers by the Allied powers was the difference between November 1916, when the President was re-elected in part because “he kept us out of war,” and April 1917, when the United States entered the war.<sup>141</sup>

But the most consistent agitation for an investigation of the munitions industry came from Dorothy Detzer, executive secretary of the Women’s International League for Peace and Freedom.<sup>142</sup> It was Detzer, through persistent lobbying, who eventually found Senator Gerard Nye (R-ND) to sponsor a congressional resolution calling for an investigation.<sup>143</sup> Nye’s resolution passed, and from 1934 to 1936, the interest in understanding the impact of the military-industrial complex reached its zenith as Nye chaired a special committee (popularly called the Nye Committee) to investigate munitions manufacturers.<sup>144</sup> The Nye Committee did not produce any bombshells, but its report did outline a pattern of behavior and activity that contributed to militarism. As to the sales methods of the munition companies, the committee found that these companies “have at times resorted to such unusual approaches, questionable favors and commissions, and methods of ‘doing the needful’ as to constitute, in effect, a form of bribery of foreign government officials or their close friends in order to secure business.”<sup>145</sup> Moreover, the committee concluded that the munitions industry also “had opportunities to intensify the fears of people for their neighbors and have used them for their own profit.”<sup>146</sup> This

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<sup>140</sup> Ibid., 11–25.

<sup>141</sup> Ibid., 46–48.

<sup>142</sup> Dorothy Detzer, *Appointment on the Hill* (New York, NY: Henry Holt and Company, 1948), 34–35.

<sup>143</sup> Ibid., 154–157; Matthew Ware Coulter, *The Senate Munitions Inquiry of the 1930s: Beyond the Merchants of Death* (Westport, CT: Greenwood Press, 1997), 11.

<sup>144</sup> Detzer, *Appointment on the Hill*, 157–163; U.S. Senate, *Munitions Industry Report*, 1.

<sup>145</sup> U.S. Senate, *Munitions Industry Report*, 3.

<sup>146</sup> Ibid., 8.

was possible because manufacturers, contractors, subcontractors, and suppliers represented “a very large and influential financial group” with the active assistance of the War Department, Navy Department, Commerce Department, and State Department.<sup>147</sup>

In sum, the committee’s report declared: “While the evidence before this committee does not show that wars have been started solely because of the activities of munitions makers and their agents, it is also true that wars rarely have one single cause, and the committee finds it to be against the peace of the world for selfishly interested organizations to be left free to goad and frighten nations into military activity.”<sup>148</sup> In a supplemental report, one historian summarized the conclusions of the committee on the role of the banks by explaining that “the bankers promoted the development of a military, industrial, and financial complex that oriented the United States toward deeper involvement in the war.”<sup>149</sup> In surveying the evidence, Chairman Nye wrote: “There may be doubt as to the degree but there is certainty that the profits of preparation for war and the profits of the war itself constitute the most serious challenge to the peace of the world.”<sup>150</sup> In an interview with Brent Dow Allinson, a conscientious objector who was imprisoned during the war, Nye explained that, “I suppose nothing has astonished me so much as to discover the large amounts of evidence which indicate that, instead of munitions-makers promoting the military activities of governments, governments—especially our own war and navy departments—have been actively promoting the munitions-makers, for years.”<sup>151</sup> To Nye, “the most vicious feature of all the disclosures as a result of this investigation has been the

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<sup>147</sup> Ibid., 10.

<sup>148</sup> Ibid., 8.

<sup>149</sup> Coulter, *The Senate Munitions Inquiry of the 1930s*, 131.

<sup>150</sup> Gerald P. Nye, “Should Governments Exercise Direct Control of Munitions Industries?,” *Congressional Digest* XIII, no. 11 (November 1934): 266.

<sup>151</sup> Brent Dow Allinson, “Senator Nye Sums Up,” *Christian Century* LII, no. 3 (January 16, 1935): 80.

revelation of a partnership that exists in the munitions business.... The partnership of which I speak is the partnership which our Government—your Government and mine—has in the business of selling American munitions of war.”<sup>152</sup> The evidence of a powerful lobbying effort on the part of the munitions manufacturers and the evidence of unethical and illegal activity was one thing, but the partnership between the federal government and the munitions makers, supported by financiers, was the real danger to peace. This partnership *was* the military-industrial complex.

What can be said with confidence about the military-industrial complex during the First World War? No one ever produced the sort of “smoking gun” evidence that Congressman Callaway promised when he first told his story on the floor of the House of Representatives. Nevertheless, the Nye Committee and other critics highlighted close connections between the munitions industry, manufacturers, financiers, the press, and perhaps most importantly, the federal government. Suppliers, manufacturers, and financiers earned enormous profits during the war, almost entirely from the Allied powers. Profitability was predicated on a successful outcome of the war—an outcome that was much more likely when the United States entered the war. To secure these profits, munitions companies often engaged in unethical, if not illegal, behavior and contributed to an environment of fear. This behavior—with the active complicity and cooperation of the federal government—promoted militarism and discouraged efforts to secure peace. The military-industrial complex, then, contributed to the militarism that characterized the warfare state without any need for elaborate conspiracy theories. Any fair reading of the evidence shows a clear motivation to influence the United States to enter the war.

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<sup>152</sup> Speech of Senator Gerald P. Nye, *Congressional Record*, 74th Congress, 1st Sess., Vol. 79, Part 1 (January 15, 1935), 460, 1935; *see also* Wayne S. Cole, *Senator Gerald P. Nye and American Foreign Relations* (Minneapolis, MN: University of Minnesota Press, 1962), 79-96 (The Nye Committee and Presidential Power).

## The Warfare State and the Centralization of Power

It should not be surprising that the warfare state of 1917-1918 was among the most destructive institutions to individual liberty and human thriving. The mobilization of vast resources to wage war required a massive centralization of power in the federal government at the expense of civil liberties and especially social power at the local community level.

Of the subjects covered in this chapter, conscription was perhaps the most important to the development of modern libertarian theory. Although some forms of conscription date to ancient times, historians have recognized that modern mass conscription is a relatively new phenomenon. According to General Sir John Hackett, the French *levée en masse* of 1793 marked a significant moment in military history:

What was new in a Europe in which war had recently been little more than the sport of kings was the enthusiasm of a revolutionary nation in arms. In this the impulse to defend the Revolution was fused with and then dominated by a passion to defend the country, just as in Soviet Russia in the Second World War.<sup>153</sup>

This wave of nationalist-based mass conscription swept across the globe in the 19th century. Among the major military powers of that century, only Great Britain remained a volunteer army. In the United States, although some pacifists resisted the Civil War draft in 1863, most of the resistance came from violent opposition to the North's war aims.<sup>154</sup> Thus, the American conscientious objectors of the First World War became a vanguard. According to his study of draft law violators, Stephen M. Kohn declared:

The World War I objectors were the first American draft resisters to combine civil disobedience to war with a personal absolutist refusal to enlist. Their faith in this tactic was not grounded in pragmatic politics or an 'objective' analysis of the existing political

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<sup>153</sup> John Hackett, *The Profession of Arms* (New York, NY: Macmillan Publishing Company, 1983), 86.

<sup>154</sup> Stephen M. (Stephen Martin) Kohn, *Jailed for Peace: The History of American Draft Law Violators, 1658-1985* (Westport, CT: Greenwood Press, 1986), 20–21.

environment. Instead, it was based on faith in the ‘social force’ behind civil disobedience — a belief in the power of individuals and the ability of individual action to inspire others to follow boldly.<sup>155</sup>

Among the earliest objections to conscription were born out of religious opposition to war.

Quakers, for example, cited the book of James for the idea that war as the result of “the lusts of men”:

What causes fights and quarrels among you? Don’t they come from your desires that battle within you? You desire but do not have, so you kill. You covet but you cannot get what you want, so you quarrel and fight. You do not have because you do not ask God. When you ask, you do not receive, because you ask with wrong motives, that you may spend what you get on your pleasures.<sup>156</sup>

Accordingly, for the Quakers:

The occasion of which war, and war itself (wherein envious men, who are lovers of themselves more than lovers of God, lust, kill, and desire to have men's lives or estates) ariseth from the lust. All bloody principles and practices, we, as to our own particulars, do utterly deny, with all outward wars and strife and fightings with outward weapons, for any end or under any pretence whatsoever. And this is our testimony to the whole world.<sup>157</sup>

For Quakers and other religious objectors, war was a sin that represented an evil with no opportunity for compromise.

When William Lloyd Garrison founded the New England Non-Resistance Society in 1838, he brought the ideas underlying Quaker pacifism to a broader audience:

We register our testimony, not only against all wars, whether offensive or defensive, but all preparations for war; against every naval ship, every arsenal, every fortification; against the militia system and a standing army; against all military chieftains and soldiers; against all monuments commemorative of victory over a foreign foe, all trophies won in battle, all celebrations in honor of military or naval exploits; against all

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<sup>155</sup> Ibid., 28.

<sup>156</sup> Jas. 4:1-3.

<sup>157</sup> George Fox et al., *A Declaration from the Harmless and Innocent People of God Called Quakers* (London: Robert Wilson, 1660), 2 The text of this passage was updated from old English for readability.



appropriations for the defense of a nation by force and arms on the part of any legislative body; against every edict of government requiring of its subjects military service.<sup>158</sup>

Garrison's opposition to war, like the Quakers before him, was based upon religious tenets, but he also acknowledged that "every human government is upheld by physical strength, and its laws are enforced virtually at the point of the bayonet..."<sup>159</sup> Garrison was a self-proclaimed "radical free trader" who believed that governments erected artificial barriers that interfered with human flourishing.<sup>160</sup> The abolitionist and editor of *The Liberator* believed that "[t]he right to enjoy liberty is inalienable. To invade it is to usurp the prerogative of Jehovah. Every man has a right to his own body—to the products of his own labor—to the protection of law—and to the common advantages of society."<sup>161</sup>

Murray Rothbard saw Garrison's words as "applying natural-rights theory in a revolutionary way to the question of slavery."<sup>162</sup> Rothbard, who once described himself as "a mixture of an agnostic and a reform Jew," grounded libertarian ethics in natural law without overtly religious references.<sup>163</sup> But the results were the same. Consistent with the work of Rothbard and widely accepted among virtually all libertarian scholars, the primary objection to conscription was based upon the Non-aggression Axiom (sometimes called the Non-Aggression Principle, or NAP): "that no man or group of men may aggress against the person or property of

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<sup>158</sup> William Lloyd Garrison, "Declaration of Sentiments, 1838," in Staughton Lynd and Alice Lynd, eds., *Nonviolence in America: A Documentary History* (Maryknoll, NY: Orbis Books, 1995), 15.

<sup>159</sup> William Lloyd Garrison, "Declaration of Sentiments, 1838," in *ibid.*

<sup>160</sup> William Lloyd Garrison, *The Words of Garrison: A Centennial Selection (1805-1905) of the Characteristic Sentiments from the Writings of William Lloyd Garrison* (Boston, MA: Houghton, Mifflin and Company, 1905), 41–42.

<sup>161</sup> William Lloyd Garrison, *Selections from the Writings of W.L. Garrison* (Boston, MA: R.F. Wallcut, 1852), 68.

<sup>162</sup> Rothbard, *The Ethics of Liberty*, 24.

<sup>163</sup> Justin Raimondo, *An Enemy of the State: The Life of Murray N. Rothbard* (Amherst, NY: Prometheus Books, 2000), 67; Rothbard, *The Ethics of Liberty*, 3–28.

anyone else.”<sup>164</sup> Here, Murray Rothbard defined for libertarians what Roger Baldwin had declared in his defense against refusing the draft: “ I am opposed to the use of force to accomplish any end, however good.... I am furthermore opposed to the principle of conscription in time of war or peace, for any purpose whatever. I will decline to perform any service under compulsion regardless of its character.”<sup>165</sup> To Rothbard, conscription was a “blatant case of involuntary servitude.”<sup>166</sup> Every man’s right to his own body meant Garrison’s opposition to slavery was no different than Rothbard’s opposition to conscription.

Finally, the military-industrial complex provided rich subject matter for historians and economists. Ever since President Eisenhower popularized the concept in his farewell address, historians have sought to find origins further back in history than the Cold War concerns that prompted Eisenhower’s remarks. As part of a wide-ranging study, Paul A.C. Koistinen found that “World War I [was] the watershed.”<sup>167</sup> On the other hand, Daniel R. Beaver, who focused on the changes implemented in the National Defense Act of 1920, concluded that there “was neither an integrated military-industrial machine nor any clear doctrine of economic mobilization shared by the army and the business community.”<sup>168</sup> Instead, the Act represented “a compromise, a classic example of institutional incrementalism.”<sup>169</sup> Jordan A. Schwarz saw in Bernard Baruch the legacy of the World War I experiment: the ideas of cooperative organization and industrial

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<sup>164</sup> Rothbard, *For a New Liberty*, 27.

<sup>165</sup> Baldwin, Letter to Local Board 129, in Cottrell, *Roger Nash Baldwin*, 81.

<sup>166</sup> Rothbard, *For a New Liberty*, 98.

<sup>167</sup> Paul A. C. Koistinen, “The ‘Industrial-Military Complex’ in Historical Perspective: World War I,” *The Business History Review* 41, no. 4 (1967): 379.

<sup>168</sup> Daniel R. Beaver, “The Problem of American Military Supply, 1890-1920,” in Benjamin Franklin Cooling, ed., *War, Business, and American Society: Historical Perspectives on the Military-Industrial Complex* (Port Washington, NY: Kennikat Press, 1977), 90.

<sup>169</sup> Daniel R. Beaver, “The Problem of American Military Supply, 1890-1920,” in *ibid.*, 91.

planning.<sup>170</sup> Baruch's war experience lent itself to the New Deal, which was itself an institutional bridge to World War II and the Cold War.<sup>171</sup> Finally, Carroll W. Pursell, Jr. found the "modern roots of the complex in the Progressive reforms of the federal government made during the first two decades of this century...World War I, despite its short duration, was more of a turning point than World War II."<sup>172</sup>

Libertarian scholars have also made critical contributions in the areas of public choice theory and political economy that have direct implications on our understanding of the First World War. The pioneering economist James M. Buchanan rejected the "organismic" theory of the state, in which "the state, including all individuals within it, is conceived as a single organic entity."<sup>173</sup> Instead, Buchanan preferred an "individualistic" theory in which "the state is represented as the sum of its individual members acting in a collective capacity. The individual and the state are fundamentally opposing forces...."<sup>174</sup> Christopher J. Coyne applied Buchanan's individualistic theory of the state to defense finance and rejected the assumption that "a benevolent 'defense brain' provides the optimal quantity of quality of defense to maximize a nation's welfare."<sup>175</sup> Instead, Coyne explained how Buchanan's theory could help economists and historians understand the inherent tradeoffs associated with defense as a public good:

The individualistic view, in contrast, focuses on how existing rules constrain, or fail to constrain, the relevant decision makers who control the various aspects of defense provision. It appreciates the paradox of government and the ongoing tension between government power and domestic liberty. It recognizes that state-provided defense is not

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<sup>170</sup> Jordan A. Schwarz, "Baruch and the New Deal," in Robert Higgs, ed., *Arms, Politics, and the Economy*, Independent Studies in Political Economy (New York, NY: Holmes & Meier, 1990), 9.

<sup>171</sup> Jordan A. Schwarz, "Baruch and the New Deal," in *ibid.*, 11.

<sup>172</sup> Carroll W. Pursell, Jr., *The Military-Industrial Complex* (New York, NY: Harper & Row, 1972), 1, 95.

<sup>173</sup> James M. Buchanan, "The Pure Theory of Government Finance: A Suggested Approach," *Journal of Political Economy* 57, no. 6 (December 1949): 496.

<sup>174</sup> *Ibid.*

<sup>175</sup> Christopher J. Coyne, "Lobotomizing the Defense Brain," *The Review of Austrian Economics* 28, no. 4 (December 1, 2015): 372.

necessarily welfare-enhancing and can even undermine and erode the very institutions it is intended to support and protect in the first place.<sup>176</sup>

It is not difficult, then, to see how Buchanan's individualistic theory, as applied to state-provided defense by Coyne, is particularly relevant to the American home front during the First World War. This approach has been helpful in allowing scholars to better understand the distinction between scale (the overall size of the state) and scope (the realm of activities taken on by the state). Here, the contributions of economic historian Robert Higgs have been especially appropriate.<sup>177</sup> These scholarly contributions, from economists and historians, both libertarian and not, have provided a framework by which the relationship between the military and the arms industry can be understood—and furnished a better appreciation of the transformation of state power into social power.

The progressive elements of the Preparedness Movement, including Theodore Roosevelt and General Leonard Wood, represented particularly aggressive opportunists who saw the rumblings of war as an advantageous moment to launch their plans. The President's initial opposition to the Preparedness Movement and eventual conversion was a strong indication of his traditional progressivism, which was more of a reaction than an animating force. Secretary Baker's progressivism was motivated by his time as mayor of Cleveland. He believed in communities as testbeds for progressive reforms before committing to national changes. So while he was willing to administer a coercive Selective Service system, he at least initially appeared open to a "wait and see" approach to working out the details (especially regarding the

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<sup>176</sup> Ibid., 390.

<sup>177</sup> Robert Higgs, *Crisis and Leviathan: Critical Episodes in the Growth of American Government* (New York: Oxford University Press, 1987); Robert Higgs and Charlotte Twight, "National Emergency and the Erosion of Private Property Rights," *Cato Journal* 6, no. 3 (Winter 1987): 747–773; Higgs, *Arms, Politics, and the Economy*; Robert Higgs, *Against Leviathan: Government Power and a Free Society* (Oakland, CA: Independent Institute, 2004).

treatment of conscientious objectors). His preference for localism also caused a blind spot in allowing local boards to discriminate. To be sure, Baker was a committed progressive who needed no opportunity to advance his ideas.

Here, as with the previous chapter, the transformation of social power into state power took place as a direct result of the war and, even in these extraordinary circumstances, by mostly ordinary processes. The nation mobilized into a warfare state as part of the everyday business of government. Executive action was authorized by legislation and reviewed favorably by the courts. But amongst the routine operations of government, for advocates of classical liberalism and libertarianism, the nation was headed in the wrong direction. Another great conflict between liberty and power was underway, and power was winning in a rout.

## **Conclusions**

The changes enacted by the National Defense Act significantly expanded the war powers of the President, disrupted the traditional relationship between the states and the National Guard by federalizing the Guard, and altered the balance of civil-military relations in favor of militarism. Once the United States entered the war, the nation was all-in on mass conscription, civil liberties went out the door, and those who objected were subject to harassment, court-martial, and imprisonment. Finally, while historians have not agreed on the extent to which the nascent military-industrial complex contributed to the war, the evidence suggests that clear motivations existed for such contributions. The profitability of many American companies was predicated on the successful outcome of the war, an outcome more likely once the United States entered the war. To ensure success, companies engaged in questionable behavior, promoted militarism, and discouraged efforts to secure peace. Those within the military-industrial

complex, then, like the financial interests identified in Chapter Three, used the war to benefit themselves and institutionalize their power. There, as here, the Warfare State's centralization of state power before and during the war represented a low point for human liberty.

While the Santa Isabela massacre and Pancho Villa's attack on Columbus, New Mexico, may have been motivated to persuade the United States to intervene in Mexico, they had the unintended impact of strengthening the argument for ultimately intervening in Europe by validating the concerns of the Preparedness Movement. The American expedition to capture Villa failed, and it was yet another Mexican connection—the Zimmerman telegram—that contributed to the American decision to go to war. Villa negotiated a peace settlement with the Mexican government in 1920 and was assassinated in 1923.<sup>178</sup> When Villa died, he almost certainly had no idea the scope of the changes he had helped to unleash within the United States.

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<sup>178</sup> Katz, *The Life and Times of Pancho Villa*, 719–729, 761–768.

*...law by no means confines itself to its proper functions. And when it has exceeded its proper functions, it has not done so merely in some inconsequential and debatable matters. The law has gone further than this; it has acted in direct opposition to its own purpose. The law has been used to destroy its own objective: It has been applied to annihilating the justice that it was supposed to maintain; to limiting and destroying rights which its real purpose was to respect. The law has placed the collective force at the disposal of the unscrupulous who wish, without risk, to exploit the person, liberty, and property of others. It has converted plunder into a right, in order to protect plunder. And it has converted lawful defense into a crime, in order to punish lawful defense.*

Frédéric Bastiat, *The Law*<sup>1</sup>

### Chapter Six: The Regulatory State

Just prior to the war, a German woman who had taught in New York for 25 years retired and returned to her native land. She left her retirement funds in American securities. She consulted her banker over whether her funds would be at risk, but he said no. After all, President Wilson had declared in his war speech that it was the German government, not its people, who was the enemy. But the banker was wrong. And despite his claims, the actions of the President (and Congress) would demonstrate that Germans anywhere, including a retired teacher unconnected to the German government or the war effort, were enemies of the United States. The woman's securities were seized by the United States government and sold off to pad the balance sheet of the American treasury's war effort.<sup>2</sup>

This chapter will discuss how the federal government used economic regulation to accomplish two aims: first, to boost production of domestic resources to supply the Allies in

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<sup>1</sup> Bastiat, *The Law*, 8–9.

<sup>2</sup> A.E. Hinrichs, "The Spread Eagle vs. Alien Property Rights," *The Nation* CXI, no. 2888 (November 10, 1920): 528.

France and Americans on the home front, and second, to punish the German government (and its people) by denying to them the resources that would be used to support the war. Some measures, like the seizure of private property belonging to Germans, had the effect of accomplishing both aims. The regulatory apparatus established in the United States reflected, perhaps more so than in any other arena, the most far-reaching controls ever placed upon the economy. Even in the midst of the progressive era, these changes manifested a seismic shift from private enterprise to top-down central planning.

Procurement and supply of the American Expeditionary Forces and their Allies in Europe was directed by the War Industries Board, a committee that began as an advisory body and ended up as a one-man autocracy. On the home front, the impulse for economic control was the Lever Act, a congressional measure designed to provide adequate supplies of food and fuel for Americans. A third measure, the Trading with the Enemy Act, created the Office of the Alien Property Custodian, which was designed initially to be a benign, common-law trusteeship for holding German property. A pacifist Quaker turned belligerent progressive transformed the Office into an aggressive operation that depleted the resources of Germans in the United States and turned their property into profits for both the war effort and American businesses. Together, these economic directives embraced central control that attempted to mobilize American resources for the war and transformed the nation into a regulatory state.

### **The War Industries Board**

The origin of unprecedented government control of the economy during the war was found in the preparedness debate. The Army Appropriations Act of 1916, the same law that empowered the President to seize the railroads, provided for the creation of the Council of



National Defense, a coordinating body for industry that consisted of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.<sup>3</sup> Initially, the Council (and its Advisory Commission) lacked any real power; its chief responsibility was to make recommendations.<sup>4</sup> Yet, at the same time, there was an undercurrent of activity that pushed for greater coordination of the economy.

While the appropriations debate was underway, the Chamber of Commerce came out aggressively in favor of coordination, agreeing that industrial mobilization “will make individual manufacturers and business men and the Government share equally in responsibility for the safety of the nation.”<sup>5</sup> Perhaps disingenuously, knowing what profits were already being made by American manufacturers from European war orders, the Chamber argued this coordination and mobilization would eliminate “a profit interest in war.”<sup>6</sup> Later that year, Bascom Little, chairman of the Chamber’s Executive Committee on National Defense, wrote to Pierre de Pont:

The Chamber of Commerce of the United States has been keenly interested in the attempt to create an entirely new relationship between the Government of the United States and the industries of the United States. It is hoped that the atmosphere of confidence and cooperation which is beginning in this country, as shown by the Federal Trade Commission, the Federal Reserve Board, and other points of contact which are now in existence, may be further developed, and this munitions question would seem to be the greatest opportunity to foster the new spirit.<sup>7</sup>

The Chamber, then, aggressively promoted a strengthened partnership between business and government beyond what the Council of National Defense intended to do. Howard E. Coffin of the Hudson Motor Car Company and a member of the Council’s Advisory Commission also had

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<sup>3</sup> *Army Appropriations Act of 1916*, 649 (Sec. 2).

<sup>4</sup> *Ibid.*, 649-650 (Sec. 2).

<sup>5</sup> “Business Men Willing to Pay for Defense,” *The Nation’s Business* (June 1916): 4.

<sup>6</sup> *Ibid.*

<sup>7</sup> U.S. Senate, Special Committee on Investigation of the Munitions Industry, Hearings before the Special Committee Investigating the Munitions Industry (Washington, DC: Government Printing Office, 1935), Part 15 (December 17 and 18, 1934), 3661.

ambitious plans for the CND, writing that a “closer and more mutually satisfactory business relation must be established between the industrial lines and every Department of the Government....it is our hope that we may lay the foundation for that closely knot structure, industrial, civil, and military....”<sup>8</sup> At the same time, Bernard Baruch, a Wall Street banker and another member of the Advisory Commission, began agitating for a reorganization and centralization of the military procurement process.<sup>9</sup> Baruch had been persuaded by the British economist Sir Walter Layton that the “most important instrument of control was the power to determine priority.”<sup>10</sup>

Pushing against this pressure was Secretary of War Newton Baker, whose experience as mayor of Cleveland led him to prefer voluntary cooperation and local solutions to the expansion of federal power.<sup>11</sup> According to Baker, “I have long believed that the problems of democracy have to be worked out in experiment stations rather than by universal applications, so that I regard Cleveland and Ohio as a more hopeful place to do things than in any national station whatsoever.”<sup>12</sup> Baker also jealously guarded the authority of the War Department and resisted the centralization of purchasing power in a single person, as had been recommended by Secretary of the Treasury William Gibbs McAdoo.<sup>13</sup> When President Wilson established the War

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<sup>8</sup> Ibid., Part 16 (December 19, 1934), 4056-4057.

<sup>9</sup> Jordan A. Schwarz, *The Speculator: Bernard M. Baruch in Washington, 1917-1965* (Chapel Hill, NC: University of North Carolina Press, 1981), 59–60.

<sup>10</sup> Bernard M. Baruch, *Baruch* (New York: Henry Holt and Company, 1957), 55.

<sup>11</sup> Address by Hon. Newton D. Baker, Secretary of War, in Council of National Defense, *National Defense Conference Held Under the Auspices of the Council on National Defense, Washington, D.C., May 2 and 3, 1917* (Washington, DC, 1917), 5–19; From Newton Diehl Baker, November 27, 1916, 40:91, in Link, *PWW*; Daniel R. Beaver, “Newton D. Baker and the Genesis of the War Industries Board, 1917-1918,” *The Journal of American History* 52, no. 1 (1965): 44–45.

<sup>12</sup> Baker to John H. Clarke, March 13, 1916, quoted in Daniel R. Beaver, *Newton D. Baker and the American War Effort, 1917-1919* (Lincoln, NE: University of Nebraska Press, 1966), 6.

<sup>13</sup> From Newton Diehl Baker, with Enclosures, May 28, 1917, 42:411-417, in Link, *PWW*; McAdoo, *Crowded Years*, 401–402; Beaver, “Newton D. Baker and the Genesis of the War Industries Board, 1917-1918,” 46.

Industries Board in July 1917, he sided with Baker, preferring a committee approach that would help to coordinate rather than direct.<sup>14</sup>

Despite the new focus on coordinating purchases, the federal government could not get out of its own way. An exchange of letters between new Board chairman Frank A. Scott and Attorney General Thomas W. Gregory clarified issues regarding conflicts of interest for members of the Board and its subcommittees and contracts awarded to their employers.<sup>15</sup> According to Daniel R. Beaver, the timing could not have been worse, as it “hindered relations between the government and business at a crucial time by disrupting the channels of communication established extralegally during the early weeks of the war.... For a short time contact between government and business...virtually stopped.”<sup>16</sup> Then, the Board “was drifting and dying of anemia” because of the lack of authority and Scott’s excessive deference to military authorities.<sup>17</sup> Scott then resigned due to illness, and the Board went through a scuffle as both Judge Robert Lovett and Bernard Baruch fought to take charge.<sup>18</sup> Lovett got the nod on an interim basis, but Baker sought a better candidate.<sup>19</sup> Baker first turned to Homer L. Ferguson, president of the Newport News Shipbuilding & Dry Dock Company, who turned down the job because he was “too busy building ships” and believed that the Chairman’s job “did not have

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<sup>14</sup> Two Letters to Newton Diehl Baker, July 17, 1917, 43:192-193, in Link, *PWW*; Beaver, *Newton D. Baker*, 75.

<sup>15</sup> T.W. Gregory to F.A. Scott, August 29, 1917, Series 2 (1110-1114), in Woodrow Wilson Papers (Library of Congress Manuscript Division, Library of Congress, Washington, DC, 1786–1957). The conflict of interest issue rose out of criminal penalties imposed by the Lever Act, which will be covered in the next section.

<sup>16</sup> Beaver, *Newton D. Baker*, 75.

<sup>17</sup> Grosvenor B. Clarkson, *Industrial America in the World War: The Strategy Behind the Line, 1917-1918* (Boston, MA: Houghton Mifflin Company, 1923), 82–85.

<sup>18</sup> From Joseph Patrick Tumulty, September 17, 1917, 44:208, To Newton Diehl Baker, September 18, 1917, 44:212, From Newton Diehl Baker, September 21, 1917, 44:232-233, and To Frank Augustus Scott, October 29, 1917, 44:464, in Link, *PWW*.

<sup>19</sup> Palmer, *Newton D. Baker: America at War*, I:379.

powers to bring things to pass.”<sup>20</sup> The Secretary of War then pivoted to Daniel Willard, president of the Baltimore and Ohio Railroad, who raised the same concerns as Ferguson but reluctantly took the job.<sup>21</sup> The railroad and shipping struggles, compounded by the harsh winter of 1917-18, did the War Industries Board no favors.

Not only did Baker’s efforts to keep control of the procurement process weaken the Board, but the Secretary exhibited a disconnect between his view of the war effort and what was going on in the trenches—at least figuratively. Baker’s glowing appraisal of the ongoing procurement in a speech to the Southern Society was contradicted in congressional testimony by Chief of Ordnance General William Crozier, who explained that Baker had wasted months “tinkering” with machine gun designs, failed to expend appropriated funds, and caused delays by making decisions that required American factories to retool and reduce their outputs.<sup>22</sup> The *Chicago Tribune* noted the “bitter irony in the contrast between the record of facts presented by Gen. Crozier to the senate committee and the bland generalities in Secretary Baker’s New York address.”<sup>23</sup> Delays in the acquisition of uniforms and other supplies were blamed on “red tape” caused by Baker’s transfer of authority conferred upon the Quartermaster General to the Committee of Supplies of the Council of National Defense.<sup>24</sup> The *New York Times* complained that testimony did not match Baker’s “easy insistence of observations about omniscience and omnipotence.” From the perspective of its intent, this combination of factors made the War Industries Board’s first six months a rather disappointing start. Whatever successes the War

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<sup>20</sup> Entry for November 6, 1917, 232-233, Entry for November 7, 1917, 233, and Entry for November 12, 1917, 236, in Cronon, *CDJD*.

<sup>21</sup> From Newton Diehl Baker, November 17, 1917, 45:71-72, and To Daniel Willard, November 19, 1917, 45:75, in Link, *PWW*.

<sup>22</sup> “Crozier Blames Baker for Delays in Arming,” *Chicago Tribune*, December 14, 1917, 1.

<sup>23</sup> “To Win This War,” *Chicago Tribune*, December 14, 1917, 8.

<sup>24</sup> “Uniform Delays Traced to Red Tape and Workings of Defense Council,” *New York Times*, December 22, 1917, 1.

Industries Board had, in the words of its later chairman, “depended upon the cooperation of other branches of the Government...[and] upon the voluntary support of the business men of the country.”<sup>25</sup>

As the pressure mounted on the War Department and Secretary Baker, Senator George Chamberlain (D-MS), who as chairman of the Military Affairs Committee organized the hearings into the war effort, sponsored a bipartisan bill to create a three-man war cabinet subject only to the authority of the President.<sup>26</sup> In a speech introducing the bill, Chamberlain explained that “the military establishment of America has fallen down. There is no way to be optimistic about a thing that does not exist. It has almost stopped functioning, my friends. Why? Because of inefficiency in every bureau and in every department of the Government of the United States.”<sup>27</sup> Wilson responded by defending the War Department and calling Chamberlain’s words “an astonishing and absolutely unjustifiable distortion of the truth.”<sup>28</sup> Nonetheless, Baker was wounded, and his efforts to hamper the authority of the War Industries Board did not help.

To head off both Chamberlain’s proposal and a potential congressional investigation of Baker, President Wilson reorganized the Board in March 1918 under Bernard Baruch as its new chairman and separated it from underneath the Council of National Defense.<sup>29</sup> The Board, and particularly its Chairman, would be invested with expansive powers to set priorities and prices and make purchases.<sup>30</sup> For one of the few times in his presidency, Wilson did not point to any

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<sup>25</sup> Baruch, *American Industry in The War*, 24.

<sup>26</sup> “War Cabinet Bill Ready for Senate,” *New York Times*, January 21, 1918, 1.

<sup>27</sup> “Declares America Has Fallen Down As a Force in War,” *New York Times*, January 20, 1917, 1, 14.

<sup>28</sup> A Press Release, January 21, 1918, 46:55, in Link, *PWW*.

<sup>29</sup> To Bernard Mannes Baruch, March 4, 1918, 46:520-522, From Bernard Mannes Baruch, March 4, 1918, 46:527, and To Grosvenor Blaine Clarkson, March 26, 1918, 47:143, in *ibid.*; Palmer, *Newton D. Baker: America at War*, II:82.

<sup>30</sup> To Bernard Mannes Baruch, March 4, 1918, 46:520-522, and To Grosvenor Blaine Clarkson, March 26, 1918, 47:143, in Link, *PWW*.

grant of authority to transform the Board from an advisory committee of the Council to an independent agency with extensive powers; he simply did not have such authority. To be sure, the President was already in consultation with Congress for such authority, having asked for the scissors to “cut the red tape,” but its passage was uncertain when it was first introduced.<sup>31</sup> Nonetheless, in May of that year, Congress passed the Departmental Reorganization Act (popularly known as the Overman Act), giving the President the power to “make such redistribution of functions among executive agencies as he may deem necessary...during the continuance of the present war and for six months after the termination of the war....”<sup>32</sup> The President made the appointment of Baruch and the reorganization of the War Industries Board official in an Executive Order of May 28, 1918.<sup>33</sup>

The Board also had at its disposal authority granted by the National Defense Act procedures to requisition factories for munitions production, as described in Chapter Five.<sup>34</sup> This section of the law pushed the federal government to the front of the line whenever it needed products or materiel for the war effort. If businesses did not comply by supplying the government at a “reasonable price as determined by the Secretary of War,” plants could be seized, and their owners “shall be deemed guilty of a felony.”<sup>35</sup> This provision was later challenged in the courts by the International Paper Company when its water rights to the Niagara River were taken and diverted to the Niagara Power Company for electricity production. The

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<sup>31</sup> To Lee Slater Overman, March 21, 1918, 47:94, in *ibid.*; “President Seeks Blanket Powers for War Period,” *New York Times*, February 7, 1918, 1, 5.

<sup>32</sup> *Departmental Reorganization Act*, 40 Stat. 556, 1918, 556 (Sec. 1).

<sup>33</sup> Executive Order [Establishment of the War Industries Board], May 28, 1918, XVIII:8518-8519, in Richardson, *CMPP*.

<sup>34</sup> *National Defense Act of 1916*, 213-214 (Sec. 120).

<sup>35</sup> *Ibid.*, 213 (Sec. 120).

Supreme Court ruled that the diversion of water rights represented a compensable taking but did not otherwise disturb the power of the federal government to mandate such requisitions.<sup>36</sup>

The period from March 1918 until the end of the war was the most influential for the Board in terms of its authority. Under Baruch, the War Industries Board sought to fix prices on dozens of classes of commodities. Understanding that the Board was engaged in commandeering, Baruch acknowledged that the proper price for such commodities would be the idea of just compensation, widely recognized as market value.<sup>37</sup> Given the circumstances of the war, Baruch argued that “market value...was not a fair test of compensation.”<sup>38</sup> The Board, then, redefined just compensation to mean the “cost of production, including a reasonable profit.”<sup>39</sup> In practice, commodity sections would identify cases for price regulation; a price-fixing committee would hold quasi-judicial hearings, with input from the Federal Trade Commission and industry representatives, and set a price schedule (fixed maximum prices) that would be approved by the President.<sup>40</sup>

At its zenith, the War Industries Board was described by the director of the Council of National Defense Grosvenor Clarkson as “a system of concentration of commerce, industry, and all the powers of government that was without compare among all the other nations, friend or enemy, involved in the World War.”<sup>41</sup> Clarkson then described how the Board dealt with dissent:

Individualistic American industrialists were aghast when they realized that industry had been drafted, much as manpower had been.... Business willed its own domination, forged its bonds, and policed its own subjugation. There were bitter and stormy protests here and there, especially from those industries that were curtailed or suspended.... The rents in [the Board’s] garment of authority were amply filled by the docile and cooperative spirit

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<sup>36</sup> *International Paper Co. v. United States*, 282 U.S. 399 (1931).

<sup>37</sup> Baruch, *American Industry in The War*, 75.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*, 76.

<sup>40</sup> *Ibid.*, 76–79.

<sup>41</sup> Clarkson, *Industrial America in the World War*, 63.

of industry. The occasional obstructor fled from the mandates of the Board only to find himself ostracized by his fellows in industry.<sup>42</sup>

The War Industries Board, then, like so many other wartime programs, was nominally run by the federal government but, in reality, was a federally approved cartel of industry leaders that relied as much on social pressure as it did official mandates to guarantee profits for themselves and to bankrupt dissenters. Cooperation, especially under the aegis of the federal government, was better for business than competition.

Baruch's powers as the head of the cartel made him the modern equivalent of the Roman dictator, but the results were not impressive. Although it is widely cited that the War Industries Board increased industrial production in the United States by an estimated 20 percent, this number is misleading in terms of the whole picture. Indeed, the Index of Industrial Production and Trade (Index Normal=100, Seasonally Adjusted) rose from a wartime low of 103.6 in January 1918 (two months before Baruch took over the reorganized Board) to 123.6 in July 1918, an increase of 19.3%.<sup>43</sup> But the Index had already reached a wartime peak of 124.9 in May 1917, just one month after the American entry into the war. If the trough in January 1918 is seen with respect to the harsh winter of 1917-18, then the Board's impact is muted even more so.<sup>44</sup> Moreover, the Board's most influential period came after Baruch's appointment, at which time industrial production had already begun to rebound from the previous winter. Despite being at

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<sup>42</sup> Ibid., 154, 159; Murray N. Rothbard, "War Collectivism in World War I," in *A New History of Leviathan: Essays on the Rise of the American Corporate State*, ed. Ronald Radosh and Murray N. Rothbard (New York, NY: E.P. Dutton, 1972), 74-75.

<sup>43</sup> National Bureau of Economic Research, "Index of Industrial Production and Trade for United States [M1204BUSM363SNBR]," August 17, 2012.

<sup>44</sup> Other measures of industrial production largely mirror the Index of Industrial Production and Trade, with some small differences. The Mirron-Romer index (1909=100) also identified the early peak in June 1917 (180.591) and the war-time low in January 1918 (138.945) but reached a slightly higher peak in May 1918 (181.297), which represented a 30.5% increase from January to May. Jeffrey A. Miron and Christina D. Romer, "A New Monthly Index of Industrial Production, 1884-1940," *The Journal of Economic History* 50, no. 2 (1990): 337.



war for nearly all of 1918, the average monthly industrial production that year was lower than in 1917.<sup>45</sup> In reality, much of American industrial capacity was built while supplying orders for the Allies before the United States entered the war (and before any massive economic intervention took place). Once Congress declared war, production shifted from Allied orders to American orders, but the overall volume of production did not increase any appreciable amount. In sum, by the measures of industrial production, the War Industries Board (and economic regulation as a whole) had minimal real net impact in contributing to the war effort.

The massive production effort in the United States did not translate to military benefit in France. General John J. Pershing, commander of the American Expeditionary Forces (AEF), expressed frustration that American industry could not supply the AEF with tanks. In his memoirs, Pershing wrote: “It seems strange that, with American genius for manufacturing from iron and steel, we should find ourselves after a year and a half of war almost completely without those mechanical contrivances which had exercised such a great influence on the Western Front in reducing infantry losses.”<sup>46</sup> British Prime Minister David Lloyd George conveyed similar discouragement: “It is one of the inexplicable paradoxes of history, that the greatest machine-producing nation on earth failed to turn out the mechanism of war after 18 months of sweating and toiling and hustling. The men placed in charge of the organisation of the resources of the country for this purpose all seemed to hustle each other — but never the job.”<sup>47</sup> According to George, “not a single tank of American manufacture ever rolled into action in the war.”<sup>48</sup>

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<sup>45</sup> Ibid., 337.

<sup>46</sup> John J. Pershing, *My Experiences in the World War* (New York, NY: Frederick A. Stokes Company, 1931), II:374.

<sup>47</sup> David Lloyd George, *War Memoirs of David Lloyd George, 1917-1918* (Boston, MA: Little, Brown and Company, 1936), 451.

<sup>48</sup> Ibid., 453.

A later report on the robustness of the defense industrial base cast a long shadow on the results of the War Industries Board's efforts:

As mobilization began in 1917, the government ordered 50,000 artillery pieces, along with the requisite stocks of ammunition, from U.S. industry at a cost of \$4 billion. Of these, only 143 pieces were finished in time to be used on the battlefield. The same story applied to U.S. aircraft squadrons; throughout the war the U.S. services flew only French- and British-designed and -built aircraft in combat.<sup>49</sup>

A combination of factors caused long delays in getting American-built armaments to the Western Front. In his memoirs, Army Chief of Staff Peyton C. March was critical of Pershing's interference in the development of American aircraft designs, and in particular, the Liberty aircraft engine, which caused months-long delays.<sup>50</sup> Another four-month delay occurred when engine designers did not have information regarding "the necessary instruments and armaments to equip the planes" for testing.<sup>51</sup> As a result, although over 14,000 Liberty engines were produced by the Armistice, only a small number saw combat in France in British-designed, American-built Airco DH.4 biplanes.<sup>52</sup> Similarly, Prime Minister George expressed frustration that American designers, as a measure of "pride... American inventiveness and ingenuity," started from scratch instead of learning from the lessons of the British and French.<sup>53</sup> As a result of these and other delays, the first American airplanes did not see action in France until July 1918 and were reported to be less capable than existing British and French aircraft.<sup>54</sup>

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<sup>49</sup> Air Force Association, *Lifeline in Danger: An Assessment of the United States Defense Industrial Base* (Arlington, VA: Aerospace Educational Foundation, 1988), 6.

<sup>50</sup> Peyton C. March, *The Nation at War* (Garden City, NY: Doubleday, Doran & Co., 1932), 284.

<sup>51</sup> Jesse G. Vincent, "The Liberty Aircraft Engine," *SAE Transactions* 14 (1919): 397–400.

<sup>52</sup> George Owen Squier, "Aeronautics in the United States, 1918," *Transactions of the American Institute of Electrical Engineers* XXXVIII, Part I (January 10, 1919): 13; Vincent, "The Liberty Aircraft Engine," 400. For a model of a DeHaviland 4 with the Liberty 12 engine, see the Appendix.

<sup>53</sup> George, *War Memoirs of David Lloyd George, 1917-1918*, 451.

<sup>54</sup> *Ibid.*, 452.

Both Baruch and Clarkson saw the War Industries Board as a model for peacetime industrial cooperation. In fact, Baruch had proposed this model as early as 1915.<sup>55</sup> After the war, Baruch summarized the experience of the Board and its relationship with business: “Many business men have experienced during the war, for the first time in their careers, the tremendous advantages, both to themselves and to the general public, of combination, of cooperation and common action, with their natural competitors.”<sup>56</sup> Baruch wanted “an agency whose duty it should be to encourage, under strict Government supervision, such cooperation and coordination in industry as should tend to increase production, eliminate waste, conserve natural resources, improve the quality of products, promote efficiency in operation, and thus reduce costs to the ultimate consumer.”<sup>57</sup> Clarkson, too, saw the benefits of this wartime experiment:

The World War was a wonderful school.... It showed us how so many things may be bettered that we are at a loss where to begin with permanent utilization of what we know.... It was an amazing proof of what can flow from a detached scrutiny of industry applying the criterion of utility and efficiency. It is, perhaps, too much to hope that there will be any general gain in time of peace from the triumphant experiment.... Yet now the world needs to economize as much as in war.<sup>58</sup>

Big business, the other partner in the cartel, was on board as well. At a Reconstruction Congress of the Chamber of Commerce in December 1918, Chamber president Harry A. Wheeler presided over a meeting that urged the continuation of the war service committees populated by its members. Resolutions passed by the Congress declared that the “war has demonstrated that through industrial cooperation great economies may be achieved, waste eliminated, and efficiency increased.”<sup>59</sup> While the Congress called for war regulations on industry to be revoked,

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<sup>55</sup> Schwarz, *The Speculator*, 45.

<sup>56</sup> Baruch, *American Industry in The War*, 105.

<sup>57</sup> *Ibid.*, 106.

<sup>58</sup> Clarkson, *Industrial America in the World War*, 230.

<sup>59</sup> “Reconstruction,” *Monthly Labor Review* 8, no. 1 (1919): 41.

it also declared that “[t]he Nation should not forget, but rather should capitalize, these lessons by adapting effective war practices to peace conditions through permitting reasonable cooperation between units of industry under appropriate Federal supervision.”<sup>60</sup> Anticipating the problems for big business even before the Armistice, Wheeler himself had proposed on behalf of the Chamber's Board of Directors a Reconstruction Commission to President Wilson to “to subordinate the interests of the business men as a class to the interests of the country as a whole....”<sup>61</sup> Wheeler also wanted to ensure that existing contracts would not be canceled without explicit approval, arguing that raw materials soon available once the war ended could be directed to the production of peacetime goods.<sup>62</sup> For businesses, the advantages of continuing industrial mobilization in peacetime were obvious: continued cartelization would protect prices and continue the lax anti-trust enforcement that occurred during the war.

Soon after the Armistice, though, President Wilson put a damper on these hopes by ordering the closure of the War Industries Board at the end of the year.<sup>63</sup> Progressives within the Board sought out other options, including moving the Board's Conservation Division as a permanent fixture underneath the Commerce Department; and a more radical proposal that “would have allowed a majority of a given industry's firms to set production quotas for all firms in that industry.”<sup>64</sup> But neither of these proposals were pressed forward with any vigor and never reached the President's desk; they probably knew he would reject them. And so the work of the

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<sup>60</sup> Ibid.

<sup>61</sup> From Harry Andrew Wheeler and Elliot Hersey Goodwin, October 3, 1918, 207-208, and To Harry Andrew Wheeler, October 5, 1918, 229, in Link, *PWW*.

<sup>62</sup> From Harry Andrew Wheeler, November 9, 1918, 18-20, in *ibid.*; “Reconstruction Commission to Keep War Plants Running,” *Minneapolis Morning Tribune*, November 14, 1918, 1.

<sup>63</sup> To Bernard Mannes Baruch, November 30, 1918, 249-250, in Link, *PWW*.

<sup>64</sup> Robert F. Himmelberg, “The War Industries Board and the Antitrust Question in November 1918,” *The Journal of American History* 52, no. 1 (1965): 70–71.

War Industries Board ended on January 1, 1919. But its template was impressed upon the nation's fabric and would be recalled to action in the future.

### **The Lever Act**

While the War Industries Board focused on supplying military forces, those within the Administration and Congress also saw the need for economic intervention at home. As early as September 1916, ominous signs loomed for worldwide wheat production. Estimates for the 1916 wheat crop came in at nearly 3.6 billion bushels, compared to 4.4 billion in 1915.<sup>65</sup> In the United States, production dropped precipitously from over one billion bushels in 1915 to just 612 million in 1916.<sup>66</sup> By the following spring, the Department of Agriculture estimated that the winter wheat yield would be the worst in 13 years.<sup>67</sup> By June 1917, the Department forecast just a slight increase in total yield to 656 million bushels, far short of the Allied need for at least one billion bushels.<sup>68</sup> By the middle of 1917, the wholesale price of food was up 80% since 1913.<sup>69</sup>

Anticipating food shortages, the Department of Agriculture drafted a food control bill in April 1917, which recommended that “in cases of emergency the government should have the power to purchase, store, and subsequently dispose of food products to groups of people or communities organized in some form, and to fix maximum and minimum prices.”<sup>70</sup> When the measure faced opposition in Congress, Wilson did what he would later do with the War

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<sup>65</sup> “World Wheat Crop Short,” *New York Times*, September 23, 1916, 11.

<sup>66</sup> *Ibid.*

<sup>67</sup> “Poorest Wheat Crop in 13 Years,” *New York Times*, May 9, 1917, 5.

<sup>68</sup> “Wheat Crop Short, Nation Must Save,” *New York Times*, June 9, 1917, 16; *see also* “Winter Wheat Crop Short in Canada,” *New York Times*, May 14, 1917, 3.

<sup>69</sup> Simon Litman, *Prices and Price Control in Great Britain and the United States During the World War* (Oxford University Press, 1920), 181.

<sup>70</sup> “Urges Food Control,” *Washington Post*, April 21, 1917, 1.

Industries Board—he created the Food Administration and appointed Herbert Hoover as the Food Administrator without any authorization from Congress.<sup>71</sup>

Two different amendments held up final passage of the bill. In the House, prohibitionists added an amendment that would prevent the use of grain to make distilled spirits.<sup>72</sup> But in the Senate, prohibitionists such as Senator Thomas P. Gore (D-OK) opposed the measure because “it constitutes a dangerous tampering with the psychology of many millions of our people.... I think the time is particularly inauspicious for radical prohibition.”<sup>73</sup> To aid in the measure’s passage, President Wilson intervened and convinced the Anti-Saloon League to support the separation of the food control bill and the prohibition measure.<sup>74</sup> The final bill included a modified provision that gave the President discretionary authority to limit, regulate, prohibit, or reduce the use of foods for the production of liquor and the reduction of its alcoholic content.<sup>75</sup> The second obstacle was an amendment by Senator John W. Weeks (R-MA) to create a Joint Committee on the Conduct of the War.<sup>76</sup> Wilson regarded the amendment, which passed the Senate by a vote of 53 to 31, as “not only entirely foreign to the subject matter of the Food Administration Bill in which it is incorporated but would, if enacted into law, render my task of conducting the war practically impossible.”<sup>77</sup> Senate conferees removed the Weeks amendment by a narrow vote,

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<sup>71</sup> A Statement on the Lever Bill, May 19, 1917, 42:344-346, in Link, *PWW*; “Orders Food Control,” *Washington Post*, June 17, 1917, 1; Seward W. Livermore, *Politics Is Adjourned: Woodrow Wilson and the War Congress, 1916-1918* (Middletown, CT: Wesleyan University Press, 1966), 51.

<sup>72</sup> Prohibition Amendment to H.R. 4961, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 4 (June 23, 1917), 4188-4190, 1917.

<sup>73</sup> “Prohibition Finds Foes in Senate Members,” *Pittsburgh Daily Post*, June 25, 1917, 1, 3.

<sup>74</sup> To James Cannon, Jr., June 29, 1917, 43:42-43, From James Cannon, Jr., and Others, June 29, 1917, 43:52, From James Cannon, Jr., and Others, June 30, 1917, 43:64-65, and To James Cannon, Jr., July 3, 1917, 43:84, in Link, *PWW*.

<sup>75</sup> *Food and Fuel Control Act*, 40 Stat. 276, 1917, 282 (Sec. 15).

<sup>76</sup> Weeks Amendment to H.R. 4961, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 5 (July 18, 1917), 5231, 1917.

<sup>77</sup> Owen Substitute Amendment to H.R. 4961, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 5 (July 21, 1917), 5363-5364, 1917; From Asbury Francis Lever, July 21, 1917, 43:242, To Asbury Francis Lever, July 23, 1917, 43:245, in Link, *PWW*.

which precipitated another lengthy debate over the modified proposal.<sup>78</sup> By August 8, the Senate finally came around, and two days later, the President signed the Food and Fuel Control Act (popularly called the Lever Act) into law.<sup>79</sup> A biographer of Herbert Hoover described the summer debate as “the bitterest and most protracted resistance of any legislation passed during America’s belligerency during World War I.”<sup>80</sup>

Contemporary popular opinion recognized the groundbreaking nature of the law. “The epoch-making food control bill,” according to one newspaper, was “the most revolutionary measure ever enacted by an American Congress.”<sup>81</sup> Another called it “the innovation of [a] national socialistic experiment,” while the *Literary Digest* summarized the opinions of several press correspondents toward the new law as “the longest step toward state socialism ever taken by the national Government.”<sup>82</sup> Historians have echoed the same observations about the Lever Act’s scope: it was “one of the most important as well as controversial measures adopted during the war,” and “one of the most sweeping grants of power in American history.”<sup>83</sup> Of the law, Robert Higgs concluded: “Never before had such sweeping powers of economic control been granted by Congress to the President.”<sup>84</sup>

In the same way that the War Industries Board sought to coordinate production for war materials, the Lever Act was its civilian counterpart, designed to ensure an adequate supply of such products for civilian consumption on the home front. The President was empowered to

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<sup>78</sup> Livermore, *Politics Is Adjourned*, 56.

<sup>79</sup> *Lever Act*.

<sup>80</sup> George H. Nash, *The Life of Herbert Hoover: Master of Emergencies, 1917-1918* (W.W. Norton & Company, 1983), 73.

<sup>81</sup> “Food Control Bill Now Law,” *Yonkers Herald*, August 10, 1917, 1.

<sup>82</sup> “Food Control Bill Passes Final Stage in Senate, 66 to 7,” *Philadelphia Inquirer*, August 9, 1917, 4; “The Nation’s Food as the Nation’s Business,” *Literary Digest* LV, no. 7 (August 18, 1917): 9.

<sup>83</sup> Livermore, *Politics Is Adjourned*, 56; Ronald Schaffer, *America in the Great War: The Rise of the War Welfare State* (New York, NY: Oxford University Press, 1991), 35.

<sup>84</sup> Higgs, *Crisis and Leviathan*, 136.

regulate the production, distribution, and price of food and commodities used in food production.<sup>85</sup> The Act also gave Wilson authority to set the price of wheat and coal and prescribed criminal penalties for a wide range of conduct that might interfere with the federal government's efforts.<sup>86</sup> Wilson also made official what was already in place by creating the Fuel Administration and putting Hoover in charge while appointing Harry Garfield (son of President James A. Garfield) as head of the new Fuel Administration.<sup>87</sup>

Within the first three months after the law was passed, President Wilson took aggressive action to fix the price of wheat and coal, establish licensing of wheat and rye elevators, begin licensing of importers, manufacturers and refiners of sugar, sugar syrups and molasses; initiate licensing for the importation, manufacture, storage, and distribution of necessities, set up licensing of bakers, and for the requisition of foods and feeds.<sup>88</sup> Then, on December 8, 1917, he acted on his discretionary authority in the modified prohibition amendment to the Lever Act to limit the amount of alcohol content of malt liquor to 2.75%.<sup>89</sup>

Like many domestic programs during the war, the federal government relied on cooperative federalism for the intent of the Lever Act to reach its intended audience.

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<sup>85</sup> *Lever Act*, 276.

<sup>86</sup> *Ibid.*, 281-282 (Sec. 14, wheat), 284-286 (Sec. 25, coal), 277 (Sec. 4, price fixing), 278 and 286 (Sec. 6, hoarding, Sec. 26, hoarding), 283 (Sec. 17, obstruction).

<sup>87</sup> Executive Order [Creating Food Administration Grain Corporation], August 14, 1917, XVII:8324-8326, and Executive Order [Appointing Fuel Administrator], August 23, 1917, XVII:8330, in Richardson, *CMPP*.

<sup>88</sup> Statement [Fixing Prices of Wheat], August 30, 1917, XVII:8346-8348, Statement [Coal Prices], August 21, 1917, XVII:8327-8328, and [Announcing Coal Regulations and Prices], August 23, 1917, XVII:8328-8330, A Proclamation [License of Wheat and Rye Elevators, and Millers], August 14, 1917, XVII:8322-8324, and A Proclamation [License of Importers, Manufacturers and Refiners of Sugar, Sugar Syrups and Molasses], September 7, 1917, XVII:8352-8354, Proclamation [License of Commodities], October 8, 1917, XVII:8362-8365, Proclamation [Licensing Bakers], November 7, 1917, XVII:8383-8384, and Executive Order [Providing for Requisitioning of Foods and Feeds], October 15, 1917, XVII:8376, in *ibid.*

<sup>89</sup> A Proclamation [Limiting Alcoholic Content of Malt Liquor], December 8, 1917, XVII:8415-8416, in *ibid.* Within ten days of Wilson's proclamation, both the House and the Senate passed resolutions containing the language of what would become the 18th Amendment.



Administrators were appointed at the state and county level to carry out directives from Washington. Though Herbert Hoover possessed—through President Wilson—“the greatest [powers] ever held by any man in the history of the world,” he preferred voluntary measures to compulsory ones.<sup>90</sup> Aside from the administration’s price fixing of wheat, Hoover’s measures used a variety of techniques, including persuasion, propaganda, and indirect measures to both encourage production and reduce consumption. But, as one historian noted, “Hoover’s reliance on ‘voluntary’ compliance with Food Administration policies and plans masked the essentially compulsory nature of its actions.”<sup>91</sup> Ray Lyman Wilbur, head of the Food Administration’s food conservation division, noted with approval of the approach taken in Indiana:

Indiana I found the best organized state for food conservation that I had yet seen. The people were approaching rapidly the stage where violations of wheatless days, etc., were looked upon as unpatriotic enough to require that inquiries as to the loyalty of the guilty citizen, baker or hotel-keeper be made. Where a letter failed, a summons to talk the matter over with the district or federal attorney would do the trick. “The Government has a definite program for war purposes on the food question. Are you for it, or against it?” was the formula.<sup>92</sup>

Regardless of whether Indiana was an outlier or if this type of behavior was more widespread, it belied the suggestion that Food Administration policies were truly voluntary. The questioning of patriotism and loyalty and the involvement of prosecutors—an unfortunately common approach not just under the Food Administration but across multiple agencies of the government in attempting to ensure compliance—seriously undermined the voluntary claims. And it certainly wouldn’t be the last time the government asked some version of “you are either with us or against us.” The questioning of patriotism and loyalty also generated intense social pressure. In

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<sup>90</sup> “The Farmer and Prices,” *Wallaces’ Farmer* 42, no. 35 (August 31, 1917): 1176.

<sup>91</sup> Robert H. Zieger, *America’s Great War: World War I and the American Experience* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2000), 73.

<sup>92</sup> Ray Lyman Wilbur, *The Memoirs of Ray Lyman Wilbur, 1875-1949*, ed. Edgar Eugene Robinson and Paul Carroll Edwards (Stanford, CA: Stanford University Press, 1960), 264–265.

Michigan, a woman with two sons in the Army beat a man over the head with an umbrella because he, a farmer with no sons in the Army, intended to stock his wheat until the price rose to \$5 per bushel.<sup>93</sup> Here again, the government's "voluntary" measures indirectly provoked the intended compliance. These anecdotes of exacting compliance through local officials, and indirectly through the use of heavy-handed persuasion and social pressure, reduced the likelihood of direct confrontations of agents of the federal government and its citizens. Although this approach came more out of necessity rather than strategy (the federal government was simply too small to enact such nationwide programs without the cooperation of state and local authorities), this method also reduced the likelihood of potential violence associated with such confrontations and handicapped potential legal challenges. The woman who beat the man over the head with an umbrella was certainly no agent of the state.

To the extent that Herbert Hoover was widely regarded as uniquely qualified to be Food Administrator, the same could not be said for Fuel Administrator Harry Garfield. On January 17, 1918, amidst the harsh winter of 1917-18, Garfield announced a poorly coordinated but immediate five-day closure (and then on successive Mondays through March) of manufacturing plants east of the Mississippi River to save fuel.<sup>94</sup> Howls of protest went up in Congress, where the Senate voted 50 to 19 on a resolution to suspend the order.<sup>95</sup> State and local fuel administrators were blindsided by the order and besieged by their local industries about how to

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<sup>93</sup> *Ibid.*, 263–264.

<sup>94</sup> Publication No. 17, Establishing Regulations Making Provision for a more Adequate Supply of Fuel for Railroads, Domestic Consumers, Public Utilities, and other Uses Necessary to the National Security, January 17, 1918, in H.A. Garfield, *General Orders, Regulations and Rulings of the United States Fuel Administration*, August 10, 1917 - December 31, 1918 (Washington, DC: Government Printing Office, 1919), 433–435.

<sup>95</sup> "Senate Wanted Time to Consider," *New York Times*, January 18, 1918, 1–2; From Harry Augustus Garfield, January 18, 1918, 46:30, Harry Augustus Garfield to Thomas Riley Marshall [enclosure], January 18, 1918, 46:31, in Link, *PWW*.

interpret it.<sup>96</sup> Amidst the confusion, some local officials communicated to their businesses to remain open while others rigidly enforced the closure.<sup>97</sup> The poor coordination also led to a flood of exemptions, exclusions, and various rulings and interpretations about how to implement the order.<sup>98</sup> Even within the administration, confusion reigned. Colonel Edward M. House, the President's chief confidant, wrote in his diary:

Last night when Garfield's coal order was given out, bedlam broke loose. Press Associations, newspaper editors etc. etc. made my life miserable. This has continued all day. There is nothing that the Administration has done that I regret so much. It may be necessary, but it certainly was not necessary to do it in such a casual and abrupt way. It is one of the things I have feared the President would sometime do. He seems to have done it. I have never heard such a storm of protest. What I am afraid of is that it will weaken confidence in his administrative ability and bring Congress about his ears. I look to see them meddling with everything from now on, and I look to see an insistent demand that some change be made in the organization responsible for the conduct of the war.<sup>99</sup>

Within the President's cabinet, Secretary of the Navy Josephus Daniels expressed confusion as to the scope of the order.<sup>100</sup> Joe Tumulty, the President's private secretary, later wrote that President Wilson had not even been consulted on the matter beforehand and that Tumulty had only found out about it at midnight on January 17 when awoken by a reporter from the *New York World*.<sup>101</sup> Secretary of Defense Newton D. Baker regarded the order as "strange" and lamented that "the public had reason for optimism one day and for pessimism the next."<sup>102</sup>

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<sup>96</sup> "Fuel Heads Here Still in the Dark," *New York Times*, January 18, 1918, 1–2.

<sup>97</sup> "Orders Ithaca Factories to Go On Despite Garfield," *New York Times*, January 18, 1918, 1; "Shutdown Edict Obeyed Rigidly Throughout City; Thousands Rendered Idle," *Evening World* New York, January 18, 1918, 1–2.

<sup>98</sup> Garfield, *General Orders, Regulations and Rulings of the United States Fuel Administration*, August 10, 1917 - December 31, 1918, 433 (industrial plants exempted; rulings and interpretations), 435 (theaters; exclusion of petroleum products); To Harry Augustus Garfield, January 18, 1918, 46:28, Enclosure, January 17, 1918, 46:28, From Harry Augustus Garfield, January 19, 1918, 46:41, in Link, *PWW*.

<sup>99</sup> From the Diary of Colonel House, January 17, 1918, 46:23-24, in Link, *PWW*.

<sup>100</sup> Entry for January 17, 1918, 268, in Cronon, *CDJD*.

<sup>101</sup> Tumulty, *Woodrow Wilson*, 361; From Joseph Patrick Tumulty, January 17, 1918, in *ibid.*, 362.

<sup>102</sup> Palmer, *Newton D. Baker: America at War*, II:31.

Criticism of Garfield and the administration was harsh. Daniels wrote in his diary that “[t]he NY World [was] vicious toward Garfield & the administration on coal order.”<sup>103</sup> Joseph Pulitzer’s *Evening World* mocked Garfield’s “heatless Mondays” by running a political cartoon showing Uncle Sam’s arm pushing Garfield out of the Fuel Administrator’s office with the caption: “Let’s Have a Garfield-less Year.”<sup>104</sup> Former Harvard President Charles W. Eliot wrote to Secretary of Agriculture David F. Houston: “The order itself inflicts a profound mortification on the American people which, in my judgment, they will not forget a long time. No one of the belligerent nations in Europe, except Russia, has been forced to admit such incompetence in public administration.”<sup>105</sup> Later historians have validated that the crisis that precipitated Garfield’s order was, in fact, caused by the administration’s inept handling of the transportation system during 1917, as previously described in Chapter Four.<sup>106</sup>

If the wheat harvest shortages in 1916 and 1917 presaged the possibility of rationing after the United States entered the war, then the efforts of the Food Administration were successful enough to prevent it from happening in the United States as compared to Germany starting in 1914 and Britain in 1918. The Fuel Administration’s efforts, too, were buoyed not so much on its own accord but owing to the spring thaw that unfroze the railroads and other transportation networks. But problems developed after the war. Like many other wartime production efforts, the programs of the Food and Fuel Administrations were slow to get started, but once they were moving, the Armistice could not stop them. Despite the notional end of the Food Administration,

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<sup>103</sup> Entry for January 20, 1918, 270, in Cronon, *CDJD*; see also Livermore, *Politics Is Adjourned*, 87.

<sup>104</sup> J.H. Cassel, “Let’s Have a Garfield-Less Year,” *Evening World* (New York, NY), January 18, 1918, 18 (see the Appendix); . For a summary of the mostly negative reaction to Garfield’s order, see “Our Heatless ‘Holidays,’” *Literary Digest* LVI, no. 4 (January 26, 1918): 5–7.

<sup>105</sup> Charles W. Eliot to David Houston, January 18, 1918, in David Franklin Houston Papers (Houghton Library, Harvard University, Cambridge, MA, 1891–1930); Kennedy, *Over Here*, 124.

<sup>106</sup> Johnson, “The Wilsonians as War Managers: Coal and the 1917-18 Winter Crisis,” 194.

their efforts resulted in overproduction and massive stockpiles of food commodities. Moreover, the overproduction of coal had long-lasting effects: “a decade-long crisis of oversupply, bitter labor relations, and desperate poverty in many coal-mining regions.”<sup>107</sup>

No cases involving the Lever Act reached the Supreme Court during the war, but the law was re-enacted in 1919 with some amendments. In *United States v. Cohen Grocery*, the Court considered an amendment that inserted a penalty clause into a price-fixing provision of the Act.<sup>108</sup> According to the Court, this penalty clause “leaves open, therefore, the widest conceivable inquiry, the scope of which no one can foresee and the result of which no one can foreshadow or adequately guard against.”<sup>109</sup> The newly amended clause essentially delegated too much latitude to courts and juries and, as a result, was repugnant to the Constitution.<sup>110</sup> The Court came to the same conclusion in a companion case where a clause penalizing conspiracies to exact “excessive prices” was vague and, therefore, unconstitutional.<sup>111</sup>

Another amendment to the Lever Act, still relying on “the existence of the state of war,” created a rent commission for the District of Columbia to examine and implement rent control as a means of dealing with nationwide housing shortages that were particularly acute in the District.<sup>112</sup> When the commission fixed rents under the authority of the amendment, the Court narrowly upheld its constitutionality, ruling 5-4 that the war created an exigency that the statute sought to address.<sup>113</sup> The dissent complained that the rent control law allowed a tenant to remain in possession after a lease’s expiration, as long as the tenant paid the prescribed rent, which

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<sup>107</sup> Zieger, *America’s Great War: World War I and the American Experience*, 74.

<sup>108</sup> *United States v. Cohen Grocery Co.*, 255 U.S. 81, 86 (1921).

<sup>109</sup> *Ibid.*, 255:89.

<sup>110</sup> *Ibid.*, 255:87, 93.

<sup>111</sup> *Weeds, Inc. v. United States*, 255 U.S. 109 (1921).

<sup>112</sup> *Food Control and District of Columbia Rents Act*, 41 Stat. 297, 1919, 299-304 (Secs. 102–122).

<sup>113</sup> *Block v. Hirsh*, 256 U.S. 135, 158 (1921).

amounted to a taking under the Fifth Amendment.<sup>114</sup> Moreover, the dissenters questioned the scope of the federal government's powers under such an exigency:

It is asserted, that the statute has been made necessary by the conditions resulting from the "Imperial German war." The thought instantly comes that the country has had other wars with resulting embarrassments, yet they did not induce the relaxation of constitutional requirements nor the exercise of arbitrary power. Constitutional restraints were increased, not diminished. However, it may be admitted that the conditions presented a problem and induced an appeal for government remedy. But we must bear in mind that the Constitution is, as we have shown, a restraint upon government, purposely provided and declared upon consideration of all the consequences of what it prohibits and permits, making the restraints upon government the rights of the governed. And this careful adjustment of power and rights makes the Constitution what it was intended to be and is, a real charter of liberty, receiving and deserving the praise that has been given it as "the most wonderful work ever struck off at any given time by the brain and purpose of man." And we add that more than a century of trial "has certainly proven the sagacity of the constructors, and the stubborn strength of the fabric."<sup>115</sup>

When the law was renewed in 1922, the tables turned, and the Court declared the rent control amendment unconstitutional:

a Court is not at liberty to shut its eyes to an obvious mistake when the validity of the law depends upon the truth of what is declared. And still more obviously so far as this declaration looks to the future it can be no more than prophecy, and is liable to be controlled by events. A law depending upon the existence of an emergency or other certain state of facts to uphold it may cease to operate if the emergency ceases or the facts change, even though valid when passed.<sup>116</sup>

It took until 1924, then, when the Court was finally willing to question the scope of Congress's war power to enact the Lever Act amendments.<sup>117</sup>

These Lever Act cases have the distinction of being the only cases of the World War I era in which the Court ruled against the federal government, but these cases also hold unique facts that significantly muted the impact of the Court's decisions. *Cohen Grocery* and *Weeds* held

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<sup>114</sup> *Ibid.*, 256:159 (Justice McKenna, dissenting).

<sup>115</sup> *Ibid.*, 256:160 (Justice McKenna, dissenting).

<sup>116</sup> *Chastleton Corp. v. Sinclair*, 264 U.S. 543, 547-548 (internal citations omitted) (1929).

<sup>117</sup> Congress's general power to enact the Lever Act was upheld by the Supreme Court in 1929. *Highland v. Russell Car & Snow Plow Co.*, 279 U.S. 253 (1929).

unconstitutional minor provisions of the Lever Act that were amended nearly a year after the Armistice. *Chastleton Corp.* found unconstitutional, in 1924, an identical law that it had found constitutional three years earlier; the law was re-enacted in 1922 and was set to expire a month after the Court ruled. These decisions were just a bump in the road toward increasingly centralized control of the economy, as the nation would discover during the Great Depression.

### **Trading with the Enemy Act**

A third major element of the Administration's wartime regulatory apparatus was the seizure of alien property within the United States. This strategy was designed both to deprive Germany of its resources that had been tied up in the United States during the period of its neutrality, and also to add those resources to the American side of the ledger. Like other components of the Administration's economic and regulatory strategy, these maneuvers had questionable legal underpinnings but were soon endorsed by Congress and validated by the courts.

In response to proposed legislation in February 1917 to empower the President to board German merchant ships in port and secure them from damage, as well as apparently erroneous reports that some German merchant vessels had already been seized, the German Foreign Office asked American Ambassador James W. Gerard to reaffirm a series of treaties of amity and commerce between the United States and the Kingdom of Prussia.<sup>118</sup> For example, Article XXIII of the 1799 treaty (renewed by the 1828 treaty) declared that "[i]f war should arise between the two contracting parties, the merchants of either country then residing in the other shall be

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<sup>118</sup> "U.S. to Take Charge of German Ships," *New York Herald*, February 9, 1917, 3; "Germans Invoke an Ancient Treaty," *New York Herald*, February 9, 1917, 3.

allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off their effects without molestation or hindrance....”<sup>119</sup> Gerard refused, since the United States had just broken off diplomatic relations.<sup>120</sup> Nonetheless, the Administration conceded that the federal government “claims no right to the vessels, and does not deny the right of the commander and crew to destroy the vessels if they see fit, so long as the destruction is accomplished in a way which will not obstruct navigable port waters or injure or endanger other shipping or property.”<sup>121</sup> The next day, Wilson went one step further. The President (through the State Department) reassured German nationals in the United States that “[t]he Government of the United States will in no circumstances take advantage of a state of war to take possession of property to which international understandings and the recognized law of the land give it no just claim or title. It will scrupulously respect all private rights alike of its own citizens and of the subjects of foreign states.”<sup>122</sup>

Despite the statements of the Administration, concerns that the United States would not live up to its international obligations were justified. Even before Congress declared war, Senator Henry Cabot Lodge called for the seizure of all German merchant vessels in American ports.<sup>123</sup> Soon after war was declared, Attorney General Thomas W. Gregory drafted a resolution to put such seizures into effect, and President Wilson forwarded it approvingly to Congress, who

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<sup>119</sup> Treaty of Amity and Commerce, United States-Prussia, July 11, 1799, 8:88-97, in Charles I. Bevans, ed., *Treaties and Other International Agreements of the United States of America, 1776-1949*, 13 vols., United States Treaty Series (1795-1945), 1949.

<sup>120</sup> “Germans Invoke an Ancient Treaty,” 3.

<sup>121</sup> From Newton D. Baker, February 7, 1917, 41:152-153, in Link, *PWW*.

<sup>122</sup> A Statement, February 8, 1917, 41:157-158, in *ibid.*; “Washington Announces That Money and Ships of Foreigners Will Not Be Seized,” *New York Times*, February 9, 1917, 1-2.

<sup>123</sup> Speech of Senator Henry Cabot Lodge, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 1 (April 4, 1917), 207-208, 1917.



promptly endorsed it.<sup>124</sup> With this new authority, the federal government commandeered 97 German and Austrian ships with a capacity of seven hundred thousand tons that were interned in ports since August 1914 and assigned them to the Shipping Board to boost American shipping capacity.<sup>125</sup>

As early as April 7, 1917, the day after Congress declared war, President Wilson contemplated additional authorities to restrict “trading with the enemy.”<sup>126</sup> Representative William C. Adamson (D-GA), the congressman who had sponsored the bill that regulated the hours of railroad workers discussed in Chapter Four, introduced a bill on May 25 “to define, regulate, and punish trading with the enemy,” which was referred to the Committee on Interstate and Foreign Commerce.<sup>127</sup> The bill was reported out of committee favorably on June 11 and passed the House on July 11 without objection.<sup>128</sup> In the Senate, a subcommittee of the Committee on Commerce held hearings throughout July and August, when the *Washington Post* complained that the Senate was “dawdling with this legislation, apparently proceeding on the theory that it is purely perfunctory.”<sup>129</sup> The subcommittee finally finished its business a few days later; the Committee on Commerce did the same on August 22, and the Senate finally passed the

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<sup>124</sup> From Thomas Watt Gregory, April 20, 1917, 42:113, To Charles Allen Culberson, April 21, 1917, 42:116, in Link, *PWW*; *Joint Resolution of Congress Concerning Seizure of Enemy Ships*.

<sup>125</sup> United States Shipping Board, First Annual Report of the United States Shipping Board, 19–20; Hurley, *The Bridge to France*, 39. For a discussion of the seizure of merchant ships to augment American shipping capacity, see Chapter Four.

<sup>126</sup> A Memorandum, April 7, 1917, 42:3, in Link, *PWW*.

<sup>127</sup> H.R. 4704 Introduction, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 3 (May 25, 1917), 2909, 1917.

<sup>128</sup> “Will Report Favorably ‘Trading with Enemy Act,’” *Evening Public Ledger* (Philadelphia, PA), June 11, 1917, 1.

<sup>129</sup> “Trading With the Enemy,” *Washington Post*, August 14, 1917, 6.

bill on September 12, again without objection.<sup>130</sup> After moving through conference reports and repassage by the House and Senate, the President signed the bill on October 6, 1917.<sup>131</sup>

The Act made it unlawful to trade with the enemy, defined as “[a]ny individual, partnership, or other body of individuals, of any nationality, resident within the territory...of any nation with which the United States is at war...”<sup>132</sup> Despite assurances from Wilson that “[w]e have no quarrel with the German people,” Germans unconnected to the German government with property in the United States now had targets on their backs—and on their property.<sup>133</sup> Under the authority granted to the President under the Act, Wilson created a War Trade Board to issue licenses for permissible trading, including imports, exports, and insurance (although no such licenses were ever granted).<sup>134</sup> The Act also created an Alien Property Custodian “empowered to receive all money and property in the United States due or belonging to an enemy, or ally of enemy...and to hold, administer, and account for the same.”<sup>135</sup> President Wilson delegated broad powers to the Custodian to enforce the Act, which initially contemplated a benign caretaker role, but was later amended to include the power to seize money and property (including highly valuable patents) and sell them off.<sup>136</sup> If the uncontroversial provisions of the original act labored

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<sup>130</sup> “Reports Trading With Enemy Bill,” *Evening Star* (Washington, DC), August 17, 1917, 14; “Trading with the Enemy Act Reported to Senate,” *Chicago Tribune*, August 23, 1917, 2; “Trading with Enemy Bill to Be Drastic,” *Brooklyn Daily Eagle*, September 13, 1917, 2.

<sup>131</sup> “Trading with Enemy Bill Goes to the President,” *Boston Globe*, September 30, 1917, 16; *Trading with the Enemy Act of 1917*, 40 Stat. 411, 1917; To Frank C. Blied, October 6, 1917, 44:318, in Link, *PWW*.

<sup>132</sup> *Trading with the Enemy Act of 1917*, 411 (Sec. 2). The Act also included censorship provisions, which, as interpreted by the President, included the establishment of a Censorship Board and enabled the Postmaster General to require foreign language publications to include pre-publication translations of proposed articles. These provisions will be covered in more detail in Chapter Eight.

<sup>133</sup> An Address to a Joint Session of Congress, April 2, 1917, 41:519-527, in Link, *PWW*; Hinrichs, “The Spread Eagle vs. Alien Property Rights,” 528.

<sup>134</sup> Executive Order [Vesting Power and Authority in Designated Officers and making Rules and Regulations under Trading with the Enemy Act and Title VII of the Act Approved June 15, 1917], October 12, 1917, XVII:8367, in Richardson, *CMPP*; Hinrichs, “The Spread Eagle vs. Alien Property Rights,” 529.

<sup>135</sup> *Trading with the Enemy Act of 1917*, 415-416 (Sec. 6).

<sup>136</sup> Executive Order [Vesting Power and Authority in Designated Officers and making Rules and Regulations under Trading with the Enemy Act and Title VII of the Act Approved June 15, 1917], October 12,

through months of congressional debate, these “comprehensive amendments” instead passed “by resort to the time-honored device of having them carried as riders on appropriations bills.”<sup>137</sup>

Despite little debate, these amendments enacted “simple, but far-reaching, changes in law.”<sup>138</sup>

The impetus for these changes was A. Mitchell Palmer, Wilson’s appointee for Alien Property Custodian, who would later become Attorney General.

Palmer was an enigma. He turned down Wilson’s request to be Secretary of War in 1913 on account of being a Quaker: “My mind...revolts at the prospect of filling an executive position where my time and thought and energy would be almost wholly devoted to the details of the improvement of our military establishment as an adequate preparation for possible war.”<sup>139</sup> His pacifist bona fides were certainly not in question when Palmer responded to the *Lusitania* sinking by writing that “[n]eutral passengers, who, in the face of warnings, undertook this perilous voyage, certainly assumed some risk themselves, for which the entire nation ought not to be asked to suffer.”<sup>140</sup> Yet, according to his biographer, “[a]s soon at the United States declared war, Palmer underwent a startling metamorphosis; the former pacifist became one of the most aggressive belligerents.”<sup>141</sup> This change came about in part because of patriotism, but also because it was good for his political future.<sup>142</sup> As Alien Property Custodian (and even more so as

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1917, XVII:8373, Executive Order [Fixing Salary of and Vesting Certain Power and Authority in the Alien Property Custodian Appointed under the Trading-with-the-Enemy Act], October 29, 1917, XVII:8380-8381, and Executive Order [Prescribing Rules and Regulations Respecting the Exercise of the Powers and Authority and the Performance of the Duties of the Alien Property Custodian...], February 26, 1918, XVII:8462-8468, in Richardson, *CMPP; Deficiency Appropriations Act of 1918*, 40 Stat. 459, 1918, 459–460; *First Deficiency Appropriations Act of 1919*, 40 Stat. 1020, 1918, 1020–1021.

<sup>137</sup> A. Mitchell Palmer, “Crushing the German Advance in American Industry,” *Scribner’s Magazine* LXVI, no. 1 (July 1919): 17.

<sup>138</sup> *Ibid.*

<sup>139</sup> From Alexander Mitchell Palmer, February 24, 1913, 27:132, in Link, *PWW*.

<sup>140</sup> A. Mitchell Palmer, “Need Not Embroil Us,” *New York Times*, May 9, 1915, 7.

<sup>141</sup> Stanley Coben, *A. Mitchell Palmer: Politician* (New York, NY: Columbia University Press, 1963), 127.

<sup>142</sup> *Ibid.*

Attorney General), Palmer sought and exercised broad executive powers to prosecute the war effort with little concern for property rights or civil liberties.

Palmer's aggressive pursuit of power resulted in both explosive growth of the office and astonishing numbers far beyond the scope of what Congress anticipated when the law was passed in October 1917. Palmer's belligerency sometimes pushed beyond the limits of his authority. In July 1918, the office seized the assets of the Anheuser-Busch company because Lilly Busch, widow of brewer Adolphus Busch, was living in Germany at the time.<sup>143</sup> But Busch was a naturalized American citizen, and President Wilson urged Palmer to drop the case.<sup>144</sup> Palmer insisted that Busch met the definition of an enemy under the Act, but finally relented when pressed again by Wilson and Attorney General Gregory.<sup>145</sup> His office returned the property in December 1918.<sup>146</sup> Palmer was also irritable with lawyers who sought to get property back for their clients. He spoke disapprovingly of "a new fighting spirit" that developed after the Armistice, in which lawyers "have not hesitated to throw all sorts of obstacles in the path of the Alien Property Custodian and to invoke the aid of courts...."<sup>147</sup> The pacifist Quaker held an expansive view of the war power: "it has no limits other than the extent of the emergency. Of that emergency and the measures necessary to meet it, the Congress is the sole judge in the field of legislation and the commander-in-chief in the field of action."<sup>148</sup> For Palmer, the courts had no

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<sup>143</sup> "Mrs. Busch Asks Property," *New York Times*, July 14, 1918, 3.

<sup>144</sup> To Alexander Mitchell Palmer, October 21, 1918, 51:395, and From Alexander Mitchell Palmer, October 25, 1918, 51:445-446, in Link, *PWW*.

<sup>145</sup> To Alexander Mitchell Palmer, November 20, 1918, 51:141, in *ibid*.

<sup>146</sup> "Returns Busch Property," *New York Times*, December 14, 1918, 20.

<sup>147</sup> A. Mitchell Palmer, "The Great Work of the Alien Property Custodian," *The American Law Review* LIII (February 1919): 51.

<sup>148</sup> *Ibid.*, 52.

role in the matter, for “[n]either litigation nor threat of litigation ought to be interposed to stay [the Office’s] purpose.”<sup>149</sup>

Palmer also used the growth of the office to his advantage by stocking it with lawyers and friends who were also officials in the Democratic party machinery—friends that would later back his political ambitions.<sup>150</sup> One of Palmer’s appointees, a lieutenant in the Pennsylvania Democratic party, abused his position as director of sales to embezzle over four hundred thousand dollars in seized funds.<sup>151</sup> Another appointee delegated duties to his brother, the secretary of a bank, who assigned seized assets to friends, who were then able to purchase the companies using loans from the same bank.<sup>152</sup> Palmer himself became embroiled in controversy when he used his influence to steer the sale of a company to a friend. Palmer and several others were later indicted, but the case was dropped when the Justice Department couldn’t find enough evidence to prosecute it.<sup>153</sup> In one final act of defiance, Palmer removed many of the records of the Alien Property Custodian.<sup>154</sup> Allegations of corruption, including rigged auctions and sales to political cronies in the Office, culminated in the conviction in 1929 of Thomas W. Miller, one of Palmer’s successors as Alien Property Custodian, for conspiracy to defraud the government.<sup>155</sup>

In terms of seizures, by December 1918, the Alien Property Custodian was administering nearly 30,000 trusts valued at over \$500M and 9,000 additional trusts in evaluation with an

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<sup>149</sup> *Ibid.*, 51.

<sup>150</sup> Coben, *Palmer*, 132.

<sup>151</sup> “Indict Two in Sale of Alien Property,” *New York Times*, December 29, 1922, 14.

<sup>152</sup> Coben, *Palmer*, 141–142.

<sup>153</sup> *Ibid.*, 143–147.

<sup>154</sup> *Ibid.*, xi.

<sup>155</sup> “Miller Convicted, Jury Disagrees on Daugherty’s Guilt in Conspiracy Case,” *Evening Star* (Washington, DC), March 4, 1927, 1, 7. The same jury voted 10-2 to convict former Attorney General Harry M. Daugherty of the same charges but could not come to a unanimous decision and the charges were eventually dropped.

estimated value of \$300M more.<sup>156</sup> When Palmer moved on to become Attorney General in March 1919, the office continued to seize property until July 2, 1921—the day President Warren H. Harding signed a joint resolution officially ending the state of war between Germany and the United States.<sup>157</sup> Later, the office held seized property for satisfaction of war claims against the German government, an arrangement that *The Nation* called “unjust, and therefore un-American.”<sup>158</sup> Years after the war was over, the Alien Property Custodian still held \$350M in alien property.<sup>159</sup>

In a series of cases, the Supreme Court defined the scope of the power of the Office of the Alien Property Custodian. First, the Court held that when the Alien Property Custodian made a demand for property, “the statute requires an immediate transfer in any case within its terms, without awaiting a resort to the courts.... The reservation implies that mistakes may be made, and assumes that the transfer will take place whether right or wrong.”<sup>160</sup> In a unanimous decision, the Court ruled that the owner of the property cannot file a claim until after the property has been seized.<sup>161</sup> A month later, the Court ruled in another case that the authority for the Trading with the Enemy Act was found in Congress’s war powers and reaffirmed the holding that “the seizure and sequestration through executive channels of property believed to be enemy-owned, if adequate provision be made for a return in case of mistake,” did not violate due process.<sup>162</sup> In a third case, the Court ruled that Congress’s power to declare war “is the power to

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<sup>156</sup> Palmer, “The Great Work of the Alien Property Custodian,” 45.

<sup>157</sup> U.S. Department of Justice, Office of Alien Property Custodian, Report of the Alien Property Custodian (Washington, DC: Government Printing Office, 1922), v; *Joint Resolution Terminating the State of War*, 42 Stat. 105, 1921.

<sup>158</sup> Hinrichs, “The Spread Eagle vs. Alien Property Rights,” 529.

<sup>159</sup> Joseph Conrad Fehr, “Disposal of Enemy Property,” *North American Review* 216, no. 800 (1922): 10.

<sup>160</sup> *Central Union Trust Co. v. Garvan*, 254 U.S. 554, 567–568 (1921).

<sup>161</sup> *Ibid.*, 254:567.

<sup>162</sup> *Stoehr v. Wallace*, 255 U.S. 239, 245 (1921).

declare its cessation and what the cessation requires,” and as a result, the Court had no authority to determine whether the war that justified the Trading with the Enemy Act was truly over (despite the fact that the Joint Resolution of July 2, 1921, did just that).<sup>163</sup> In 1926, the Court upheld the private sale of enemy patents to the Chemical Foundation, a quasi-public corporation formed for holding such patents during the war.<sup>164</sup> *The Nation* expressed frustration at the Supreme Court’s ruling and identified an ulterior motive:

Accordingly, not a single one of the 4,800 patents “Americanized” was actually so treated because of war emergencies. These were all diverted to new owners during what was really, if not technically, a time of peace, and for the sake of enabling private American manufacturing interests to me, in time of peace, the competition of the German proprietors. The action was not a war measure but bald commercial spoliation sugar-coated with patriotic phraseology.<sup>165</sup>

And finally, in 1931, over a decade removed from the official end of the war, the Court ruled that accrued royalties from seized patents belonged to the Chemical Foundation, not the German corporations from which the patents were seized—despite the Settlement of War Claims Act of 1928, which provided “for the ultimate return of all property held by the Alien Property Custodian.”<sup>166</sup> According to the Court, “such an interpretation would give rise to a grave constitutional objection -- deprivation of the Chemical Foundation of property without due process.”<sup>167</sup> In this final Trading with the Enemy Act case of the war, the Court *finally* raised a

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<sup>163</sup> *Commercial Trust Co. v. Miller*, 262 U.S. 51, 57 (1923); *Joint Resolution Terminating the State of War*.

<sup>164</sup> *United States v. Chemical Foundation*, 272 U.S. 1 (1926); Executive Order [Authorizing the Alien Property Custodian to Sell Certain Trademark and Patent Rights of Enemy Alien Firms to the Chemical Foundation], February 26, 1919, 92-93, and Executive Order [Authorizing the Alien Property Custodian to Sell at Private Sale Certain Patent and Trademark Rights of Enemy Aliens to the Chemical Foundation], April 5, 1919, 98-99, in U.S. Department of Justice, Office of Alien Property Custodian, *Trading with the Enemy Act and Amendments Thereto* (Washington, DC: Government Printing Office, 1920). The case was unique for the fact that the United States brought the suit against a corporation it had previously encouraged the formation of in February 1919.

<sup>165</sup> “Are We American Thieves?,” *The Nation*, no. 3030 (August 1, 1923): 104.

<sup>166</sup> *Farbwerke v. Chemical Foundation, Inc.*, 283 U.S. 152 (1931); *Settlement of War Claims Act of 1928*, 45 Stat. 254, 1928.

<sup>167</sup> *Farbwerke*, 283:163.

due process objection to a war measure—but in this case, the beneficiary of this protection was not an owner of seized property but the government-endorsed Chemical Foundation.

### **The Regulatory State and the Centralization of Power**

Contemporary accounts clearly understood the scope of the centralization of power by regulation. Of the wartime mobilization, William F. Willoughby wrote in 1919 that the federal government was “compelled...to call upon, take over, direct, or control almost every element of the life of the people, industrial, commercial, scientific, and educational, to the end that these activities might be brought to bear directly upon the prosecution of the war.”<sup>168</sup> Willoughby’s account was primarily descriptive, but demonstrated that even neutral accounts recognized the lengths the federal government had gone to in centralizing economic controls.

The popularity of central planning during the war led to a number of criticisms, but among the ones that would become the most influential was Ludwig von Mises’s *Economic Calculation in the Socialist Commonwealth*.<sup>169</sup> Although Mises, who worked as an economic advisor in Austria during the war, did not write specifically in response to central planning in the United States, his arguments against socialism would prove to be powerful. According to Mises, “[m]oney could never fill in a socialist state the role it fills in a competitive society in determining the value of production goods.”<sup>170</sup> As a result, economic calculation under the

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<sup>168</sup> William Franklin Willoughby, *Government Organization In War Time And After: A Survey of the Federal Civil Agencies Created for the Prosecution of the War* (New York, NY: D. Appleton and Co., 1919), v.

<sup>169</sup> Ludwig von Mises, *Economic Calculation in the Socialist Commonwealth*, trans. S. Adler (Auburn, AL: Ludwig von Mises Institute, 2012). As I wrote elsewhere: “Before World War II, Mises’s contemporary impact was negligible outside of his small circle in Vienna because he held no paid teaching position and because much of his work was not translated into English until decades later. Moreover, the raid of his apartment in Vienna by the Gestapo in 1938 deprived researchers and historians of Mises’s papers and correspondence (later discovered in Soviet archives and made available to historians in Moscow in the 1990s).” Michael Schearer, “Ludwig von Mises and Classical Liberalism” (Liberty University, 2020), 5.

<sup>170</sup> Mises, *Economic Calculation in the Socialist Commonwealth*, 4.



conditions of central planning as derived by agencies of government bureaucrats was impossible. When the War Industries Board changed the definition of just compensation from fair market value to cost of production (plus a reasonable profit), it divorced the market-based valuation of compensation with a labor theory of value definition that all but ensured that the Board would be unable to compensate producers fairly. Mises extended this thinking in *Human Action*, where he explained that economic calculation to determine the allocation of scarce resources is only possible by the combination of the millions of choices made by individuals pursuing their own means.<sup>171</sup> Mises's other post-war work, *Nation, State, and Economy*, directly attacked war socialism during the First World War.<sup>172</sup> According to Mises, the argument for war socialism was deficient because it could not establish that "the organized economy is capable of yielding higher outputs than the free economy..."<sup>173</sup> Although Mises's arguments against war socialism were directed toward the Central Powers, the inability of central planning to increase output in the United States (as previously discussed in this chapter) is strong evidence that the argument is universal. Although Mises understood that "in the long run war and the preservation of the market economy are incompatible," he argued that a nation that instituted central planning in place of private enterprise was making a mistake that "would deprive itself of the most efficient means of defense."<sup>174</sup> Mises's argument, in sum, was that "what the incompatibility of war and capitalism really means is that war and high civilization are incompatible."<sup>175</sup>

The classical liberal arguments made by Mises were extended by modern scholars, including libertarians and conservatives in the United States against the specific policies on the

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<sup>171</sup> Mises, *Human Action: A Treatise on Economics*.

<sup>172</sup> Mises, *Nation, State, and Economy*.

<sup>173</sup> *Ibid.*, 173.

<sup>174</sup> Mises, *Human Action: A Treatise on Economics*, 824.

<sup>175</sup> *Ibid.*

home front, as discussed in this chapter. Murray Rothbard argued that the centralization of economic power during the First World War was “‘war collectivism,’ a totally planned economy run largely by big business interests through the instrumentality of the central government, which served as the model, the precedent, and the inspiration for state corporate capitalism for the remainder of the twentieth century.”<sup>176</sup> Rothbard demonstrated that, while centralization was accomplished by Congress, it was often the major industries that were doing the urging, so that prices could be fixed both to ensure consistent profits but also to hold down wages amidst the wartime inflation.<sup>177</sup> Moreover, the committees and commodity sections organized by the wartime agencies were filled and controlled by men from their respective industries, and helped to ensure that businesses would benefit from cooperation rather than dealing with the capitalistic pressure of competition.<sup>178</sup>

Robert Nisbet, a conservative sociologist, wrote that “World War I was America’s first plunge into a form of socialism or near socialism....”<sup>179</sup> More important, though, was the impact on progressives. According to Nisbet, “[It was the beginning of] the American intellectual’s romance with war and with the kinds of structures and processes which attend war.... World War I was...the organizing myth...for the far more intoxicating crusade at home....”<sup>180</sup> The pluralism of pre-war progressive thought was replaced by a “very different spirit, rooted in the centralized power of the national government and which in a sense took war-society minus war as its ideal of planned economy....”<sup>181</sup> For Nisbet, libertarians and conservatives might be “uneasy cousins,”

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<sup>176</sup> Rothbard, “War Collectivism in World War I,” 66.

<sup>177</sup> *Ibid.*, 78–82.

<sup>178</sup> *Ibid.*, 77–78.

<sup>179</sup> Robert A. Nisbet, *Twilight of Authority* (New York, NY: Oxford University Press, 1975), 181.

<sup>180</sup> *Ibid.*, 178, 181–182.

<sup>181</sup> *Ibid.*, 184.

but shared key important traits: first, a distaste for “the intervention of government, especially national, centralized government, in the economic, social, political, and intellectual lives of citizens.”<sup>182</sup> And second, “a common dislike of war, and more especially, of war-society, the kind of society this country knew in 1917 and 1918 under Woodrow Wilson....”<sup>183</sup> The centralization of power in a regulatory state that happened during World War I, then, was a unifying force for conservatives and libertarians.

Perhaps the most devastating takedown of economic planning came from Nobel Prize-winning economist F.A. Hayek, who extended the work of Mises on the socialist calculation problem. According to Hayek, “[m]odern economics explains how such an extended order can come into being, and how it itself constitutes an information-gathering process, able to call up, and put to use, widely dispersed information that no central planning agency, let along any individual, could know as a whole, possess, or control.”<sup>184</sup> Consider Grosvenor Clarkson’s description of the War Industries Board at its zenith of power. Clarkson (who directed the Council of National Defense at the time) described “an approach to omniscience in the business affairs of a continent” as such:

Thus the War Industries Board knew currently all that could be known of war demand and all that was humanly possible to gather concerning the resources and facilities with which to meet it. This universal understanding was amalgamated with an executive administration which, by the exercise of clearly defined functions, effected the orderly meeting of supply and demand, of resources and requirements. All comprehensive in its knowledge and understanding, cooperative and tolerant in its relations, clear and definite in purposes and the means thereto, prompt and firm in execution, the War Industries Board stood forth in its final form as the supreme incarnation of the economic power of the Republic, disciplined, coordinated, and stripped for war.<sup>185</sup>

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<sup>182</sup> Robert Nisbet, “Conservatives and Libertarians: Uneasy Cousins,” *Modern Age* 24, no. 1 (Winter 1980): 4.

<sup>183</sup> *Ibid.*

<sup>184</sup> Hayek, *The Fatal Conceit*, 14.

<sup>185</sup> Clarkson, *Industrial America in the World War*, 63–64.

Although he was not responding to Clarkson, Hayek had an answer for this claim:

The market is the only known method of providing information enabling individuals to judge comparative advantages of different uses of resources of which they have immediate knowledge and through whose use, whether they so intend or not, they serve the needs of distant unknown individuals. This dispersed knowledge is essentially dispersed, and cannot possibly be gathered together and conveyed to an authority charged with the task of deliberately creating order.<sup>186</sup>

The measures of industrial production cited earlier in this chapter provide evidence that Hayek's approach is superior. Indeed, the highest measure of industrial production occurred in May 1917, before the War Industries Board had any such omniscience and when knowledge was most dispersed.

The regulatory state also had clear and obvious negative impacts on private property rights. Of the provision in the National Defense Act that pushed the federal government to the front of the line whenever it needed war materiel at the risk of a felony for business owners that did not comply, Robert Higgs later explained:

The law gave the government extraordinarily sweeping powers. To compel factory owners, by threat of criminal sanctions, to produce munitions for the government at whatever prices the government might choose to pay simply demolished existing private property rights in such facilities; the form of private ownership remained, but the substance had been gutted.<sup>187</sup>

Higgs's scholarship on the erosion of property rights during national emergencies drew upon the wisdom of William Graham Sumner, who explained the enduring role of economic intervention by the government. According to Sumner, "for it is not possible to experiment with a society and just drop the experiment whenever we choose. The experiment enters into the life of the society

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<sup>186</sup> Hayek, *The Fatal Conceit*, 77.

<sup>187</sup> Higgs, *Crisis and Leviathan*, 129.

and never can be got out again.”<sup>188</sup> This truism is the intellectual basis for the ratchet analysis as explained by Higgs and Charlotte Twight:

A great emergency, therefore, produces a ratchet: At an early stage the government, responding to an urgent and widespread insistence that it “do something,” takes over rights previously held by private citizens; when the crisis wanes, public attitudes—the dominant ideology, some would say—have been so altered by the experience of governmental controls and the pervasive adaptations of behavior and thinking to those controls that public support for the recovery of the private rights is insufficient to produce their full restoration. While the hard residues of crisis-spawned laws, administrative agencies, and constitutional pronouncements are important, ultimately the most significant consequence of the emergency experience is the ideological change it fosters.

The ratchet phenomenon, likewise, formed the basis for a modern understanding of political economy that allowed for evaluation of the growth of the size of government both in terms of size and scope.

Bernard Baruch's quest for a powerful War Industries Board marked him as an aggressive opportunist who wanted to centralize economic planning and decision-making. Grosvenor Clarkson, the Chairman of the Council of National Defense, was another progressive opportunist who also saw the wartime planning experience of the WIB as a positive experiment that bode well for peacetime expansion. Secretary Baker's progressivism was here again tamed by his preference for local solutions. Baker was an idealist reformer but not an economic statist. Regarding the type of economic power that Baruch sought, Baker was a reluctant progressive and became more so during the New Deal. Harry Wheeler, representing the Chamber of Commerce, represented the self-interested opportunists who wanted to extend into peacetime the wartime advantages shared with the Chamber. Finally, A. Mitchell Palmer, as Alien Property Custodian and later Attorney General, was an aggressive opportunist progressive motivated by

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<sup>188</sup> “Laissez-Faire,” II:473, in William Graham Sumner, *Essays of William Graham Sumner*, ed. Albert Galloway Keller and Maurice R. Davie, 2 vols. (New Haven, CT: Yale University Press, 1934).

the self-interest of his future political career. The motivation was clear for a Quaker who turned down Wilson's offer as Secretary of War but then relentlessly pursued the expansion of power for the Office of the Alien Property Custodian.

As with most other areas described in this study, the war was the most significant explanation for the centralization of economic power in the state. What was perhaps unique in this realm is that the emergency caused by the war was the justification for economic centralization long after the war as well. The 1919 amendments to the Lever Act, passed nearly a full year after the Armistice, relied on the technical existence of a state of war to renew and extend the Act's far-reaching controls. The Court's decision to uphold rent control in the District of Columbia in 1921 was only mitigated by the Court's decision to strike down the same law three years later. Nearly five and a half years after the Armistice and nearly three years after Congress officially ended the war (and just one month before the law was set to expire), the Supreme Court finally decided that it could question the government's assertion of an emergency.

Unlike most of the actions described in other chapters, in the economic and regulatory realm, Woodrow Wilson veered outside the bounds of explicit authorization from Congress. In establishing the Food Administration under Herbert Hoover, and then again by reorganizing the War Industries Board under Bernard Baruch with new powers, Wilson acted without congressional mandate to centralize economic power. While the Lever Act and the Overman Act later gave congressional approval to these changes, the enactment of each law was far from certain when the President acted. Moreover, the sweeping powers granted by these two laws marked perhaps the most extensive regulatory apparatus ever enacted by Congress to date. As with every other case that reached the Supreme Court, those involved with economic regulation

were uniformly upheld without questioning the scope of Congress's war powers or the President's execution of them. To the extent that the Court raised any objections, *Cohen Grocery* and *Chastleton Corp.* were decided long after the war was over based on laws that were amended long after the war was over. As a result, in yet another realm where the battle between liberty and power took place, the courts were unable to stem the centralization of regulatory power in the state. Moreover, the courts were often powerless to intervene because the federal government often chose (out of necessity) indirect methods of execution through state and local officials that involved "voluntary" measures together with heavy-handed persuasion and social pressure. Most often, the person challenging a government edict came into direct confrontation with a neighbor, businessman, or other member of their local community—not an agent of the state.

## **Conclusions**

The laws passed by Congress, as described in this chapter and others like them, represented the most extraordinary delegation of economic and regulatory power ever conferred on the President of the United States. Together with the expansive executive powers he employed on his own, this authority ushered in a major transformation of social power into state power. Despite the protests of many progressive politicians and intellectuals, many of the wartime economic interventions ended in the years following the war. But another time would come when these emergency agencies would rise again and serve as a blueprint for even more aggressive economic intervention. And the next time, it would become permanent.

The seizure of the American securities of the German teacher, as described in the opening of this chapter, represented a drop in the bucket to the American war effort. But to the woman, it

was her entire retirement savings. That the United States, through the Alien Property Custodian, would go to such lengths to deprive a German woman unconnected to the German government or the war effort of her property demonstrated the zeal in which A. Mitchell Palmer and other Wilson administration progressives would act once power was in their hands.



*Who controls the past controls the future. Who controls the present controls the past.*

George Orwell, *1984*<sup>1</sup>

### **Chapter Seven: The Propaganda State**

When the British cable ship *Alert* pulled away from the docks in Dover and moved out into the channel in the early hours of August 4, 1914, the decision by the Committee of Imperial Defense to cut five German submarine cables would have a profound impact on the war not just in Britain but in the United States as well.<sup>2</sup> Not only did the action disrupt and deny German communications, but more importantly, it forced American cable traffic from Europe to travel through the United Kingdom. The severing of Germany's submarine cables demonstrated the role that information would play in the coming war because the British would be able to control, censor, and shape the cable traffic that the Americans would see. It would have a profound impact on the decision to go to war in the United States. Even before the first shots were fired, the propaganda war had begun.

This chapter covers the role that information and disinformation played in both the decision to go to war and the conduct of the war on the home front. As such, this chapter is structured around two periods. The first took place from the outbreak of war in Europe until April 1917. During that time, propaganda originated from abroad, primarily from the British, for the purposes of inducing the United States to enter the war on the side of the Allies. This foreign propaganda also made its way into the messaging of domestic interest groups, such as the

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<sup>1</sup> George Orwell, *1984* (New York, NY: The New American Library, 1961), 204.

<sup>2</sup> Winkler, *Nexus*, 6, 16–17.

National Security League and the American Defense Society, both to encourage preparedness at home and to take sides with the Allies. The second period began with the American entry into the war on April 6, 1917, when the efforts of domestic interest groups were supplemented by the official mouthpiece of the federal government's war effort, the Committee on Public Information. Even more so than the National Defense League, the Committee shaped the public perception of the war through censorship and management of the press, the mobilization of historians to bolster the administration's message, and advocacy of the Liberty Loans programs. At the same time, the message of the Committee on Public Information subtly shifted from a patriotic defense of democracy against the German government to antagonism and targeting of German immigrants on the home front.

### **Foreign Propaganda**

Despite the Treaty of London of 1839, which guaranteed Belgium's neutrality, Germany's Schlieffen Plan anticipated invading France through Belgium and the Netherlands. Once the war broke out, the British decision to enter a German-initiated war hinged on a critical understanding of the Treaty by the British cabinet. Although just days before the war, the cabinet decided that it was not obligated to use force to defend Belgium against attack, they decided their decision would be "one of policy rather than obligation."<sup>3</sup> Moreover, it was widely understood among British policymakers that a German attack would move through the Ardennes in the southern end of the country and avoid the fortifications of the more populated north.<sup>4</sup> Once the

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<sup>3</sup> Zara Steiner, *Britain and the Origins of the First World War* (London: The Macmillan Press, 1977), 225.

<sup>4</sup> Christopher M. Clark, *The Sleepwalkers: How Europe Went to War in 1914* (New York, NY: HarperCollins, 2013), 494.

invasion began, this interpretation brought a number of other factors into play, including the necessity of mobilizing public opinion, domestic political posturing (the ruling Liberals were opposed to war while the Conservatives supported intervention), geopolitical considerations (helping the French to avoid defeat and with it, German domination of western Europe), and cover for imperialist motives.<sup>5</sup> Another factor that has fallen out of favor among historians as a role in Britain's decision to enter the war but still holds weight in the American decision to enter the war was Germany's "rape of Belgium."<sup>6</sup>

Almost immediately after the German invasion, stories of atrocities began circulating. One of the first described the "wild orgies of blood and debauchery, the atrocious outrages, murder, and mutilations, the ruthless violation and killing of defenceless women, girls, and children of tender age...."<sup>7</sup> The author described the German army as "one vast gang of Jack-the-Rippers."<sup>8</sup> Another popular collection of atrocities summarized its report as "the ruthless slaying of thousands of innocent civilians, and the savage and fearful orgies of a herd of unbridled beasts against not soldiers in arms but helpless non-combatants, old men, women, and children."<sup>9</sup> The author insisted that "the blood of innocent women and children [must be] avenged."<sup>10</sup> The official stamp of approval came when a commission headed by Lord Bryce, the former British Ambassador to the United States, concluded that many such widespread violations had

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<sup>5</sup> Hull, *A Scrap of Paper: Breaking and Making International Law during the Great War* (Ithaca, NY: Cornell University Press, 2014), 33.

<sup>6</sup> Annika Mombauer, *The Origins of the First World War: Controversies and Consensus* (London: Longman, 2002), 196–197 ("Few historians would still maintain that the 'rape of Belgium' was the real motive for Britain's declaration of war on Germany....").

<sup>7</sup> William Le Queux, *German Atrocities: A Record of Shameless Deeds* (London: George Newnes, Limited, 1914), 5.

<sup>8</sup> *Ibid.*, 9.

<sup>9</sup> *Official Book of the German Atrocities Told by Victims and Eye-Witnesses* (London: C. Arthur Pearson, Ltd., 1915), 9.

<sup>10</sup> *Ibid.*, 7.

occurred.<sup>11</sup> According to Samuel Hynes, the Bryce Report “fixed in English minds, as ‘official’ and therefore true, the idea of the German soldier as a cruel savage, living and acting outside the limits of decent human behavior.”<sup>12</sup> This endorsement was true even despite the emergence of hoaxes long before the report was published.<sup>13</sup> To be sure, no historian doubts that the German invasion of Belgium violated international law and that German soldiers engaged in some indiscriminate behavior against civilians. But against the weight of history, one historian summed up the story of German atrocities by explaining that “the invasion of Belgium, with its very real suffering, was nevertheless represented in a highly stylized way that dwelt on perverse sexual acts, lurid mutilations, and graphic accounts of child abuse of dubious veracity.”<sup>14</sup> Historian H.C. Peterson would later conclude that “[t]he most important of the reasons for the American action in 1917...was instead the attitude of mind in this country—the product of British propaganda.”<sup>15</sup>

### **Propaganda and the Preparedness Movement**

The conclusions of the Bryce Report landed with particular force in the United States, due in part to the lurid accounts but also to Bryce’s standing among American politicians. Former President Theodore Roosevelt saw in Bryce’s Report, released the same month as the *Lusitania* sinking, a weapon to cudgel the “Pontius-Pilate-like attitude of neutrality” of the

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<sup>11</sup> His Britannic Majesty’s Government, Committee on Alleged German Outrages, *Report of the Committee on Alleged German Outrages* (Ottawa: Government Printing Bureau, 1916), 61–62.

<sup>12</sup> Samuel Hynes, *A War Imagined: The First World War and English Culture* (New York, NY: Collier Books, 1992), 53, accessed June 8, 2023, <http://archive.org/details/warimaginedfirst0000hyne>.

<sup>13</sup> “Terrible Death of a Dumfries Nurse,” *Dumfries and Galloway Standard & Advertiser*, September 16, 1914, 2; “A Cruel Hoax,” *Dumfries and Galloway Standard & Advertiser*, September 19, 1914, 4.

<sup>14</sup> Nicoletta Gullace, *The Blood of Our Sons: Men, Women and the Renegotiation of British Citizenship during the Great War* (New York, NY: Palgrave Macmillan, 2004), 19.

<sup>15</sup> H.C. Peterson, *Propaganda for War: The Campaign Against American Neutrality, 1914-1917* (Norman, OK: University of Oklahoma Press, 1939), 326.

Wilson administration.<sup>16</sup> “As for Jane Addams and the other well-meaning women who plead for peace without even daring to protest against the infamous wrongs,” Roosevelt wrote, “the infamies worse than death which their sisters in France and Belgium have suffered, I lack the patience to speak to them.”<sup>17</sup> These charges both played into the message being manufactured by the British to persuade the United States to enter the war and undermined the anti-war movement, especially among feminists.

The propaganda efforts of Wellington House, aimed squarely at the United States, were taken up by domestic interest groups associated with the Preparedness Movement. As described in Chapter Five, the movement was a collection of groups that pressed for military training as readiness. But the more aggressive among them went beyond readiness and favored intervention on the side of the Allied powers. Founded by the progressive Republican lawyer S. Stanwood Menken in December 1914 at the behest of Representative Augustus Peabody Gardiner (R-MA) and son-in-law of Senator Henry Cabot Lodge), the National Security League became an extension of the growing contingent of professional military officers who had created, organized, and attended the military’s war colleges.<sup>18</sup> At the recommendation of publisher George H. Putnam, Menken named former Ambassador Joseph H. Choate and former presidential candidate Judge Alton B. Parker as the League’s honorary president and vice president.<sup>19</sup> The League’s national committee soon resembled a Who’s Who of northeastern intellectuals and elites—

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<sup>16</sup> Theodore Roosevelt to James Bryce, May 29, 1915, in Theodore Roosevelt Papers (Library of Congress Manuscript Division, Library of Congress, Washington, DC, 1894–1919).

<sup>17</sup> Theodore Roosevelt to James Bryce, May 29, 1915, in *ibid.*

<sup>18</sup> Mark R. Shulman, “The Progressive Era Origins of the National Security Act,” *Dickinson Law Review* 104 (2000): 300; Robert D. Ward, “The Origin and Activities of the National Security League, 1914–1919,” *The Mississippi Valley Historical Review* 47, no. 1 (June 1960): 52.

<sup>19</sup> John Carver Edwards, *Patriots in Pinstripe: Men of the National Security League* (Washington, DC: University Press of America, 1982), 6–7; Shulman, “Progressive Era Origins,” 300–301.

including university presidents, Wall Street financiers, and former cabinet secretaries.<sup>20</sup> By January 1917, the National Security League reported that it organized almost two hundred branches containing one hundred thousand members, distributed over six million pamphlets and literature, and had written over twenty thousand letters to Congress advocating for preparedness legislature.<sup>21</sup> The challenge of preparedness propaganda, both through the National Security League and the Preparedness Movement at large, was to overcome the reluctance of most Americans to support a war that did not pose a direct threat to the United States without explicitly calling for intervention.<sup>22</sup> Nonetheless, the League declared that its end was, in the words of former President Theodore Roosevelt, that “we may secure peace for ourselves and for others; not the peace of cowardice nor the peace of selfishness, but the peace of righteousness and of justice, the peace of brave men pledged to the service of this mighty democratic republic, and through that service pledged also to the service of the world at large.”<sup>23</sup> In sum, the views of its members on intervention spoke more loudly than its publications.

This corporatist-funded preparedness movement, propagandizing in favor of American intervention, did not go unnoticed by peace advocates, who had recognized even before the war that “a combination of very wicked persons” were behind “the advocacy of an increased army and navy.”<sup>24</sup> A constant theme in the peace movement in the 1910s was alarm about the

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<sup>20</sup> Edwards, *Patriots in Pinstripe*, 8–9; Shulman, “Progressive Era Origins,” 302 (especially note 46).

<sup>21</sup> National Security League, *The National Security League, Inc.: What It Is and Why, What It Has Done and Is Doing* (New York, NY: National Security League, 1917), 12–13.

<sup>22</sup> Chambers II, *To Raise an Army*, 85 (“Although they declined to say this publicly, preparedness advocates ardently championed Allied victory”).

<sup>23</sup> National Security League, *The National Security League, Inc.: What It Is and Why, What It Has Done and Is Doing*, 17; The quote was taken from a speech Roosevelt gave before the Illinois Bar Association at Chicago, on April 29, 1916, entitled “National Duty and International Ideals.” Executive Committee of the Progressive National Committee, *The Progressive Party: Its Record from January to July, 1916, Including Statements and Speeches of Theodore Roosevelt* (New York, NY: Press of the Mail and Express Print Job, 1916), 14–31.

<sup>24</sup> “Hot Shot for Navy League,” *Sun* (New York, NY), December 20, 1909, 4.

connection between corporations that would stand to benefit from war and the preparedness movement that sought bigger military budgets and, eventually, agitation for intervention.<sup>25</sup> The anti-war movement was particularly incensed by the propaganda effects of Hudson Maxim's 1915 book *Defenseless America* and its associated film "The Battle Cry of Peace," which told the story of an invasion of the United States.<sup>26</sup> Not only was Hudson a chemist who has been credited as one of the inventors of smokeless gunpowder, but his book openly advocated the "quick-firing gun," the recoil-operated machine gun invented by his brother Hiram Maxim, as "the greatest life-saving instrument ever invented."<sup>27</sup> The war propaganda was too much for industrialist and pacifist Henry Ford, who charged in a full-page newspaper advertisement in 250 papers that "Mr. Maxim was merely advertising his wares...war munitions...and playing on your fears to make a market for his goods."<sup>28</sup> The film's director, J. Stuart Blackton, a friend and neighbor of Theodore Roosevelt, was a National Security League member who wrote the film specifically as a propaganda piece to support the efforts of the League and other preparedness groups toward readiness and intervention.<sup>29</sup> The film was endorsed by the National Security League, the Navy League, the Army League, the American Red Cross, and the American Legion.<sup>30</sup>

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<sup>25</sup> Hamilton Holt, "Armament Scandals," *The Independent* LXXIV, no. 3361 (May 1, 1913): 946-947; Stuart D. Brandes, *Warhogs: A History of War Profits in America* (Lexington, KY: University Press of Kentucky, 1997), 118-119.

<sup>26</sup> Hudson Maxim, *Defenseless America* (New York, NY: Hearst's International Library Co., 1915); "Film Plea for Defence," *Sun* (New York, NY), September 1, 1915, 7; Brandes, *Warhogs*, 128.

<sup>27</sup> Maxim, *Defenseless America*, 83.

<sup>28</sup> Henry Ford, "Humanity--and Sanity," *Lancaster Daily Intelligencer*, May 5, 1916, 5; "Henry Ford Sued for a Million," *New York Times*, August 22, 1916, 9.

<sup>29</sup> "Campaign for Preparedness," *La Crosse Republican* (La Crosse, KS), October 28, 1915, 1.

<sup>30</sup> "Preparedness Plea as a Movie Theme," *New York Times*, September 10, 1915, 11. Here, American Legion was the name of a preparedness group that formed in 1915, *see, i.e.*, "American Legion to Hold Meeting Tonight," *Boston Globe*, July 7, 1915, 9. An official history of the American Legion that formed in 1919 in Paris contains no references to this earlier group, although they shared some members, including Theodore Roosevelt, Jr. Richard Seelye Jones, *A History of the American Legion* (Indianapolis, IN: The Bobbs-Merrill Company, 1946).

Although the National Security League was undoubtedly the most influential of the preparedness interest groups, it was by no means the only one that made significant contributions to the debate. The summer of 1915 proved to be the “psychological moment” to press forward.<sup>31</sup> The League coordinated with other preparedness organizations, including the Navy League and the Aero Club of America, to expand their propaganda efforts.<sup>32</sup> According to Wilson historian Arthur S. Link, “[a] stream of articles and books, depicting the nation’s military weakness and forecasting the invasion of American territory by hostile forces, began to pour forth. Then, after the *Lusitania disaster*, this stream became a mighty flood.”<sup>33</sup> By the end of the year, having helped to bring President Wilson to their side in the preparedness debate, the League and its allies focused their efforts on legislation that embraced compulsory military training even after the passage of the disappointing National Defense Act.<sup>34</sup>

Perhaps the fullest expression of the National Security League’s message during the neutrality period came during the League’s Congress of Constructive Patriotism, held in Washington, D.C., in January 1917. Elihu Root (former Secretary of War, Secretary of State, and Senator) blended the League’s themes into a compelling message. “The original theory of our American Government,” Root explained, “was the theory of universal service.”<sup>35</sup> The original

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<sup>31</sup> William H. Rudolph to Joseph Tumulty, August 5, 1915, Series 4, No. 72 (438-439), in Woodrow Wilson Papers; John Patrick Finnegan, *Against the Specter of a Dragon: The Campaign for American Military Preparedness, 1914-1917* (Westport, CT: Greenwood Press, 1974), 37.

<sup>32</sup> *Work of the Conference Committee on National Preparedness* (New York, NY, 1918); Larry Wayne Ward, *The Motion Picture Goes to War: The U.S. Government Film Effort during World War I*, Studies in Cinema No. 37 (Ann Arbor, MI: UMI Research Press, 1985), 35.

<sup>33</sup> Arthur S. Link, *Woodrow Wilson and the Progressive Era, 1910-1917* (New York, NY: Harper & Brothers, 1954), 178.

<sup>34</sup> Edwards, *Patriots in Pinstripe*, 39–46; National Security League, “A Declaration of Principles,” *Our Country* II, no. 1 (July 1916): 5. For a fuller discussion over the preparedness debate, see Chapter Five, especially “The National Defense Act.”

<sup>35</sup> Address of Elihu Root, “America’s Present Needs,” in National Security League, *Proceedings of the Congress of Constructive Patriotism under the Auspices of the National Security League, Washington, D.C., January 25-27, 1917* (New York, NY: National Security League, 1917), 23.



militia was universal, and “the original basic principle upon which this Government was founded.”<sup>36</sup> The National Defense Act was an inadequate solution; the National Guard was not equipped to undertake any major military operations.<sup>37</sup> According to Root, the cause of the war was German autocracy:

The present war which is raging in Europe was begun upon an avowal of principles of national action that no reasonable and thoughtful neutral ought to ignore. The central principle was that a stage exigency, state interest, is superior to those rules of morality which controls individuals. Now that was not an expedient, an excuse, seized upon to justify the beginning of the war; it is fundamental. The theory of the modern republic is that right begins with the individual.... The ancient theory...was that the state in the beginning was the foundation of right and that individuals derive their rights from the state, and therefore, the exigencies of the state are superior to all individual rights. It was upon this continuance and assertion of that principle that this war in Europe was begun.<sup>38</sup>

Root concluded that American principles could not be sustained unless the principles upon which Germany began the war were destroyed—and the Congress responded with loud applause and cheering.<sup>39</sup>

After the American entry into the war, the National Security League shifted its efforts to delivering propaganda through its Committee on Patriotism Through Education, first chaired by Harvard historian Albert Bushnell Hart and then Princeton historian Robert M. McElroy. While Hart was a very early convert to the preparedness cause, he began his role in the awkward position of having written a book just after the start of the war in 1914 that was rather accommodating to Germany’s position. On the escalation of the Balkan conflict into a wider European war, Hart wrote that “Germany exercised a pacific influence by making it clear to Austria that the annihilation of Servia would certainly arouse Russia.”<sup>40</sup> According to Hart,

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<sup>36</sup> Ibid., 25.

<sup>37</sup> Ibid., 26.

<sup>38</sup> Ibid., 29.

<sup>39</sup> Ibid., 35.

<sup>40</sup> Albert Bushnell Hart, *The War in Europe: Its Causes and Results* (New York, NY, 1914), 125.

“Emperor William would have held his hand for a few days if Russian mobilization had not seemed to him a warlike act directed against Germany.”<sup>41</sup> Hart also argued that the Law of National Existence might justify Germany’s violation of Belgian neutrality.<sup>42</sup> However firmly he might have held these views, he soon repudiated them and they did not hold him back in service to the League.<sup>43</sup> From the outbreak of war until the end of August 1917, Hart organized training for speakers and developed propaganda materials for them.<sup>44</sup> But his most significant contribution was *America at War: A Handbook of Patriotic Education References*, which collected a bibliography of war material and references to magazines and other materials along with subject matter analysis to educate the reader on the Allied cause.<sup>45</sup>

Robert M. McElroy took over for Hart, owing both to Hart’s age and “emotional spasms...[and] indiscriminate tirades over Wilson’s pursuit of neutrality.”<sup>46</sup> McElroy continued and expanded Hart’s efforts, including enlisting additional speakers, reforming education materials at all levels down to elementary schools, and recruiting additional college faculty to develop “patriotic propaganda.”<sup>47</sup> The League’s educational programs embraced the

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<sup>41</sup> Ibid., 138.

<sup>42</sup> Ibid., 184. According to Lord Curzon, who would later serve in Prime Minister David Lloyd George’s war cabinet and the War Policy Committee, “the first law of national existence...is self-preservation...” Debate on East Indian Revenues (Tibet), April 13, 1904, 116, in *The Parliamentary Debates: Fifth Session of the Twenty-Seventh Parliament of the United Kingdom of Great Britain and Ireland*, vol. CXXXIII, Fourth Series (London: Wyman and Sons, Limited, 1904); Albion W. Tourgee, “Aaron’s Rod in Politics,” *North American Review* CXXXII, no. 291 (February 1881): 151 (“A nation has not only the inherent right to exist, to guard and protect its present, but also to secure its future and perpetuate its life.”).

<sup>43</sup> Edwards, *Patriots in Pinstripe*, 92–93; George T. Blakey, *Historians on the Homefront: American Propagandists for the Great War* (Lexington, KY: University of Kentucky Press, 1970), 28.

<sup>44</sup> Edwards, *Patriots in Pinstripe*, 93; Blakey, *Historians on the Homefront*, 29–30; National Security League, *Handbook of the War for Public Speakers*, ed. Albert Bushnell Hart and Arthur O. Lovejoy (New York, NY: National Security League, 1917); National Security League, *Handbook of the War for Readers, Speakers and Teachers*, ed. Albert Bushnell Hart and Arthur O. Lovejoy, Second Edition. (New York, NY: National Security League, 1918).

<sup>45</sup> National Security League, *America at War: A Handbook of Patriotic Education References*, ed. Albert Bushnell Hart (New York, NY: George H. Doran Company, 1918).

<sup>46</sup> Edwards, *Patriots in Pinstripe*, 93.

<sup>47</sup> National Security League and Robert McNutt McElroy, *Annual Report upon the Educational Work of The National Security League* (New York, NY: National Security League, 1919), 4.

“Americanization” of students in public schools and members of fraternal organizations.<sup>48</sup> In turn, its efforts became increasingly hostile to all manner of German influences, especially the teaching of German in schools, which was thought to be “a harboring place for German propaganda.”<sup>49</sup> By the summer of 1918, the *New York Times* described an effort of the National Security League calling for “a national campaign with the object of destroying the German-language press.”<sup>50</sup>

Historian George T. Blakey wrote that Hart and McElroy “generated more publicity for the League than any of its other varied personnel.”<sup>51</sup> But Blakey also questioned why historians such as McElroy were so nonchalant to concerns that their propaganda work would raise ethical concerns.<sup>52</sup> McElroy was neither concerned about how the League’s work would be impacted by what historians did not know. “History will not be ready to pronounce her complete verdict on the war for half a century,” McElroy wrote.<sup>53</sup> He continued: “We have not all of the facts, but we have enough to be certain that we are fighting for our national existence, for free government, and for the rights of nations.”<sup>54</sup> McElroy coordinated the League’s propaganda efforts with the federal government’s official propaganda organ, the Committee on Public Information.

### **The Committee on Public Information**

As war approached in March 1917, George Creel, a journalist and political operative who had worked for Wilson’s 1916 re-election campaign, wrote to the President over his concerns

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<sup>48</sup> *Ibid.*, 27–28.

<sup>49</sup> *Ibid.*, 28.

<sup>50</sup> “League Starts War on German Press,” *New York Times*, June 3, 1918, 5.

<sup>51</sup> Blakey, *Historians on the Homefront*, 28.

<sup>52</sup> *Ibid.*, 99–100.

<sup>53</sup> Robert McNutt McElroy, “Perils of Prussianism and Why We Fight,” *New York Times*, September 9, 1917, 37.

<sup>54</sup> *Ibid.*

about a proposed censorship law.<sup>55</sup> Creel proposed that, in lieu of the censorship law, the goal of protecting sensitive military information could be accomplished by “putting it up to the patriotism and common sense of the individual editor....”<sup>56</sup> Cognizant of the fact that “[c]ensorship laws...have a way of slipping over into the field of opinion, for arbitrary power grows by what it feeds on,” Creel instead recommended to Wilson a voluntary censorship agreement in which rested “entirely upon honor and patriotism.”<sup>57</sup> The agency proposed by Creel would not be one of censorship but one of sharing information.<sup>58</sup> This information was “[n]ot propaganda as the Germans defined it, but propaganda in the true sense of the word, meaning the “propagation of faith.”<sup>59</sup> Creel’s approach would ensure that “the channels of communication were literally choked with official, approved news and opinion, leaving little freeway for rumor or disloyal reports.”<sup>60</sup> Wilson approved of the idea, and the Committee on Public Information was created on April 13th, 1917, by Executive Order.<sup>61</sup> The order appointed Creel as the Chairman alongside Secretary of State Robert Lansing, Secretary of War Newton D. Baker, and Secretary of the Navy Josephus Daniels.<sup>62</sup> Over the course of the war, the Committee would roll out a broad agenda, including news and propaganda aimed at not only domestic audiences but also for influence of the enemy, neutral countries, and allies. Creel repeatedly acknowledged that the Committee itself had no statutory authority to censor the press, which was true.<sup>63</sup> Yet the

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<sup>55</sup> Creel, *How We Advertised*, 16; George Creel, *Rebel at Large: Recollections of Fifty Crowded Years* (New York, NY: G.P. Putnam’s Sons, 1947), 156.

<sup>56</sup> Creel, *How We Advertised*, 18.

<sup>57</sup> U.S. Committee on Public Information and George Creel, Complete Report of the Chairman of the Committee on Public Information (Washington: Government Printing Office, 1920), 10–12.

<sup>58</sup> *Ibid.*, 10.

<sup>59</sup> Creel, *Rebel at Large*, 158.

<sup>60</sup> Mock and Larson, *Words That Won the War*, 11.

<sup>61</sup> Executive Order [Creating Committee on Public Information, April 13, 1917], XVII:8247, in Richardson, *CMPP*.

<sup>62</sup> Executive Order Creating Committee on Public Information, April 13, 1917, XVII:8247, in *ibid.*

<sup>63</sup> U.S. Committee on Public Information and Creel, *Creel Report*, 10; Creel, *How We Advertised*, 27.

Committee still engaged in de facto censorship by making referrals to other agencies and by means of the Chairman's role on the Censorship Board, created by the authority given to the President in the Trading With the Enemy Act.<sup>64</sup> Those functions will be covered in Chapter Eight.

The domestic propaganda functions of the Committee on Public Information were organized into divisions. The News Division was, in the description of one historian, "like a great city desk serving all the newspapers in the country."<sup>65</sup> According to Creel, the News Division published over 6,000 releases throughout the Committee's existence to reach thousands of newspapers across the country, resulting in tens of thousands of Committee-generated stories each week.<sup>66</sup> In his 1937 study of Washington newspaper correspondents, humorist Leo C. Roston traced the origins of "the handout" to the Committee's News Division:

The handout was adopted by the government as a publicity device during the World War, when it became necessary to control and co-ordinate the dissemination of official news. A "voluntary censorship" was recommended by the government and agreed to by the Washington correspondents. Press agents, skilled in the arts of publicity, were installed in the departments of the federal government. Every effort was made to focus attention upon the glory, the moral purpose, and the assured victory of our side; and on the diabolism, demoralization, and certain defeat of the enemy. Facts of pessimistic significance were suppressed; facts strengthening optimistic impressions were energetically circulated. Since it was important that there should be no leak of secret information, and that certain facts should not be published prematurely, the authorized channel for communicating information which could be quoted became the handout. Handouts were prepared with infinite care and were checked by experts sensitive to the vagaries of the public mind and the power of the public press.<sup>67</sup>

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<sup>64</sup> Mock and Larson, *Words That Won the War*, 20; Executive Order [Vesting Power and Authority in Designated Officers and making Rules and Regulations under Trading with the Enemy Act and Title VII of the Act Approved June 15, 1917], October 12, 1917, XVII:8366-8373, in Richardson, *CMPP*.

<sup>65</sup> Mock and Larson, *Words That Won the War*, 89.

<sup>66</sup> U.S. Committee on Public Information and Creel, *Creel Report*, 13-14; Mock and Larson, *Words That Won the War*, 89-90.

<sup>67</sup> Leo C. Roston, *The Washington Correspondents* (New York, NY: Harcourt, Brace and Company, 1937), 68.

In his study of the Committee on Public Information, James R. Mock called the handout a “remarkable journalistic phenomenon.” By the 1920s, journalists began to complain about the practice, but during the War, most newspapers dutifully published thousands of column inches based upon them.<sup>68</sup> And while Creel acknowledged that all but three news releases were ever questioned, the stories (and a fourth story misattributed to the Committee) were big enough to call into question the credibility of the News Division.<sup>69</sup>

In his post-war memoirs, Creel spent two entire chapters trying to explain away the worst of the Committee’s news releases.<sup>70</sup> The first incident that raised questions, especially among the newspapers, was a Committee release indicating that American transport ships crossing the Atlantic were attacked twice by German submarines.<sup>71</sup> When an Associates Press report filed from London declared that no such attacks had occurred, the ordinarily friendly editorial page of the *New York Times* referred to Creel’s work as the Committee on Public Misinformation and called for his removal.<sup>72</sup>

On February 21, 1918, newspapers across the country (and abroad) reported that “[t]he first America-built battleplanes are en route to France, nearly five months ahead of the original schedule.”<sup>73</sup> While the article (and the Committee release it was based upon) acknowledged that the first shipment was small, it turned out that the small shipment was a single aircraft. Moreover, the aircraft was not en route to France but instead had been delivered from the

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<sup>68</sup> *Ibid.*, 69.

<sup>69</sup> U.S. Committee on Public Information and Creel, *Creel Report*, 14–15.

<sup>70</sup> Creel, *How We Advertised*, 28–50.

<sup>71</sup> Press Release, July 3, 1917, 30, and Official Statement of Secretary Daniels, 31–32, in Creel, *How We Advertised*.

<sup>72</sup> *Ibid.*, 32; Harold D. Lasswell, *Propaganda Technique in the World War* (New York, NY: Peter Smith, 1938), 39; “The Committee on Public Misinformation,” *New York Times*, July 7, 1917, 8.

<sup>73</sup> See, *i.e.*, “Battle Planes Sent Pershing Ahead of Time,” *Gazette Times* (Pittsburgh, PA), February 21, 1918, 2.

manufacturer to the Army.<sup>74</sup> Creel acknowledged the error but blamed the inaccuracy on the Army and the War Department.<sup>75</sup> While there is no evidence that the Committee intentionally misled the public, the incident questioned the sufficiency of the Committee's painstaking precautions to avoid misleading statements.

Five weeks later, the Committee published a list of recently released aircraft photos in the *Official Bulletin* (the Committee's official daily news digest) accompanied by captions that were, in Creel's later words, "admittedly flamboyant and overcolored."<sup>76</sup> Photograph 6858, "Aeroplane Bodies Ready for Shipment Over There" was captioned: "These aeroplane bodies, the acme of engineering art, are ready for shipment to France. Though hundreds have already been shipped, our factories have reached quantity production and thousands upon thousands will soon follow."<sup>77</sup> Unfortunately for the Committee, still no aircraft had been sent overseas. Three other photos included misleading captions.<sup>78</sup> In the Senate the next day, according to Representative James S. Wadsworth, Jr. (R-NY), Creel "admitted the information was misleading. He said his understanding was that these particular captions applied only to training planes," which also turned out to be inaccurate.<sup>79</sup> A study of propaganda after the war concluded that the misleading captions exaggerated the scope of aircraft production "to avoid criticism...for the inadequacy of [the Administration's] aviation policy."<sup>80</sup> Finally, a fourth incident attributed to the Committee

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<sup>74</sup> Creel, *How We Advertised*, 45.

<sup>75</sup> *Ibid.*, 45-46.

<sup>76</sup> *Ibid.*, 47.

<sup>77</sup> U.S. Committee on Public Information, "War Photographs for Release," *Official Bulletin* 2, no. 269 (March 28, 1917): 8. A copy of the photo reviewed by the author included the caption: "These aeroplane bodies, the acme of engineering art," but not the follow-on sentence. The photo included a date of March 29, 1918, which suggests it was an edited version of the original. See the Appendix.

<sup>78</sup> *Ibid.*, 8.

<sup>79</sup> Aircraft Photographs Debate, *Congressional Record*, 65th Congress, 2nd Sess., Vol. 56, Part 5 (March 29, 1918), 4254-4256, 1918.

<sup>80</sup> Lasswell, *Propaganda Technique in the World War*, 38.

by Senator James A. Reed (D-MO) claimed that Secretary Baker witnessed the flight of “one thousand American airplanes in the air” while visiting France.<sup>81</sup> In fact, Creel rightly pointed out that the Committee had not released any such information; Reed’s source was the testimony of Henry Woodhouse of the Aero Club of America, who did not get the information from any Committee release but rather a news story in the Paris *Herald*.<sup>82</sup>

Creel responded to these four incidents of misleading or inaccurate news reports because Congress and the press immediately raised questions about them. However, it is impossible to know the full scope of the Committee's accuracy. The contemporary questions raised by "only" four incidents do not indicate, as Creel contends, that 6,000 other releases (in addition to the *Official Bulletin*, pamphlets, speeches, advertisements, movies, etc.) were accurate.<sup>83</sup> Moreover, Creel’s explanations seek to exonerate the Committee’s work by blaming the sources (typically at the War Department) but also raise the possibility that sources within the Army and Navy intentionally used the Committee to shape public opinion about the Administration’s war efforts. In any case, at the very minimum, these stories gave ammunition to the Administration's opponents and demonstrated that state-sponsored propaganda was not without its problems and held the potential for the abuse of power.

The Committee’s public relations also extended to divisions devoted to Pictorial Publicity, Advertising, and Cartoons.<sup>84</sup> These efforts resulted in over 1,400 designs of posters, paintings, cards, advertisements, cartoons, and other materials designed for dozens of departments across the Administration’s war effort—with a special emphasis on the American

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<sup>81</sup> “Says Creel Misled Public,” *New York Times*, July 13, 1918, 8; Creel, *How We Advertised*, 47–49.

<sup>82</sup> Creel, *How We Advertised*, 47–49.

<sup>83</sup> *Ibid.*, 49–50.

<sup>84</sup> U.S. Committee on Public Information and Creel, *Creel Report*, 40–43, 43–47, 76–78.



Red Cross, the Shipping Board, and the Liberty Loan campaigns.<sup>85</sup> In describing the latter, Secretary of the Treasury William Gibbs McAdoo remarked that “[a]ny great war must necessarily be a popular movement. It is a kind of crusade; and like all crusades, it sweeps along on a powerful stream of romanticism.”<sup>86</sup> The propaganda efforts of the Committee on Public Information were crucial in this regard: as described in Chapter Three, four Liberty Bond campaigns and one Victory Bond campaign after the war raised \$24B, or 58% of total war financing between March 1917 and May 1919.<sup>87</sup>

The Committee’s efforts were truly a full-scope, country-wide campaign that also included movies, teachers and schools, and the Four Minute Men. The Committee first produced a series of short subject films from Signal Corps material and then later a series of feature pictures, including *Pershing’s Crusaders*, *America’s Answer*, *Under Four Flags*, the *U.S.A. Series*, and *Our Colored Fighters*.<sup>88</sup> By the summer of 1918, the Film Division’s Scenario Department paid the motion picture industry to create and distribute 18 “one-reelers” (ten-minute shorts) and two feature-length films, *The Miracle of Ships* and *Made in America* (as well as others never completed by the time of the Armistice).<sup>89</sup>

The Division of Civil and Educational Cooperation was the Committee on Public Information’s official propaganda companion to the National Security League’s Committee on Patriotism Through Education. Like the League, the Committee engaged historians and other scholars (especially the National Board for Historic Service) to generate a series of educational

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<sup>85</sup> Ibid., 41–43; Mock and Larson, *Words That Won the War*, 97.

<sup>86</sup> McAdoo, *Crowded Years*, 374.

<sup>87</sup> Friedman and Schwartz, *A Monetary History*, 221; Rockoff, “Until It’s Over, Over There: The US Economy in World War I,” 316.

<sup>88</sup> U.S. Committee on Public Information and Creel, *Creel Report*, 47–48; Mock and Larson, *Words That Won the War*, 138–139.

<sup>89</sup> U.S. Committee on Public Information and Creel, *Creel Report*, 56–59; Mock and Larson, *Words That Won the War*, 139–140.

pamphlets as well as the *National School Service*, a companion to the *Official Bulletin* for schoolteachers.<sup>90</sup> The same ethical concerns about historians doing propaganda work that historian George T. Blakey raised about the National Security League also applied to those working for the Committee on Public Information, although Blakey believed that those working for the Committee preferred less aggressive approaches.<sup>91</sup> But even the Committee would sometimes overreach, as when division director Guy Stanton Ford proposed infiltrating German journalists to promote the American cause within the German ethnic community.<sup>92</sup> Moreover, as discussed below, by 1918, the historians' pamphlets embraced a distinctive shift in messaging.

The Four Minute Men—perhaps the most enduring memory of the Committee's existence—were regarded by Creel as “the most unique and one of the most effective agencies developed during the war for the stimulation of public opinion and the promotion of unity.”<sup>93</sup> So named for the time it took to change reels in the movie theater, the program encompassed 75,000 volunteer speakers who made over 755,000 speeches and reached the nation's entire population three times over.<sup>94</sup> The Committee provided subject matter, sample speeches, and talking points in 46 *Four Minute Men Bulletins* published between May 1917 and December 1918.<sup>95</sup> Nonetheless, the Committee recognized that speakers might often take matters into their own hands and thus cautioned against “strong rhetoric that appeals only to those already more than convinced.” As an example, the *Four Minute Men News* published an excerpt in November 1917 of a speech that it believed went beyond the scope of the intended subject matter:

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<sup>90</sup> U.S. Committee on Public Information and Creel, *Creel Report*, 15–19.

<sup>91</sup> Blakey, *Historians on the Homefront*, 84–87.

<sup>92</sup> *Ibid.*, 86–87.

<sup>93</sup> U.S. Committee on Public Information and Creel, *Creel Report*, 21.

<sup>94</sup> *Ibid.*, 21–22; Creel, *How We Advertised*, 93–94.

<sup>95</sup> U.S. Committee on Public Information and Creel, *Creel Report*, 24; Creel, *How We Advertised*, 86–87; Mock and Larson, *Words That Won the War*, 120–121.

While the attainment of the complete surgery of this dread disease may be contemplated with satisfaction, yet such result will fall far short of full and final compensation for the deliberate and dastard wrongs committed upon innocent victims of German treachery and design. The bottomless pit itself is not deep enough to hold the crimes so perpetrated, and when the rolls thereof shall have been written the totals will be paralyzing to the minds of men and the indignation thereat will rise to such heights that blindfolded Justice herself will demand and insist upon ultimate human penalty established by both law and religion, “an eye for an eye,” “a tooth for a tooth,” and “blood for blood.”<sup>96</sup>

The Committee reminded its speakers that “[n]o hymn of hate accompanies our message.”<sup>97</sup>

And yet, just weeks later, the *Four Minute Men Bulletin* specifically recommended the use of *Schrecklichkeit* (German atrocity stories) in advertising the federal government war savings stamps and certificates program.<sup>98</sup>

Scholars studying the Committee on Public Information have not missed this shift in messaging. For example, Vera Heuer’s analysis of Committee pamphlets found three periods with distinct themes: June-September 1917 (on fighting and entering the war), November 1917-March 1918 (German militarism and barbarism), and 1918 (German plots, intrigues, and activities in the United States).<sup>99</sup> The Committee’s encouragement of *Schrecklichkeit* in Four Minute Men speeches in January 1918 fits squarely within the second thematic period. The shift in messaging toward German activities in the United States, especially during 1918, also embraced the Americanization efforts that had been so prevalent in the preparedness debate. Creel recognized that disloyalty among “enemy aliens” was small in part because “[n]ever was a

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<sup>96</sup> U.S. Committee on Public Information, “The Wrong Idea,” *Four Minute Men News* (November 1917): 3.

<sup>97</sup> U.S. Committee on Public Information, “Introduction,” *Four Minute Men News* (November 1917): 2.

<sup>98</sup> U.S. Committee on Public Information, “Foreign Taxes vs. Savings-Stamps,” *Four Minute Men Bulletin*, no. 21 (January 2, 1918): 6; U.S. Committee on Public Information, “A Few Outlines for Speeches,” *Four Minute Men Bulletin*, no. 21 (January 2, 1918): 7; U.S. Committee on Public Information, “Two Typical Illustrative Speeches,” *Four Minute Men Bulletin*, no. 21 (January 2, 1918): 8.

<sup>99</sup> Vera Heuer, “Pamphlets of the Committee on Public Information and the Construction of an American National Identity during World War One: An Event-Frame Analysis,” *Nationalism and Ethnic Politics* 24, no. 2 (April 3, 2018): 228.

country so thoroughly contra-espionaged!”<sup>100</sup> He also distinguished the Committee’s efforts from “the professional ‘Americanizers,’ and steered clear of the accepted forms of ‘Americanization.’”<sup>101</sup> He believed that by working from within ethnic groups, the Committee’s efforts to ensure the loyalty of aliens generated better results.<sup>102</sup> But these efforts sometimes went too far, as with the Friends of German Democracy, an organization of ethnic Germans supporting the American war effort, which was in reality a propaganda organization formed on behalf of the Committee itself.<sup>103</sup> Despite distancing the Committee from the harsher Americanization efforts of the National Security League, Creel embraced English as the accepted language in “our schools, our churches, our press, and in our social life.”<sup>104</sup> And neither Creel’s personal beliefs nor the usually cautious Ford could always cabin the views of its historians. *The War Message and the Facts Behind It*, a straightforward exposition of Wilson’s war speech complete with footnotes and annotations, later gave way to *The German War Code* (“We ask you to read them and then consider whether the brutality, ruthlessness, terrorism, and violence of the German forces have not been cold-bloodedly programmed for years by the German authorities”); *The German Whisper* (“Mr. Citizen, you are now on the firing line. Imperial Germany is not merely attacking on the Western Front. She is attacking in every community in the United States”) and *German Plots and Intrigues*, detailing German espionage efforts in the United States and calling into question the loyalty of German-Americans.<sup>105</sup>

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<sup>100</sup> Creel, *How We Advertised*, 166–168.

<sup>101</sup> *Ibid.*, 184.

<sup>102</sup> *Ibid.*

<sup>103</sup> Mock and Larson, *Words That Won the War*, 216–217.

<sup>104</sup> Creel, *How We Advertised*, 174.

<sup>105</sup> U.S. Committee on Public Information and Woodrow Wilson, *The War Message and the Facts Behind It*, War Information Series No. 1 (Washington, DC: Committee on Public Information, 1917); U.S. Committee on Public Information, George Winfield Scott, and James Wilford Garner, *The German War Code: Contrasted with the War Manuals of the United States, Great Britain, and France*, War Information Series No. 11 (Washington, DC: Committee on Public Information, 1918); U.S. Committee on Public Information and Harvey

The shift in the Committee's propaganda efforts was having a real impact. In *The Kaiserite in America*, the Committee aimed its fire at the loyalty of those in the United States who might harbor sympathies with the German government.<sup>106</sup> According to the pamphlet, "Our troops will meet the enemy aboard. You can meet him at home."<sup>107</sup> One specific target of the screed was American socialists, who "have always been led by German sympathizers."<sup>108</sup> Comments critical of the government's war efforts were considered among the "poisonous lies and disquieting rumors and insidious criticisms" that should be reported to the Committee, not only so that the misinformation could be corrected but also so that arrests could be affected.<sup>109</sup> This was an interesting approach from an organization that Creel repeatedly boasted had no statutory power to do anything. Of course, the Committee would not arrest anyone, but Creel's role on the Censorship Board could very easily lead to a referral to the Justice Department.

And while the pamphlet did not specifically call out German immigrants in the United States, it did not need to do so. The environment toward German-Americans by 1918 was virulently hostile. Many newspapers regularly printed warnings that "[E]very German or Austrian in the United States, unless known by years of association to be absolutely loyal, should be treated as a potential spy."<sup>110</sup> Sometimes these messages were run on behalf of vigilance organizations such as the American Defense Society, while other times the warning was run under the newspaper's masthead—and usually recommended notifying local law enforcement

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O'Higgins, *The German Whisper* (Washington, DC: Committee on Public Information, 1918); U.S. Committee on Public Information, Earl E. Sperry, and Willis M. West, *German Plots and Intrigues, Red, White and Blue Series No. 10* (Washington, DC: Committee on Public Information, 1918).

<sup>106</sup> U.S. Committee on Public Information and George Creel, *The Kaiserite in America* (Washington, DC: Committee on Public Information, 1918).

<sup>107</sup> *Ibid.*, 3.

<sup>108</sup> *Ibid.*, 10.

<sup>109</sup> *Ibid.*, 5–6.

<sup>110</sup> "American Defense Society Warning," *Philadelphia Inquirer*, January 1, 1918, 8.

officials with any hints of suspicion or disloyalty.<sup>111</sup> The sentiment toward Germans was so bad by the spring of 1918 that Robert Prager, a German immigrant and coal miner, was beaten by a mob, imprisoned by local authorities, and then retaken by the mob and lynched.<sup>112</sup> The Committee never called for violence, but it did not need to do so. The Committee only needed to open a crack in the door; the vitriol that had already been supplied by both non-government and governmental organizations was enough to burst the door wide open.

### **The Propaganda State and the Centralization of Power**

The role of propaganda on the home front was recognized by those who lived through the war. Norman Thomas, Vice Chairman of the National Civil Liberties Bureau, wrote about the role of propaganda in effecting “the enormous forces of social pressure.” According to Thomas, wartime propaganda created a “war psychology [that] grew apace, it invaded the home, the street and the market place. Every agency of information and education, newspapers, movies, schools, churches, public forums, joyfully or under pressure proclaimed a holy war.”<sup>113</sup> In Zechariah Chafee Jr.’s highly influential law review article, “Freedom of Speech in War Time,” the Harvard professor explained the role of wartime propaganda:

... wars are no longer won by armies in the field, but by the morale of the whole people. The widespread Liberty Bond campaigns, and the shipyards, munition factories, government offices, training camps, in all parts of the country, are felt to make the entire United States a theater of war, in which attacks upon our cause are as dangerous and unjustified as if made among the soldiers in the rear trenches.<sup>114</sup>

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<sup>111</sup> “Warning,” *Daily Transcript* (Norman, OK), January 5, 1918, 2.

<sup>112</sup> “Baker Hanged at Collinsville for Disloyal Remarks,” *Belleville News-Democrat*, April 5, 1918, 1.

<sup>113</sup> Norman Thomas, “War’s Heretics,” *The Source* (December 7, 1918): 320.

<sup>114</sup> Chafee, “Freedom of Speech in War Time,” 937.

Creel, too, recognized the negative impacts of propaganda efforts during the war. Not surprisingly, he blamed organizations such as the National Defense League and the American Defense Society while absolving the Committee. According to Creel:

At all times their patriotism was a thing of screams, violence, and extremes, and their savage intolerances had the burn of acid. From the first they leveled attacks against the foreign-language groups, and were chiefly responsible for the development of a mob spirit in many sections. They worked, of course, in fertile ground, for there is a simplicity about hate that makes it attractive to a certain type of mind. It makes no demand on the mental processes, it does not require reading, estimate, or analysis, and by reason of its removal of doubt gives an effect of decision, a sense of well-being.<sup>115</sup>

How Creel was able to separate the efforts of these preparedness organizations from the efforts of the Committee, especially during 1918, is difficult to surmise. As described earlier in this chapter, the Committee during that time engaged in many of the same attacks and simplistic arguments in order to make no demands on the mental processes of its recipients. A fair assessment of the Committee's work in 1918 would find it at least equally responsible, if not more so, than private organizations for the mob spirit and anti-German sentiment that existed as a result of its propaganda.

After the war, Lord Ponsonby's study of war propaganda explained that "[t]here must have been more deliberate lying in the world from 1914 to 1918 than in any other period of the world's history."<sup>116</sup> Of the United States, Ponsonby concluded that "[t]here was no richer field for propaganda...."<sup>117</sup> English author Aldous Huxley, in the same year that *Brave New World* was published, explained that "the masses can always be relied upon to vote as their real rulers want them to vote.... This will undoubtedly make for peace and happiness; but at the price of individual liberty. A really efficient propaganda could reduce most human beings to the

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<sup>115</sup> Creel, *Rebel at Large*, 196.

<sup>116</sup> Arthur Ponsonby, M.P., *Falsehood in War-Time* (London: Garland Publishing, Inc., 1928), 19.

<sup>117</sup> *Ibid.*, 180.

condition of abject slavery.”<sup>118</sup> After the publication of George Orwell’s *Nineteen Eighty-Four*, Huxley wrote to the author about the parallels with *Brave New World*:

Within the next generation I believe that the world’s rulers will discover that infant conditioning and narco-hypnosis are more efficient, as instruments of government, than clubs and prisons, and that the lust for power can be just as completely satisfied by suggesting people into loving their servitude as by flogging and kicking them into obedience.<sup>119</sup>

Huxley feared that while civil libertarians were concerned with whether propaganda was true or false, the real threat of propaganda to liberal democratic institutions was that people would become distracted and simply not care.<sup>120</sup> One can imagine how Creel’s intent to flood the nation with positive, full-spectrum war propaganda matched Huxley’s fear.

The development of classical liberal and libertarian thought regarding wartime propaganda began even as the war was underway. When social critic Randolph Bourne wrote that “[w]ar is the health of the State,” he explained how propaganda was part of the “machinery of government,” one of many “irresistible forces for uniformity, for passionate cooperation with the Government in coercing into obedience the minority groups and individuals which lack the larger herd sense.”<sup>121</sup> In *The Myth of a Guilty Nation*, Albert Jay Nock placed the blame on the failure to question the causes of the war on wartime propaganda, upon which “nearly every reputation of any consequence in this country, political, clerical, academic and journalistic, is already committed....”<sup>122</sup> Nock’s argument about the value of reputation closely resembled the work of later libertarians, who saw propaganda as critical to states maintaining the authority of

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<sup>118</sup> Aldous Huxley, “Time and Tide” [1932], 3:394, in Aldous Huxley, *Complete Essays*, ed. Robert S. Baker and James Sexton, 6 vols. (Chicago, IL: Ivan R. Dee, 2000).

<sup>119</sup> Aldous Huxley to George Orwell (E.H. Blair), October 21, 1949, 604-605, in Grover Smith, ed., *Letters of Aldous Huxley* (London: Chatto & Windus, 1969).

<sup>120</sup> Aldous Huxley, *Brave New World Revisited* (New York, NY: Harper & Row, 1958), 30-37.

<sup>121</sup> Randolph Bourne and James Oppenheim, *Untimely Papers* (New York, NY: B.W. Huebsch, Inc., 1919), 145.

<sup>122</sup> Albert Jay Nock, *The Myth of a Guilty Nation* (New York, NY: B.W. Huebsch, Inc., 1922), 16.



their own existence. According to Ralph Raico, libertarians such as Murray Rothbard embraced revisionism because the official histories were part of an effort by the state to maintain its reputation and legitimacy.<sup>123</sup> Raico analogized from Gloucester in *King Lear*: “As flies to wanton boys, are we to the gods; They kill us for their sport.”<sup>124</sup> The state was an “earthly god,” and Rothbard’s libertarian scholarship was meant to de-sanctify the state from the religious status its own propaganda had established.<sup>125</sup> But scholars in the classical liberal tradition have long sought to differentiate between the State and the officials that carry out the work of the Government. To Bourne, “the State is a mystical conception,” but “Government is the idea of the State put into practical operation in the hands of definite, concrete, fallible men.”<sup>126</sup> Bourne was speaking on a solid foundation, for earlier, Frédéric Bastiat had asked: “If the natural tendencies of mankind are so bad that it is not safe to permit people to be free, how is it that the tendencies of these organizers are always good?”<sup>127</sup> Working on behalf of the State did not make a government official some sort of Superman. “Do not the legislators and their appointed agents also belong to the human race? Or do they believe that they themselves are made of a finer clay than the rest of mankind?”<sup>128</sup> Raico’s larger point was that the task of libertarian scholarship regarding propaganda was to separate the State, which has taken on religious significance due in large part to its propaganda, from the government, in which its operations are imperfect. The former’s sanctity is a powerful barrier to any criticism; the latter is open to healthy debate.

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<sup>123</sup> Ralph Raico, “Murray Rothbard at His Semcentennial,” *Mises Daily Articles*, June 2, 2010, accessed July 1, 2023, <https://mises.org/library/murray-rothbard-his-semcentennial>.

<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.*

<sup>126</sup> Bourne and Oppenheim, *Untimely Papers*, 140.

<sup>127</sup> Bastiat, *The Law*, 62.

<sup>128</sup> *Ibid.*

Unlike many other areas covered in this study, the relationship between society and state was transformed in this area not by congressional legislation but by executive edict. The Committee on Public Information was formed by the exercise of President Wilson's inherent war powers. Although Congress debated the nature of Creel's efforts (especially in those times when the Committee was in the midst of one of its misinformation controversies), no legislation ever validated or restricted the administration's propaganda program. Also, unlike many other areas covered in this study, the propaganda efforts of the Committee on Public Information generated no notable legal challenges; the Committee's lack of statutory authority most assuredly had something to do with that. To Creel's credit, the Committee's mandate was more focused on flooding the newspapers and airwaves with pro-war propaganda and much less so with censoring anti-war voices (the administration had more willing hands for that task elsewhere). In any case, when the Committee did receive information that it might have acted on, Creel often passed this information to the Department of Justice so as to not directly implicate the Committee in the administration of laws it did not have the power to enforce. Moreover, the Committee's "voluntary" censorship agreement often relied upon social pressure rather than government mandates to ensure compliance. Suppression of the German language (newspapers, teaching, and even speaking) often came from state and local governments or was enforced by other organizations of the federal government, including Albert S. Burleson's Post Office Department. To the extent that propaganda efforts dovetailed with surveillance and censorship by the federal government (especially through the Espionage and Sedition Acts), these far more troubling issues will be covered more fully in Chapter Eight. Here, the transformation of social power into state power was accomplished by the voluntary centralization of authority by domestic

preparedness groups that were later coopted by the federal government—with the immense capacity of social pressure as the cudgel rather than by direct legislative decree.

One remaining question regards the extent to which progressives had a plan and then used the war to advance those plans. To be sure, the blueprint for the Committee on Public Information was right out of Creel's playbook. But unlike some others identified in this study, Creel understood that the Committee's authority was driven exclusively by the President's war powers. Nor did Creel attempt to use the technical state of war after the Armistice as a justification for continued reliance on those war powers. Even though Creel recognized the "continuing value" of the Committee's work, he insisted that its efforts should cease after the Armistice.<sup>129</sup> Creel's devotion to Democratic politics was a specific devotion to Woodrow Wilson's traditionalist version of progressivism. While others in the administration resisted efforts to demobilize their war programs, Creel was in complete agreement with Wilson that the Committee's work was over.

## Conclusions

From the beginning of the war through the neutrality period, British propaganda was aimed directly at the United States for the purpose of inducing the nation to enter the war on the side of the Allies. This foreign propaganda was picked up and repeated by preparedness groups, both to improve the military posture at home and to encourage entering the war on the side of the Allies. Once the United States entered the war in 1917, the messaging of domestic interest groups was supplemented by the Committee on Public Information, which shaped the public perception of the war through censorship, clever messaging, and advocacy for the nation's war

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<sup>129</sup> Creel, *How We Advertised*, 401.

mobilization programs. Yet the message shifted from what began in 1917 as a patriotic defense of democracy from the German autocracy to harassment and targeting of German and other immigrants on the home front. A nascent government bureaucracy, hastily assembled to support the war in Europe, was soon turned inward. The biggest threat to America came not from soldiers fighting in France but from its own people.

The decision by the Committee of Imperial Defense to cut five German submarine cables had a profound impact on the war, not just in Britain but in the United States, because it allowed the British to control the flow of information to the American continent. This information was the source of constant pressure to persuade the United States to intervene on the side of the Allied powers. This information also served as convenient propaganda for domestic interest groups focused on preparedness efforts and contributed to an increased attitude of militarism. By the time the United States entered the war, the propaganda efforts of private organizations were joined by the Committee on Public Information, which used the immense power of social pressure and a friendly relationship with the Justice Department to ensure compliance with pro-war patriotism. While the war waged in Europe, another war over information was being fought on the American home front. Unlike the static lines of the Western Front, the centralization of propaganda power in the Committee ensured that no battle over information would turn into a stalemate. Indeed, the state's propaganda efforts all but ensured a rout over anti-war voices.

*The extortions and oppressions of government will go on so long as such bare fraudulence deceives and disarms the victims—so long as they are ready to swallow the immemorial official theory that protesting against the stealings of the archbishop's secretary's nephew's mistress' illegitimate son is a sin against the Holy Ghost.*

H.L. Mencken, “On Government”<sup>1</sup>

### **Chapter Eight: The Surveillance State**

In the 1950s, as part of the Columbia University Oral History Research Office’s efforts, then-Supreme Court Associate Justice Felix Frankfurter took part in a series of interviews about his life experiences. During the First World War, he worked as a special assistant to Secretary of War Newton D. Baker and helped to resolve labor strikes. When discussing Postmaster General Albert S. Burleson, Frankfurter summarized his view of Burleson: "He was full of the notion that in war you didn't allow any freedom of speech, that everybody who lived in 1917 instead of 1817 was probably un-American."<sup>2</sup> Burleson—almost certainly the worst member of the Wilson administration when it came to civil liberties—was the archetypical figure for a repressive establishment of surveillance and censorship. But the persecution went much deeper.

This chapter explores how a voluntary society before the war was transformed into a pervasive surveillance state that persisted for years after the Armistice. This chapter and the next are the most ambitious of this study because there is so much material to cover. There is so much material to cover because the scope of the combined efforts of governmental and pseudo-

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<sup>1</sup> H.L. Mencken, “On Government,” 188, in H. L. Mencken, *Prejudices: A Selection*, ed. James T. Farrell (Baltimore, MD: Johns Hopkins University Press, 1996).

<sup>2</sup> Felix Frankfurter and Harlan B. Phillips, *Felix Frankfurter Reminisces* (New York, NY: Reynal & Company, 1960), 122.

governmental organizations to conduct surveillance, report on suspicious neighbors, censor their words, and imprison those suspected of disloyalty was so great.

As with the previous chapter, the most energetic efforts at surveillance during the neutrality period came from domestic preparedness groups. After the United States entered the war, Congress enacted a legislative program—including the Espionage Act, the Sedition Act, and the Trading with the Enemy Act—that provided a legal framework for surveillance, repression, harassment, censorship, persecution, and imprisonment. To carry out these functions, existing organizations such as the Bureau of Investigation (forerunner of the Federal Bureau of Investigation) were supplemented by the privately organized but officially recognized American Protective League, which grew to 250,000 members during the war. The Council of National Defense, organized to coordinate resources for the war effort, oversaw a network of state and local chapters that also contributed to the surveillance state. This chapter focuses on the efforts of governments—both federal and state—reinforced by a massive citizen vigilance network, and how those efforts infringed on civil liberties and attempted to destroy communities and cultures that did not conform. Chapter Nine will focus on the victims of this repression, including radicals, African Americans, immigrants, women, and conscientious objections.

### **Espionage Act and Sedition Act**

Perhaps the most consequential piece of wartime legislation, the measures that would become the Espionage Act, were recommended by the Department of Justice as legislative measures to Congress. As early as December 1915, the President had declared to Congress that “the gravest threats against our national peace and safety have been uttered within our own

borders.”<sup>3</sup> But, according to Wilson, “we are without adequate federal laws to deal with it. I urge you to enact such laws at the earliest possible moment and feel that in doing so I am urging you to do nothing less than save the honor and self-respect of the nation. Such creatures of passion, disloyalty, and anarchy must be crushed out.”<sup>4</sup> In Congress, Senator Albert B. Cummins (R-IA), a progressive who had previously served as Governor of Iowa, put up the stiffest opposition to the bill. According to Cummins, the espionage measures represented “an exceedingly stringent regulation of American life, a regulation which I venture to say is more arbitrary, more rigorous than any country on the face of the earth ever adopted in time of peace.”<sup>5</sup> Despite Cummins’ concerns over civil liberties, Senators appeared to be convinced by Justice Department claims that “there are 100,000 spies in this country to-day....”<sup>6</sup> Passage seemed assured when Senator Albert B. Fall (R-NM), a fierce critic of Wilson who would later be convicted for his role as the Secretary of the Interior in the Teapot Dome scandal, declared that “ I believe that it is absolutely essential to the salvation of this Government now that some man who will act shall have the power to act in times of emergency.” Fall believed that “it is necessary that we should have laws which will enable us to control the spies of foreign countries, who, as the Senator says, now have access to the intimate secrets of this Government for its national defense;” that “the Congress of the United States should vest in the Executive Department at this time absolute, arbitrary powers;” and that “without that this Government itself and the perpetuity of our democratic institutions are at stake. For that reason I am willing to yield something of my previous

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<sup>3</sup> An Annual Message on the State of the Union, December 7, 1915, 35:306, in Link, *PWW*.

<sup>4</sup> An Annual Message on the State of the Union, December 7, 1915, 35:307, in *ibid*.

<sup>5</sup> Senate Debate on Espionage Act, *Congressional Record*, 64th Congress, 2nd Sess., Vol. 54, Part 4 (February 20, 1917), 3584-3617, 1917, 3585.

<sup>6</sup> *Ibid.*, 3586.

convictions with reference to one-man power.”<sup>7</sup> The bill passed the Senate 60-10 on February 20, 1917, despite just three days of debate, but the House did not take up the bill before the session expired.<sup>8</sup>

In the new congressional session, continued concerns about free speech caused some revisions to the new bill despite being taken up in the immediate aftermath of the war declaration.<sup>9</sup> The President insisted that the administration “still holds, that authority to exercise censorship over the Press to the extent that that censorship is embodied in the recent action of the House of Representatives is absolutely necessary to the public safety.”<sup>10</sup> Nonetheless, civil liberties advocates won a victory when House and Senate conferees rejected a press censorship section.<sup>11</sup> The full House and Senate both approved the conference report, and the President signed the Espionage Act into law on June 15, 1917.<sup>12</sup> The Espionage Act represented the first legislation by Congress regulating disloyal speech since the Sedition Act of 1798. Despite the removal of the censorship provisions, Congress would soon enact other legislation, discussed later in this Chapter, that would restore the administration’s ability to censor.

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<sup>7</sup> *Ibid.*, 3592.

<sup>8</sup> Senate Vote on Espionage Act, *Congressional Record*, 64th Congress, 2nd Sess., Vol. 54, Part 4 (February 20, 1917), 3665, 1917; “Vote Backs ‘Spy’ Bill,” *Washington Post*, February 20, 1917, 1, 4; “Spy Bill Past Senate,” *Washington Post*, February 21, 1917, 1.

<sup>9</sup> “Spy Bill to Be Revised,” *Washington Post*, April 13, 1917, 3; “Bitter Fight in Congress May Kill the Censorship Clause in the ‘Spy’ Bill,” *Washington Post*, May 3, 1917, 3.

<sup>10</sup> To Edwin Yates Webb, May 22, 1917, 42:369-370, in Link, *PWW*.

<sup>11</sup> “Censor Clause Is Lost,” May 13, 1917, 2; “59th Day of War,” *Washington Post*, June 5, 1917, 1; Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism* (New York, NY: W.W. Norton & Company, 2004), 147–149.

<sup>12</sup> House Vote on Espionage Act Conference Report, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 4 (June 7, 1917), 3307, 1917; Senate Vote on Espionage Act Conference Report, *Congressional Record*, 65th Congress, 1st Sess., Vol. 55, Part 4 (June 12, 1917), 3498, 1917; “Espionage Bill Is Signed,” *New York Times*, June 16, 1917, 10.



The Espionage Act, as powerful as it was, developed a worrying crack in the most unlikely of places. When a Montana man, Ves Hall, was tried under the Act, District Judge George M. Bourquin directed a not-guilty verdict.<sup>13</sup> According to the court:

At divers times in the presence of sundry persons, some of whom were registered for the draft, the defendant declared that he would flee to avoid going to war; that Germany would whip the United States, and he hoped so; that the president was a Wall street tool, and that the president was the crookedest (using a vile epithet) that ever was president of the United States, and that he was the richest man in the United States; that the president brought us into the war by British dictation; that Germany had the right to sink ships and kill Americans without warning, and that the United States was only fighting for Wall street millionaires and to protect Morgan's interests in England.<sup>14</sup>

In almost any other Espionage Act prosecution, these words would have almost certainly gained conviction, but Bourquin was not persuaded. According to the judge, Hall's words were a mixture of "opinions, beliefs, intentions and arguments," which were not actionable, and slanders that fell within the scope of the Espionage Act.<sup>15</sup> The key distinction, according to Bourquin, was that the slanderous statements did not meet the requirements of specific intent because they "were made at a Montana village of some sixty people, sixty miles from the railway, and none of the army or navy forces were within hundreds of miles..."<sup>16</sup> Hall could not have intended to interfere with the war effort because he did not have proximity to any military forces.

A second motivation for amending the Espionage Act was driven by the Justice Department's claims to thwart vigilantism, which was rich in irony given the federal government's central role in cheerleading the war hysteria to a fever pitch.<sup>17</sup> Although, as William H. Thomas, Jr. has documented, the Justice Department's actions never really matched

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<sup>13</sup> "Judge Bourquin Holds Hall and Just Not Liable," *Helena Independent*, January 27, 1918, 1, 3.

<sup>14</sup> *Ibid.*, 3.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> Thomas, Jr., *Unsafe for Democracy*, 154–156; Richard Polenberg, *Fighting Faiths: The Abrams Case, the Supreme Court, and Free Speech* (New York, NY: Viking Penguin, Inc., 1987), 30–31.

their words. Despite the Department's professed purpose for wanting the amendments, Justice's efforts to protect against vigilantism "were often halting and tentative."<sup>18</sup> And while the federal government was often willing to go to extreme lengths to interpret the law in its favor when exercising the war power, the Justice Department was curiously shy in finding authority to prosecute vigilantism. When Olli Kiukkonen, a Finnish immigrant, was kidnapped by the Knights of Loyalty, his body tarred and feathered, and found hanging lifelessly from a tree, the incident was ruled a suicide.<sup>19</sup> Bureau of Investigation director A. Bruce Bielaski found that no federal law was violated, so the Justice Department's hands were tied.<sup>20</sup> Despite offering assistance to state and local authorities, no one was ever prosecuted for Kiukkonen's death. In general, the Justice Department believed that "most of these activities lay outside its reach and in control of local authorities."<sup>21</sup> More importantly, the sought-after amendments did nothing to change this status quo.

Amendments to the Espionage Act to curb sedition worked their way through Congress in the spring of 1918. These amendments, which would become the Sedition Act, sought to punish "any disloyal, profane, scurrilous, or abusive language" regarding the United States government.<sup>22</sup> The Justice Department's disdain for free speech was evident when it lobbied to defeat an amendment from Senator Joseph I. France (R-MD) that would have provided that "nothing in this act shall be construed as limiting the liberty or impairing the rights of any individual to publish or speak 'what is true with good motives and for justifiable ends.'"<sup>23</sup>

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<sup>18</sup> Thomas, Jr., *Unsafe for Democracy*, 159.

<sup>19</sup> Report of Frank O. Peltó, October 8-18, 1918, OG 309719, in ICFBI; "Death Follows Mobs," *Bottineau Courant*, November 21, 1918, 7.

<sup>20</sup> Report of John T. Kenny, October 11, 1918, OG 309719, in ICFBI.

<sup>21</sup> Annual Report of the Attorney General of the United States for the Year 1918 (Washington, DC: Government Printing Office, 1918), 23.

<sup>22</sup> *Sedition Act of 1918*, vol. 40 Stat. 553, 1918, 553 (Sec. 3).

<sup>23</sup> "France Voted Down," *Baltimore Sun*, April 10, 1918, 2; Thomas, Jr., *Unsafe for Democracy*, 156.

Despite the concerns raised by France and others, including Senator Hiram W. Johnson (R-CA), the bill passed the House 292-1 and the Senate 48-26.<sup>24</sup> President Wilson signed the Sedition Act into law on May 16, 1918.

Law professor and First Amendment scholar Geoffrey R. Stone noted that the Justice Department initiated about 2,000 wartime prosecutions of the Espionage and Sedition Acts.<sup>25</sup> In a survey of some of the most egregious examples, Stone noted that “[n]one of these defendants expressed advocated insubordination, refusal of service, or any other unlawful conduct.”<sup>26</sup> Indeed, courts readily acknowledged that “disapproval of war and the advocacy of peace are not crimes under the Espionage Act....”<sup>27</sup> Nevertheless, the same courts were willing to criminalize this conduct when “the natural and probable tendency and effect of the words” was to obstruct the war effort.<sup>28</sup> Thus, when Russian immigrant Rose Pastor Stokes told the Women’s Dining Club of Kansas City that “I am for the people and the government is for the profiteers,” her words alone were not criminal, but the tendency of those words to obstruct the war effort made them a violation of the Espionage Act and deserving of a sentence of ten years in prison.<sup>29</sup> In Des Moines, Iowa, D.T. Blodgett received a 20-year sentence for circulating a leaflet opposing the re-

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<sup>24</sup> “Free Speech Curb in Sedition Bill,” *New York Times*, April 25, 1918, 12; House Vote on Sedition Act, Congressional Record, 65th Congress, 1st Sess., Vol. 56, Part 6 (May 7, 1918), 6186-6187, 1918; Senate Vote on Sedition Act, Congressional Record, 55th Congress, 1st Sess., Vol. 56, Part 6 (May 4, 1918), 6057, 1918.

<sup>25</sup> Stone, *Perilous Times*, 12.

<sup>26</sup> *Ibid.*, 173.

<sup>27</sup> *Shaffer v. United States*, 255 F. 886, 887 (9th Cir. 1919).

<sup>28</sup> *Ibid.*

<sup>29</sup> “Dining Club Turns Now,” *Kansas City Star*, March 20, 1918, 1; “U.S. into Loyalty Stand,” *Kansas City Star*, March 20, 1918, 1; “Long Stokes Term,” *Kansas City Star*, June 1, 1918, 1. Stokes’s verdict was later reversed when the Appeals Court found that the trial judge “went too far in his charge to the jury” and that “the partisan zeal of the court...led it to place too heavy a burden on the defendant...” *Stokes v. United States*, 264 F. 18 (8th Cir. 1920).

election of a member of Congress who voted for the draft.<sup>30</sup> In South Dakota, the Justice Department prosecuted 30 German farmers for signing a petition to the state's governor opposing the draft law.<sup>31</sup> After convictions in several trials, appeals cases reached the Supreme Court. While the Court initially voted 7-2 to uphold the convictions, a strong dissent by Oliver Wendell Holmes persuaded Chief Justice Edward D. White to delay, wanting to secure a unanimous decision in this first Espionage Act case to reach the Court.<sup>32</sup> This delay, and the probable force with which Holmes's dissent would have struck, ultimately persuaded the Justice Department to issue a rare confession of error.<sup>33</sup> Holmes's draft dissent, supported only by Justice Louis Brandeis, proved enough potential embarrassment to the administration that the Justice Department was willing to forgo otherwise guaranteed Espionage Act convictions. This moment, all but hidden from public view, marked a small but potentially meaningful shift in the Court's First Amendment jurisprudence. Whether it would have some lasting impact remained to be seen.

In perhaps the most absurd prosecution under the Espionage Act, the silent film *The Spirit of '76* was seized by the U.S. Attorney in Los Angeles because of its negative depiction of British forces during the American Revolution.<sup>34</sup> The film's producer, Robert Goldstein, was arrested and charged with violating the Espionage Act.<sup>35</sup> Goldstein was found guilty of two

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<sup>30</sup> "Federal Men Seize Seditious Prints," *Des Moines Tribune*, August 3, 1917, 1; "D.T. Blodgett Guilty of Five Counts Espionage," *Evening Gazette* (Cedar Rapids, IA), December 29, 1917, 1; National Civil Liberties Bureau, *War-Time Prosecutions and Mob Violence* (New York, NY: National Civil Liberties Bureau, 1918), 14.

<sup>31</sup> "30 Germans Are Arrested in South Dakota for Opposing the War and the Draft Law," *New York Times*, August 28, 1917, 1.

<sup>32</sup> Sheldon M. Novick, "The Unrevised Holmes and Freedom of Expression," *The Supreme Court Review* 1991 (1991): 331–333.

<sup>33</sup> *Baltzer v. United States*, 248 U.S. 593 (1918).

<sup>34</sup> "War-of-Revolution Film Seized by Government," *Los Angeles Times*, November 30, 1917, 13, 20.

<sup>35</sup> "Film Man's in Espionage Net," *Los Angeles Times*, December 1, 1917, 9.

counts.<sup>36</sup> According to the court, by possessing and then displaying the film, Goldstein “knowingly, willfully and unlawfully attempt to cause insubordination, disloyalty, mutiny, and refusal of duty, in the military and naval forces of the United States....”<sup>37</sup> He was sentenced to ten years in federal prison and given a \$5,000 fine. The sentence was upheld on appeal, although the President later commuted the term to three years.<sup>38</sup>

Soon after the case of the German farmers reached the Supreme Court, other Espionage Act convictions came up for review. Holmes found these cases more suitable examples of Espionage Act prosecutions and had no problem writing unanimous opinions upholding convictions in those cases. In sustaining the conviction of Charles Schenck, who published leaflets urging men not to comply with the draft, Holmes wrote that “[t]he most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic.”<sup>39</sup> In summarizing the judicial test, Holmes explained that “[t]he question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.”<sup>40</sup> In two subsequent cases, Holmes again had no problem in upholding the conviction of a small-town newspaper editor for writing articles critical of the war and the conviction of prominent socialist Eugene V. Debs for an anti-war speech.<sup>41</sup> Holmes’s First Amendment moment, delayed by the Justice Department’s confession of error in the German farmers case, came in *Abrams v. United States*. While the Court voted 7-2 to uphold the

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<sup>36</sup> “Goldstein Is Found Guilty,” *Los Angeles Times*, April 16, 1918, 13.

<sup>37</sup> *Goldstein v. United States*, 258 F. 908 (9th Cir. 1919).

<sup>38</sup> *Ibid.*; “Uphold Jail Term,” *Los Angeles Times*, May 27, 1919, 2.

<sup>39</sup> *Schenck v. United States*, 249 U.S. 47, 52 (1919).

<sup>40</sup> *Ibid.*

<sup>41</sup> *Frohwerk v. United States*, 249 U.S. 204 (1919); *Debs v. United States*, 249 U.S. 211 (1919).

conviction of Jacob Abrams and others for distributing leaflets critical of American intervention in the Russian Civil War in 1918, Holmes dissented.<sup>42</sup> According to Holmes, the Court had misapplied the clear and present danger test he first articulated in *Schenck*. Holmes believed that the intent of the leaflets did not suggest impeding the American war effort; the defendants were instead being punished for their “creed of ignorance and immaturity....”<sup>43</sup> Despite Holmes’s dissent, the clear and present danger test that he developed would remain the lynchpin of First Amendment jurisprudence until 1969. The legacy of Holmes’s dissent is unmistakable, but few scholars seem to have questioned whether that legacy is deserved if the clear and present danger test could be so readily misapplied soon after its creation.

### **Post Office Department**

Chapter Six of this study discussed the history of the Trading with the Enemy Act, and specifically the role of the Alien Property Custodian in seizing nearly a billion dollars of property—and the attendant corruption that came with the broad executive powers assigned to the office. But the Act also gave President Wilson the authority to create a Censorship Board, which included Secretary of War Newton D. Baker, Secretary of the Navy Josephus Daniels, Postmaster General Albert S. Burleson, Chairman of the War Trade Board Vance C.

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<sup>42</sup> *Abrams v. United States*, 250 U.S. 616 (1919); *Workers Wake Up!*; 8/1918; C15-22, U.S. District Court for the Southern District of New York; *United States of America v Jacob Abrams, Jacob Schwartz, Samuel Lipman, Hyman Rozansky, Hyman Lachowsky and Molly Steimer, Etc.*; *Criminal Case Files, 1845 - 1979* (NAI #582173) (Records of District Courts of the United States, 1685-2009, Record Group 21; National Archives at New York, New York, NY, 1918); *The Hypocrisy of the United States and Her Allies*; 8/1918; C15-22, U.S. District Court for the Southern District of New York; *United States of America v Jacob Abrams, Jacob Schwartz, Samuel Lipman, Hyman Rozansky, Hyman Lachowsky and Molly Steimer, Etc.*; *Criminal Case Files, 1845 - 1979* (NAI #582173) (Records of District Courts of the United States, 1685-2009, Record Group 21; National Archives at New York; New York, NY, 1918). For one of the leaflets at issue in *Abrams*, see the Appendix.

<sup>43</sup> *Abrams v. United States*, 250:629 (Holmes, dissenting).

McCormick, and Chairman of the Committee on Public Information George Creel.<sup>44</sup> The Censorship Board was empowered to establish rules for the censorship of mail, cable, radio, or any other means of transmission between the United States and foreign countries. The President also authorized Burleson's Post Office department to regulate and censor foreign language publications.<sup>45</sup> These provisions, together with the previously discussed Espionage Act and Sedition Act, provided a broad legal framework for surveillance, repression, harassment, censorship, persecution, and imprisonment.

Albert S. Burleson became President Wilson's postmaster general in large part for his political support of Wilson during the 1912 presidential campaign.<sup>46</sup> Burleson responded favorably to a petition to segregate mail clerks and pushed a broader extension of segregation and discriminatory practices against blacks in the Post Office.<sup>47</sup> Notably, President Wilson did not push back against the segregation efforts of Burleson or others in his administration. Burleson's hostility with the press began just days after taking office when he tried to enforce a law that required newspapers to print a statement naming its bondholders, security holders, and the amount of daily circulation.<sup>48</sup> A few days later, the Supreme Court forbade Burleson from doing so.<sup>49</sup>

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<sup>44</sup> Executive Order [Vesting Power and Authority in Designated Officers and making Rules and Regulations under Trading with the Enemy Act and Title VII of the Act Approved June 15, 1917], October 12, 1917, XVII:8369-8370, in Richardson, *CMPP*.

<sup>45</sup> Executive Order [Vesting Power and Authority in Designated Officers and making Rules and Regulations under Trading with the Enemy Act and Title VII of the Act Approved June 15, 1917], October 12, 1917, XVII:8371, in *ibid*.

<sup>46</sup> To Albert Sidney Burleson, February 23, 1913, 27:127, in Link, *PWW*; Adrian Anderson, "President Wilson's Politician: Albert Sidney Burleson of Texas," *The Southwestern Historical Quarterly* 77, no. 3 (January 1974): 342-344.

<sup>47</sup> "10,000 Petition for Segregation," *Arkansas Gazette*, April 26, 1913; Anderson, "President Wilson's Politician," 345; Entry for April 11, 1913, 19-34, in Cronon, *CDJD*.

<sup>48</sup> "Newspaper Law's Status," *New York Times*, March 12, 1913, 2.

<sup>49</sup> *Journal of Commerce & Commercial Bulletin v. Burleson*, 229 U.S. 600 (1913); "Burleson Is Enjoined," *New York Times*, March 18, 1913, 1.

On the same day that Congress passed the declaration of war, and fully two months before the Espionage Act was passed, Burleson proposed at a cabinet meeting that any newspapers that criticized the war effort should be excluded from the mails.<sup>50</sup> In the same meeting, Secretary of State Robert Lansing proposed that no newspapers should be printed in German.<sup>51</sup> While neither of these proposals had an immediate impact, it was only a matter of time before Congress authorized what the administration was already planning to do. Once the Espionage Act was signed into law, for example, Burleson used his powers aggressively by exercising the Act's nonmailability provision to deny mail privileges to publications that did not meet his standard. According to Burleson, a newspaper cannot "impugn the motives of the government for going into the war. They cannot say this government is the tool of Wall Street or the munitions makers."<sup>52</sup> Burleson regarded words like these as "a false statement, a lie, and it will not be permitted."<sup>53</sup> Burleson insisted that his powers would not be used politically, but the list of excluded publications was almost exclusively left-wing, socialist, and anti-war views.

In a letter to President Wilson from Max Eastman, Amos Pinchot, and John Reed, the authors complained that the Post Office had denied the use of the mails to a long list of newspapers and magazines.<sup>54</sup> Regarding Eastman's *The Masses* magazine, they were particularly concerned that the Post Office's solicitor, William H. Lamar, "refused to make complaint against any specific article appearing in it, but simply declares the 'general tenor' of the magazine unmailable under the Espionage Law. This leaves the editors in such uncertainty as to make it

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<sup>50</sup> Entry for April 6, 1917, 130, in Cronon, *CDJD*.

<sup>51</sup> Entry for April 6, 1917, 130, in *ibid*.

<sup>52</sup> "Our Master's Power," *Evening Capital* (Annapolis, MD), October 12, 1917, 3.

<sup>53</sup> *Ibid*.

<sup>54</sup> From Max Eastman and Others [enclosure], July 12, 1917, 43:165, in Link, *PWW*.



practically impossible for them to make up the magazine.”<sup>55</sup> In a follow-up letter, Pinchot showed considerable frustration with Burleson’s inability even to consider the issues raised by the editors.<sup>56</sup>

On behalf of *The Masses*, Eastman filed for an injunction against the postmaster of New York, T.G. Patten.<sup>57</sup> In reply, Patten repeated the Post Office’s general concern that the entire publication was objectionable but also included four cartoons and four selections of text that it believed hampered the nation’s war effort.<sup>58</sup> Judge Learned Hand granted the injunction, reasoning that the cartoons and statements were outside the scope of the Espionage Act’s provisions. According to Hand, there was a distinction between “agitation” and “direct incitement to violent resistance.”<sup>59</sup> Hand explained that “[t]he distinction is not a scholastic subterfuge, but a hard-bought acquisition in the fight for freedom, and the purpose to disregard it must be evident when the power exists. If one stops short of urging upon others that it is their duty or their interest to resist the law, it seems to me one should not be held to have attempted to cause its violation.”<sup>60</sup> In ruling against the Post Office, Hand’s opinion narrowed the scope of the government’s powers under the Espionage Act (at least in this case, for the time being). But in the war hysteria of 1917, Hand’s reasoning was insufficient, and the Court of Appeals overturned his decision.<sup>61</sup> The judgment noted that whether *The Masses* contained objectionable content was a matter of a difference of opinion; and if the Postmaster General decided that it was objectionable, “the case would be governed by the principle that the head of a department of the

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<sup>55</sup> From Max Eastman and Others [enclosure], July 12, 1917, 43:165, in *ibid.*

<sup>56</sup> From Amos Richards Eno Pinchot, July 25, 1917, 43:276-278, in *ibid.*

<sup>57</sup> *Masses Publishing Co. v. Patten*, 244 F. 535, 536 (S.D.N.Y. 1917).

<sup>58</sup> *Ibid.*, 244:536.

<sup>59</sup> *Ibid.*, 244:540.

<sup>60</sup> *Ibid.*

<sup>61</sup> *Masses Publishing Co. v. Patten*, 246 F. 24 (2d Cir. 1917).

government in a doubtful case will not be overruled by the courts in a matter which involves his judgment and discretion, and which is within his jurisdiction.”<sup>62</sup> Seen from this perspective of extreme judicial deference, Justice Holmes “clear and present danger test” is a clear improvement. Seen through the lens of history, it was Judge Hand who had the foresight; indeed, his opinion laid the groundwork for the Supreme Court’s adoption of the “incitement” test in *Brandenburg v. Ohio* in 1969.<sup>63</sup> For his judicial courage, Hand angered many in the administration and was passed over for an anticipated promotion to the Court of Appeals.<sup>64</sup> But his time would come.

In September 1917, several prominent editors, including Arthur Brisbane and Oswald Garrison Villard, wrote to the President on behalf of ex-Congressman Victor Berger’s *Milwaukee Leader* newspaper, which Burleson’s Post Office had suppressed.<sup>65</sup> According to Villard, the newspaper’s mailing privileges were denied “not because of any single utterance but because of its ‘general tendency.’ [Berger] asked for details but got none.”<sup>66</sup> Wilson referred the matter to Burleson, who refused to act; Wilson likewise rejected a meeting that Villard had requested.<sup>67</sup> It was not uncommon for Wilson to ask his officials to review a particular action, and Wilson had done so with Burleson on occasion. But a year later marked the single instance in which Wilson overruled Burleson’s decision to remove a publication’s mailing privileges. In

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<sup>62</sup> *Ibid.*, 246:39.

<sup>63</sup> *Brandenburg v. Ohio*, 395 U.S. 444, 454 (1969) (Douglas, concurring).

<sup>64</sup> Stone, *Perilous Times*, 165–168; Gerald Gunther, *Learned Hand: The Man and the Judge* (New York, NY: Alfred A. Knopf, 1994), 161, 599–606.

<sup>65</sup> To Arthur Brisbane, September 24, 1917, 44:245, and Oswald Garrison Villard to Joseph Patrick Tumulty [enclosure], September 26, 1917, 44:271-273, in Link, *PWW*.

<sup>66</sup> Oswald Garrison Villard to Joseph Patrick Tumulty [enclosure], September 26, 1917, 44:271-273, in *ibid.*

<sup>67</sup> To Albert Sidney Burleson, September 24, 1917, 44:245, and To Joseph Patrick Tumulty, September 28, 1917, 44:273, in *ibid.*

this instance, it was Villard again, on behalf of his own publication, the venerable *Nation*.<sup>68</sup> Probably because of his friendship with Villard, the support of others in the administration (including Secretary of the Interior Franklin Lane), and negative publicity from the action, Wilson reversed the Post Office's decision "and have counselled the Postmaster General in a way that was entirely friendly to Mr. Villard."<sup>69</sup>

### **Federal Regulatory Efforts**

In addition to congressional legislation, Germans in the United States were also subject to enemy alien regulations promulgated by President Wilson. The authority for these regulations came from the Alien Enemies Act, passed by Congress in 1798, which provided that, during a state of war, "all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured and removed, as alien enemies."<sup>70</sup> The initial set of regulations, announced by Wilson on April 6, 1917, prohibited the possession of firearms, radios, signaling devices, or cipher codes. Alien enemies could not operate aircraft and were banned from areas within one-half mile of war infrastructure facilities or other designated prohibited areas. The regulations forbid alien enemies from publishing threats against the government and from committing hostile acts, including aiding the

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<sup>68</sup> From Oswald Garrison Villard [enclosure], September 17, 1918, 51:56, and Enclosure 2, September 17, 1918, 51:57, in *ibid.*. According to a note attached to President Wilson's reply to Joseph Tumulty in the next footnote, the article in question was Albert Jay Nock, "The One Thing Needful," *The Nation* 107, no. 2776 (September 14, 1918): 283.

<sup>69</sup> Oswald Garrison Villard to Joseph Patrick Tumulty, September 18, 1918, 51:57, and To Joseph Patrick Tumulty, September 18, 1918, 51:55, in Link, *PWW*; "Wilson Lifted 'Nation' Ban," *New York Times*, September 20, 1918, 11; Oswald Garrison Villard, "'The Nation' and the Post Office," *The Nation* 107, no. 2778 (September 28, 1918): 336–337.

<sup>70</sup> *Alien Enemies Act, 1 Stat. 577*, vol. 50 U.S.C. § 21, 1798.

enemy. Alien enemies required a permit to leave the United States and could not enter the United States without permission.<sup>71</sup> On November 16, 1917, the President announced additional regulations, which required the registration of all alien enemies (initially men, but women were later required to register), to include family and immigration information, fingerprints, and a photograph. Alien enemies were required to carry their registration cards on their person. Other regulations prohibited alien enemies in the vicinity of port facilities, railroad yards, anywhere within three miles of the shore line, or anywhere within the District of Columbia.<sup>72</sup> Violations of these regulations subjected alien enemies to arrest and imprisonment without trial.<sup>73</sup>

The implementation of this regime was nominally led by the federal government through various agencies, including the Justice Department's Bureau of Investigation and the Post Office. However, these agencies simply did not have the manpower to enforce the vast executive powers granted by Congress. Instead, the Justice Department relied on volunteers—hundreds of thousands of volunteers—in a scheme that had no historical analog. Conjured up in the weeks before the United States entered the war by advertising executive Albert M. Briggs, the American Protective League (APL) began as a Chicago-area regiment of volunteers and soon developed into a nationwide manpower supplement for the Bureau of Investigation.<sup>74</sup> Briggs pitched the idea to Hinton Claybaugh, who was leading the Justice Department's efforts in Chicago. Claybaugh passed the idea to A. Bruce Bielaski, head of the Bureau of Investigation, who encouraged its development.<sup>75</sup> By March 30, just days before entry into the war, Attorney

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<sup>71</sup> A Proclamation [Existence of War--German Empire], April 6, 1917, XVII:8244-8245, in Richardson, *CMPP*.

<sup>72</sup> Proclamation [Additional Regulations Prescribing the Conduct of Alien Enemies], November 16, 1917, XVIII:8393-8394, in *ibid*.

<sup>73</sup> A Proclamation [Existence of War--German Empire], April 6, 1917, XVII:8245, in *ibid*.

<sup>74</sup> Jensen, *The Price of Vigilance*, 17–22.

<sup>75</sup> *Ibid.*, 22–23.

General Thomas Gregory broached the subject of volunteer assistance at a cabinet meeting, finding no opposition.<sup>76</sup> At least tacitly, President Wilson had given approval to the APL.

The nature of the APL should not be understated. Members, which soon numbered as many as 250,000, were given badges (some of which displayed "Secret Service"), and Attorney General Gregory authorized the organization to proclaim that it was "Organized with the Approval and Operating under the Direction of the United States Department of Justice, Bureau of Investigation."<sup>77</sup> When the organization was established, APL members were not empowered to make arrests until consulting with Federal authorities. But, the sheer number of volunteers and the small number of federal agents, together with the building war hysteria, made this arrangement impossible to implement. A cursory examination of the Bureau of Investigation's case files shows that, in practice, APL members acted as auxiliary agents by carrying out investigations, interviewing neighbors, engaging in surveillance, using undercover operatives, and making arrests. By one measure, the APL carried out 80 percent of the Bureau of Investigation's caseload.<sup>78</sup> Despite the official arrangement with the Department of Justice, the APL's abuses existed in an extra layer of unaccountability between the federal government and the people. By any measure of today's standards, APL members were very clearly agents of the state. In many cases, people under investigation by APL members became confused by the Secret Service badges and did not realize the member was not, in fact, a federal agent.<sup>79</sup>

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<sup>76</sup> Ibid., 29.

<sup>77</sup> American Protective League, *American Protective League: Organized with the Approval and Operating Under the Direction of the United States Department of Justice, Bureau of Investigation* (Washington, DC, 1918), 9; Jensen, *The Price of Vigilance*, 48. For a picture of an APL badge and membership card, see the Appendix.

<sup>78</sup> Jensen, *The Price of Vigilance*, 155.

<sup>79</sup> Ibid., 48.

Although he did not apparently raise any objections to the APL at the March 30 cabinet meeting, Treasury Secretary William Gibbs McAdoo became the chief critic of the APL from within the administration. In a letter to the Attorney General and copied to President Wilson, McAdoo expressed amazement that “you have personally sanctioned the formation and activities of this private association operating under the name of ‘Secret Service,’ a name that at once falsely identifies it in the public mind with a branch of the public service in the Treasury Department.”<sup>80</sup> McAdoo compared the APL to the Sons of Liberty during the American Revolution, who committed “grave abuses and injustices,” and explained that the APL “contains the same evil potentialities, especially since it is operating under the sanction of the Department of Justice.”<sup>81</sup> Gregory replied and acknowledged that he approved and encouraged the formation of the APL but that “[i]t has no official status and claims none.”<sup>82</sup> He also pointed out that he had brought the idea to the cabinet on March 30, and no one had objected then.<sup>83</sup> Gregory’s defense of the APL amounted to the positive potential for the APL to assist the Justice Department without any acknowledgment of their abuses. In any case, the President did not interfere with the Attorney General’s continued reliance on the APL. McAdoo’s concerns were vindicated during the September 1918 “slacker” raids in New York City, when Gregory acknowledged that APL members were involved in making unlawful arrests without the approval of the Justice Department.<sup>84</sup> According to the Attorney General, this occurred “[c]ontrary to my express instructions, however, instructions which I have repeated over and over again,” which suggested

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<sup>80</sup> From William Gibbs McAdoo, June 2, 1917, 42:440, and William Gibbs McAdoo to Thomas Watt Gregory [enclosure], June 2, 1917, 42:441-443, in Link, *PWW*.

<sup>81</sup> William Gibbs McAdoo to Thomas Watt Gregory [enclosure], June 2, 1917, 42:441-443, in *ibid*.

<sup>82</sup> From Thomas Watt Gregory, June 14, 1917, 42:509, in *ibid*.

<sup>83</sup> Thomas Watt Gregory to William Gibbs McAdoo [enclosure], June 12, 1917, 42:510-518, in *ibid*.

<sup>84</sup> From Thomas Watt Gregory, September 9, 1918, 49:499-503, in *ibid*.

it was not a one-time occurrence.<sup>85</sup> One must wonder how many times the APL was involved in other illegal arrests when the publicity of rounding up thousands of slackers was not involved.

Historian Joan Jensen described the APL as a “volunteer counterconspiracy organization organized by the federal government.”<sup>86</sup> According to Jensen, responsibility laid with President Wilson for accepting the theory that the Germans were using clandestine means to undermine the American government and helping to perpetuate the need for the APL.<sup>87</sup> But the APL never found those elusive German spies among the American people. The APL’s legacy was borne of the President’s failure to respect civil liberties, especially of dissenters. As Jensen wrote: “The price of freedom may indeed be eternal vigilance, but that vigilance must be in defense of civil liberties, not in their suppression.”<sup>88</sup>

George Creel’s Committee on Public Information also contributed to the surveillance and censorship regime. As discussed in Chapter Seven, the Committee had no statutory authority to censor the press. Yet the Committee still engaged in de facto censorship by a series of progressively harsher policy pronouncements and coordination with other agencies. Creel’s voluntary censorship agreement with the press was soon followed by a Presidential Proclamation outlining those activities defined as treasonous against the United States, including “[t]he performance of any act or the publication of statements or information which give or supply, in any way, aid and comfort to the enemies of the United States.”<sup>89</sup> On May 28, 1917, the

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<sup>85</sup> From Thomas Watt Gregory, September 9, 1918, 49;499-503, in *ibid.*

<sup>86</sup> Jensen, *The Price of Vigilance*, 292.

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*, 307.

<sup>89</sup> What the Government Asks of the Press, 10-12, in U.S. Committee on Public Information and Creel, *Creel Report; A Proclamation [Treason and Misprision of Treason, April 16, 1917]*, XVII:8247-8249, in Richardson, *CMPP*.

Committee issued its Preliminary Statement, which expanded upon previous understandings and grouped news into three categories:

1. Matters which obviously must not be mentioned in print.
2. Matters of a doubtful nature which should not be given publicity until submitted to and passed by the committee.
3. Matters which do not affect the conduct of the war, do not concern this committee, and are governed only by peace-time laws of libel, defamation of character, etc.<sup>90</sup>

The Committee acknowledged that it would be “impossible to lay down in advance hard-and-fast rules. The experience of the press bureaus in belligerent countries in Europe has shown a need for constant amendment.”<sup>91</sup> These categories were later identified as Dangerous, Questionable, and Routine; but the Committee still recommended news to be submitted for approval if editors had any doubt.<sup>92</sup> In practice, of course, whether specific news items fit into one category or another would have an enormous impact on whether they could be published.

Like so many other areas of state power during the war, the Committee’s censorship efforts could not have been effective without cooperation. Aside from questions about truly how voluntary the press censorship agreement was, the Committee both encouraged and relied upon editors and readers to report violations of the rules.<sup>93</sup> In Pennsylvania, for example, the Pittsburgh Press Club pledged its support to the federal government, which was accepted by Attorney General Thomas W. Gregory.<sup>94</sup> The Press Club’s intelligence effort, covering 27 counties in western Pennsylvania, was accorded semi-official status with assistance from the

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<sup>90</sup> U.S. Committee on Public Information, Preliminary Statement to the Press of the United States (Washington, DC: Government Printing Office, 1917), 6.

<sup>91</sup> *Ibid.*, 5.

<sup>92</sup> *Ibid.*, 11–17; Mock and Larson, *Words That Won the War*, 81–82.

<sup>93</sup> “Treason’s Twilight Zone,” *Literary Digest* LIV, no. 23 (June 9, 1917): 1763–1765 (“*Literary Digest* readers are invited to clip and send us any editorial utterances they encounter which seem to them seditious or treasonable. Such clippings should be clearly marked with the name of the paper and the date and place of publication”).

<sup>94</sup> “Alliance Pledged by Newspapermen,” *Pittsburgh Daily Post*, April 15, 1917, 16; “War Rumblings in Pittsburgh,” *Pittsburgh Daily Post*, May 8, 1917, 5.



American Protective League.<sup>95</sup> This arrangement is worth reviewing. What began as a voluntary censorship agreement morphed into a willing pledge by the Pittsburgh press to serve the nation by gathering intelligence in an official capacity with the assistance of a nationwide vigilance organization. It is not clear if the agreement between the Pittsburgh Press Club and the Department of Justice was unique or if other such arrangements (whether formal or informal) existed in other areas of the country. In any case, the surveillance and censorship of the press could not have been so widespread without the enthusiastic cooperation of the press itself, aided by the APL and the eager eyes and ears of the public at large.

Moreover, the Committee participated in surveillance and censorship by making referrals to other agencies and by means of Creel's role on the Censorship Board, created by the authority given to the President in the Trading With the Enemy Act.<sup>96</sup> The Board had rule-making authority and primarily acted in an advisory capacity, but because of its diverse membership across government agencies, it was able to coordinate the censorship activities of the Departments of War, Navy, Justice, and Post Office.<sup>97</sup> And while Creel repeated the Committee on Public Information's lack of statutory authority, he did not hesitate to reach across the table, especially to Postmaster General Burleson, to recommend a target for censorship.<sup>98</sup> Creel also coordinated with law enforcement with concerns about disloyalty. For example, the Committee ran advertisements warning that "German spies are everywhere" and urging the public to "[s]end the names of such persons, even if they are in uniform, to the Department of Justice,

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<sup>95</sup> "War Rumblings in Pittsburgh," 5; Mock and Larson, *Words That Won the War*, 83.

<sup>96</sup> Executive Order [Vesting Power and Authority in Designated Officers and making Rules and Regulations under Trading with the Enemy Act and Title VII of the Act Approved June 15, 1917], October 12, 1917, XVII:8366-8373, in Richardson, *CMPP*.

<sup>97</sup> Mock, *Censorship, 1917*, 71-72.

<sup>98</sup> *Ibid.*, 144-145.

Washington.”<sup>99</sup> Much of this ad space, over \$2M in value, was donated by publishers of newspapers, magazines, and other periodicals to the Committee’s Division of Advertising.<sup>100</sup>

By and large, the press enthusiastically participated in the Committee’s voluntary censorship agreement, and few violations were noted. There is no evidence that the agreement was challenged in court, but it is probably fair to say that it existed in uncharted legal waters. Later case law, though, called into question the types of voluntary agreements that formed the basis of the Committee’s voluntary censorship agreement. For example, in 1976, a federal court in California ruled that such agreements are impermissible under the First Amendment when the government pressures broadcasters into a "voluntary" agreement to impose new industry rules in lieu of the traditional rule-making process.<sup>101</sup> The court relied on the Supreme Court’s 1963 decision in *Bantam Books, Inc. v. Sullivan*, where the Court found that schemes of informal censorship can nonetheless violate the First Amendment.<sup>102</sup> Since the Administrative Procedure Act (the means by which administrative agencies promulgate rules) was not in place in 1917, it is impossible to know if a court challenge to the Committee's voluntary agreement would have survived scrutiny. As this study has demonstrated, courts sustained virtually every exercise of government power during the war, so any hypothetical challenge during the war would have almost certainly been upheld. In any case, the court's decision challenged a federal government agency's practice of "jawboning" (the attempt to pressure the broadcasters into agreement by threat or force of the agency's authority). Without any formal censorship authority, jawboning

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<sup>99</sup> U.S. Committee on Public Information, “Spies and Lies,” *Saturday Evening Post* 191, no. 5 (August 5, 1918): 23. See the Appendix.

<sup>100</sup> U.S. Committee on Public Information and Creel, *Creel Report*, 44–47.

<sup>101</sup> *Writers Guild of America, West, Inc. v. F.C.C.*, 1064 F. Supp. (C.D. Cal. 1976).

<sup>102</sup> *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963).

was all that Creel could do--and he used patriotism as the cudgel with which to apply the pressure.

Another anecdote is worth reviewing. In the introduction to the 1934 reprint of Charles August Lindbergh's *Why is Your Country at War?*, Walter E. Quigley (a former law partner of Lindbergh and owner of the copyright of Lindbergh's works) recalled an incident from the spring of 1918:

Several government agents entered a printshop at Washington, D.C., where the original edition of this book was being printed.

"Destroy all the Lindbergh plates in your plant," they told the head of the institution. He was forced to comply. The hysteria of war-time brooked no delays. Not only were the plates of this book "Why Is Your Country at War?" destroyed, but also the plates of Congressman Lindbergh's book "Banking and Currency," written in 1913 and attacking the big bankers and Federal Reserve Law.

So was the pat painstaking effort of months wiped out. Only a few hundred copies of this book had been printed, and they were sent to Minnesota for use in Congressman Lindbergh's campaign for the governorship of that state.<sup>103</sup>

Whether the agents that showed up at the publisher in the spring of 1918 were in fact agents of the federal government or poseurs affiliated with a vigilance organization such as the American Protective League is not clear. The book itself is referenced by name in news reports of the Republican primary campaign for Minnesota governor in 1918, consistent with Quigley's report. However, there appears to be no contemporary reporting on the destruction of Lindbergh's book plates. In one of the few full-length scholarly treatments of Lindbergh's political life, Bruce L. Larson repeated Quigley's anecdote but indicated that "[a]bsolute proof of such government action against Lindbergh's books is unavailable."<sup>104</sup> While Larson could not find specific

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<sup>103</sup> Charles A. Lindbergh, *Your Country at War and What Happens to You After a War* (Philadelphia, PA: Dorrance & Company, 1934), 6.

<sup>104</sup> Bruce L. Larson, *Lindbergh of Minnesota: A Political Biography* (New York, NY: Harcourt Brace Jovanovich, 1973), 233.

evidence, the existence of an FBI file on Lindbergh (contents unknown to Larson) and the fact that the Justice Department held some copies of the book for safekeeping (turned over by Lindbergh himself) led the author to conclude that the bookplates probably were destroyed.<sup>105</sup>

Congressman Lindbergh's later-available Bureau of Investigation file showed that Alfred Bettman, a top assistant to John Lord O'Brian for Espionage Act prosecutions, wrote to Bureau chief A. Bruce Bielaski claiming that the book "at least verges on the line, if it does not actually cross it, and it should consider the book as crossing the line if there is considerable proof of other anti-war activities on Lindbergh's part."<sup>106</sup> Bielaski ordered the U.S. Attorney in St. Paul, Minnesota, to open an investigation of Lindbergh regarding the book and his recent statements.<sup>107</sup> Agents were asked to get assurances from Lindbergh that no more books would be published and existing copies would be turned over to the Bureau.<sup>108</sup> When agents visited the publisher (in the fall of 1918), he acknowledged that he would not print any more copies "as he had recently been advised that this book was regarded as seditious."<sup>109</sup> The report did not mention the bookplates, but the tenor of the conversation suggests that the appropriate pressure had been applied.

While it is not possible to determine precisely what happened to Lindbergh's books, the available information suggests some form of foul play. Agents of the federal government, possibly with the assistance of civilian vigilantes, suppressed the publication of a former Congressman's books, possibly by seizing and destroying the plates (or convincing the publisher to do so on their behalf), and very likely pressuring Lindbergh to cease distribution of the book

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<sup>105</sup> Ibid., 233–234.

<sup>106</sup> Alfred Bettman to A. Bruce Bielaski, May 11, 1918, OG 196937, in ICFBI.

<sup>107</sup> A. Bruce Bielaski to Campbell, June 5, 1918, OG 196937, in *ibid.*

<sup>108</sup> T.E. Campbell, September 3, 1918, OG 196937, in *ibid.*

<sup>109</sup> Report of F.C. Baggarly, October 11, 1918, OG 196937, in *ibid.*

and turn over existing copies. In any case, federal agents acted outrageously to censor Lindbergh's books without any apparent judicial process, and the federal government created an environment where vigilance groups could act in its place without penalty. In both cases, the oppressive federal surveillance apparatus acted in full tilt against a prominent anti-war voice. Bettman was satisfied with the "voluntary suppression" of Lindbergh's book.<sup>110</sup> While Lindbergh was never prosecuted for any federal crime specifically related to the books, he was arrested on June 8, 1918, for unlawful assembly by holding a meeting of the Nonpartisan League, an organization banned from holding meetings in many Minnesota counties.<sup>111</sup> League rallies were forcefully dispersed; "parades were met with fire hoses, ripe tomatoes, and yellow paint; cars were tipped over and side curtains slashed."<sup>112</sup> Robert L. Morlan's history of the Nonpartisan League concluded: "It is a striking commentary on the times that a widely known and respected citizen who had served his state ten years in Congress should now be stoned, rotten-egged, hanged in effigy, and subjected to an unending torrent of abuse and vituperation."<sup>113</sup> Lindbergh's experience while running for governor demonstrated that local governments were more than willing to contribute to the oppressive censorship regime against anti-establishment political views.

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<sup>110</sup> Alfred Bettman to A. Bruce Bielaski, October 23, 1918, OG 196937, in *ibid.*

<sup>111</sup> "Lindbergh Under Arrest in Barred Nonpartisan Zone," *Minneapolis Sunday Tribune*, June 9, 1918, 1-2.

<sup>112</sup> Robert L. Morlan, *Political Prairie Fire: The Nonpartisan League, 1915-1922* (Minneapolis, MN: University of Minnesota Press, 1955), 198.

<sup>113</sup> *Ibid.*

## State and Local Regulatory Efforts

Lindbergh's Minnesota also served as a particularly noteworthy example of how states and local governments were able to serve as an extension of the federal surveillance apparatus. Created by an act of the state legislature on April 23, 1917, the Minnesota Commission of Public Safety was the first state-wide mobilization effort and would soon be joined by other state organizations aligned with the federal Council of National Defense.<sup>114</sup>

As detailed by historian Carl H. Chrislock, the Minnesota Commission of Public Safety was dominated by the proto-McCarthy-like extremism of one of its members, Minneapolis attorney John F. McGee.<sup>115</sup> According to Chrislock, Minnesota's commission was less interested in coordinating mobilization and more interested in fighting radicalism; it would be "the scourge of anyone remotely suspected of being soft on the war, socialistically inclined, or infected with pacifism."<sup>116</sup>

According to the Commission, those who were foreign-born or had foreign-born parents (especially those from Germany and Austria) were immediately suspect.<sup>117</sup> "Misinterpreting the constitutional guarantee of freedom of speech and the press," the Commission's report noted, "these leaders thought or pretended to think that even in war times, they could properly oppose the government's policies in speech and writings."<sup>118</sup> It was precisely this attitude in which the Commission enforced its will against dissenting voices. Emboldened by the nationwide

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<sup>114</sup> Minnesota Commission of Public Safety, *Report of Minnesota Commission of Public Safety* (St. Paul, MN: L. F. Dow Co., 1919), 7, 55–57.

<sup>115</sup> Carl H. Chrislock, *Watchdog of Loyalty: The Minnesota Commission of Public Safety during World War I* (St. Paul, MN: Minnesota Historical Society Press, 1991), ix.

<sup>116</sup> *Ibid.*, ix–x.

<sup>117</sup> Minnesota Commission of Public Safety, *Report of Minnesota Commission of Public Safety*, 31–32.

<sup>118</sup> *Ibid.*, 32.

environment against immigrants, the Commission's chairman, Governor Joseph A. A. Burnquist, called for the deportation of those foreign-born Minnesotans thought to have been disloyal.<sup>119</sup>

The Commission served as the forum to receive complaints about sedition and disloyalty but also employed undercover Pinkerton agents as part of a "secret service system" that operated across the state.<sup>120</sup> The Commission's understanding of its powers was strikingly forthright: "The Commission assumed that it had the right, if in its judgment the public interest so required, to use the strong arm of force to suppress disloyalty, to prevent wastage of men and material, and to preserve public order. It not only assumed that it had the right, but it also did not hesitate to exercise it."<sup>121</sup> To enforce its will, the Commission organized Home Guard battalions (later supplemented by a Motor Corps), staffed by able-bodied men not otherwise eligible for the federal draft.<sup>122</sup> William Watts Folwell's *A History of Minnesota* argued that "[t]he very organization of the home guard so dampened the ardor of German sympathizers that no overt acts of opposition took place and disloyal sentiments rarely found expression."<sup>123</sup> The Commission also proposed a model vagrancy ordinance for local municipalities to adopt that severely restricted freedom of speech.<sup>124</sup> At least 150 local governments had adopted the ordinance by August 1917.<sup>125</sup>

Among the Commission's first victims were the mayor and city attorney of New Ulm, and the auditor of Brown County, who were removed from office by Governor Burnquist when

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<sup>119</sup> "U.S.-Teutonic War News," *Tomahawk* (White Earth, MN), August 23, 1917, 7; "An Outside View of Burnquist," *Princeton Review*, March 28, 1918, 8.

<sup>120</sup> Chrislock, *Watchdog of Loyalty*, 117.

<sup>121</sup> Minnesota Commission of Public Safety, *Report of Minnesota Commission of Public Safety*, 30.

<sup>122</sup> Order No. 3, Providing for Organization of Home Guard, in *ibid.*, 74–75.

<sup>123</sup> William Watts Folwell, *A History of Minnesota* (St. Paul, MN: Minnesota Historical Society, 1926), III:318.

<sup>124</sup> Minnesota Commission of Public Safety, *Report of Minnesota Commission of Public Safety*, 154–155.

<sup>125</sup> Chrislock, *Watchdog of Loyalty*, 125–126.

they organized a meeting (attended by upwards of 10,000 people) where they advised draftees to comply with the draft law but suggested that they might be able to oppose fighting overseas.<sup>126</sup> The overwhelming majority of local officials, though, were more than willing to enforce the edicts of Burnquist and the Commission, which together effectively barred dissident voices from meeting and speaking in large swaths of the state.<sup>127</sup> Burnquist, on the recommendation of the Hennepin County Sheriff, argued that such meetings “would result in blood-shed, rioting, and loss of life....”<sup>128</sup> Burnquist seemed to show no self-reflection in understanding that the bloodshed would likely not come from pacifist organizations, but from the war hysteria whipped up by him and other members of the council that overstimulated the patriotic passions of its citizens.

In addition to upstart political voices such as the Nonpartisan League and the People’s Council, the intelligence collection efforts of the Commission also focused on socialists, the Industrial Workers of the World (IWW), German sects of the Lutheran church, German-language newspapers, and others deemed to be radicals and pacifists. It should come as no surprise that the Commission used its vast powers against labor unions, which had the impact of entrenching existing business interests, including those of the Commission’s members.<sup>129</sup>

Another victim of Minnesota’s hyper-vigilance was academic freedom. Generally, the Commission was advised that “a teacher’s certificate might be cancelled for [seditious] utterances, on the ground of conduct unbecoming a teacher.”<sup>130</sup> The Commission required

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<sup>126</sup> “Burnquist Decides Against New Ulm,” *New Ulm Review*, December 5, 1917, 1; Charges Against New Ulm Officials, in Minnesota Commission of Public Safety, *Report of Minnesota Commission of Public Safety*, 48–51; Chrislock, *Watchdog of Loyalty*, 133–156.

<sup>127</sup> “Whole State Is Closed to Kaiser Bund,” *Minneapolis Morning Tribune*, August 29, 1917, 1–2.

<sup>128</sup> “Text of Order Barring People’s Council,” *Minneapolis Morning Tribune*, August 29, 1917, 1; “Lindbergh Under Arrest in Barred Nonpartisan Zone,” 1–2.

<sup>129</sup> Chrislock, *Watchdog of Loyalty*, 249–268.

<sup>130</sup> Superintendent of Public Instruction Carl G. Schulz, quoted in *ibid.*, 114.



teachers to be citizens of the United States, required exclusive use of English for teaching, and coordinated with state educational authorities to provide a “white list” and “black list” of German textbooks.<sup>131</sup> More specifically, the Commission encouraged the dismissal of William A. Schaper from the University of Minnesota, where he served as professor and chairman of the political science department.<sup>132</sup> Schaper was well-respected and even encouraged his students to volunteer for military service, but came under suspicion for his German-born parents and his arguments against intervention during the neutrality period.<sup>133</sup> According to William E. Matsen, university president Marion L. Burton and others were “infected by the wave of war hysteria and chauvinistic patriotism that was sweeping the country,” in large part due to the efforts of George Creel’s Committee on Public Information.<sup>134</sup> Burton refused to defend Schaper, and (later Associate Justice of the Supreme Court) Pierce Butler from the university’s board of regents accused Schaper of being “the Kaiser’s man,” which Schaper called “absurd.”<sup>135</sup> When Schaper refused to resign, the board voted unanimously to remove him.<sup>136</sup>

Schaper was just one of many academics to be dismissed during the war. Nebraska’s State Council of Defense referred the names of twelve professors to the University of Nebraska’s Board of Regents who “have, for one reason or another, assumed an attitude calculated to encourage among those who come under their influence, within and without the university, a spirit of inactivity, indifference, and opposition towards this war and an undesirable view with

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<sup>131</sup> German Text-Books, in Minnesota Commission of Public Safety, *Report of Minnesota Commission of Public Safety*, 23, 162; La Vern J. Rippley, “Conflict in the Classroom: Anti-Germanism in Minnesota Schools, 1917-19,” *Minnesota History* 47, no. 5 (Spring 1981): 176–179.

<sup>132</sup> William E. Matsen, “Professor William S. Schaper: War Hysteria and the Price of Academic Freedom,” *Minnesota History* 51, no. 4 (Winter 1988): 130–137.

<sup>133</sup> *Ibid.*, 131–132.

<sup>134</sup> *Ibid.*, 132.

<sup>135</sup> *Ibid.*, 133.

<sup>136</sup> *Ibid.*

respect to the several fundamental questions inseparable from the war.”<sup>137</sup> The recommendation argued that “[t]hey lack aggressive Americanism.”<sup>138</sup> Three of the twelve were ultimately dismissed for as little as having “conscientious scruples against personally helping in the belligerent activities of the government.”<sup>139</sup> Charles Angoff, managing editor of *The American Mercury*, later documented the cases of many professors who suffered under the war hysteria—including J. McKeen Cattell and Henry W.L. Dana at Columbia University—which prompted the resignation of Charles Beard and the loud protest of John Dewey, who wrote: “To my mind this college is nothing but a factory, and a badly run factory at that. It is factory tactics that enables a professor to be expelled from a university on the recommendation of men who know nothing about his work and who are not his associates.”<sup>140</sup>

If academics at risk of losing their jobs thought the American Association of University Professors (AAUP) might defend their academic freedom, they were sorely mistaken. The AAUP’s report on academic freedom accepted restrictions on liberty, justified restrictions on democratic processes, and presumed “the legitimacy and exceptional restraint upon free speech in time of war” by academic authorities.<sup>141</sup> *The Nation* saw the fundamental weakness of the AAUP’s position as “the apparent assumption that state of war fundamentally changes the world of a university and the method of accomplishing it....”<sup>142</sup> According to the article, by giving academic authorities (and not the government) the power to dismiss professors on matters of

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<sup>137</sup> “The Week,” *The Nation* CVI, no. 2761 (June 1, 1918): 638–639.

<sup>138</sup> Charles Angoff, “The Higher Learning Goes to War,” *The American Mercury* XI, no. 42 (June 1927): 187.

<sup>139</sup> *Ibid.*, 188.

<sup>140</sup> *Ibid.*, 190–191; Richard Hofstadter and Walter P. Metzger, *The Development of Academic Freedom in the United States* (New York, NY: Columbia University Press, 1955), 499–502.

<sup>141</sup> A.O. Lovejoy, Edward Capps, and A.A. Young, “Report of Committee on Academic Freedom in Wartime,” *Bulletin of the American Association of University Professors* 4, no. 2/3 (February 1918): 32–34.

<sup>142</sup> “Professors in Battle Array,” *The Nation* CVI, no. 2749 (March 7, 1918): 255.

disloyalty, the AAUP “hands over the keys of the castle to the enemy...and would have the university outdo the Government, not in patriotism, but in repression.”<sup>143</sup> Richard Hofstadter and Walter P. Metzger described the environment in 1917:

Suddenly, the gains for academic freedom that had painfully and gradually been won—the greater acceptance of the principle, the beginnings of a regime of academic law—were swept aside. With frightening quickness, the hard-to-learn manners of tolerance yielded to crude tribal instincts of taboo. The academic profession and its young Association confronted the almost total collapse of the moral and institutional safeguards that had been wrought in the slowness of time.<sup>144</sup>

“The new orthodoxy,” according to Hofstadter and Metzger, “thus transcended every other in its power and its totality. It exceeded religious orthodoxy, for it was not limited by unchanging doctrine; it exceeded economic conventionalism, for it permitted no havens of dissent. Its Pharisaical division of the saved and the damned was not only the concern of sectarians, but of every group in society.”<sup>145</sup>

The Minnesota Commission of Public Safety, the Nebraska Council of National Defense, and other state and local governments played a key role in suppressing academic freedom. But these state and local affiliates also played a significant role as part of a more extensive surveillance and censorship network. In Kansas, the State Council's report included what the state admitted was a "meager expression of the work that was really done" at the county level.<sup>146</sup>

Nonetheless, some counties described their activities in greater detail:

The executive committee of the Decatur County Council of Defense unanimously passed a resolution, which was supported by the various members from our council from every township in Decatur county, insisting upon loyalty throughout the county. We were able to enforce patriotic sentiments very generally among our people. We had a card index for every man and woman in the county, and all were solicited to do their part in the various

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<sup>143</sup> Ibid.

<sup>144</sup> Hofstadter and Metzger, *The Development of Academic Freedom*, 496.

<sup>145</sup> Ibid.

<sup>146</sup> Frank W. Blackmar, ed., *History of the Kansas State Council of Defense* (Topeka, KS: Kansas State Printing Plant, 1921), 91.

financial drives according to the financial ability of each as developed by the tax returns on file with the county clerk. Very little difficulty was experienced in enforcing this method of universal participation throughout the various war drives. Our county officials gave us strong moral support when requested, which did very much toward crystallizing sentiment toward a general patriotic response at all times.<sup>147</sup>

In Elk County, "[p]ublic meetings were held over the county of a patriotic character, and every effort was made to show the people that the war was their war and just."<sup>148</sup> According to the county's report, "[s]lackers were given to understand that they were not good citizens. Numerous cases of disloyalty were investigated, and practically all of the guilty ones brought to time in one way or another."<sup>149</sup> In Finney County, "[w]e had only two men...on whom severe pressure had to be brought to bear, and these two men were properly and publicly disciplined."<sup>150</sup> The authorities in Gray County were particularly hostile to pacifism animated by religion, including the Mennonite community there.<sup>151</sup> Lincoln County established a Loyal League to hear complaints about disloyalty and referred cases for trial.<sup>152</sup> Ness County, like Decatur, kept a card index on citizens' contributions and, if necessary, "pressure was brought to bear."<sup>153</sup> In Saline County, "the vigilance committee so impressively interviewed certain 'tightwads'" to increase pledges to the county's Red Cross drive.<sup>154</sup> Many counties in Kansas, as with Minnesota, also established uniformed Home Guard units whose very existence depressed the expression of dissent.

Other states, at least in word, tried to be less hostile. In South Dakota, for example, the Council spoke out against vigilantism: "It is not evidence of patriotism on the part of those who resort to the use of yellow paint upon the premises of some slacker or who apply a coat of tar and

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<sup>147</sup> *Ibid.*, 97.

<sup>148</sup> *Ibid.*, 99.

<sup>149</sup> *Ibid.*

<sup>150</sup> *Ibid.*, 101.

<sup>151</sup> *Ibid.*, 102.

<sup>152</sup> *Ibid.*, 106–107.

<sup>153</sup> *Ibid.*, 112.

<sup>154</sup> *Ibid.*, 127.

feathers to some enemy who voices disloyal sentiments.”<sup>155</sup> South Dakota also resisted suppression of the Nonpartisan League, as had happened in Minnesota.<sup>156</sup>

Unfortunately, the records of many states, including records of their state councils of defense, were not preserved.<sup>157</sup> It is, therefore, difficult to provide a broader picture of statewide activity in this regard. Nonetheless, from what materials are available in other states, it appears that Minnesota was likely to have been harsher in its treatment of the civil liberties of its people than most states. And to the extent that the description of the activities in the Kansas counties described above were representative of those in other counties across the nation, they demonstrate that loyalty was insisted upon and patriotism was enforced through powerful social pressure of neighbors and others in the local community.

Much of the constitutional and legal scholarship regarding the enforcement of congressional enactments on the home front focuses on prosecutions and court cases. But perhaps just as important, if not more so, were the countless numbers of cases where state coercion was not quite official but nonetheless had the impact of quashing dissent and chilling speech. In his study of the Bureau of Investigation’s case files (recorded to microfilm in the 1950s but not made publicly available until 1976), William H. Thomas, Jr. documented the

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<sup>155</sup> South Dakota State Council of Defense, *Report of the South Dakota State Council of Defense: 1917-1919, 1920*, 49.

<sup>156</sup> *Ibid.*, 120–121.

<sup>157</sup> A few examples: According to Matthew M. Peek, a Military Collection Archivist with the North Carolina Department of Natural and Cultural Resources, “[t]he records produced by county organizations and individuals in North Carolina were found to be in a chaotic state. In many cases, officials of various war-work organizations in the state had destroyed their records immediately upon the signing of the armistice ending World War I, under the impression that these records were of no further value. In many cases, they had kept no complete records during the course of the war.” Matthew M. Peek, “North Carolina’s WWI Collector of War Records,” *North Carolina Department of Natural and Cultural Resources*, March 13, 2017, <https://www.ncdcr.gov/blog/world-war-i/nc-war-records-collector>; “After the Maryland [War Records] Commission expired, its accumulation of records was neglected and destroyed through carelessness in 1942.” Lester J. Cappon, “The Collection of World War I Materials in the States,” *The American Historical Review* 48, no. 4 (1943): 733–745.

massive, covert campaign to enforce patriotism without resorting to prosecutions.<sup>158</sup> According to Thomas, the Bureau’s investigators, swamped by an overwhelming number of reports, often used informal means to achieve compliance with the nation’s war aims.<sup>159</sup> Warnings and threats of prosecution were common and often sufficient to ensure compliance.<sup>160</sup> For some investigators, it was not sufficient for suspects to keep quiet about the war effort. Instead, they questioned the loyalty of those who were alleged to have not purchased war bonds or donated to the Red Cross.<sup>161</sup>

### **The Surveillance State and the Centralization of Power**

Criticism of the burgeoning surveillance apparatus was evident in several contemporary sources at the time. Among the most prominent was Oswald Garrison Villard, whose anti-war views and liberal politics were first examined in the late 19th-century debate over American imperialism in Chapter Two of this study. Villard raised the alarm when the Post Office denied mail privileges to Victor Berger’s *Milwaukee Leader*. Notably, Villard understood that “[Berger’s] political doctrines are not yours, as they are not mine, but he is surely legitimately engaged in presenting the news of the world from the point of view of Socialism.”<sup>162</sup> Villard was “greatly alarmed... at what is happening in this matter of suppression of the press...and the

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<sup>158</sup> Thomas, Jr., *Unsafe for Democracy*.

<sup>159</sup> *Ibid.*, 32–33.

<sup>160</sup> Report of John E. Burke, June 24, 1918, OG 227834, Report of John E. Burke, June 29, 1918, OG 231295, Report of M.M. Schaumburger, July 18, 1918, OG 241189, and Report of M.M. Schaumburger, July 20, 1918, OG 241189, in ICFBI; Thomas, Jr., *Unsafe for Democracy*, 33–35.

<sup>161</sup> Report of Charles J. Bodenbach, April 6, 1918, OG 176044, Report of Denver H. Graham, May 1918, OG 183022, Report of M.M. Schaumburger, July 7, 1918, OG 231183, and Report of A.E. Farland, July 24, 1918, OG 30324, in ICFBI; Thomas, Jr., *Unsafe for Democracy*, 41–42.

<sup>162</sup> Oswald Garrison Villard to Joseph Patrick Tumulty [enclosure], September 26, 1917, 44:271-273, in Link, *PWW*.

action already taken by the Postmaster General.”<sup>163</sup> Villard believed “if this policy is carried out it will do more to create sedition and disloyalty and anarchy in this country than anything that has taken place. It will drive the extreme radicals and agitators to underground work.”<sup>164</sup> A year later when *The Nation* experienced the same result, Villard wrote of his belief “that a very serious situation is arising with the liberal press of the country in connection with the Post Office Department.”<sup>165</sup> Villard also believed that Post Office officials were engaging in “an indefensible abuse of official power” that called for Wilson to intervene.<sup>166</sup>

Another contemporary voice in defense of classical liberal ideas during the war was Harvard law professor Zechariah Chafee Jr., one of the few scholars who recognized the extreme nature of the administration’s actions. Chafee recognized the “unprecedented extension of the business of war over the whole nation” such that “attacks upon our cause are as dangerous and unjustified as if made among the soldiers in the rear trenches.”<sup>167</sup> According to Chafee, “[t]he government regards it as inconceivable that the Constitution should cripple its efforts to maintain public safety.”<sup>168</sup> And yet Chafee believed there was space between the extremes in which reconciliation could be found. The best exposition of that space came in Judge Hand’s decision in *The Masses* case, which Chafee notes with disappointment was overturned.<sup>169</sup> Chafee concluded that we sacrificed our tradition of free speech for “an artificial unanimity of opinion behind the war.”<sup>170</sup> Villard, Chafee, and others in the classical liberal tradition gave voice to the contemporary civil liberties movement, including the American Union Against Militarism and

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<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> From Oswald Garrison Villard [enclosure], September 17, 1918, 51:56, in *ibid.*

<sup>166</sup> Enclosure 2, September 17, 1918, 51:57, in *ibid.*

<sup>167</sup> Chafee, “Freedom of Speech in War Time,” 937.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid., 960–964.

<sup>170</sup> Ibid., 973.

National Civil Liberties Bureau, organizations that would become the American Civil Liberties Union.

Libertarian scholarship on surveillance and censorship grew out of the post-war acknowledgment by some that Justice Holmes was not the civil libertarian that he was being made out to be. H.L. Mencken, the otherwise outspoken literary critic whose pre-war sympathy with Germany caused him to self-censor during the war, made the distinction in a column in the *American Mercury* in May 1930. Mencken went beyond the Espionage Act cases to others involving civil liberties outside the immediacy of war and found that Holmes was too deferential to legislatures that pushed the boundaries between civil liberties and state power. Mencken wrote, “I find it hard to reconcile such notions with any plausible concept of Liberalism. They may be good law, but it is impossible to see how they can conceivably promote liberty.”<sup>171</sup> According to Mencken, Holmes was not a (classical) liberal because his opinions did not reflect the “aim of the Bill of Rights...to set a limitation upon [the lawmaker’s] power to harry and oppress us to their own private profit.”<sup>172</sup>

Mencken, instead, declared that “my whole body of doctrine rests upon a belief in liberty.”<sup>173</sup> In a letter to Ernest Boyd, Mencken wrote that “[s]o far as I can make out, I believe in only one thing: liberty. But I do not believe in even liberty enough to want to force it upon anyone.”<sup>174</sup> In a third letter, Mencken explained that “I believe in only one thing and that his human liberty. If ever a man is to achieve anything like dignity, it can happen only if superior

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<sup>171</sup> H.L. Mencken, “Mr. Justice Holmes,” *American Mercury* (May 1930), in H. L. Mencken, *The Vintage Mencken*, ed. Alistair Cooke (New York, NY: Vintage Books, 1955), 190.

<sup>172</sup> H.L. Mencken, “Mr. Justice Holmes,” *American Mercury* (May 1930), in *ibid.*, 192.

<sup>173</sup> To Sara P. Haardt, August 31, 1925, 282, in H. L. Mencken, *Letters of H.L. Mencken*, ed. Guy J. Forgue (New York, NY: Alfred A. Knopf, 1961).

<sup>174</sup> To Ernest Boyd, August 30, 1925, 281, in *ibid.*



men are given absolute freedom to think what they want to think and say what they want to say. I am against any man and any organization which seems to limit or deny that freedom.”<sup>175</sup> In perhaps the most forceful statement of his views, Mencken wrote during the first Red Scare that “I am an extreme libertarian, and believe in absolute free speech, especially for anarchists, Socialists and other such fools.... I am against jailing men for their opinions, or, for that matter, for anything else.”<sup>176</sup> For his defense of classical liberal values, Murray Rothbard regarded Mencken as “the joyous libertarian.”<sup>177</sup> More recent libertarian scholarship on the surveillance and censorship state emerged from the revelations of bulk metadata collection by the National Security Agency, as revealed by Edward Snowden, and the collaboration between government and social media companies to censor content in the midst of the COVID-19 pandemic.<sup>178</sup>

The war was the most obvious explanation for the centralization of surveillance power in the state. Like with the economic realm, the government justified the use of its surveillance powers long after the war. While President Wilson ended some of the wartime agencies when the Armistice was achieved, the emergency caused by the war was the justification for a massive movement against pacifists, socialists, communists, and other radicals even after the war ended. As with other areas described in this study, the courts provided no refuge against the centralization of surveillance power. Fair-minded and forward-looking decisions like that of Judge Hand in *The Masses* case were quickly snuffed out and replaced with extreme judicial deference to the surveillance apparatus. To be sure, many scholars see Justice Holmes’s dissent

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<sup>175</sup> *Ibid.*, xiii.

<sup>176</sup> Sent to Burton Rascoe with an Unidentified Letter, Summer 1920, 189, in Mencken, *Letters of H.L. Mencken*.

<sup>177</sup> Murray N. Rothbard, “H.L. Mencken: The Joyous Libertarian,” *New Individualist Review* 2, no. 2 (Summer 1962): 15–27.

<sup>178</sup> Glenn Greenwald, *No Place to Hide: Edward Snowden, the NSA, and the U.S. Surveillance State* (New York, NY: Metropolitan Books, 2014); *see, i.e.*, the ongoing litigation in *Murthy v. Missouri* (originally filed as *Missouri v. Biden*).

in *Abrams* as the beginning of a revitalization of the First Amendment.<sup>179</sup> On the other hand, Holmes's dissent was a seed that took decades to germinate and provided expanded protection for free speech. At the same time, Holmes and other justices were unwilling to question the extent of the nation's war power in so many other areas—even after the war was over.

Here, as in much of Chapter Seven, the relationship between society and state was transformed in this area not just by congressional legislation but also by a significant amount of executive fiat. To be sure, Congress enacted the framework of the surveillance apparatus when it passed the Espionage Act, the Sedition Act, and the Trading with the Enemy Act. But the administration also muddied the waters by giving its assent to citizen vigilance organizations, such as the American Protective League, that operated with official approval of the Department of Justice but often engaged in questionable and abusive practices beyond the scope of its mandate. The sweep of the APL's activities was never subject to congressional approval or oversight and certainly fell outside the range of constitutionally permissible action by the government or on its behalf. Yet this research could find no legal action ever taken against the APL or other citizen auxiliaries for acting as a state power. Here, the transformation of social power into state power was accomplished legislatively by Congress but also by the extension of executive power to masses of vigilant citizens who investigated and spied upon their neighbors. Moreover, as with other chapters, much of this work could not have been accomplished without the willing cooperation of state and local governments.

While no one within the administration could have foreseen the war when Wilson came into power in 1913, the extent to which progressives had a plan is a matter for debate. As

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<sup>179</sup> See, i.e., Novick, "The Unrevised Holmes and Freedom of Expression"; Thomas Healy, *The Great Dissent: How Oliver Wendell Holmes Changed His Mind--and Changed the History of Free Speech in America* (New York, NY: Metropolitan Books, 2013).

described in Chapter Four, Postmaster General Burleson advocated for government control and centralization of the telegraph, telephone, and submarine cable systems as early as 1913.<sup>180</sup> Furthermore, as described earlier in this chapter, Burleson had tried to enforce a newspaper publicity law in the early days of the Wilson administration. More than any other person, Burleson was the most aggressive and idealist progressive of the administration when it came to using his power to enact a plan. Attorney General Gregory's plan to use civilian auxiliaries to supplement the Bureau of Investigation was borne outside the administration, but once it came to his desk, he advocated for it vigorously and defended it against attacks from within the administration. While Wilson himself was never as far-reaching as Burleson or other members of the administration, he almost always backed their efforts. In fact, as previously described in this chapter, there was only one recorded instance of Wilson reversing a decision that Burleson made. If Wilson was unsure about the implications of the American Protective League's close affiliation with the Department of Justice, he never put any roadblocks in Gregory's way.

## **Conclusions**

Once the United States entered the war in 1917, the efforts to fight the war in Europe were soon turned inward toward the home front when the war hysteria whipped up by government propaganda turned the patriotic defense of the nation into a full-blown surveillance state, supplemented by the privately organized but officially recognized American Protective League. The Council of National Defense coordinated resources for the war effort, including an extensive network of state and local chapters that also contributed neighbors and friends to the nationwide system to enforce patriotic conformity. Not only did these efforts infringe on civil

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<sup>180</sup> "Federal Ownership Halts," 2; Anderson, "President Wilson's Politician," 345.

liberties, but their use of private citizens as proxies for the federal government had the very real impact of tearing apart communities and cultures that did not conform, especially those with higher proportions of immigrants. In the next chapter, this study will examine the victims of this repression, including radicals, African Americans, immigrants, women, and conscientious objections.

Looking back at his time serving in the government during the First World War, Felix Frankfurter regarded Postmaster General Albert S. Burleson as one of the worst offenders regarding free speech. Historians, too, have regarded Burleson as perhaps the worst member of the Wilson administration when it came to civil liberties. Burleson's record was dismal, but he was not the only one. As Postmaster General, Burleson was but one cog in a much larger machine that comprised governments—both federal and state—reinforced by a massive citizen vigilance network to conduct surveillance on those who did not conform, report on their suspicious neighbors, censor their words, and imprison those suspected of disloyalty. These efforts, carried out in the name of patriotism, often spilled over into nativism and xenophobia and infringed on civil liberties. The combined efforts of federal and state governments, together with citizen volunteers, tore apart the fabric of many communities and cultures that did not conform.

*We held firm not because we were egotists but because we knew that the great wave of national emotion was largely artificial; deliberately cultivated by the government propaganda; that it was an appeal to base human traits; that it could not be honest and therefore could not succeed, could not evoke great literary and artistic creations, and could only impoverish American promise.*

Oswald Garrison Villard, *Fighting Years*<sup>1</sup>

### **Chapter Nine: The Class Warfare State**

Near the end of the war, a wounded black Army veteran was riding in a passenger coach when the conductor told him, “You are in the wrong coach. You belong in the Jim Crow car. Get out of here.” The veteran replied, “I’ll stay right here. You could have talked to me that way once but you can’t right now,” pointing to his empty sleeve, for he had lost an arm in the war. The conductor called a brakeman to throw out the black veteran, but another white passenger, who witnessed the scene, insisted that the black man could stay.<sup>2</sup> The African American soldier’s sacrifice was sufficient to change the mind of another passenger, but would it be enough to change the nation?

In the previous chapter, we explored how a voluntary society before the war was transformed into a pervasive surveillance state that persisted for years after the Armistice. Both federal and state governments, supplemented by a nationwide citizen vigilance network, implemented a massive surveillance state that infringed on civil liberties, reported on suspicious neighbors, censored their words, and imprisoned those suspected of disloyalty. This chapter, as the companion to the previous, will focus on the victims of this repression. The conversion of

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<sup>1</sup> Villard, *Fighting Years*, 332.

<sup>2</sup> “The Negro’s New Day,” *Dayton Forum*, November 22, 1918, 4.

social power into state power consolidated influence and authority in a small ruling class that enforced allegiance on communities and cultures that did not conform. Radicals, a wide-ranging group that included liberal pacifists, socialists, and labor unions, suffered at the hand of the state not only during the war but in the First Red Scare in the war's aftermath. The segregationist policies of the Wilson administration further set back the agonizingly slow progress of African Americans, and the war provided more opportunities for discrimination. Immigrants of many stripes, but particularly those of German and Austrian ancestry (and anyone suspected of such), came under an enormous amount of suspicion that they were not loyal to the United States. The internment of several thousand German immigrants during the First World War presaged the more comprehensive internment of over 120,000 people of Japanese ancestry during World War II. Although women enjoyed an expansion of freedom outside of the home during the war, the Wilson administration refused to support women's suffrage until after the war. Moreover, the progressive political agenda embraced by those in power tended to perpetuate gender stereotypes and had the impact of prolonging a period of indifference toward the rights of women. Lastly, those with sincere objections to the war also suffered from the intolerance of the state for holding those objections. Conscientious objectors were victims of a particularly cruel selection process, which ridiculed their moral and religious protests through pressure, separation, and imprisonment. As with the previous chapter, the sheer volume of material is simply too great to provide a comprehensive review. The goal here, then, will be to provide a survey of the groups that suffered during the war and its aftermath, together with examples that elucidate that data.

## Radicals

Despite assurances that state power would not be used politically, it is not difficult to see that the voices that suffered the most during the war were so-called radicals—socialists, communists, anarchists, and pacifists. As described in the previous chapter, the overwhelming number of newspapers, magazines, and other publications denied mailing privileges by the Post Office Department were those with radical views. Whatever the range of acceptable views before 1914, the war narrowed that range, and people who espoused them could not count on the law to protect them. In fact, it was quite the opposite. While radicals existed over a broad spectrum of views, the one area that brought them together was opposition to war. Among the most infamous Espionage Act and Sedition Act prosecutions were those of Socialist Party presidential candidate Eugene V. Debs, anti-war socialist Charles Schenck, anarchists Jacob Abrams, Emma Goldman, and Alexander Berkman, and Jehovah’s Witness Joseph Rutherford.<sup>3</sup> At trial, Goldman declared: “We say that if America has entered the war to make the world safe for democracy, she must first make democracy safe for America.”<sup>4</sup> She pointed directly to the hypocrisy of the Wilson administration when she asked, “[h]ow else is the world to take America seriously, when democracy at home is daily being outraged, free speech surprised, peaceable assemblies broken up by overbearing and brutal gangsters in uniform; when free press is curtailed and every independent opinion gagged.”<sup>5</sup> After her conviction, she wrote to a friend: “Two years

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<sup>3</sup> *Debs v. United States*, vol. 249, p. ; *Schenck v. United States*, vol. 249, p. ; *Abrams v. United States*, vol. 250, p. ; “Convict Berkman and Miss Goldman; Both Off to Prison,” *New York Times*, July 10, 1917, 1, 8; “Russellite Verdict Reversed by Appeal; ‘Trial Was Unfair,’” *Brooklyn Daily Eagle*, May 15, 1919, 1.

<sup>4</sup> Alexander Berkman and Emma Goldman, *Anarchism on Trial: Speeches of Alexander Berkman and Emma Goldman before the United States District Court in the City of New York, July 1917* (New York, NY: Mother Earth Publishing Association, 1917), 64.

<sup>5</sup> *Ibid.*

imprisonment for having made an uncompromising stand for one's ideal. Why that is a small price."<sup>6</sup>

In the same way that the administration made opposition to the war the litmus test when it came to censorship and suppression of publications, the administration's view toward organized labor depended upon not what labor concerns were at issue but whether or not the unions supported the war effort. Many labor organizations, including Samuel Gompers' American Federation of Labor (AFL), agreed to support the war and pledged not to strike during the war.<sup>7</sup> Gompers was brought into the fold early on, serving on the Advisory Commission to the Council of National Defense.<sup>8</sup> Gompers also headed the American Alliance for Labor and Democracy, an AFL-sponsored, CND and George Creel-approved political organization that used Committee on Public Information propaganda to provide "intellectual guidance" to socialists and other radicals in the labor movement who opposed the war.<sup>9</sup>

On the other side, unions that refused to declare their support for the war effort or that refused to sign "no-strike" pledges were targeted by the federal government and by pro-administration unions. The federal government used a two-pronged approach to dealing with anti-war unions. The first prong was to compete with them. As documented by Harold M. Hyman and Robert L. Tyler, the Loyal Legion of Loggers and Lumbermen (LLLL, or "Four Ls") was sponsored by the United States Army and directed by commissioned, uniform officers as

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<sup>6</sup> Emma Goldman to Agnes Inglis, July 10, 1917, Reel 10 (Correspondence: July 1, 1916, to December 31, 1917), 491-496, in Candace Falk, ed., *Emma Goldman Papers* (Chadwyck-Healey, Inc., 1995).

<sup>7</sup> "No War Strikes, Labor's Pledge," *New York Times*, April 9, 1917, 1; Two Letters from Samuel Gompers, December 14, 1917, 45:295-298, in Link, *PWW*.

<sup>8</sup> From Newton Diehl Baker, September 18, 1916, 38:181-183, and To Newton Diehl Baker, October 10, 1916, 38:386-387, in Link, *PWW*.

<sup>9</sup> Samuel Gompers, *Seventy Years of Life and Labor: An Autobiography*, ed. Nick Salvatore (Ithaca, NY: ILR Press, 1984), 200-203; For a fuller picture of the relationship between Gompers and the Wilson administration, see Simeon Larson, *Labor and Foreign Policy: Gompers, the AFL, and the First World War, 1914-1918* (Rutherford, NJ: Fairleigh-Dickinson University Press, 1975).



direct competition to the Industrial Workers of the World (IWW, or Wobblies) in the West.<sup>10</sup> Hyman documented how the Legion used both federal government resources and agents of the American Protective League to entrench its position despite some conflict with Gompers' AFL.<sup>11</sup> According to Hyman, “[t]he war had trained their generation in the use of repression and in the techniques of manipulating the power of government agencies on different levels of the federal system,” leading to violations of civil liberties.<sup>12</sup> Tyler concluded that the Loyal Legion, with the support of the federal government, made significant inroads in the West, including improvements in working conditions and the eight-hour workday, effectively undermining the influence and reach of the IWW.<sup>13</sup>

The second prong was harassment and prosecution under the Espionage Act. On September 5, 1917, federal officials coordinated dozens of simultaneous raids across at least 18 cities nationwide to seize evidence on the IWW.<sup>14</sup> When the Wobblies printed pamphlets to raise funds for the defense, the Justice Department raided IWW headquarters again to seize them.<sup>15</sup> When the pamphlets were ordered returned, the Justice Department announced plans to confiscate them when the IWW tried to mail them.<sup>16</sup> Roger Baldwin of the National Civil Liberties Bureau complained in an open letter to the President that these ongoing raids, “both with and without search warrants,” as well as some warrants that had long expired, interfered

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<sup>10</sup> Harold M. Hyman, *Soldiers and Spruce: Origins of the Loyal Legion of Loggers and Lumbermen* (Los Angeles, CA: Institute of Industrial Relations, 1963); Robert L. Tyler, *Rebels of the Woods: The I.W.W. in the Pacific Northwest* (Eugene, OR: University of Oregon Books, 1967), 101–115.

<sup>11</sup> Hyman, *Soldiers and Spruce*, 298–322.

<sup>12</sup> *Ibid.*, 338–339.

<sup>13</sup> Tyler, *Rebels of the Woods*, 107–109, 115.

<sup>14</sup> “U.S. Closes Its Grip on I.W.W.,” *Chicago Tribune*, September 6, 1917, 1.

<sup>15</sup> “I.W.W. Get Papers,” *La Crosse Tribune* (La Crosse, WI), December 31, 1917, 4.

<sup>16</sup> *Ibid.*

with the IWW's ability to make a defense.<sup>17</sup> At trial, the chief of police of Miami, Arizona, admitted on the stand that he did not have a warrant for a March 1917 raid of an IWW hall; he had no evidence of any trouble that justified the raid other than that "I knew the money would be collected for the IWW who are known to be enemies of the United States Government."<sup>18</sup> At the end of the trial, a jury spent just 55 minutes deliberating before finding 100 defendants guilty of 4 separate counts that included over 10,000 criminal acts.<sup>19</sup> On appeal, the court recognized that "[t]he affidavits, on which the search warrants issued, failed to describe the property on to be taken except by reference to its general character, and failed to state any facts from which the magistrates could determine the existence of probable cause."<sup>20</sup> But the court explained that the seized property was that of the IWW, not the individual defendants on trial, and thus no Fourth Amendment rights were violated.<sup>21</sup>

Still, the administration's labor strategy of dealing with "responsible" unions and containing and eliminating their radical alternatives was never a long-term solution. A combination of factors, including growing inflation, stagnant wages, and an increase in the bargaining power of business owners contributed to thousands of strikes involving millions of workers.<sup>22</sup> The sudden end of the war in November 1918, together with the federal government's

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<sup>17</sup> Memorandum Showing Interference by Federal Agents with the Operations of the General Defense Committee of the Industrial Workers of the World, Organized in Connection with the Trial Recently Concluded at Chicago in the Case of the U.S. vs. Haywood, et al., 73-77 in Harvey Duff, *The Silent Defenders, Courts and Capitalism in California* (Chicago, IL: Industrial Workers of the World, n.d.); Melvyn Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World*, ed. Joseph A. McCartin, Abridged Edition. (Urbana, IL: University of Illinois Press, 2000), 247.

<sup>18</sup> Peterson and Fite, *Opponents of War, 1917-1918*, 52.

<sup>19</sup> "Convict 100 I.W.W. Chiefs; Jurors Find Disloyalists Hampered War," *Chicago Tribune*, August 18, 1918, 1, 7; Dubofsky, *We Shall Be All*, 250.

<sup>20</sup> *Haywood v. United States*, 268 F. 795, 801 (7th Cir. 1920).

<sup>21</sup> *Ibid.*, 268:804; Paul F. Brissenden, *Justice and the I.W.W.* (Chicago, IL: General Defense Committee, 1920), 12.

<sup>22</sup> Murray, *Red Scare: A Study in National Hysteria, 1919-1920*, 7-9; Alexander M. Bing, *War-Time Strikes and Their Adjustments* (New York, NY: E.P. Dutton, n.d.), 293.

“negligence in permitting the nation to be so completely unprepared,” was the source of an overflow of labor unrest.<sup>23</sup> The withdrawal of the federal government supervision from the war hysteria it had whipped up unleashed “[a]n unhealthy and persistent canker...loose in the land.”<sup>24</sup> The flames of nativism and xenophobia that had been so effectively fanned during the war now engulfed a broad range of leftist views described as radicalism. The massive federal apparatus built to fight the war had been split between supporting operations overseas and enforcing loyalty at home. Now, with the war over, the entire power of the state was aimed inward.

What followed was the first Red Scare—a subject matter far too voluminous to cover here with any satisfaction. Nonetheless, a few general observations are worth mentioning. The rise in labor unrest occurred alongside the passage of many state criminal syndicalism laws. Together with a growing sense of fear and no outlet for the state-endorsed wartime hysteria, this backdrop provided ample tinder for a conflagration when a series of violent events rocked the country, including the May Day Riots of 1919 and a series of mail bombs, including one that targeted Attorney General A. Mitchell Palmer.<sup>25</sup> The patriotic citizens’ vigilance organizations that had agitated for readiness during the neutrality period and enforced loyalty during the war (most notably, the National Security League) now pivoted once again and were joined by others such as the newly-established American Legion. In just its second issue, the *American Legion Weekly* declared that “[t]he American Legion and the 100 per cent Americanism it represents are an infallible antidote for Bolshevism.”<sup>26</sup> It found a new enemy in the “disciples of the new red

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<sup>23</sup> Murray, *Red Scare: A Study in National Hysteria, 1919-1920*, 6.

<sup>24</sup> Hyman, *Soldiers and Spruce*, 338.

<sup>25</sup> See generally, Murray, *Red Scare: A Study in National Hysteria, 1919-1920*, 57–81; Robert Justin Goldstein, *Political Repression in Modern America: From 1870 to 1976* (Urbana, IL: University of Illinois Press, 2001), 144–149; Regin Schmidt, *Red Scare: FBI and the Origins of Anticommunism in the United States, 1913-1943* (Copenhagen: Museumsculanum Press, University of Copenhagen, 2000), 126–166.

<sup>26</sup> “The Red Autocracy,” *American Legion Weekly* 1, no. 2 (n.d.): 10.

autocracy” which represented the “unbalanced temperament of virulent Slav radicalism.”<sup>27</sup> The Legion now began to fill the same role that the American Protective League did during the war. The enemy was no longer the Kaiser but Bolshevism and Communism. And radicalism had become equivalent with un-Americanism.

The federal government responded by using its wartime authorities to attempt to exert control over the situation. On September 25, 1919, following a cabinet meeting, President Wilson issued a statement to try to avert a planned coal strike by the United Mine Workers of America (UMW).<sup>28</sup> When Palmer pressed the now-ill President for more action, the administration brought to life the wartime order setting maximum coal prices authorized by the Lever Act.<sup>29</sup> Coal workers went on strike, but the administration succeeded in getting an injunction to prevent UMW leadership from participating.<sup>30</sup> John L. Lewis, the acting President of the UMW, regarded “the issuance of this injunction as the most sweeping abrogation of the rights of citizens guaranteed under the Constitution and defined by statutory law that has ever been issued by the Federal court.”<sup>31</sup> For Gompers, the injunction represented a “broken pledge” by the administration to not use the Lever Act to resolve labor issues, a pledge which had ensured AFL support for the law.<sup>32</sup> That the strike went on seemed to be evidence that radicalism was flourishing in the unions, but Palmer convinced Judge Anderson to make the injunction

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<sup>27</sup> Ibid.

<sup>28</sup> A Statement, October 25, 1919, 63:599-601, in Link, *PWW*; Entry for October 25, 1919, 452-453, in Cronon, *CDJD*.

<sup>29</sup> “Government Likely to Ask Courts to Halt Coal Strike; Regulars Going to West Virginia, Roads to Seize Fuel; Wilson Approves Firm Measures to Meet Emergency,” *New York Times*, October 31, 1919, 1; Murray, *Red Scare: A Study in National Hysteria, 1919-1920*, 156-157.

<sup>30</sup> “Coal Strike Begins But Injunction Halts Leaders; Palmer to Push Fight Through Labor Chiefs Protest; Federal Troops Concentrated; Mines to Be Kept Open,” *New York Times*, November 1, 1919, 1.

<sup>31</sup> “The Coal Strike Injunction,” *New York Times*, November 1, 1919, 10.

<sup>32</sup> Samuel Gompers, “The Broken Pledge,” *American Federationist* XXVII, no. 1 (January 1920): 41-50.

permanent and force union leaders to call off the strike.<sup>33</sup> According to the *New York Evening Post*, "more impressive than the demonstration of the power of the courts to enforce the law of the land, or of the ability of the Government to step between the people and the threat of irreparable injury, are the part and force of public opinion."<sup>34</sup>

Amidst the judicial debate over the coal strike injunction, Palmer pressed on with a series of raids on November 7, 1919, to round up "criminal anarchists" and "dangerous agitators."<sup>35</sup> Of the 200 seized in New York City, only 39 were held after questioning, while others who were found to be American citizens were released.<sup>36</sup> According to a report in the *New York Times*, "[a] number of those in the building were badly beaten by police during the raid, their heads wrapped in bandages testifying to the rough manner in which they had been handled."<sup>37</sup> The raid on November 7 greenlighted state and local officials to round up suspected radicals as well. Despite resistance in the Department of Labor (Secretary William Wilson, Assistant Secretary Louis F. Post, and Commissioner of Immigration Frederic C. Howe were all opposed to Palmer's raids), hundreds of radicals (including Emma Goldman and Alexander Berkman, but also many with no criminal record or even accusation of a crime) were deported via the Army transport vessel *Buford*, which set sail for Finland.<sup>38</sup>

When Palmer instructed local officials on how to carry out a subsequent series of raids, he explained, "I leave it entirely to your discretion as to the method by which you should gain

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<sup>33</sup> "Court Orders Strike Call Revoked; Union Chiefs to Confer Tomorrow; Gompers May Appeal to President," *New York Times*, November 9, 1919, 1; Murray, *Red Scare: A Study in National Hysteria, 1919-1920*, 158.

<sup>34</sup> "Public Opinion Defeating the Strikes," *Literary Digest* LXIII, no. 8 (November 22, 1919): 10.

<sup>35</sup> "200 Caught in New York," *New York Times*, November 8, 1919, 1-2.

<sup>36</sup> *Ibid.*; Murray, *Red Scare: A Study in National Hysteria, 1919-1920*, 196-197.

<sup>37</sup> "200 Caught in New York," 2.

<sup>38</sup> "'Ark' with 300 Reds Sails Early Today for Unnamed Port," *New York Times*, December 21, 1919, 1, 3; Murray, *Red Scare: A Study in National Hysteria, 1919-1920*, 205-207.

access to such places.”<sup>39</sup> Palmer continued, “[i]f, due to the local conditions in your territory, you find that it is absolutely necessary for you to obtain a search warrant for such premises, you should communicate with the local authorities a few hours before the time for the arrests is set....”<sup>40</sup> The *New Republic* mocked Palmer that he might encounter “some unusually scrupulous federal judge, who might enforce the Constitution, or, perhaps, merely a sensitive public attitude toward infringement on civil liberty.”<sup>41</sup> In any case, that the Department of Justice thought warrants were not necessary in the first place (or the implication that few judges would stand in the way) demonstrated the lengths by which the administration had gone to suppress radicalism in the first years after the war. In fact, Palmer (now aided by a young J. Edgar Hoover) appeared to believe that such protections were not necessary because the arrested radicals were to be deported in administrative proceedings and would not be subject to a criminal trial. Following this plan, on January 2, 1920, the Justice Department (with the cooperation of state and local authorities) orchestrated a nationwide series of raids, arresting more than 4,000 suspected radicals, many of whom were eventually deported.<sup>42</sup>

The Attorney General rode the wave of popularity and declared himself a candidate for President, but the tide was already turning against the raids.<sup>43</sup> The federal judge that the *New Republic* hoped might stand up for the Constitution turned out to be George W. Anderson, who blasted federal authorities for taking part in a “lawless proceeding” when he learned about

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<sup>39</sup> “On Behalf of Louis F. Post,” *New Republic* XXII, no. 282 (April 28, 1920): 265.

<sup>40</sup> *Ibid.*, 265–266.

<sup>41</sup> *Ibid.*, 266.

<sup>42</sup> “Reds Raided in Scores of Cities; 2,600 Arrests, 700 in New York; Deportation Hearings Begin Today,” *New York Times*, January 3, 1920; Murray, *Red Scare: A Study in National Hysteria, 1919-1920*, 213–222; Kenneth D. Ackerman, *Young J. Edgar: Hoover, the Red Scare, and the Assault on Civil Liberties* (New York, NY: Carroll & Graf Publishers, 2007), 180–186.

<sup>43</sup> “Palmer Enters Race,” *Washington Post*, March 2, 1920, 1.

warrantless arrests, hearings without counsel, and filthy living conditions.<sup>44</sup> Then, despite predictions from the Justice Department of May Day violence, nothing materialized.<sup>45</sup> This non-event was the beginning of the end of the First Red Scare.

A few conclusions are worth considering. First, the Red Scare did for radicals after the war what the home front did to anti-war views during the war. Views outside of the mainstream became toxic and were forced underground. Membership in radical parties, including Socialists and Communists, plummeted and their candidates suffered. Second, as during the war, civil liberties suffered at the hands of an oppressive surveillance and enforcement apparatus using wartime powers, supplemented by state and local authorities, and cheered on by fears of Bolshevism and radicalism that the federal government willingly accelerated. Third, a few individuals (especially Louis Post and Judge Anderson) played an oversized role in bringing the Red Scare to a conclusion by being among the few to stand up to the power of the state. Fourth, despite the setbacks to Palmer, it was just the beginning of a decades-long career for J. Edgar Hoover, whose record on civil liberties was to be abysmal.

### **African Americans**

In 1912, African Americans had reason for hope in a potential Wilson administration. In a letter to Bishop Alexander Walters turning down an invitation to speak at the October 26, 1912, meeting of the National Colored Democratic League, then-presidential candidate Woodrow Wilson wrote, “I want to assure [African Americans] through you that should I become President

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<sup>44</sup> “Judge Rebukes Federal Officials Scathingly,” *Boston Globe*, April 22, 1920, 13.

<sup>45</sup> “Palmer’s Riot Predictions Fail; Nobody Murdered Yet,” *New York Tribune*, May 2, 1920, 2; “Plot for Red May Day Revolt Fails; No Rioting, Few Arrests or Strikes; All Demonstrations Are Peaceable,” *New York Times*, May 2, 1920, 1; Ackerman, *Young J. Edgar*, 283–284.

of the United States they may count on me for absolute fair dealing and for everything by which I could assist in advancing the interests of their race in the United States.”<sup>46</sup>

But all was not well. On January 8, 1913, Walters reached out again to the president-elect, hoping that the new administration would replace blacks who held existing positions in the Taft administration with blacks suggested by Democrats.<sup>47</sup> But Wilson went the other direction, replacing several existing black officeholders with white appointees, including the ambassador to Haiti.<sup>48</sup> In fact, James L. Curtis, appointed ambassador to Liberia in 1915, was the only black nominated by Wilson and confirmed to a position during his first term.<sup>49</sup> One other African American, A.E. Patterson, was nominated for register of the Treasury but not confirmed. Five other officials were retained from the Taft administration, but at least 18 other blacks were replaced with white appointees.<sup>50</sup> In his autobiography, published in 1917, Walters wrote, “I regret to say that he has failed to realize any of the expectations raised by his fair promises and sweet-sounding phrases about justice and equal opportunity uttered in pre-election days.”<sup>51</sup>

Opportunities for blacks were going backward in the civil service, too. As early as April 11, 1913, Postmaster General Albert Burleson and Treasury Secretary William Gibbs McAdoo raised the possibility in a cabinet meeting of segregating black employees in their departments (and across all departments of government) and of concerns about white employees with black supervisors.<sup>52</sup> When Senator Moses E. Clapp (R-MN) introduced a resolution calling for an

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<sup>46</sup> To Alexander Walters, October 21, 1912, 25:448, in Link, *PWW*.

<sup>47</sup> From Alexander Walters, January 8, 1913, 27:20, in *ibid*.

<sup>48</sup> Kathleen Long Wolgemuth, “Woodrow Wilson’s Appointment Policy and the Negro,” *The Journal of Southern History* 24, no. 4 (1958): 461–465.

<sup>49</sup> “Appointed Minister to Liberia,” *Washington Post*, October 26, 1915.

<sup>50</sup> Wolgemuth, “Woodrow Wilson’s Appointment Policy and the Negro,” 462–463, 467.

<sup>51</sup> Alexander Walters, *My Life and Work* (New York, NY: Fleming H. Revell Company, 1917), 195–196.

<sup>52</sup> Entry for April 11, 1913, 32-33, in Cronon, *CDJD*.



investigation into reported segregation in government departments, officials gave assurances that no such formal orders existed.<sup>53</sup> Soon thereafter, the *New York Evening Post* published two letters from the Treasury Department that confirmed the segregation of bathrooms in the Treasury building.<sup>54</sup> When Oswald Garrison Villard raised concerns with the President about segregation in the Treasury Department and Post Office Department, Wilson acknowledged as much but argued that “I sincerely believe it to be in their interest.”<sup>55</sup> The President expressed trouble understanding how Villard could “look at it in so different a light.”<sup>56</sup> For Wilson, by segregating blacks, “we are rendering them more safe in their possession of office and less likely to be discriminated against.”<sup>57</sup> W.E.B. Du Bois still couldn’t quite believe that Wilson had known of and, at least tacitly approved, such policies: “Mr. Wilson, do you know these things? Are you responsible for them? Did you advise them? Do you not know that no other group of American citizens have ever been treated in this way and that no President of the United States ever dared to propose such treatment?”<sup>58</sup> If there was any doubt as to Wilson’s view, he made it clear in a letter to Howard Allen Bridgman, editor-in-chief of the *Congregationalist and Christian World*. According to Wilson, “I would say that I do approve of the segregation that is being attempted in several of the departments,” and believed “that it is distinctly to the advantage of the colored people themselves that they should be organized” as such.<sup>59</sup> In the next issue,

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<sup>53</sup> “Who Issued ‘Jim Crow’ Order?,” *New York Age*, August 7, 1913, 1.

<sup>54</sup> “The Segregation in Washington Departments,” *New York Evening Post*, September 9, 1913, 9.

<sup>55</sup> From Oswald Garrison Villard, July 21, 1913, 28:60-61, and To Oswald Garrison Villard, July 23, 1913, 28:65, in Link, *PWW*.

<sup>56</sup> To Oswald Garrison Villard, July 23, 1913, 28:65, in *ibid*.

<sup>57</sup> To Oswald Garrison Villard, July 23, 1913, 28:65, in *ibid*.

<sup>58</sup> W.E.B. Du Bois, “Another Open Letter to Woodrow Wilson,” *The Crisis* 6, no. 5 (September 1913): 233.

<sup>59</sup> From Howard Allen Bridgman, September 4, 1913, 28:256, and To Howard Allen Bridgman, September 8, 1913, 28:265-266, in Link, *PWW*.

Bridgman decried that “faithful, efficient citizens in Federal employ suffer degrading stigma, that the spirit of the nation’s fundamental law thereby is set at naught.”<sup>60</sup>

Another event that helped to turn African Americans against the administration was the private screening of D.W. Griffith’s *The Birth of a Nation* at the White House.<sup>61</sup> The film was both popular and controversial and sparked a protest campaign by the NAACP.<sup>62</sup> President Wilson was reported to have said of the film, “It’s like writing history with lightning. My only regret is that it is all so terribly true.”<sup>63</sup> A newspaper advertisement for the film explained that “Persons saw history written with lightning” but did not specifically attribute the quote.<sup>64</sup> When promoters for the film appeared to suggest that Wilson approved of the movie, the White House explained that “the President was entirely unaware of the character of the play before it was presented and has at no time expressed his approbation of it. Its exhibition at the White House was a courtesy extended to an old acquaintance.”<sup>65</sup> With historical hindsight, it is easy to see that this statement was wholly inadequate. But at the time, it was sufficient to mollify some, including the editorial board of the *Chicago Defender*: “Its exhibition at the White House was a courtesy extended the author, who was a classmate of his at Johns Hopkins University, he avers.

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<sup>60</sup> “Turning the Negro Back,” *Congregationalist and Christian World* (September 18, 1913): 357.

<sup>61</sup> “Movies at the White House,” *Washington Post*, February 19, 1915, 4; Thomas Dixon, Jr., to Joseph Patrick Tumulty, January 27, 1915, 32:142, From Thomas Dixon, Jr., February 20, 1915, 32:267, and From David Wark Griffith, March 2, 1915, 32:310, in Link, *PWW*.

<sup>62</sup> Margaret Blaine Damrosch1 to Joseph Patrick Tumulty [enclosure], March 27, 1915, 32:455, in Link, *PWW*; National Association for the Advancement of Colored People, *Fighting a Vicious Film: Protest Against “The Birth of a Nation”* (Boston, MA: National Association for the Advancement of Colored People (Boston Branch), 1915); Thomas Cripps, *Slow Fade to Black: The Negro in American Film, 1900-1942* (New York, NY: Oxford University Press, 1977), 41–69.

<sup>63</sup> Mark E. Benbow, “Birth of a Quotation: Woodrow Wilson and ‘Like Writing History with Lightning,’” *The Journal of the Gilded Age and Progressive Era* 9, no. 4 (2010): 509.

<sup>64</sup> “19,759,” *Atlanta Constitution*, December 12, 1915, 10. See the Appendix.

<sup>65</sup> To Joseph Patrick Tumulty, April 28, 1915, 33:86, in Link, *PWW*.

We take great pleasure in erasing one demerit mark from our high chief and suggest that if it isn't too painful, he might keep the good work up.”<sup>66</sup>

While the quote attributed to Wilson and others with some variations have been widely reported, there also exists some controversy about its accuracy. In an exhaustive examination of the sources, Mark E. Benbow concluded that the first part of the quotation (“it’s like writing history with lightning”) was better supported, and the latter half (“my only regret is that it is all so terribly true”) was probably added later.<sup>67</sup> Nevertheless, Benbow believed that the accuracy of Wilson’s exact words paled in comparison to the message: “More important than whatever was said or not said, Wilson gave the filmmakers all the endorsement they needed by agreeing to view the film in the White House.”<sup>68</sup> According to Benbow, “[t]he screening was in itself a tacit endorsement sufficient to protect the film from censors and to allow it to be shown around the country.”<sup>69</sup> Just as important were the reactions of African Americans, who believed that the film was racially inflammatory. Here again, the statement released by the White House seems to have disconnected Wilson from the worst effects of the film among blacks, but it also did him no favors either. Thomas W. Dixon, Jr., author of *The Clansman*, the source material for *The Birth of a Nation*, and who, along with filmmaker D.W. Griffith, had screened the film for the President, later wrote to the President that “[t]his play is transforming the entire population of the North and West into Sympathetic Southern voters. There will never be an issue of your

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<sup>66</sup> “President Wilson Emphatically Denies,” *Chicago Defender*, May 8, 1915, 8.

<sup>67</sup> Benbow, “Birth of a Quotation,” 527.

<sup>68</sup> *Ibid.*, 529.

<sup>69</sup> *Ibid.*

Segregation policy.”<sup>70</sup> In reply, Wilson addressed other subjects of Dixon’s letter but was silent on the author’s satisfactory approval of his segregation policy.<sup>71</sup>

The segregationist policies endorsed by the Wilson administration expanded once the nation entered the war. While the specific details for dealing with African Americans in the military were not yet determined, plans to segregate the Army were already in place while the draft was put in place. The bottom left corner of draft registration cards was printed with the message, “If person is of African descent, tear off this corner.”<sup>72</sup> Because the draft law often lacked interpretive guidance, it left room for arbitrary decision-making by local draft boards. Perhaps not surprisingly, this almost always resulted in disparate treatment for blacks as compared to whites. As noted in Chapter Five, blacks were accepted and enrolled for military service at higher rates than whites, particularly in the South.<sup>73</sup> In one particularly egregious example, Fulton County, Georgia, exempted 526 of 815 white registrants while selecting 196 of 202 blacks.<sup>74</sup> Blacks received dependency exemptions at a lower rate than whites.<sup>75</sup> Officials in Monroe County, Alabama, insisted that they did not intend to discriminate, but “it is a matter of common knowledge that it requires more for a white man and his wife to live than it does a negro man and his wife, due to their respective station in life.”<sup>76</sup> In determining eligibility, draft boards found blacks eligible at a higher rate than whites and were more willing to ignore blacks’

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<sup>70</sup> Thomas Dixon, Jr. to Woodrow Wilson, September 5, 1915, Series 4, Reel 332, Case File 2247, in Woodrow Wilson Papers.

<sup>71</sup> To Thomas Dixon, Jr., September 7, 1915, 34:426-427, in Link, *PWW*.

<sup>72</sup> “Are You Eligible for Army?,” *Gettysburg Compiler*, May 26, 1917, 1; Capozzola, *Uncle Sam Wants You*, 33. See the Appendix.

<sup>73</sup> Aptheker, *Toward Negro Freedom*, 117.

<sup>74</sup> *Ibid.*

<sup>75</sup> Chad L. Williams, *Torchbearers of Democracy: African American Soldiers in the World War I Era* (Chapel Hill, NC: University of North Carolina Press, 2010), 202.

<sup>76</sup> Monroe County, Alabama, Local Draft Board Experience Files, in Jeanette Keith, “The Politics of Southern Draft Resistance, 1917-1918: Class, Race, and Conscription in the Rural South,” *The Journal of American History* 87, no. 4 (2001): 1335–1361.

physical disabilities in order to find them eligible.<sup>77</sup> In reviewing the state of race relations with respect to African Americans and the Selective Service Act, James Mannell concluded that during and immediately after the war, blacks were worse off in terms of violence against them.<sup>78</sup>

On the home front, the conditions caused by the war were the direct result of an increasing amount of violence directed toward African Americans. The influx of blacks to East St. Louis as part of the Great Migration, together with increasing labor tensions, turned deadly during the summer of 1917. When employees of the Aluminum Ore Company decided to strike, management acquired rifles and ammunition owned by the federal government, while Illinois guardsmen were called out to protect the plant.<sup>79</sup> C.B. Fox, the company superintendent, posted a notice that read: “The Board of Trustees that operates the plant has decided that it had had enough of the Aluminum Ore Employees Protective Association. If you haven’t, get out.”<sup>80</sup> Company management then obtained a federal injunction against the strike leaders, because the company held Army contracts for aluminum canteens.<sup>81</sup> Superintendent Fox then replaced the striking workers with other recruits, including some African Americans.<sup>82</sup>

The replacement of white workers with blacks (even though most of the replacement workers were other whites) was intolerable for some, especially for those who had experienced a

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<sup>77</sup> Crowder, *Second Report of the Provost Marshal General*, 150–157, 160, 276; Arthur E. Barbeau and Florette Henri, *The Unknown Soldiers: Black American Troops in World War I* (Philadelphia, PA: Temple University Press, 1974), 36; Chambers II, *To Raise an Army*, 225; Keith, “The Politics of Southern Draft Resistance,” 1350.

<sup>78</sup> James Mannell, “African-Americans and the Selective Service Act of 1917,” *The Journal of Negro History* 84, no. 3 (1999): 284.

<sup>79</sup> “1,700 Men Strike, Tie Up Plant of Aluminum Ore. Co.,” *St. Louis Star*, April 19, 1917, 3; Elliott M. Rudwick, *Race Riot at East St. Louis, July 2, 1917* (Carbondale, IL: Southern Illinois University Press, 1964), 18–19.

<sup>80</sup> “Employer of Strikes Says Men’s Leader Tried Extortion,” *St. Louis Post-Dispatch*, April 22, 1917, 30.

<sup>81</sup> “Strikers Restrained,” *Champaign Daily News*, April 25, 1917, 1.

<sup>82</sup> Rudwick, *Race Riot at East St. Louis*, 19.

similar result in a meat-packing industry strike a year earlier.<sup>83</sup> Tempers flared after a contentious meeting at city hall on May 28, 1917, which the *St. Louis Post-Dispatch* blamed squarely on the “further influx of Negro labor.”<sup>84</sup> The same report noted that the Mayor of East St. Louis asked St. Louis police authorities “to prevent the sale of firearms to negroes in St. Louis,” but no such restrictions were asked against whites.<sup>85</sup> Smaller incidents occurred throughout June, but the events of July 1 would prove to be the spark that set the racial flames afire. As described by Elliott M. Rudwick, that night a Ford car fired shots into the homes of blacks; “[o]n a second foray, the residents were prepared and returned the fire, striking the automobile which disappeared into the night.”<sup>86</sup> When police responded to this shooting, residents apparently mistook the Ford squad car for the one that had fired at them before and returned fire again, killing two detectives.<sup>87</sup> According to Rudwick, Roy Albertson, a *St. Louis Republic* reporter who was riding along with the detectives, “wrote that the Negroes had prearranged the murder.”<sup>88</sup> Other newspapers picked up Albertson’s report, which claimed the attack as “a premeditated, unprovoked, and senseless killing,” in which a police offer of “[w]e’re here to protect you” was met with scorn and bullets by the black residents.<sup>89</sup> Two more days of violence ensued, in which hundreds of buildings were partially or totally destroyed and thousands of blacks displaced. One study concluded that 39 blacks were killed during the riots, while another estimated 100-200.<sup>90</sup> None of the victims had any connection to the deaths of the

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<sup>83</sup> *Ibid.*, 19–23.

<sup>84</sup> “8 Companies to Be on Riot Duty in East St. Louis,” *St. Louis Post-Dispatch*, May 29, 1917, 1–2.

<sup>85</sup> *Ibid.*, 1.

<sup>86</sup> Rudwick, *Race Riot at East St. Louis*, 38.

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid.*, 38–39; “2 Negroes Slain by East St. Louis Mob; Dozen Others Hurt,” *St. Louis Post-Dispatch*, July 2, 1917, 2.

<sup>90</sup> Rudwick, *Race Riot at East St. Louis*, 4, 217; “The Massacre of East St. Louis,” *The Crisis* 14, no. 5 (September 1917): 219.

two police detectives.<sup>91</sup> The riot marked the worst racial violence during the war and among the worst in American history. In response, the NAACP organized the Negro Silent Parade, one of the first mass civil rights demonstrations of its kind.<sup>92</sup>

The contradictions of racial violence at home during a war for democracy were not lost on the American people. Soon after the East St. Louis riot, the *New York Evening Mail* published a political cartoon by William Charles Morris that featured a black woman, with two children at her side, kneeling before President Wilson, who holds a paper that proclaims, “the world must be made safe for democracy.” The caption reads, “Mr. President, why not make America safe for Democracy?”<sup>93</sup> Another cartoon in the *New York Evening Post* by Oscar Cesare showed a burning building, labeled “E. St. Louis,” with bodies lying on the street, and was captioned, “Speaking of Atrocities.”<sup>94</sup> Although East St. Louis marked the worst racial violence during the war, other incidents occurred as well in Chester (PA), (July 1917), Houston (August 23, 1917), Philadelphia (July 1918), and frequently throughout the “Red Summer” of 1919 (Chicago, Washington, DC., Elaine, Arkansas, among many others).<sup>95</sup>

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<sup>91</sup> Rudwick, *Race Riot at East St. Louis*, 53.

<sup>92</sup> “Negroes in Protest March in Fifth Av.,” *New York Times*, July 29, 1917, 12; “The Negro Silent Parade,” *The Crisis* 14, no. 5 (September 1917): 242–243.

<sup>93</sup> “Mr. President, Why Not Make America Safe for Democracy?,” *Sandusky (Ohio) Star-Journal*, July 7, 1917, 2. Morris’s political cartoon was republished in many newspapers across the country in July and August 1917, including the version seen in the Appendix.

<sup>94</sup> “The Illinois Race War and Its Brutal Aftermath,” *Current Opinion* LXIII, no. 2 (August 1917): 76.

<sup>95</sup> On November 13, 2023, the Army Board for Correction of Military Records to set aside the court-martial convictions of the 110 Black Soldiers of the 3rd Battalion, 24th Infantry Regiment (also known as the Buffalo Soldiers), who were convicted following the World War I-era Houston Riots. U.S. Army Public Affairs, “Army Sets aside Convictions of 110 Black Soldiers Convicted in 1917 Houston Riots,” *U.S. Army*, November 13, 2023, accessed November 24, 2023, [https://www.army.mil/article/271614/army\\_sets\\_aside\\_convictions\\_of\\_110\\_black\\_soldiers\\_convicted\\_in\\_1917\\_houston\\_riots](https://www.army.mil/article/271614/army_sets_aside_convictions_of_110_black_soldiers_convicted_in_1917_houston_riots); For more information on the Red Summer riots, see generally Cameron McWhirter, *Red Summer: The Summer of 1919 and the Awakening of Black America* (New York, NY: Henry Holt & Co., 2011); Carl Sandburg, *The Chicago Race Riots, July 1919* (New York, NY: Harcourt, Brace and Howe, 1919).

Despite the efforts of the NAACP on the home front and the courageous fighting of African Americans in France (the 92nd Infantry Division “Buffalo Soldiers” and the 93rd Infantry Division, which included the 369th Infantry Regiment, the “Harlem Hellfighters”), blacks saw virtually no gains in civil rights during the war and in its immediate aftermath. When Allied soldiers marched in the Bastille Day parade on July 14, 1919, the United States Army prohibited its black soldiers from participating.<sup>96</sup>

### **Immigrants**

According to the 1910 Census, over 13.5 million people in the United States were foreign-born out of a total population of nearly 92 million.<sup>97</sup> Of those 13.5 million, over 2.5 million were born in Germany (first among countries contributing foreign-born people to the United States), and another 1.2 million from Austria (sixth).<sup>98</sup> Including first- and second-generation German-Americans, Germans totaled nearly 8.3 million, or about one in twelve of all people in the United States.<sup>99</sup> These 8.3 million German immigrants and first- second-generation German-Americans represented the largest ethnic group in the United States, nearly twice as many as the Irish (4.5 million) and fully one in four of all white people in the United States either born abroad or with at least one parent born abroad.<sup>100</sup> Germans were notably present in significant numbers in a belt that ran from Pennsylvania through the Midwest to the Pacific

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<sup>96</sup> Tyler Stovall, *Paris Noir: African Americans in the City of Light* (Boston, MA: Houghton Mifflin Company, 1996), 22. For a photo of the Harlem Hellfighters parade in New York in 1919, see the Appendix.

<sup>97</sup> U.S. Department of Commerce, Bureau of the Census, *Thirteenth Census of the United States Taken in the Year 1910*, vol. I (Washington, DC: Government Printing Office, 1913), 22, 781.

<sup>98</sup> *Ibid.*, I:783, 788.

<sup>99</sup> *Ibid.*, I:875.

<sup>100</sup> *Ibid.*, I:785–876. According to the census data, the total foreign white stock in the United States in 1910 was 32,243,382; including 41 percent born abroad, 40 percent natives with two foreign-born parents, and 19 percent natives with mixed parentage.



Northwest.<sup>101</sup> German-Americans came in for especially harsh treatment for the belief that pride in their heritage questioned their patriotism. Theodore Roosevelt proclaimed that “[t]here is no place here for the hyphenated American,” and “the sooner he returns to the country of his allegiance the better.”<sup>102</sup> By the time of the 1916 presidential campaign, Wilson too employed this rhetoric. In a speech in St. Paul, Minnesota, while insisting that he was not explicitly targeting Germans, the President explained that “I think the most un-American thing in the world is a hyphen.... It don’t make any difference what comes before the ‘American,’ it ought not to be there, and every man that comes to take counsel with me with a hyphen in his conversation, I take no interest in whatever.”<sup>103</sup> A week later in San Francisco, Wilson proclaimed that “[a] man that puts anything else before the word ‘American’ is no comrade of mine.”<sup>104</sup> His qualifications aside, the tenor of the time makes clear that Roosevelt and Wilson contributed to an increasingly hostile environment for German immigrants and German-Americans. As nativist sentiment built, Congress passed the Immigration Act of 1917, which created new categories of barred persons and also included, for the first time, a literacy requirement.<sup>105</sup> Later, pursuant to the supplemental enemy alien regulations later promulgated by President Wilson in November 1917, a total of approximately 480,000 Germans registered throughout the war.<sup>106</sup>

The clergy were another target of federal surveillance, in large part because of their unique and powerful influence within local communities. Of note in this case were Lutheran pastors, who were most likely to be of German descent, especially in the Midwest. According to

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<sup>101</sup> *Ibid.*, I:803.

<sup>102</sup> “Roosevelt Bars the Hyphenated,” 1.

<sup>103</sup> An Address in the St. Paul Auditorium, September 9, 1916, 38:138-148, in Link, *PWW*.

<sup>104</sup> A Luncheon Address in San Francisco, September 17, 1916, 38:311-322, in *ibid.*

<sup>105</sup> *Immigration Act of 1917*, 39 Stat. 874, 1917, 875-877 (Sec. 3).

<sup>106</sup> Annual Report of the Attorney General of the United States for the Year 1918, 26; U.S. Marshals Service, “The U.S. Marshals During World War I,” *Historical Reading Room*, accessed August 6, 2023, <https://www.archives.gov/research/immigration/enemy-aliens/ww1>.

a report about the Field Secretary of the Lutheran Army and Navy Board, "[i]n common with nearly all members of the Lutheran clergy he is an object of suspicion."<sup>107</sup> Even military chaplains were targeted for surveillance when they were Lutheran and of German descent.<sup>108</sup> Werner Hanni, who would later go on to become a federal agent after the war and served until 1954, was a prolific Bureau of Investigation informant who targeted German pastors in the Midwest.<sup>109</sup> Indeed, the German language, whether spoken in public, in church, or in schools, was cause for suspicion.<sup>110</sup>

The number of arrests and internments is challenging to pin down, owing in large part to the lack of records.<sup>111</sup> Attorney General Thomas W. Gregory's annual report, issued in December 1918, reported that:

...more than 6,000 suspected enemy aliens detained under presidential warrants issued by the Attorney General, and this represents the total number of cases the facts of which were actually passed upon at Washington by this department. In addition, several thousand alien enemies were temporarily detained for summary examination and thereafter released by local representatives of the department throughout the country. A considerable number of the 6,000 persons detained under presidential warrants have been transferred to the Army detention camps and interned for the duration of the war. The remainder have been paroled under the system hereafter referred to. The great bulk of the persons actually interned have been male German alien enemies....

In *Opponents of War*, H.C. Peterson and Gilbert C. Fite estimated that 6,300 Germans were arrested and 2,300 interned.<sup>112</sup> John Higham's *Strangers in the Land* also counted 6,300

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<sup>107</sup> M. Churchill / G.C. Van Dusen to A.B. Bielaski, July 26, 1918, OG 243145, in ICFBI.

<sup>108</sup> R.H. Van Deman / W.C. Smiley to A.B. Bielaski, May 6, 1918, OG 191472, and R.H. Van Deman / W.C. Smiley to A.B. Bielaski, June 1, 1918, OG 207639, in *ibid.*; Thomas, Jr., *Unsafe for Democracy*, 69.

<sup>109</sup> See, *i.e.*, Report of M. Eberstein, March 14, 1918, OG 159368, in ICFBI (citing Informant Hanni).

<sup>110</sup> Report of T.A. Matheson, August 16, 1918, OG 46382, in *ibid.*; Robert N Manley, "Language, Loyalty and Liberty: The Nebraska State Council of Defense and the Lutheran Churches, 1917-1918," *Concordia Historical Institute Quarterly* 37, no. 1 (April 1964): 1-16.

<sup>111</sup> According to the National Archives, "There are no surviving master lists of registrations, permits, or arrests. Very few records of the enemy alien registration and permitting processes exist today. The records that do survive are incomplete." "World War I Enemy Alien Records," *National Archives*, last modified May 22, 2023, accessed August 6, 2023, <https://www.archives.gov/research/immigration/enemy-aliens/ww1>.

<sup>112</sup> Peterson and Fite, *Opponents of War, 1917-1918*, 86.

arrests.<sup>113</sup> Jörg Nagler, a leading scholar on the internment of enemy aliens, reconstructed available records to estimate that more than 8,500 aliens, mostly German men, were arrested and imprisoned during the war.<sup>114</sup> According to Nagler, some unknown thousands more were arrested and temporarily held without warrants, and a total of 6,300 were interned in four camps.<sup>115</sup> It is important to repeat here a key acknowledgment first discussed in Chapter Eight. The academic argument about the numbers of arrests and imprisonments is a crucial element of the history on the home front during the First World War. But these numbers alone, particularly because they are comparatively low, and in light of the significant numbers of people of Japanese ancestry interned during World War II, should not lead historians to conclude that the treatment of German alien enemies was benign.

The sheer number of German immigrants and first- and second-generation German-Americans in the United States during the First World War practically ensured that the treatment of those who were interned was not more widespread. While some in the administration, including Secretary of State Lansing and Treasury Secretary McAdoo, preferred widespread internment of enemy aliens, the relatively small federal administrative apparatus was insufficient to entertain this option. Even when supplemented by state and local authorities and semi-official vigilance organizations such as the National Security League, the American war effort could not afford the resources to implement such a large-scale internment effort. Nonetheless, despite its small scale, the internment of German immigrants and German-Americans during the war

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<sup>113</sup> Higham, *Strangers in the Land*, 210.

<sup>114</sup> Jörg Nagler, "Control and Internment of Enemy Aliens in the United States during the First World War," in *Internment during the First World War*, ed. Stefan Manz, Panikos Panayi, and Matthew Stibbe (London: Routledge, 2018), 184.

<sup>115</sup> *Ibid.*

provided a framework for the later widespread internment of over 120,000 people of Japanese ancestry in concentration camps in the western United States during World War II.<sup>116</sup>

## Women

The passage by Congress of the 19th Amendment on June 4, 1919, and its ratification on August 18, 1920, would seem to be an argument against the notion that women were victims of the First World War.<sup>117</sup> Yet despite this monumental achievement in constitutional law, by nearly any measure, women suffered because of the war. Among the very first American casualties after the United States entered the war were women and girls who constituted the majority of those killed and injured when an ammunition plant exploded in Eddystone, Pennsylvania.<sup>118</sup>

Woodrow Wilson's position on women's suffrage was not clear at the time he was elected President. According to Eleanor Flexner's *Century of Struggle*, Wilson was in the anti-suffrage camp while governor of New Jersey.<sup>119</sup> When asked about his position on women's suffrage during a 1911 campaign visit, he replied, "Ladies, this is a very arguable question and my mind is in the midst of the argument."<sup>120</sup> When a delegation led by Alice Paul visited the President after the election, he said that "he had no opinion on the subject of woman suffrage; that he had never given it any thought; and that above all it was his task to see that Congress

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<sup>116</sup> See, i.e., Michael Schearer, "Civil Liberties on the Homefront: Korematsu and the National Security Justification" (Liberty University, 2019).

<sup>117</sup> "Equal Suffrage Won," *Washington Post*, June 5, 1919, 1; "Tennessee House Votes Suffrage, 50 to 46, But May Yet Reconsider; Full Ratification Now Claimed," *Washington Post*, August 19, 1920, 1; "Laud Women Voters," *Washington Post*, August 27, 1920, 1.

<sup>118</sup> "119 Killed, 150 Injured, Majority Women, by Explosion Laid to Plotters in Plant of Eddystone Ammunition Corporation," *Philadelphia Inquirer*, April 11, 1917, 1–2.

<sup>119</sup> Eleanor Flexner, *Century of Struggle: The Woman's Rights Movement in the United States* (Cambridge, MA: Belknap Press of Harvard University Press, 1959), 278.

<sup>120</sup> Doris Stevens, *Jailed for Freedom* (New York, NY: Liveright Publishing Corporation, 1920), 22n.

concentrated on the currency revision and the tariff reform.”<sup>121</sup> When Paul asked the President how the Administration could seek reforms for the currency, tariff or other issues without first getting the consent of women to these reforms, Wilson was “somewhat taken aback,” and replied, “Get the consent of women?”<sup>122</sup> He acknowledged that “[t]his subject will receive my most careful consideration.”<sup>123</sup>

During Wilson’s first term, suffragists split on strategy. The National American Woman Suffrage Association (NAWSA), under Carrie Chapman Catt, was willing to support any candidates that promoted suffrage, realizing that both parties would be needed for any constitutional amendment.<sup>124</sup> Alice Paul’s National Women’s Party (NWP), who split from NAWSA in 1913, opposed Wilson and other Democrats who refused to support suffrage. They organized the Silent Sentinels, nonviolent protestors who picketed the White House, were arrested, and served time in jail.<sup>125</sup> Once the United States entered the war, women who protested on behalf of the NWP endured violence both on the picket line and while in jail.<sup>126</sup> At Occoquan Workhouse, where many picketers were jailed, the superintendent tried perversely to trade better conditions for promises to stop picketing.<sup>127</sup> In fact, the conditions were so bad that a federal judge ruled that confinement there was illegal.<sup>128</sup> The violence at Occoquan would soon become

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<sup>121</sup> *Ibid.*, 22–23; Flexner, *Century of Struggle*, 265.

<sup>122</sup> Stevens, *Jailed for Freedom*, 23.

<sup>123</sup> *Ibid.*

<sup>124</sup> Anne Firor Scott, *One Half the People: The Fight for Woman Suffrage* (Urbana, IL: University of Illinois Press, 1982), 31–32.

<sup>125</sup> Alice Paul and Amelia Fry, *Conversations with Alice Paul: Woman Suffrage and the Equal Rights Amendment* (Berkeley, CA: Regents of the University of California, 1976), 106–110, 174, 216–223. For a photograph of the silent protests at the White House, see the Appendix.

<sup>126</sup> “Enraged Mob in Front of White House Tears Down Suffragists’ Banner Which Attacked President,” *Washington Times*, June 20, 1917, 1; “31 Militants Sent Back to Occoquan,” *Washington Post*, November 15, 1917, 11; “30 on a Hunger Strike,” *Washington Post*, November 16, 1917, 10.

<sup>127</sup> Stevens, *Jailed for Freedom*, 202.

<sup>128</sup> “Move Militants from Workhouse,” *New York Times*, November 25, 1917, 6; “Government Forced to Release Suffrage Prisons from Occoquan,” *The Suffragist* V, no. 97 (December 1, 1917): 4–5; Rose Nolan, “The Prison Notes of Rose Winslow,” *The Suffragist* V, no. 97 (December 1, 1917): 6.

known as the “Night of Terror.”<sup>129</sup> Using the publicity against the administration, the NWP filed a lawsuit against the superintendent and other jail officials, which proved to be useful leverage in bringing the administration to the side of the suffragists.<sup>130</sup> On September 30, 1918, less than six weeks before the Armistice and with passage in the Senate all but certain, President Wilson asked the upper chamber to pass the 19th Amendment—not as some grand measure of equality, but as “a vitally necessary war measure.”<sup>131</sup> Whatever his reason, Wilson’s support (while not constitutionally required) almost certainly helped the measure to pass.

The two differing approaches among suffragists revealed how the war had an impact on women’s rights. Soon after American entry into the war, Carrie Chapman Catt acknowledged that, “[w]hen and if we are really caught in the throes of as real war, [NAWSA] shall probably be forced to drop suffrage activities.”<sup>132</sup> Catt believed that women supporting the war effort would reap results after the war for suffrage.<sup>133</sup> NWP, on the other hand, refused to support the war and preferred to engage in more militant activism.<sup>134</sup> As a result, NWP picketers suffered attacks from mobs and brutal violence from jail officials. NAWSA’s moderate approach was willing to delay suffrage to support the war; NWP’s more aggressive approach recognized the possibility (and eventually the reality) of physical harm. In both cases, suffrage came at a cost.

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<sup>129</sup> Mary Nolan, “‘That Night of Terror,’ November 14, 1917,” *The Suffragist* V, no. 97 (December 1, 1917): 7, 14.

<sup>130</sup> Stevens, *Jailed for Freedom*, 244–245.

<sup>131</sup> From Carrie Clinton Lane Chapman Catt, September 29, 1918, 51:155-157, and An Address to the Senate, September 30, 1918, 51:158-161, in Link, *PWW*.

<sup>132</sup> Carrie Chapman Catt to Maud Wood Park, April 13, 1917, General Correspondence, circa 1890-1947; Park, Maud Wood; 1916-1919, in Carrie Chapman Catt Papers (Library of Congress Manuscript Division, Library of Congress, Washington, DC, 1890–1947).

<sup>133</sup> Sara Hunter Graham, *Woman Suffrage and the New Democracy* (New Haven, CT: Yale University Press, 1996), 101.

<sup>134</sup> Margaret C. Jones, *Heretics & Hellraisers: Women Contributors to The Masses, 1911-1917* (Austin, TX: University of Texas Press, 1993), 78–109.

A second area where women suffered during the war and in its aftermath was in the courts. As detailed in prior research, courts began to acquiesce to the progressive political agenda by perpetuating gender stereotypes and prolonging a period of indifference toward the rights of women. Despite passage of the 19th Amendment, the courts' already-deferential attitude toward women's protective labor legislation was reinforced and enhanced by abandonment of meaningful rational basis review. Given a fair chance, women might have gained some fuller measure of gender equality, especially in the labor arena, considerably sooner than actually occurred.<sup>135</sup>

Toward the end of the 19th century, workers (including some women) began challenging state labor legislation that was meant to protect them by limiting the number of hours they could work.<sup>136</sup> The primary weapon to challenge these laws was an emerging legal doctrine called liberty of contract, a means by which judges could draw meaningful distinctions between the legitimate police powers of the state and individual freedoms protected by the Constitution. The zenith for liberty of contract came in 1905 in *Lochner v. New York*, where a closely divided Supreme Court found that New York's maximum hours law for bakers was beyond the scope of the state's police powers.<sup>137</sup>

The relative success of the liberty of contract doctrine cases like *Lochner* caused progressives to refocus their strategy. Recognizing that Justice Oliver Wendell Holmes was the Court's only true progressive voice, defenders of protective labor legislation were willing to

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<sup>135</sup> Michael Schearer, "No Ma'am: Progressive Reform as an Obstacle to Gender Equality" (University of Maryland Francis King Carey School of Law, 2014) Some passages from this source have been incorporated into the following section of this paper. Quotations have been removed for clarity but the underlying footnotes remain.

<sup>136</sup> *Commonwealth v. Hamilton Mfg. Co.*, 120 Mass. 383 (1876); *Ritchie v. People*, 40 N.E. 454 (Ill. 1895).

<sup>137</sup> *Lochner v. New York*, 198 U.S. 45 (1905).

accept the premise of a legitimate distinction between liberty of contract and the state's police power. Nonetheless, progressives could gradually chip away at the liberty of contract on two fronts. The first rationale involved exploiting the differences between men and women as a justification for enacting protective laws for women. Second, progressives would use protective labor legislation aimed at women and children as a wedge because those reforms would be more palatable to legislators and judges. That wedge came in *Muller v. Oregon*, where the Supreme Court upheld a state maximum hours law based entirely upon "the inherent difference between the sexes."<sup>138</sup>

The entry of millions of women into the workforce upon American entry to the First World War accelerated the effort to advance protective labor legislation for women. But that support often had ulterior motives, including the protection of existing union jobs.<sup>139</sup> This legislation and the court cases that upheld the laws, often relied upon gender stereotypes about the roles of women at home and in the workplace. These stereotypes often built upon the arguments used by Louis Brandeis's brief in support of Oregon's maximum hours law. According to legal scholar David E. Bernstein, the Brandeis brief's "scientific" arguments were "nonsensical" even at the time of *Muller*: women were inferior to men because they have more women in their blood; and the anatomy of women's knees prevented them from undertaking certain tasks.<sup>140</sup> Between 1913 and 1919, 13 states passed minimum wage laws, all of which applied only to women.<sup>141</sup> All but four states had enacted maximum hours laws by 1921, again

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<sup>138</sup> *Muller v. Oregon*, 208 U.S. 412, 423 (1908).

<sup>139</sup> U.S. Department of Labor, Women's Bureau, Clara M. Beyer, and Florence P. Smith, *History of Labor Legislation for Women in Three States* (Washington, DC: Government Printing Office, 1929), 2.

<sup>140</sup> David E. Bernstein, "Brandeis Brief Myths," *Green Bag* 15, no. 1 (Autumn 2011): 11.

<sup>141</sup> Lindley D. Clark, "Minimum-Wage Laws of the United States," *Monthly Labor Review* XII, no. 3 (March 1921): 1–2. The author notes that some laws also applied to minors, both male and female.



almost exclusively applied to women.<sup>142</sup> From American entry into the law until its immediate aftermath, state and federal courts uniformly upheld all women's protective labor legislation with one exception. In Wyoming, a court found unconstitutional a maximum hours law for women working in restaurants.<sup>143</sup>

### **Pacifists and Conscientious Objectors**

One final class of people that suffered because of the war were pacifists and conscientious objectors. In reality, this was the same group of people. Pacifists were people who opposed the war; conscientious objectors were pacifists who registered for the draft and then, at some point in the process, expressed their refusal to combatant service or, in the case of absolutists, to any service at all. One of the most prominent pacifists of the First World War was Oswald Garrison Villard. One of the founders of the American Anti-Imperialist League, Villard came to his anti-war position during "our conquest of Cuba and the Philippines, with its needless waste of life and, in the archipelago, shocking cruelties..."<sup>144</sup> Villard's opposition to imperialism as a young journalist at the turn of the century became an essential link between the League and the anti-war movement in the lead-up to the First World War. Villard inherited the *New York Evening Post* and *The Nation* after his father's death in 1900 and became a founding member of the National Association for the Advancement of Colored People (NAACP).<sup>145</sup>

Villard enthusiastically supported Woodrow Wilson's candidacy for governor of New Jersey and later for President but began to break with the President over segregation in the Post

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<sup>142</sup> Claudia Goldin, "Maximum Hours Legislation and Female Employment: A Reassessment," *Journal of Political Economy* 96, no. 1 (1988): 189–190.

<sup>143</sup> *State v. Le Barron*, 162 P. 265 (Wyo. 1917).

<sup>144</sup> Villard, *Fighting Years*, 100.

<sup>145</sup> *Ibid.*, 143–144, 194.

Office and Treasury Departments during the summer of 1913.<sup>146</sup> By 1916, Villard had “completely lost faith in Mr. Wilson” and “was certain [that]] he would put us into the war.”<sup>147</sup> Villard (along with the *Evening Post* and *The Nation*) supported Charles Evans Hughes over Woodrow Wilson, believing that the latter’s “dupes were the masses all over the world who craved life, liberty, perpetual peace and self-determination.”<sup>148</sup> According to Villard, “[t]here has never been any doubt in my mind that it was [“He Kept Us Out of War”] which re-elected Mr. Wilson.<sup>149</sup> When the President’s private secretary Joe Tumulty explained that “[t]he President never used that slogan” because he realized the “precarious position” that the United States was in, Villard revealed that Wilson had approved the text of a speech that included the phrase.<sup>150</sup>

As a prominent liberal voice, Villard’s experience provides an example of how pacifist and anti-war positions were treated both during the neutral period and then during the war. When Stoddard Dewey, the *Evening Post*’s correspondent in Paris wrote to Villard at the end of 1914 that the *Evening Post* was “the most pro-German paper in America,” Villard replied that “[t]he Germans think was the most anti-German paper and so there you have it.”<sup>151</sup> According to Villard, by 1916 the *Evening Post* was under steady attack for not being anti-German enough, and his refusal to believe atrocity propaganda made him “a traitorous pro-German.”<sup>152</sup> Villard expressed disappointment that the Daughters of the American Revolution, like many other organizations and people at the time, “took the position... that to be a pacifist is to be a pro-

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<sup>146</sup> From Oswald Garrison Villard, July 21, 1913, 28:60-61, and To Oswald Garrison Villard, July 23, 1913, 28:65, in Link, *PWW*; Villard, *Fighting Years*, 236–237; Kathleen L. Wolgemuth, “Woodrow Wilson and Federal Segregation,” *The Journal of Negro History* 44, no. 2 (1959): 162–164.

<sup>147</sup> Villard, *Fighting Years*, 311.

<sup>148</sup> *Ibid.*, 317.

<sup>149</sup> *Ibid.*, 314–315.

<sup>150</sup> Tumulty, *Woodrow Wilson*, 185–186; Villard, *Fighting Years*, 315.

<sup>151</sup> Stoddard Dewey to Villard, December 23, 1914, and Villard to Dewey, January 8, 1915, in Wreszin, *Oswald Garrison Villard: Pacifist at War*, 41.

<sup>152</sup> Villard, *Fighting Years*, 313.

German, or a pro-Bolshevik, or a pro-something else which they do not like.”<sup>153</sup> Equating pacifism with being pro-German was also a theme in both Committee on Public Information and vigilance group literature, leading to questions about loyalty as well as hostility from others.<sup>154</sup> Although Villard believed that he was spared the treatment that other dissenters received, he lamented the pain that he caused his family.<sup>155</sup> Was his daughter ashamed of her “pacifist, disloyal and traitorous, pro-German father?”<sup>156</sup> Villard’s son, then six, “manfully fought his way through that first summer of the war, often with his fists.”<sup>157</sup> As time went on, Villard was subject to harassment and shunning from neighbors and supposed friends.<sup>158</sup> A neighbor referred to him as “the Kaiser” and even Villard’s dog, a brown dachshund named Fritz, was at risk of being stoned by neighborhood kids.<sup>159</sup>

Another pacifist, Roger Nash Baldwin of the American Union Against Militarism and director of the National Civil Liberties Bureau (NCLB), was not as fortunate as Villard. As described in Chapter Five, Baldwin was naive about the extent to which the federal government would go to investigate and discredit anti-war voices. Baldwin and the NCLB felt the wrath of the federal government’s power when federal agents and American Protective League volunteers raided the NCLB’s offices. Baldwin was an absolutist, but Villard was not. Villard did not oppose nonmilitary service, purchased Liberty Bonds, and offered the services of the Dobbs Ferry Hospital to the government.<sup>160</sup> Regardless, Villard, like Baldwin and other pacifists, used

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<sup>153</sup> *Ibid.*, 247.

<sup>154</sup> Murphy, *World War I and the Origin of Civil Liberties in the United States*, 109–110, 125.

<sup>155</sup> Villard, *Fighting Years*, 329–330.

<sup>156</sup> *Ibid.*, 330.

<sup>157</sup> *Ibid.*

<sup>158</sup> Wreszin, *Oswald Garrison Villard: Pacifist at War*, 76–77.

<sup>159</sup> Villard, *Fighting Years*, 330.

<sup>160</sup> *Ibid.*, 332–333.

their connections to advocate for conscientious objectors.<sup>161</sup> They soon realized, however, that Wilson and Secretary of War Newton D. Baker refused to act on any of their suggestions.<sup>162</sup>

Baker's refusal to act may have been aided by an early report that very few conscientious objectors had declared themselves. In a letter to the President, Baker wrote that "our policy of not announcing in advance the course to be taken has limited the number of these objectors to those who actually do entertain scruples of that kind."<sup>163</sup> In the same letter, Baker also explained that "it does not seem from this first survey as though our problem was going to be unmanageably large, or so large that a very generous and considerate mode of treatment would be out of the question."<sup>164</sup> Unfortunately for the conscientious objectors of the First World War, the treatment afforded to them would never be very generous and considerate.

As described in Chapter Five, the Selective Service Act provided an exemption for conscientious objectors, but this exemption was narrowly tailored to existing religious groups and left no room for pacifists whose political, moral, or ethical objections were not necessarily religiously grounded (thought to be about 10% of objectors).<sup>165</sup> Moreover, the law did not provide a complete exemption but instead required the objector to engage in "noncombatant" activity, as defined by the President.<sup>166</sup>

In fact, conscientious objectors were at the core of a much larger group. Major General Enoch Crowder, who administered the draft, estimated that perhaps ten to fifteen percent of eligible men evaded the initial registration requirement of the Selective Service Act, which

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<sup>161</sup> Two Letters to Newton Diehl Baker, June 25, 1917, 43:4-5, in Link, *PWW*; Villard, *Fighting Years*, 334-335.

<sup>162</sup> Villard, *Fighting Years*, 335.

<sup>163</sup> From Newton Diehl Baker, September 19, 1917, 44:221, in Link, *PWW*.

<sup>164</sup> *Ibid.*

<sup>165</sup> *Selective Service Act of 1917*, 78 (Sec. 4); Mark A. May, "The Psychological Examination of Conscientious Objectors," *The American Journal of Psychology* 31, no. 2 (1920): 156.

<sup>166</sup> *Selective Service Act of 1917*, 78 (Sec. 4).

suggests a total of three million or more over the course of the war. Then, the federal government reported that 337,649 men (1.41% of the total registration of over 24 million men, but 12% of the 2.8 million men who were actually drafted) deserted—that is, men who registered on their respective draft day but then refused to show.<sup>167</sup> Crowder reported that about half of these men were apprehended while the other half escaped justice.<sup>168</sup> But even these numbers should be subject to question. Reports from the Department of Justice concerning the “slacker raids” of September 1918 found that only a small percentage of those rounded up were actually draft evaders.<sup>169</sup> Those who refused to register and voluntarily turned themselves in, like Roger Baldwin, found themselves in civil detention rather than the military justice system.

The class of conscientious objectors considered here, then, are those who registered for the draft but later made a claim for noncombatant service (or refused to do any service at all). As described in Chapter Five, statistics compiled by the Secretary of War shed light on how conscientious objector claims were treated. Of the 64,693 claims for noncombatant service, 56,830 were recognized by local boards, and 29,679 such claimants were found physically fit, of which 20,873 were inducted into service.<sup>170</sup> “[A] substantial number” of other objectors, “who made no claims before the local boards or whose claims were rejected by the boards” were also inducted.<sup>171</sup> Of those 20,873 inducted for service despite their noncombatant claims, only 3,989 were on religious or other grounds.<sup>172</sup> Of those 3,989 claimants, 1,300 were assigned to noncombatant service, 1,200 were furloughed to agriculture, 99 were furloughed to an American

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<sup>167</sup> Crowder, *Final Report of the Provost Marshal General*, 12.

<sup>168</sup> *Ibid.*

<sup>169</sup> “Gregory Defends Raids Here,” *New York Times*, September 12, 1918, 10; Peterson and Fite, *Opponents of War, 1917-1918*, 232; Chambers II, *To Raise an Army*, 213.

<sup>170</sup> U.S. Secretary of War, Statement Concerning the Treatment of Conscientious Objectors in the Army, 16.

<sup>171</sup> *Ibid.*

<sup>172</sup> *Ibid.*, 24.

Friends reconstruction unit in France, 940 remained in camp after the Armistice, and 504 were tried by a general court-martial.<sup>173</sup> Of the 504 trials, just one man was acquitted; 3 convictions were ultimately disapproved by the reviewing authority, and 50 others were disapproved on the recommendation of the Judge Advocate General. These 450 convicted conscientious objectors, considered “absolutists” because they refused to cooperate at all with the war effort, were treated harshly. In the 504 court-martial cases, 17 received death sentences, 142 were sentenced to life in prison, while the average sentence in the remaining cases was more than 16 years.<sup>174</sup> Despite the harsh sentences, most conscientious objectors only served a few years, and none were executed.

An Army psychologist who examined records of conscientious objectors identified several conclusions. First, conscientious objectors were generally more intelligent than the soldiers of the army as a whole.<sup>175</sup> Second, while conscientious objectors were often tarred with the claim that they were pro-German, records indicate this was generally not the case. While many were Mennonites of German descent, these objectors were thought to be based on religion rather than ethnicity, and only about a third of objectors were of German heritage.<sup>176</sup> Third, about 90% of all objections reviewed by the Board of Inquiry were found to be sincere in terms of opposition to combatant service.<sup>177</sup> Finally, conscientious objectors generally fit one of three profiles: the religious-literalist (75% of objectors; mostly Mennonites opposed to war), the religious-idealist (“appeals directly to conscience and to the teachings of Jesus...He has but one

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<sup>173</sup> Ibid., 25; Norman Thomas, *The Conscientious Objector in America* (New York, NY: B.W. Huebsch, Inc., 1923), 15.

<sup>174</sup> U.S. Secretary of War, Statement Concerning the Treatment of Conscientious Objectors in the Army, 8–9.

<sup>175</sup> May, “The Psychological Examination of Conscientious Objectors,” 160.

<sup>176</sup> Ibid., 159.

<sup>177</sup> Ibid., 159–160.

principle of life and that is the principle of love”), and the socialist (educated and intelligent, may believe in the use of force but “it is capitalism and imperialism that he wants to fight”).<sup>178</sup>

The treatment of conscientious objectors was especially bitter because of the nature of their opposition to fight grounded in pacifism and non-violence. Although Assistant Secretary of War F.P. Keppel acknowledged that “although in not a few cases these men received pretty rough treatment,” this was an understatement, to say the least.<sup>179</sup> The treatment of conscientious objectors was collected by the National Civil Liberties Bureau (later the American Civil Liberties Union) and documented by Norman Thomas, while some objectors published their own accounts.<sup>180</sup> Many objectors became such when they had already been sent to induction camps, as was the case with Ernest L. Meyer.<sup>181</sup> A student at the University of Wisconsin, Meyer was expelled when he noted on a draft questionnaire that he would refuse to serve.<sup>182</sup> Sent to Camp Taylor in Kentucky, Meyer refused to wear a uniform and was taunted, harassed, and bullied by other inductees.<sup>183</sup> His letters from home were withheld.<sup>184</sup> But, Meyer noted, despite seeing other objectors suffer through violence and physical stress, his primary complaint was psychological distress.<sup>185</sup> Although Meyer was sent to Leavenworth for a short period, his case was never fully adjudicated because of what he judged to be “red tape. Delay... bunging...

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<sup>178</sup> Ibid., 160–161. Another review of conscientious objectors classified them into categories as religious, alien, humanitarian or liberal, and political. Peterson and Fite, *Opponents of War, 1917-1918*, 121.

<sup>179</sup> U.S. Secretary of War, Statement Concerning the Treatment of Conscientious Objectors in the Army, 9.

<sup>180</sup> Thomas, *The Conscientious Objector in America*, vii; Ernest L. Meyer, “Hey! Yellowbacks!” *The War Diary of a Conscientious Objector* (New York, NY: The John Day Company, 1930); Harold Studley Gray, *Character “Bad”: The Story of a Conscientious Objector, as Told in the Letters of Harold Studley Gray*, ed. Kenneth Irving Brown (New York, NY: Harper & Brothers, 1934).

<sup>181</sup> Ernest L. Meyer, *Hey! Yellowbacks!*, 27.

<sup>182</sup> Ibid., 14–18.

<sup>183</sup> Ibid., 55–56.

<sup>184</sup> Ibid., 52.

<sup>185</sup> Ibid., 45–46, 50, 59–60, 70.

misunderstanding... three trials when the first should have sufficed... and the final trial after the Armistice. I shall make a song of the army red tape, comrade, and we shall sing it joyfully.”<sup>186</sup>

Harold Gray registered with his local draft board and claimed an exemption as a conscientious objector.<sup>187</sup> Gray was a Christian pacifist who had worked with the YMCA in England before the United States entered the war.<sup>188</sup> While Meyer had no problem with kitchen duty, Gray considered himself an “absolutist” who refused to do any alternative service.<sup>189</sup> He and several other objectors protested the refusal to exempt conscientious objectors from other compulsory service by notifying Secretary of War Newton D. Baker in a letter that they would go on a hunger strike.<sup>190</sup> Gray contrasted the treatment of conscientious objectors in Germany and England with that of the United States. “[I]n the U.S. they persist in trying to make a soldier of him, address him as private and keep him under the military...”<sup>191</sup> And then, according to Gray, “because he will not cooperate with them in this course of action, even to the extent of cooking his own meals, they subject him to treatment or conditions as bad if not worse than prison and still persist in telling him he is not a prisoner, but a soldier, which he would rather die than be.”<sup>192</sup> At court-martial, the government recommended death sentences for Gray and another hunger strike objector, Evan Thomas, but both were given life sentences, commuted to 25 years of hard labor at Fort Leavenworth.<sup>193</sup> Gray was later moved to Alcatraz, and released on September 5, 1919.<sup>194</sup>

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<sup>186</sup> Ibid., 189.

<sup>187</sup> Gray, *Character “Bad,”* 99.

<sup>188</sup> Ibid., 99–101.

<sup>189</sup> Ibid., 117–118.

<sup>190</sup> Ibid., 137–141.

<sup>191</sup> Ibid., 149–150.

<sup>192</sup> Ibid., 150.

<sup>193</sup> Ibid., 177–189.

<sup>194</sup> Ibid., 252–253.



Gray was only at Alcatraz for barely a month, but before he arrived it had already gained a reputation as “an earthly hell.”<sup>195</sup> Alcatraz, like Fort Jay on Governor’s Island in New York and Leavenworth in Kansas, was “fearfully overcrowded.”<sup>196</sup> At Alcatraz, Joseph and Michael Hofer, Hutterite brothers, were beaten by guards, beaten by the chaplain, sent to solitary confinement, and manacled in horrible conditions.<sup>197</sup> Eventually transferred to Leavenworth, the brothers contracted pneumonia and died there.<sup>198</sup> According to Clark Getts, another conscientious objector whose letters helped to publicize the conditions on the Rock, Alcatraz held about 30 objectors, five of which (including Phillip Grossner and Robert Simmons) refused to do any work and were subjected to multiple stints of solitary confinement.<sup>199</sup> In 1919, after the Armistice, Grosser and Simmons were subjected to steel straitjackets, holding them like a vise, which military officials judged to be “less severe than solitary confinement.”<sup>200</sup> Simmons was among the objectors who were forced to endure being placed in an iron cage, “unable to sit down, lie down, or fully stand.”<sup>201</sup> Colonel J.B. McDonald, commandant of Alcatraz, acknowledged the use of such iron cages but explained that they were “discipline for all prisoners who refused to work and only during the working hours,” as if that last qualifier somehow justified this physical abuse.<sup>202</sup> Others sent to Alcatraz, including Carl Haessler (a professor at the University of Illinois) and William Dwyer, were among those subjected to the torture there.<sup>203</sup>

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<sup>195</sup> Ibid., 243.

<sup>196</sup> Thomas, *The Conscientious Objector in America*, 182; “Army Prisons Are Crowded,” *San Francisco Chronicle*, August 12, 1919, 5.

<sup>197</sup> Thomas, *The Conscientious Objector in America*, 198–199.

<sup>198</sup> Ibid., 199–200.

<sup>199</sup> Ibid., 237.

<sup>200</sup> John Nicholas Beffel, “At Alcatraz,” *Reedy’s Mirror* XXIX, no. 19 (n.d.): 375.

<sup>201</sup> “Torture in Military Prison Is Charged,” *New York Times*, January 23, 1920, 3.

<sup>202</sup> Ibid.

<sup>203</sup> Beffel, “At Alcatraz,” 375–376.

Historians have attributed the comparatively low number of conscientious objectors to a number of factors. While many objectors endured brutal conditions, they had almost no support outside of the National Civil Liberties Bureau and the Quaker church.<sup>204</sup> For their support of conscientious objectors, civil libertarians and Quakers were themselves harassed by the federal government (and their American Protective League allies) and branded as “radical and unpatriotic.”<sup>205</sup> This message was amplified by the influence that the federal government held over the media, which pushed complementary themes about service as a responsibility of citizenship.<sup>206</sup> Moreover, effective messaging was able to isolate dissenters with “political and ethnic anti-Americanism in a highly xenophobic era.”<sup>207</sup> As a result, the Selective Service system was highly effective for the state but a disaster for human liberty.

### **The Class Warfare State and the Centralization of Power**

In terms of race, sex, and ethnicity, contemporary observers were clearly aware of the inconsistency between the professed aims of American involvement in the war (“make the world safe for democracy”) and the treatment of African Americans, those of German ancestry, and women at home (“make America safe for democracy”). The NAACP and other civil rights organizations recognized that equality for blacks was eminently reasonable given the aims of the war but suffered under the segregationist policies of the Wilson administration. The President insisted that we were at war with the leaders of Germany, not the German people, but his administration whipped the nation into a war frenzy that victimized German immigrants or

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<sup>204</sup> Peterson and Fite, *Opponents of War, 1917-1918*, 138; Frances H. Early, *A World without War: How U.S. Feminists and Pacifists Resisted World War I* (Syracuse, NY: Syracuse University Press, 1997), 99.

<sup>205</sup> Peterson and Fite, *Opponents of War, 1917-1918*, 138.

<sup>206</sup> Chambers II, *To Raise an Army*, 236.

<sup>207</sup> *Ibid.*, 234.

anyone who might seem to be not American enough. Suffragists recognized that equality for women was entirely consistent with the aims of the war but were made to wait on the back burner until the war was over. Freedom of conscience was also at the forefront for those personally victimized by the war machine. After the war, conscientious objector Ernest L. Meyer wrote that “the dark robes of foreboding had fallen away from all of us, leaving us exalting in a fresh vitality almost giddy in its intensity.”<sup>208</sup> According to Meyer, freedom was the ability “to do, to think and to speak without the restraining hand of the military, or the black looks and whisperings of neighbors.”<sup>209</sup>

The treatment of victims in this chapter by class and intersectional factors (and the very title of this chapter) might suggest a confused approach at odds with the classical liberal and libertarian analysis described elsewhere in this research as the Rothbardian synthesis. Instead, this methodology was deliberately chosen to demonstrate its inherent limitations. A few examples should suffice.

First, the section on the treatment of radicals exposes the weakness of the traditional Marxist class struggle analysis between the proletariat labor union workers exploited for their labor and the bourgeoisie who owned the means of production. Instead, the class conflict seen during the First World War was between those labor unions with radical views (in other words, those that refused to support the war or spoke out against it) and the state, together with those labor unions (like the AFL) who chose to toe the line. Second, the treatment of African Americans (especially in government civil service) was undeniably race-based. This discrimination was part of a political strategy to gain and maintain power by placating certain

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<sup>208</sup> Ernest L. Meyer, *Hey! Yellowbacks!*, 193.

<sup>209</sup> *Ibid.*

party constituencies, especially in the South. Without any doubt, this strategy was driven by racism that infested the administration, including Albert S. Burlison, William Gibbs McAdoo, and Woodrow Wilson himself. Wilson believed that blacks were an inferior race, and this belief and attitude informed the course of his administration. Third, the treatment of immigrants was not especially based upon actual German heritage (the sheer number of German immigrants and German-Americans made this all but impossible), but a belief (whether accurate or mistaken) about one's heritage and how that would inform one's views about the war. Ethnicity, real or supposed, then, was a proxy for what side one was on. Fourth, the victimization of women occurred when their influx into the workplace during the war challenged those in power. Labor legislation meant to protect women instead had ulterior motives to advance and protect existing jobs. Women who sought to speak out against the war were treated, like most activist pacifists, as pro-German and had their loyalties questioned. More generally, pacifists and conscientious objectors were singled out not for being part of any specific class but especially for their individual, personal decision to repudiate violence on behalf of the state. These personal views challenged those in power, which directly caused their victimization.

In all of these cases, the conflicts occurred primarily not along class or intersectional lines but along distinctions of power and privilege. To be sure, these categories (especially race and sex) absolutely have value in determining power and privilege, but at their core, they are labels or weak proxies that lack the nuance necessary to describe the relationship between liberty and power in a classical liberal society. Instead of these (admittedly popular) academic approaches, modern libertarians, especially Murray Rothbard, Ralph Raico, and Leonard Liggio,

based their approach to conflict on an approach to class that first emerged in the 18th century.<sup>210</sup> These views, which predate Marx's class analysis, see the conflict as "but two parties confronting each other; that of the people who wish to live by their own labor, and that of those who would live by the labor of others."<sup>211</sup> Those who wish to live by their own labor acquire wealth by economic means; that is, production and exchange.<sup>212</sup> Those who would live by the labor of others acquire wealth by political means; "it is the way of seizure of another's goods or services by the use of force and violence. This is the method of one-sided confiscation, of theft of the property of others."<sup>213</sup> The state, then, is the "'organization of the political means'; it is the systemization of the predatory process over a given territory."<sup>214</sup> According to French economist Jérôme-Adolphe Blanqui, "[t]he same abuse is reproduced under forms more indirect, but not less oppressive, when...the state shares with the privileged industries the benefits of the taxes imposed on non-privileged classes."<sup>215</sup> The privileged political class, then, are not just those in actual government power but also those in positions that benefit from those in power.

The state, during the neutrality period and during and immediately after the First World War, was not just the federal government, but the willing state and local governments, the hundreds of thousands of vigilant citizens who volunteered into federal service, along with the financial institutions and munitions industry that profited from the war as willing accomplices. Among the unprivileged class, the worst off among the victims (in addition to the many millions

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<sup>210</sup> See generally Hart, "Classical Liberalism and the Problem of Class"; Ralph Raico, "Classical Liberal Roots of Marxist Class Analysis" (Presented at the Marx and Marxism, New York, NY, October 15, 1988), accessed November 30, 2023, <https://www.youtube.com/watch?v=IPLaKTbNKvA>.

<sup>211</sup> Jérôme-Adolphe Blanqui, *History of Political Economy in Europe*, trans. Emily J. Leonard (New York, NY: G.P. Putnam's Sons, 1885), xxvii.

<sup>212</sup> Rothbard, *Anatomy of the State*, 14.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid., 15 (quoting German sociologist Franz Oppenheimer).

<sup>215</sup> Blanqui, *History of Political Economy in Europe*, xxvii.

who died because of the war) are those mentioned in this chapter—those whose anti-war views were branded as radical, pro-German, and traitorous; African Americans who believed that Woodrow Wilson’s brand of progressivism would advance their cause, but found that his administration’s built-in racism would actually reverse their progress; those whose German ancestry or other reasons caused them to be seen as disloyal, then investigated, spied upon, reported to authorities, arrested and held against their will; women who put suffrage on the back-burner to support the war effort or those whose silent protests brought harassment, arrests, violence, and imprisonment; and pacifists and conscientious objectors, whose only crime was their conscience. In a larger sense, many Americans were victims of the war without realizing it. The massive spending that fueled the war machine benefited the political class while the resulting inflation made many millions poorer.

The war transformed the relationship between society and state by making victims of those who challenged the political class. Dissent could not be tolerated, so those who expressed anything other than enthusiastic support for the war became immediately suspect. Like with so many other areas within this study, the war manifested the need for the centralization of power as a means of maintaining political control. As described in Chapter Eight, the government justified the use of its surveillance powers long after the war to victimize anyone outside the mainstream. Here too, the courts provided no refuge against the centralization of class warfare power; although later many harsh sentences given to conscientious objectors were commuted.

The victimization of radicals, African Americans, immigrants, women, and pacifists and conscientious objectors occurred not only through congressional legislation (especially the Selective Service Act, the Espionage Act, the Sedition Act, and the Trading with the Enemy Act), but also through executive action (especially the segregation of blacks in civil service),

executive inaction (the administration's unwillingness to move on suffrage for women until after the war), and executive fiat (giving license to citizen vigilance organizations to supplement and carry out much of the victimization described in this chapter). The war was the direct cause for the victimization of radicals, German immigrants, and pacifists. African Americans, on the other hand, suffered under the administration as early as the summer of 1913 when segregation was reintroduced to the civil service. The war later exacerbated the treatment of blacks, especially under the implementation of the Selective Service Act, because the administration's baked-in racism approved and allowed such treatment to flourish. Regarding women, the war was not the primary cause for the deprivation of rights or the perpetuation of gender stereotypes in the courts, although the influx of women into the workforce because of the war certainly contributed to many forms of protective labor legislation. Nonetheless, the war played a complex role in the eventual passage of an equal rights amendment.

Finally, like many other areas within this study, the use of class warfare as a matter of progressive planning is subject to debate. The causation for the victimization of radicals, German immigrants, and pacifists was clearly driven by the war; it seems clear that such efforts could not have happened in the absence of the war. With all that said, as with the previous chapter, once Attorney General Gregory moved forward with the Department of Justice's wide-ranging plans, Wilson supported his efforts vigorously. The victimization of African Americans is more clear-cut. Although it was not well understood at the time (especially among blacks), the President was thoroughly racist and appointed other racists to key positions in his administration. While he occasionally spoke in generalities about improving the conditions of African Americans, he never did so. The victimization of blacks came not because of the war but because Woodrow

Wilson's version of progressivism was white progressivism. To the extent, then, that Wilsonian progressivism was a plan, the victimization of blacks was always a part of the plan.

## **Conclusions**

The burgeoning federal bureaucracy established to fight the war was soon transformed into a pervasive surveillance state. This effort was supplemented by a nationwide network of state and local officials and hundreds of thousands of civilians who spied on their neighbors, harassed those who did not conform, and reported them to the authorities. As seen in this chapter, the victims of this state power were radicals (including liberal pacifists, socialists and communists, and some labor unions), immigrants (mostly German, but also others and anyone else perceived to be insufficiently American), blacks, women, and conscientious objectors. Many of those victimized suffered because they refused to support the war. African Americans suffered because of internal prejudices within the administration, and women were victimized because of an unwillingness by Wilson to devote political capital to suffrage during the war. What all of these victims shared in common was that they were not part of the privileged political class, both in and out of government, that held onto power.

The African American soldier riding on the train near the end of the war served honorably in Pershing's army. His sacrifice was sufficient to change the mind of another passenger, who intervened and provided the soldier with a modicum of human dignity. But overall, the efforts of civil rights organizations at home and the bravery of African American soldiers in France did not appreciably advance the cause of civil rights in the face of a



thoroughly segregationist federal government and many state and local governments who shared the same views and were emboldened to extend them.

*This is the gravest danger that today threatens civilization: State intervention, the absorption of all spontaneous social effort by the State; that is to say, of spontaneous historical action, which in the long-run sustains, nourishes, and impels human destinies.*

José Ortega y Gasset, *The Revolt of the Masses*<sup>1</sup>

### **Chapter Ten: The Legacy of the State**

This research project sought to answer three questions within the context of the First World War. First: What are the intellectual origins of the modern liberty vs. power framework? Second: How did the war transform the relationship between society and state? Third: What is the legacy of World War I as seen from this liberty vs. power approach? In Chapters Two through Nine, this dissertation focused on the first two questions addressing the centralization of power across different thematic areas, together with an understanding of how both contemporary and modern thought about those events contributed to classical liberal and libertarian philosophy. Then, these chapters addressed the methods by which this centralization of power occurred, while understanding how different flavors of progressivism contributed to this consolidation. This chapter seeks to summarize the answers to the first two questions and then focus on the third. Understanding the conversion of social power into state power as a result of the events on the home front during the war can only be complete by understanding how the transformation impacted the nation not just in the war's immediate aftermath but in the decades and even generations afterward.

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<sup>1</sup> José Ortega y Gasset, *The Revolt of the Masses*, Authorized Translation from the Spanish. (London: George Allen & Unwin, Ltd., 1932), 132.

### **Intellectual Origins of the Modern Liberty vs. Power Framework**

Events from the 1890s through the end of the First World War and its immediate aftermath provided observers with a wealth of information about how to understand the relationship between social power and state power. Those who contributed their observations rarely called themselves libertarian. Instead, they came from a diverse tradition of academic scholars, including classical liberals who opposed American imperialism; those who questioned the relationship between state and citizen and would eventually coalesce into the Old Right in opposition to the New Deal; Austrian school economists, who highlighted the roles of central taxes, taxation, and public finance in enlarging the state; and historians of the New Left, who focused on the relationship between corporate elites and government bureaucracy as well as the war as the fulfillment of progressivism. These intellectual sources, ranging across a century of history, were synthesized by Murray Rothbard and other modern libertarian thinkers into a framework that examines history as “the great conflict which is eternally waged between Liberty and Power...”<sup>2</sup> Looking back at the home front during the First World War from this modern libertarian lens provides a new perspective that escapes the bounds of traditional political, legal, and constitutional history. No longer is the state the final arbiter of its own conduct. Instead, the story of the home front is seen as the battle between the attempt to preserve liberty and the burgeoning bureaucratic leviathan.

Though this research included elements of traditional political, legal, and constitutional history, it also used the modern libertarian lens to demonstrate the weaknesses of these approaches. As we have seen, in virtually every case that reached the courts during the war and its aftermath, judges were unwilling even to question the scope of the nation’s war power. But

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<sup>2</sup> Murray N. Rothbard, *Conceived in Liberty*, vol. 1 (Auburn, AL: Mises Institute, 2011), xv-xvi.

this is only the beginning. In so many more stories, the approach to the war by the federal government was designed to lessen the likelihood of open confrontation between the federal government and citizens and, as a result, complicated the traditional state power vs. civil liberties approach, which places so much emphasis on state action. Instead, the modern liberty vs. power framework recognizes these circumstances, whether state action or not, as equally dangerous to human thriving. The abuse of authority, whether by the federal government, a state and local affiliate, a member of the American Protective League, or even a suspicious neighbor, helped to transform the social power of a voluntary society into the state power more often associated with an authoritarian regime.

Rothbard's framework acknowledges that this is not a one-way flow; it is a battle that is waged back and forth. The closure of many temporary war-time agencies after the Armistice should be acknowledged as a positive result, even if the very existence of those agencies provided a template for future abuses of power. Clemencies and pardons granted to conscientious objectors after the war should be acknowledged as positive results, even if they should never have been locked up in the first place. Still, the net result of the war was a massively negative consequence for liberty.

### **The War Transformed the Relationship between Society and State**

As we have seen through this research effort, virtually all of the transformations of power took place through the mostly ordinary course of government—congressional legislation delegating or authorizing President Wilson to take action. Only rarely did the President act without such authorization, and in those cases, Congress usually provided authorization retroactively. Without fail, the Supreme Court validated these actions: not a single act of

Congress relying on the war power was overturned during the war or in its aftermath. In most cases, the courts refused to even question the nature or extent of the war power, thus making its invocation the only required action to ensure its validity. By this measure, putting the state in the role of ruling on its own actions, the federal government did not overreach in any meaningful way. To be sure, historians are willing to admit that civil liberties were violated during the war. And historians also perversely credit the administration's poor record on free speech as giving birth to new doctrines of free speech that provided more protection.

However, these histories fall short because the traditional frameworks of constitutional and legal analysis rely too heavily on the outcome of court cases. Historians and legal scholars may decide that the Supreme Court decided a case correctly or incorrectly, but proposals to right the ship are driven by the same frameworks. A wrongly decided case requires, they might say, an act of Congress to remedy the result, a different President to appoint different justices that might alter the direction of the Court, or even a constitutional amendment. Very few are willing to say that the courts are wholly inadequate to protect civil liberties, especially in times of war and crisis. This was very clearly the case during the First World War. If the State is the problem, it is very unlikely to be part of the solution.

The transformation of power from society to State was primarily driven by progressives, although the extent to which progressives operated with a definite plan in mind was about as varied as the definitions of progressivism itself. This research classified progressives into three broad categories. Some progressive *idealists* advanced and advocated plans for massive transfers of power from voluntary society to the coercive state even before the war began. Others were *opportunists* who took advantage of the war to press their advantage or saw wartime experimentation with central planning as a valuable tool for later peacetime applications.

Woodrow Wilson as a person fell within the category of *traditionalists* who believed that the Armistice marked the end of wartime experimentation with government control. On the other hand, as we will see, Wilson's case is a bit more complicated.

As seen throughout this research, Postmaster General Albert S. Burleson was a progressive idealist and the most aggressive progressive within the administration in terms of implementing his policies. Burleson's pre-war advocacy for government control and centralization of the telegraph, telephone, and cable systems is critical to understanding that he did not need a trigger to enact his progressive policies. Burleson's seizure of control of submarine cables after the Armistice demonstrated his willingness to disregard the end of the war as the end of his authority. Burleson's authoritarian streak ran roughshod over civil liberties, and his progressivism (like other Southerners in the administration) was meant only for whites.

Secretary of War Newton D. Baker was also a progressive idealist, but his experience as a mayor meant that he tended to favor reforms that showed promise at the municipal level. Progressive reforms in the cities became social experiments long before the centralization of power in the federal government. Baker was never as radical or as aggressive as Burleson, preferred social justice reforms (including women's suffrage), and became increasingly weary of central planning, especially at the national level.

Secretary of the Treasury William Gibbs McAdoo came to the Wilson administration from the business world, which gave him a different perspective than that of Baker or others who had served in political office before. McAdoo demonstrated elements of both progressive idealism, as with his support for a central bank and his advocacy of a federal government-controlled merchant marine as early as 1914, but also opportunism, as with his efforts for federal control of the railways and support of the merchant marine after the war. McAdoo's enthusiasm

for stat socialism also seemed to match his growing influence in the administration. Like Burleson, McAdoo was a southern racist and he segregated the Treasury Department while he was there.

Attorney General Thomas Gregory came to the administration as a Texas progressive allied with Edward House. In his role as head of the Department of Justice, Gregory was an aggressive opportunist who used the war to expand the power of federal law enforcement. He advocated for the seizure of all German merchant vessels in American ports in April 1917 despite prior American assurances that the United States would follow international law and respect private property. Although Gregory's plan to use the American Protective League as civilian auxiliaries to supplement the Department of Justice came from outside the administration, once it came to his desk he advocated for it and relied upon the APL heavily, especially during the "slacker" raids. Gregory also oversaw 2,000 wartime prosecutions of the Espionage and Sedition Acts, the latter of which Gregory pursued vigorously despite its impact on civil liberties. His Department also supervised the internment of at least 6,300 German immigrants in camps during the war.

When A. Mitchell Palmer responded to the *Lusitania* sinking by writing that its passengers had assumed the risk of such a voyage and that the nation should not suffer for their peril, it was an understandable view for a pacifist Quaker who later refused to accept Wilson's offer as his Secretary of War. But it could not have suggested that Palmer would transform into one of the most aggressive progressive opportunists within the administration. More so than any other member of the administration, Palmer made the most of the declaration of war—not just for progressive policies but for himself. Palmer turned the Office of the Alien Property Custodian from a sleepy administrative necessity into a powerful tool within the war cabinet's

arsenal and then stocked its offices with lawyers and friends within the party machine. As Attorney General after the war, Palmer was extremely aggressive with his power. Like Burleson, he had no regard for civil liberties or for the defense attorneys that stood in his way.

Chairman of the Committee on Public Information George Creel was a traditionalist whose progressivism was more about Woodrow Wilson than himself. While others within the administration saw the temporary emergency agencies of the war as templates or experiments for later peacetime control, Creel understood that the Committee on Public Information was based exclusively on the authority of the President's war powers. For Creel, the war ended at the Armistice, and he would not use the technical state of war after November 11 as a justification for continued reliance on the war powers, as Burleson and others did.

President Woodrow Wilson, as previously discussed, was a traditional progressive. The Armistice meant the end of the war, the end of his authority, and the end of the temporary emergency agencies that existed under that authority. Those agencies, for whatever purposes they might have in peacetime, could not survive the end of the war. If this marked the beginning and the end of Wilson's progressivism, his traditionalism would seem downright conservative as compared to the other members of the administration. What makes understanding Wilson's progressivism more complex is that he appointed both idealists and opportunists to critical positions within his administration and did not always hold them to the same standards as his traditionalism. Woodrow Wilson almost always backed the efforts of the idealists in his administration, only once rebuking the hyper-aggressive Burleson and giving an increasing amount of power and influence to his son-in-law McAdoo. Wilson never stood in the way of the opportunists, either, backing Attorney General Gregory's use of the American Protective League. Finally, as a traditionalist progressive who respected the Armistice as the beginning of the end



for his war powers (and the end of his administration's progressive experimentation based upon those war powers), President Wilson, especially given his background as a historian and political scientist, appears to have not fully appreciated the scope of what all the administration had done. Wilson seemed to think that everything that had been done could somehow be locked in a bottle, only to be opened later when war came again. He would have been wiser to heed the words of Charles Graham Sumner, who wrote, "for it is not possible to experiment with a society and just drop the experiment whenever we choose. The experiment enters into the life of the society and never can be got out again."<sup>3</sup> Woodrow Wilson's progressivism, together with the flavors of progressivism contributed by his key cabinet members, left an indelible print on the nation. It could not be undone by closing the wartime agencies, for his progressive experiment had already entered the life of American society and could never be lost.

## **The Legacy of World War I**

### **The Imperial State**

Chapter Two explored the coalescence of factors in the period from the 1890s to the outbreak of war in 1914 that led the United States to intervene in Europe. The Spanish-American War, progressivism at home, and a transformation in the Anglo-American relationship not only predisposed the United States to enter the war on the side of the Allies but also generated an increasing willingness for the nation to use its growing economic and military power to shape the world to its own demands. The American embrace of imperialism was not the 19th-century colonial variety but rather the combination of economic growth and new-found militarism with the willingness to intervene abroad when American interests were judged to be at issue. In the

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<sup>3</sup> "Laissez-Faire," II:473, in Sumner, *Essays of William Graham Sumner*.

20th century, American imperialism became not a collection of overseas colonies but a growing collection of overseas military bases and other installations by which the United States could project its military power.<sup>4</sup>

The legacy of the Imperial State was a preference for militarism over diplomacy, a disregard for the consequences of military intervention, and ignorance of the financial and human costs. While there is no official number, by some estimates, the United States has up to 800 overseas bases, as well as 220,000 military and civilian personnel in 150 countries.<sup>5</sup> According to data maintained by the Stockholm International Peace Research Institute's SIPRI Military Expenditure Database, the United States spends more on defense than the next ten nations combined.<sup>6</sup> Since the nation's founding, one study counted 393 interventions (including both the threat of force and troop deployments into an adversary's territory), more than 200 since the end of World War II, 114 since the end of the Cold War, and 72 since 2000.<sup>7</sup> According to Brown University's *Costs of War* project, the post-9/11 war spending (including projected future costs for veterans' care) by the United States is at least \$8T.<sup>8</sup> The project also estimated that at least 900,000 lives were lost as a direct result of American military interventions since 9/11, including almost of them civilians.<sup>9</sup> One is instantly reminded of the warnings of the classical

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<sup>4</sup> See also Daniel Immerwahr, *How to Hide an Empire: A History of the Greater United States* (New York, NY: Farrar, Straus and Giroux, 2019).

<sup>5</sup> "A Reckoning Is near": America Has a Vast Overseas Military Empire. Does It Still Need It?," *USA Today*, February 25, 2021, accessed December 8, 2023, <https://www.usatoday.com/in-depth/news/world/2021/02/25/us-military-budget-what-can-global-bases-do-vs-covid-cyber-attacks/6419013002/>.

<sup>6</sup> Stockholm International Peace Research Institute, "SIPRI Military Expenditure Database," April 2020, accessed December 8, 2023, <https://milex.sipri.org/sipri>.

<sup>7</sup> Monica Duffy Toft and Sidita Kushi, *Dying by the Sword: The Militarization of US Foreign Policy* (New York, NY: Oxford University Press, 2023).

<sup>8</sup> Neta C. Crawford, "The U.S. Budgetary Costs of the Post-9/11 Wars," *Costs of War*, Costs of War Research Series (September 1, 2021): 1–24.

<sup>9</sup> Neta C. Crawford, "Blood and Treasure: United States Budgetary Costs and Human Costs of 20 Years of War in Iraq and Syria, 2003-2023," *Costs of War*, Costs of War Research Series (March 15, 2023): 1–27.

liberals associated with the American Anti-Imperialism League, who warned about the dangers of imperialism, including the violence inflicted on those foreign lands, the ever-escalating budgetary costs, and the impacts on the home front.

### **The Financial State**

The factors that drove the United States toward its own brand of imperialism would not be complete without an understanding of groundbreaking changes that took place in order to finance American intervention in Europe and militarism abroad in the century after the war. Chapter Two explained how the income tax and a new central bank helped to finance the war not only for the United States but for its Allies as well. The sources of war finance during the First World War were taxation, borrowing (primarily through Liberty Loans), and money creation.

Money creation, or inflation, was the legacy of the Financial State. It was the mechanism by which spending could outpace revenues far in the future for an indefinite time. Inflation was not new to the world in 1913. Governments have been inflating the currency as long as currency has existed in ways that could be manipulated. But it was new to the United States. While American budget deficits and debt did not explode on paper until the latter half of the 20th century, the true damage came from inflation. According to historical consumer price index data maintained by the Federal Reserve, the Consumer Price Index in 1913 of 9.9 is equivalent to 302.9 in 2023 (1983=100).<sup>10</sup> By this measure, \$1 in 2023 is worth just \$0.03 in 1913; stated otherwise, the value of the dollar has diminished 97% since 1913. The ability of the Federal Reserve to inflate the currency provided the ability to finance not only the nation's

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<sup>10</sup> Federal Reserve Bank of Minneapolis, "Consumer Price Index, 1913-: Historical Data from the Era of the Modern U.S. Consumer Price Index (CPI)," 2023.

interventionist impulses around the world but costly and ineffective domestic spending programs as well. In FY2023, the United States spent \$6.3T versus \$44.4T in revenue, a deficit of \$1.7T.<sup>11</sup> According to the Treasury Department, the national debt as of December 2023 was nearly \$34T.<sup>12</sup> Inflation is often described as a hidden tax because its impact does not show up on budget documents, spending reports, or tax returns. It is perhaps fitting, then, that the mechanism that enabled the United States to finance the war has been the cause of the greatest destruction of wealth in American history.

### **Infrastructure State**

Chapter Four discussed how the government moved from light-touch regulation of private industry to seizure of the nation's railroad, shipping, and telecommunications infrastructure, along with top-down central planning to exert control over vast swaths of privately owned businesses. As a result of the takeover of these industries during the war, the nation's infrastructure was altered forever. While the railroads were nominally returned to private control in 1920, they sacrificed some autonomy for the benefit of legislation that secured advantages for existing businesses against their competitors. Long-term stability was judged to be better than competition. The Jones Act consolidated and extended the federal government's power over the shipping industry, and radio became increasingly regulated after the war.

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<sup>11</sup> U.S. Department of the Treasury, "What Is the National Deficit?," *FiscalData.Treasury.Gov*, last modified 2023, accessed December 8, 2023, <https://fiscaldata.treasury.gov/americas-finance-guide/national-deficit/>.

<sup>12</sup> U.S. Department of the Treasury, "What Is the National Debt?," *FiscalData.Treasury.Gov*, last modified 2023, accessed December 8, 2023, <https://fiscaldata.treasury.gov/americas-finance-guide/national-debt/>.

The return of the railroads to private control by the Transportation Act of 1920 was a trade for a regulatory regime enforced by a more powerful Interstate Commerce Commission, but that was favorable to the railroads—including compensation for the takeover, exemption from anti-trust laws, and a fair rate of return on their investments. This basic regulatory structure proved to be stifling for the railroads over the ensuing decades, culminating with the Penn Central bankruptcy in 1970, at the time the largest such in American history.<sup>13</sup> What followed was a series of deregulatory efforts that culminated with the rarest of events: the abolishment of a government agency, in this case, the ICC.<sup>14</sup> Since deregulation, railroads have thrived and not looked back.

If railroad deregulation provided a rare success story, the Jones Act represented (and continues to represent) the long-lived impact of World War I-era legislation. Passed initially as the Merchant Marine Act of 1920, the law (as amended) requires that shipping between domestic ports be carried on U.S.-built, owned, and flagged vessels (Jones Act ships).<sup>15</sup> Intended by its sponsor, Senator Wesley Jones, as a protectionist measure to grow the merchant marine fleet, it has instead been, by almost any measure, a complete and dismal failure. In the post-World War II era, the number of Jones Act oceangoing ships declined from 434 in 1950 to just 90 in 2023, and no Jones Act-qualified liquified natural gas (LNG) tankers have been built in over 40 years due to the prohibitive costs.<sup>16</sup> During this same time, the number of American shipyards capable

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<sup>13</sup> Robert Samuelson, “Penn Central Railroad Declares Bankruptcy,” *Washington Post*, June 22, 1970, A1, A6.

<sup>14</sup> *Railroad Revitalization and Regulatory Reform Act*, 90 Stat. 31, 1976; *Staggers Rail Act*, 94 Stat. 1895, 1980; *ICC Termination Act of 1995*, 109 Stat. 183, 1995.

<sup>15</sup> *Jones Act*, 999 (Sec. 27).

<sup>16</sup> John Frittelli, *Shipping Under the Jones Act: Legislative and Regulatory Background* (Washington, DC: Congressional Research Service, 2019), 14; Navy League of the United States, *2023-2024 Maritime Policy* (Arlington, VA: Navy League of the United States, 2023), 24.

of building such vessels shrunk from 30 in 1953 to just four as of November 2021.<sup>17</sup> A recent Congressional Research Service report concluded that the Jones Act fleet is unable to meet the stated goals of the Act.<sup>18</sup> Scott Lincicome, an economist who favors repealing the Jones Act, concluded that there is “[n]o use protecting something that’s already dead.”<sup>19</sup> A study by the Organisation for Economic Co-operation and Development (OECD) found that repealing the Jones Act would help to resurrect domestic shipbuilding capacity and add billions to the economy.<sup>20</sup>

Other elements of the government’s infrastructure takeover had lasting impacts. To house workers in the vicinity of shipyards and munitions factories during the war, Congress created the United States Housing Corporation (USHC) to build and maintain homes.<sup>21</sup> This effort was the federal government’s first large-scale foray into public housing and provided both an experiment and justification for future efforts. After the war was over, Robert D. Kohn, an architect and Chief of Production with the USHC, remarked that “the war has put housing ‘on the map’ in this country.”<sup>22</sup> Kohn saw the “war-time experiment” as valuable evidence for the government to be

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<sup>17</sup> “The Decline of U.S. Shipbuilding,” *Shipbuilding History*, last modified January 21, 2016, accessed December 9, 2023, <https://www.shipbuildinghistory.com/statistics/decline.htm>; Jonathan Helton, “Jones Act Needs an Update, and so Does the Jones Act Fleet,” *Grassroot Institute of Hawaii*, December 21, 2021, accessed December 9, 2023, <https://www.grassrootinstitute.org/2021/12/jones-act-needs-an-update-and-so-does-the-jones-act-fleet/>.

<sup>18</sup> Frittelli, *Shipping Under the Jones Act: Legislative and Regulatory Background*, 15; John Frittelli and Michael Ratner, *U.S. LNG Trade Rising, But No Domestic Shipping* (Washington, DC: Congressional Research Service, 2018), 2.

<sup>19</sup> Scott Lincicome, “The Obscure Maritime Law That Ruins Your Commute,” *The Atlantic* (March 20, 2023).

<sup>20</sup> Organisation for Economic Co-operation and Development, “Local Content Requirements and Their Economic Effect on Shipbuilding: A Qualitative Assessment,” *OECD Science, Technology and Industry Policy Papers*, no. 69 (April 2019): 21–22.

<sup>21</sup> U.S. Department of Labor, Bureau of Industrial Housing and Transportation, *Report of the United States Housing Corporation* (Washington, DC: Government Printing Office, 1919), I:55-58.

<sup>22</sup> Robert D. Kohn, “Housing in a Reconstruction Program,” *The Survey* XLII, no. 9 (May 31, 1919): 341.

directly involved in building communities for the future.<sup>23</sup> When the Great Depression provided the next impetus for state intervention in the economy, Kohn's experience during the First World War led to his appointment as director of the housing division of the New Deal's Public Works Administration.<sup>24</sup> After the temporary programs of the war provided the experiment, Kohn's work for the PWA was responsible for the first federally funded public housing outside of the war. What followed was a sordid history, far too complex to cover here, involving government-sponsored discrimination and segregation that continued for decades.<sup>25</sup>

One final indirect legacy of the infrastructure takeover was taxation. As described in Chapter Four, as part of its pre-war revenue legislation, Congress imposed a 1% federal excise tax on telegraph messages and telephone calls over 15 cents, repeating a tax that had first been imposed during the Spanish-American War. This wartime excise tax continued after the war, was increased and graduated in 1919, and was repealed in 1924 but was reauthorized in 1932 for the first time outside of the war context.<sup>26</sup> According to a Congressional Research Service report, the tax was repeatedly authorized until 1990, when it was written permanently into the tax code at 3%.<sup>27</sup> Despite multiple attempts to repeal it, the tax persisted until 2006, when the Treasury Department acknowledged in a legal challenge that the tax was no longer appropriate for existing long-distance phone service.<sup>28</sup>

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<sup>23</sup> Ibid.

<sup>24</sup> "President Against Army Works Plan," *Evening Star* (Washington, DC), July 20, 1933, 4; William E. Leuchtenburg, *The FDR Years: On Roosevelt and His Legacy* (New York, NY: Columbia University Press, 1995), 53.

<sup>25</sup> See, for example, Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York, NY: Liveright Publishing Corporation, 2017), 17–38.

<sup>26</sup> *Revenue Act of 1932*, 47 Stat. 169, 1932, 270 (Sec. 701).

<sup>27</sup> Louis Alan Talley, *The Federal Excise Tax on Telephone Service: A History* (Washington, DC: Congressional Research Service, 2005), 1–6.

<sup>28</sup> "Phone Excise Tax to Be Eliminated," *Fort Worth Star-Telegram*, May 25, 2006, 48.

## The Warfare State

The National Defense Act of 1916 significantly expanded the war powers of the President and federalized the National Guard. These changes altered the balance of the civil-military relationship. The Selective Service Act brought the draft to the United States for the first time. Finally, the war saw the birth of the modern-day military-industrial complex. Each has its own complex legacy.

The National Defense Act marked a significant reorganization of the military to fight the war in Europe. The current relationship between the states and the federal government regarding the National Guard owes its history in no small measure to the Act. While subsequent legislation has made minor changes to this relationship, the Guard remains as state units subject to federal control for almost any purpose. A modern movement, Defend the Guard, advocates for legislation to prohibit state Guard units from being called into federal service in combat zones without a congressional declaration of war.<sup>29</sup> The Wilson Dam, authorized by the National Defense Act as a nitrate plant for the war, was not completed until 1924 but would later become the first of many hydroelectric facilities belonging to the massive Tennessee Valley Authority during the New Deal. Moreover, the reorganization of the military services in 1947 was seen by some as having its origins in the National Security League during the First World War.<sup>30</sup>

The Selective Service System is another of the First World War's longest-lasting legacies. While the draft ended after the war, it was resurrected in 1940, prior to World War II, using the prior law as its template.<sup>31</sup> Modified again after World War II, this system remained in

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<sup>29</sup> *Defend the Guard*, accessed December 9, 2023, <https://defendtheguard.us/>.

<sup>30</sup> Shulman, "Progressive Era Origins."

<sup>31</sup> *Selective Training and Service Act of 1940*, 54 Stat. 885, 1940.



place until 1973, when the Department of Defense moved to an all-volunteer force.<sup>32</sup>

Nonetheless, male U.S. citizens are still required to register with the Selective Service System within 30 days of their 18th birthday.

Finally, as described in Chapter Five, scholars have debated the extent to which World War I was a watershed event in terms of the military-industrial complex. Despite the ongoing debate, the legacy of the warfare state is apparent. As revealed by the Nye Committee hearings, the munitions industry and weapons manufacturers, together with financiers and the press, maintained close relationships with the government. These entities earned massive profits during the war and were willing to engage in unethical, if not illegal, behavior and conduct to ensure their profits. Later, President Eisenhower saw the growth of the military-industrial complex as a new problem to confront. While it was unique in terms of scale and within the context of the Cold War, it was not new to American history. The scale by which Eisenhower's view overshadowed the nascent military-industrial complex during the First World War is perhaps an apt comparison to how the 21st-century military-industrial complex overshadows that of Eisenhower's time. The historical scholarship is deep and lengthy; the threat to liberty is ever-present.<sup>33</sup>

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<sup>32</sup> Chambers II, *To Raise an Army*, 139–260.

<sup>33</sup> For just a sample of the available material, see Koistinen, "The 'Industrial-Military Complex' in Historical Perspective"; Paul A. C. Koistinen, "The 'Industrial-Military Complex' in Historical Perspective: The InterWar Years," *The Journal of American History* 56, no. 4 (1970): 819–839; Pursell, Jr., *The Military-Industrial Complex*; Cooling, *War, Business, and American Society*; Mark Whalan, "The Military-Industrial Complex," in *A History of American Literature and Culture of the First World War*, ed. Tim Dayton and Mark W. Van Wienen (Cambridge, 2021), 368–380; Christopher J. Coyne and Nathan P. Goodman, "The Military-Industrial Complex," *George Mason University Working Paper No. 22-32* (November 9, 2022).

## The Regulatory State

As described in Chapter Six, the laws passed by Congress regulating the economy represented the most extraordinary delegation of power ever conferred on the President. While many of the wartime economic interventions ended in the years following the war, their use served as a template for even more aggressive economic intervention, this time outside the context of war and no longer temporary in duration. More so than any other area, regulation of the economy during the war was the experiment that preceded the far-reaching economic reforms of the New Deal, many of which persist even today.

William E. Leuchtenburg first documented the parallels between the First World War and the New Deal.<sup>34</sup> A few examples are worth mentioning here. As mentioned in the previous section, the Wilson Dam was the first element of what would become a massive regional planning experiment as part of the Tennessee Valley Authority.<sup>35</sup> Robert D. Kohn's experience building housing for war workers in 1918 was the experiment that led to Kohn's appointment as director of the housing division of the New Deal's Public Works Administration.<sup>36</sup> The Lever Act's Food Administration provided the template for the Agricultural Adjustment Administration, and the Civilian Conservation Corps was run by the Army, using World War I clothing, and modeled on the mobilization efforts of the American Expeditionary Force.<sup>37</sup> The Lever Act's provisions for rent control in the District of Columbia marked the first such implementation in the United States.<sup>38</sup> Further rent controls came during World War II, and

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<sup>34</sup> Leuchtenburg, *The FDR Years*, 35–75.

<sup>35</sup> *Ibid.*, 53.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*, 54–55.

<sup>38</sup> Monica R. Lett, *Rent Control: Concepts, Realities, and Mechanisms* (New Brunswick, NJ: Center for Urban Policy Research, 1976), 1–2.

afterward, they were extended until 1950 upon congressional declaration of an emergency.<sup>39</sup> The extension of rent controls by state and local governments was more uneven but generally relied upon the same justification of an emergency to justify such economic intervention.<sup>40</sup> The use of emergencies to justify the extension of powers was later codified by the federal government in 1976.<sup>41</sup>

Bernard Baruch's War Industries Board was the direct analog to the New Deal's National Recovery Administration.<sup>42</sup> The NRA was an incredibly intrusive piece of legislation that established code authorities (organized by big businesses that controlled the market share) as a means of stabilizing prices, wages, and working hours. While the NRA was eventually struck down (a rare setback to the expansion of state power), similar legislation expanded the tentacles of the state further into every sector of the economy.<sup>43</sup> For Albert Jay Nock, the Supreme Court's decision to invalidate the NRA represented a "wave-motion" of "little importance" compared to the "tidal-motion" that transformed social power into state power.<sup>44</sup> Indeed, while many names of New Deal programs have changed, many of the policies of economic intervention begun during the New Deal and modeled on temporary programs of the First World War remain today.

Although it only lasted 14 years, Prohibition was a direct result of intrusive wartime economic regulation. According to Lisa McGirr, the 18th Amendment was only possible because of the confluence of the progressive movement and a newly powerful state.<sup>45</sup> Consistent with McGirr's account, Prohibition contributed to the rise of the Klan, identified an expanded role for

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<sup>39</sup> *Housing and Rent Act of 1947*, 61 Stat. 193, 1947; Lett, *Rent Control*, 3–4.

<sup>40</sup> Lett, *Rent Control*, 27–31.

<sup>41</sup> *National Emergencies Act*, 90 Stat. 1255, 1976.

<sup>42</sup> Leuchtenburg, *The FDR Years*, 56–57.

<sup>43</sup> *A.L.A. Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935).

<sup>44</sup> Nock, *Our Enemy, the State*, 16n.

<sup>45</sup> Lisa McGirr, *The War on Alcohol: Prohibition and the Rise of the American State* (New York, NY: W.W. Norton & Company, 2015), xviii.

the federal government (especially the FBI) in crime control, and served as a model for the war on drugs.<sup>46</sup> While historians almost universally regard Prohibition as a failure, seen through this lens, the experiment would be just a preview of decades of trouble for civil libertarians.

The federal government's war-fighting apparatus on the home front also contributed to the growth of the administrative state. The establishment of the War Industries Board by the Council of National Defense and the passage of the Overman Act were later seen as critical events in the development of executive branch "czars," or unelected, unconfirmed, and unaccountable officials only subject to presidential appointment.<sup>47</sup> According to some, these bureaucrats are "a constitutional aberration, a direct violation of the core principles of a system of separation of powers and government accountability."<sup>48</sup> The proliferation of executive branch agencies, including during the war, prompted the passage in 1946 of the Administrative Procedure Act, a law designed by its sponsor to be "a bill of rights for the hundreds of thousands of Americans whose affairs are controlled or regulated in one way or another by agencies of the Federal Government. It is designed to provide guarantees of due process in administrative procedure."<sup>49</sup> And yet the rules and regulations made under the APA's procedures soon developed a judicial gloss that gave increasing weight to executive agencies' interpretations of the rules they administer and considerable judicial deference to those interpretations.<sup>50</sup> Courts, then, have flipped the legislative intent of the APA on its head. The administrative state, a

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<sup>46</sup> *Ibid.*, xx–xxii.

<sup>47</sup> Mitchel A. Sollenberger and Mark J. Rozell, *The President's Czars: Undermining Congress and the Constitution* (Lawrence, KS: University of Kansas Press, 2012), 41–42.

<sup>48</sup> *Ibid.*, 3.

<sup>49</sup> *Administrative Procedure Act*, 60 Stat. 237, 1946; U.S. Senate, *Administrative Procedure Act: Legislative History*, 79th Congress, 1944–46. No. 79-248 (Washington, DC: Government Printing Office, 1946), 298.

<sup>50</sup> *See, i.e., Auer v. Robbins*, 519 U.S. 452 (1984); *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984).

product in part of the World War I-era agencies, denies due process to the very persons it was intended to protect—no longer hundreds of thousands of Americans but many millions.

### **The Propaganda State**

Propaganda, both foreign and domestic, played a central role in the war. Prior to 1917, foreign propaganda was aimed at the United States to encourage the nation to enter the war on the side of the Allies. After American entry into the war, propaganda was mainly aimed at domestic consumption and sought to influence the citizenry toward patriotism, which, as previously described, often spilled over into nativism and xenophobia. To the extent that the federal government acknowledged its work as propaganda (the word had a more neutral connotation before the war), there was in later wars no contemporary analogue to Wellington House or the Committee on Public Information. Instead, government-sponsored propaganda became less overt but more pervasive, especially since World War II.

Forgoing the negative connotations associated with overt propaganda, the United States established no organization equivalent to the Committee on Public Information during World War II but instead relied upon other organizations, such as the Writers' War Board (WWB), for its messaging efforts.<sup>51</sup> The WWB, described as “one of the greatest propaganda machines in history,” was nominally private but received government funding and acted as “an arm of the government.”<sup>52</sup> From 1956 to 1971, the FBI administered COINTELPRO, a massive domestic covert action program, including propaganda, against Americans “to do whatever is necessary to

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<sup>51</sup> Thomas Howell, “The Writers' War Board: U.S. Domestic Propaganda in World War II,” *The Historian* 59, no. 4 (1997): 795–813.

<sup>52</sup> ““Super State' Group Formed to Snare U.S.,” *San Francisco Examiner*, November 12, 1943, 8; Howell, “The Writers' War Board,” 795.

combat perceived threats to the existing social and political order.”<sup>53</sup> Like the victims of the propaganda and surveillance apparatus during the First World War, COINTELPRO targeted radicals, anti-war activists, and African Americans.<sup>54</sup> The direct connection between the First World War and the FBI’s COINTELPRO program was J. Edgar Hoover. Hoover, who began in the Justice Department’s War Emergency Division under John Lord O’Brian in 1917, soon became a Special Agent of the Alien Enemy Bureau, headed the Radical Division under Attorney General A. Mitchell Palmer in 1919, and became Director of the Bureau of Investigation (later the Federal Bureau of Investigation) in 1924, a position in which he would serve until his death in 1972.<sup>55</sup>

The Central Intelligence Agency also engaged in its own programs, including Operation Mockingbird, to cultivate and use journalists and student groups to collect intelligence and disseminate propaganda.<sup>56</sup> Other notable propaganda programs have been observed in the War on Drugs and the Iraq War.<sup>57</sup>

## The Surveillance State

Chapter Eight documented the massive surveillance apparatus constructed by Congress and the Wilson administration to ensure support for the war on the home front and to seek out

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<sup>53</sup> U.S. Senate, Select Committee to Study Governmental Operations with respect to Intelligence Activities, Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans, Book III. No. 94-755 (Washington, DC: Government Printing Office, 1976), 3. Although COINTELPRO was a formal program from 1956-1971, the report acknowledged that similar activities occurred sporadically before 1956.

<sup>54</sup> *Ibid.*, 15–26.

<sup>55</sup> Ackerman, *Young J. Edgar*, 1, 44–45, 407.

<sup>56</sup> Juan de Onis, “Ramparts Says C.I.A. Received Student Report,” *New York Times*, February 16, 1967, 26; Carl Bernstein, “The CIA and the Media,” *Rolling Stone* (October 20, 1977); Deborah Davis, *Katharine the Great: Katharine Graham and the Washington Post* (New York, NY: Harcourt Brace Jovanovich, 1979), 137–140; Tim Weiner, *Legacy of Ashes: The History of the CIA* (New York, NY: Doubleday, 2007), 77, 299.

<sup>57</sup> *Drug-Free Media Campaign Act of 1998*, 112 Stat. 2681-752, 1998; David Barstow, “Behind TV Analysts, Pentagon’s Hidden Hand,” *New York Times*, April 20, 2008, 1, 24–26.

and isolate anyone who did not conform. In his 1919 State of the Union Address, the President called for a peacetime sedition statute and, in 1920, vetoed a congressional resolution that would have officially ended the war (and with it, the authority of the Espionage and Sedition Acts).<sup>58</sup> A group of prominent legal scholars under the banner of the National Popular Government League called into question the abuse of the war powers after the war had ended.<sup>59</sup>

While the Sedition Act was eventually repealed later in 1920, another version was passed in the build-up to World War II and was used to prosecute communists and Nazi sympathizers.<sup>60</sup> The Espionage Act was never repealed and was used to prosecute many over the decades, including suspected Soviet spies, as well as leakers and whistleblowers such as Daniel Ellsberg, Thomas Drake, Chelsea Manning, John Kiriakou, Edward Snowden, as well as Julian Assange and most infamously, former President Donald Trump.

The Trading with the Enemy Act, too, was never repealed. Evoking wartime imagery in the midst of the Great Depression and using the authority of the TWEA, President Franklin D. Roosevelt issued Proclamation 2039, which closed all banks (even those not under the federal government's authority) and prohibited all gold transactions.<sup>61</sup> After FDR's brazen abuse of the law, Congress retroactively authorized the President's action by amending the Act to apply during a declared national emergency.<sup>62</sup> This amended version of TWEA was later used as the authority to seize gold under Executive Order 6012, an action that was upheld by the Supreme

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<sup>58</sup> An Annual Message on the State of the Union, December 2, 1919, 64:110-116, in Link, *PWW*; "Wilson Vetoes the Peace Resolution as Yielding Rights, Staining Our Honor; House Will Attempt Today to Repass It," *New York Times*, May 28, 1920, 1.

<sup>59</sup> National Popular Government League, *To the American People: Report upon the Illegal Practices of the United States Department of Justice* (Washington, DC: National Popular Government League, 1920).

<sup>60</sup> *Alien Registration Act*, 54 Stat. 670, Ch. 439, 1940.

<sup>61</sup> Michael Schearer, "The Impact of the New Deal on Economic Liberties During the Great Depression" (Liberty University, 2021), 7–12.

<sup>62</sup> *Emergency Banking Act*, 48 Stat. 1, 1933.

Court and not reversed until 1974. In 1973, Congress documented 470 sections of federal law that had operated under emergency powers in the four decades since President Roosevelt's declaration.<sup>63</sup> Finally, in 1976, Congress passed the National Emergencies Act to end the 43-year-old national emergency.<sup>64</sup>

### **The Class Warfare State**

In an all-out effort to win the war, Congress passed (and President Wilson signed) an aggressive slate of legislation that sought to stamp out dissent. This pervasive surveillance apparatus took aim at those who did not conform. As described in Chapter Nine, the victims of this surveillance state power were radicals, immigrants, African Americans, women, and conscientious objectors. While many were victimized because they refused to support the war, blacks suffered because the administration was dominated by southern racists, including the President; the war gave the administration more opportunities to exact their discrimination against African Americans. Women were made to wait for their equality until after the war that was itself fought in the name of democracy.

Woodrow Wilson's racism left a lasting legacy. At Versailles, the President played the central role in defeating the Japanese racial equality proposal, an amendment to the Treaty that would have declared that "[t]he equality of nations being a basic principle of the League of Nations, the High Contracting Parties agree to accord as soon as possible to all alien nationals of states, members of the League, equal and just treatment in every respect making no distinction,

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<sup>63</sup> U.S. Senate, Special Committee on the Termination of the National Emergency, *Emergency Powers Statutes: Provisions of Federal Law Now in Effect Delegating to the Executive Extraordinary Authority in Time of National Emergency*. Report No. 93-549 (Washington, DC: Government Printing Office, 1973).

<sup>64</sup> *National Emergencies Act*.



either in law or in fact, on account of their race or nationality.”<sup>65</sup> According to the notes of David Hunter Miller, an American lawyer who participated in the negotiations at Versailles, “President Wilson admitted that a majority had so voted [for the proposal], but stated that decisions of the Commission were not valid unless unanimous.... In the present instance there was, certainly, a majority, but strong opposition had manifested itself against the amendment and under these circumstances the resolution could not be considered as adopted.”<sup>66</sup> In fact, despite British opposition, no nations had actually recorded a vote against the proposal. Moreover, the segregationist policies of the Wilson administration, Wilson’s screening of D.W. Griffith’s *The Birth of a Nation*, and the xenophobia stirred up by the federal government gave new life to Jim Crow laws and aided in the re-emergence of the Ku Klux Klan.<sup>67</sup> African Americans would see painfully slow progress in the ensuing decades until the Supreme Court began to chip away at segregation in the 1950s and the Civil Rights Movement of the 1960s finally gained momentum.

The nativism and xenophobia stirred up by war hysteria on the home front carried over into the post-war period in the form of the First Red Scare, as covered briefly in Chapter Nine. The anti-immigrant views that had chiefly been limited to Germans now moved against southern and eastern Europeans and Asians in the form of the Immigration Act of 1924.<sup>68</sup> The Act was influenced by the pseudoscientific research of Madison Grant (eugenicist and author of the racist screed *The Passing of the Great Race*) and the Immigration Restriction League.<sup>69</sup> Representative

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<sup>65</sup> Naoko Shimazu, *Japan, Race and Equality: The Racial Equality Proposal of 1919* (London: Routledge, 1998), 20.

<sup>66</sup> David Hunter Miller, *The Drafting of the Covenant* (New York, NY: G.P. Putnam’s Sons, 1928), II:392.

<sup>67</sup> See, i.e., Linda Gordon, *The Second Coming of the KKK: The Ku Klux Klan of the 1920s and the American Political Tradition* (New York, NY: Liveright Publishing Corporation, 2017).

<sup>68</sup> *Immigration Act of 1924, 43 Stat. 153, 1924.*

<sup>69</sup> Madison Grant to Hon. Albert Johnson, January 3, 1924, 570-571, in U.S. House of Representatives, Committee on Immigration and Naturalization, *Restrictions on Immigration: Hearings before the Committee on Immigration and Naturalization, House of Representatives, Sixth-Eighth Congress, First Session, on H.R. 5,*

Albert Johnson (R-WA), Chairman of the Committee on Immigration and Naturalization and sponsor of the Act, justified immigration restrictions by questioning how long the nation could survive the onslaught of diversity against its “well-knit homogenous citizenry.”<sup>70</sup> According to Johnson, “our capacity to maintain our cherished institutions stands diluted by a stream of alien blood, with all its inherited misconceptions respecting the relationships of the governing power to the governed.”<sup>71</sup> Senator David A. Reed (R-PA), the other chief sponsor, explained that existing immigration legislation “disregards entirely those of us who are interested in keeping American stock up to the highest standard—that is, the people who were born here.”<sup>72</sup> The Immigration Act of 1924, with its baked-in nativism, racism, and eugenics, would be the basis of American immigration law until the 1950s.

The worst legacy of the treatment of German immigrants and German-Americans was the detention of at least 6,300 immigrants in internment camps during the war. While comparatively small in number, their internment provided a framework for detention on a much larger scale, as over 120,000 people of Japanese ancestry were held in camps in the western United States during World War II. Almost two-thirds of those interned were in fact American citizens. Like the all-powerful war justification used during the First World War, the federal government used “national security” to rationalize its actions during World War II despite having no evidence of disloyalty among Japanese-Americans or even among the *Issei* (first-generation immigrants).

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H.R. 101, and H.R. 561. Serial 1-A (Washington, DC: Government Printing Office, 1924); Madison Grant, *The Passing of the Great Race: Or, The Racial Basis of European History* (New York, NY: Charles Scribner’s Sons, 1916); “The March of a Theory,” *Boston Globe*, February 26, 1924, 12.

<sup>70</sup> Roy L. Garis, *Immigration Restriction: A Study of the Opposition To and Regulation of Immigration into the United States* (New York, NY: The Macmillan Company, 1927), vii.

<sup>71</sup> *Ibid.*

<sup>72</sup> Speech of Senator David A. Reed, *Congressional Record*, 68th Congress, 1st Sess., Vol. 65, Part 6 (April 3, 1924), 5467, 1924; George M. Stephenson, *A History of American Immigration, 1820-1924* (Boston, MA: Ginn and Company, 1926), 190; Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century* (Princeton, NJ: Princeton University Press, 2001), 81–127.

The Supreme Court later upheld their exclusion in what is regarded as one of the nation's worst decisions.<sup>73</sup>

### **Avenues for Future Research**

The intent of this research effort was purposely designed to strike a balance between a wide-ranging view of the relationship between the state and the people during the war and providing enough detail to identify specific and key instances of episodes that contributed to changes in this relationship. As a result of this balancing act, it was not possible to be truly comprehensive. The stories and anecdotes included within this dissertation were chosen because they were representative of others or were illustrative of the principles meant to be conveyed. Many stories considered for inclusion in this research were considerably pared down or even removed altogether. Each chapter, or in many cases, individual sections within each chapter, provides a framework for a more detailed exposition of this relationship. Moreover, it is the hopeful intent of this author to attempt to fill in some of the details within this framework in further research.

One area of particular interest throughout this research has been to explore the poorly documented cases, almost certainly impossible to count, where coercion by the state was not official but rather induced through immense social pressure and carried out by semi-official or unofficial means. In virtually all of these cases, of which we only have scant anecdotal evidence, the situations almost never progressed to the point where the victim could challenge the action in court—not that it made a difference when cases reached the courts during the war. As a result, we are left with poorly sourced secondary accounts or brief mentions in contemporary

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<sup>73</sup> See Schearer, "Civil Liberties on the Homefront: Korematsu and the National Security Justification."

newspapers. While it is unlikely that historians will be able to recover a significant volume of source material on these stories, there remains a wide avenue for future research into these unofficial encounters as perhaps the more menacing underwater companion to the more familiar, visible tip of the iceberg. These unofficial, mostly undocumented encounters, while not qualifying as state action subject to judicial challenge, nonetheless represent key evidence of the shift from social power to state power. A violent encounter initiated by a patriotic and vigilant citizen, influenced by state-driven war hysteria, was not treated the same as if the instigator were an agent of the state. But the result was the same: victims suffered at the hands of the war state; those with unpopular political views were chilled; and dissenters were squashed. Historians and political scientists examining this period (and beyond) ought to consider moving outside of the traditional court and constitution-based framework in which the state is the final arbiter of its authority. To do otherwise places a heavy thumb on the scale and allows the state's view to hold a privileged position in the debate about the relationship between the state and the people. The relationship between the state and people during the war also holds compelling parallels with contemporary America, where many encounters between individuals and the state are often blurred by organizations and corporations that sit in between. The collaboration between government and social media companies to censor content in the midst of the COVID-19 pandemic is but one example.

Another extension of this research, especially as seen through the examples in this chapter, is the link between the First World War and the subsequent expansion of governmental power. The examples described in this chapter only scratch the surface. In the same way that William E. Leuchtenburg saw the origins of the New Deal in the emergency war agencies of the First World War, historians of 20th-century America ought to consider not only the extent to

which the history was born on the home front in the period immediately before and during the war but also the implications from these discoveries.<sup>74</sup> The emergency agencies of the war, defended by reference to the congressional war power, served a similar but distinct purpose during the New Deal—the distinction, of course, being that no state of war existed (to say nothing of President Roosevelt’s frequent war analogies). The extension of war powers justifications outside of the context of war is a remarkably understudied area of constitutional and legal history. In many ways, the very existence of a precedent, rather than the justification for the precedent, serves as sufficient cover for the permanent extension of what was originally intended as a temporary power. Ronald Reagan, speaking at the 1964 GOP National Convention, popularized this concept when he quipped, “No government ever voluntarily reduces itself in size. So governments’ programs, once launched, never disappear. Actually, a government bureau is the nearest thing to eternal life we’ll ever see on this earth.”<sup>75</sup> Economic historians, including Robert Higgs, have sought to measure the impact of the growth of temporary programs, borne of war and crisis, into permanent programs.<sup>76</sup> The origins of 20th century American history in the temporary wartime agencies on the home front, together with their eventual expansion, permanence, and contribution to the growth of state power, represents an integrated analysis that can be examined even without being tied to the classical liberal or libertarian analysis seen within this research.

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<sup>74</sup> “The New Deal and the Analogue of War,” in Leuchtenburg, *The FDR Years*, 35–75.

<sup>75</sup> “A Time for Choosing,” in Peter Robinson, *Ronald Reagan: A Life in Photographs* (New York, NY: Fall River Press, 2010), 46–59.

<sup>76</sup> Higgs, *Crisis and Leviathan*; Higgs and Twight, “National Emergency and the Erosion of Private Property Rights.”

## Final Thoughts

The title of this dissertation borrows from Albert Jay Nock's *Our Enemy, the State*.<sup>77</sup> The enemy is the State, not the government or its bureaucrats. Understanding this distinction is key to understanding the Rothbardian synthesis described here. Randolph Bourne sought to distinguish the State from the Government or the Administration. The Government was "a certain organization of ruling functions, the machinery of law-making and law enforcing."<sup>78</sup> The Administration was "a recognizable group of political functionaries, temporarily in charge of the government."<sup>79</sup> But, according to Bourne, "the State stands as an idea behind them all, eternal, sanctified, and from it Government and Administration conceive themselves to have the breath of life. Even the nation, especially in times of war—or at least, its significant classes—consider that it derives its authority, and its purpose from the idea of the State."<sup>80</sup> In the same essay, unfinished when he died just a month after the Armistice, Bourne wrote: "War is the health of the state because...the nation in war-time attains a uniformity of feeling, a hierarchy of values culminating at the undisputed apex of the State ideal, which could not possibly be produced through any other agency than war."<sup>81</sup> At the apex, "the State represents all the autocratic, arbitrary, coercive, belligerent forces within a social group..."<sup>82</sup> Bourne understood that war brought out the very worst in society, but the very worst was also uniquely identified as characteristic of the State.

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<sup>77</sup> Nock, *Our Enemy, the State*.

<sup>78</sup> Bourne and Oppenheim, *Untimely Papers*, 182.

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*, 145–146.

<sup>82</sup> *Ibid.*, 176.

Murray Rothbard, Ralph Raico, and others understood that the task of classical liberal and libertarian scholarship was to emphasize the distinction that Nock and Bourne identified. One must separate the State, which has taken on a mystical, religious significance, from the government, in which its politicians, bureaucrats, and functionaries are imperfect. The State's sanctity is a powerful barrier to any criticism. War, and everything that accompanies it, enhances and enforces the State's reputation and legitimacy. It is long past time for an alternative interpretation.

## Appendix

### Exhibit 1: USS Maine anchor



USS Maine anchor and plaque, City Park, Reading, PA; via Keith Bender, <http://www.modelwarships.com/features/museums/maine/anchor.html>.



**Exhibit 2: Liberty Loan Poster**

“Fight of Boy Bonds—Third Liberty Loan,” Howard Chandler Christy, 1917; Forbes, Boston. Library of Congress, Prints and Photographs Division, Washington, DC.

## Exhibit 3: Selective Service Registration Card (Alvin C. York)

Form 1		REGISTRATION CARD		No. 27
1	Name in full	Alvin C. York	York	Age, in yrs. 29
2	Home address	Pace Place	Tenn	
3	Date of birth	Dec	13	1887
4	Are you (1) a natural-born citizen, (2) a naturalized citizen, (3) an alien, (4) or have you declared your intention (specify which)?	A. Natural Born		
5	Where were you born?	Pace	Tenn	U.S.A.
6	If not a citizen, of what country are you a citizen or subject?			
7	What is your present trade, occupation, or office?	Labor on Farm 30		
8	By whom employed?	P. C. Rice		
9	Where employed?	Pace Place Tenn		
10	Have you a father, mother, wife, child under 12, or a sister or brother under 12, solely dependent on you for support (specify which)?	Mother, Brother, Sister		
11	Married or single (which)?	Single	Race (specify which)?	Cauc
12	What military service have you had? Rank	none	branch	
	years		Nation or State	
12	Do you claim exemption from draft (specify grounds)?	Yes, Don't want to fight		
I affirm that I have verified above answers and that they are true.				
				Alvin C. York
				(Signature or mark)

If person is of African descent, tear off this corner.

Registration Card for Alvin C. York. Record Group 163: Records of the Selective Service System (World War I). Draft Registration Cards. National Archives, Washington, DC. On the first generation of registration cards, the bottom left corner of the card was printed with the message, "If person is of African descent, tear off this corner."

Exhibit 4: Selective Service Registration Card (Louis Armstrong)

**REGISTRATION CARD**

<b>SERIAL NUMBER</b>	928	<b>ORDER NUMBER</b>	4177
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1 **First name** *Louis* **Middle name** *Armstrong* **Last name** *Armstrong*

2 **PERMANENT HOME ADDRESS:**  
*1233 Pender St. N. O. La.*  
(No.) (Street or R. F. D. No.) (City or town) (County) (State)

3 **Age in Years** *18* **Date of Birth** *July 4th 1900*  
(Month) (Day) (Year)

**RACE**

<b>White</b>	<b>Negro</b>	<b>Oriental</b>	<b>Indian</b>	
5	6 <input checked="" type="checkbox"/>	7	<b>Citizen</b>	<b>Noncitizen</b>
			8	9

**U. S. CITIZEN** **ALIEN**

<b>Native Born</b>	<b>Naturalized</b>	<b>Citizen by Father's Naturalization Before Registrant's Majority</b>	<b>Declarant</b>	<b>Non-declarant</b>
10 <input checked="" type="checkbox"/>	11	12	13	14

15 *If not a citizen of the U. S., of what nation are you a citizen or subject?*

16 **PRESENT OCCUPATION** *Musician* **EMPLOYER'S NAME** *Peter Lala*

18 **PLACE OF EMPLOYMENT OR BUSINESS:**  
*1500 Conti St. N. O. La.*  
(No.) (Street or R. F. D. No.) (City or town) (County) (State)

**NEAREST RELATIVE**

<b>Name</b>	19 <i>May Armstrong mother</i>
<b>Address</b>	20 <i>1233 Pender St. N. O. La.</i> (No.) (Street or R. F. D. No.) (City or town) (County) (State)

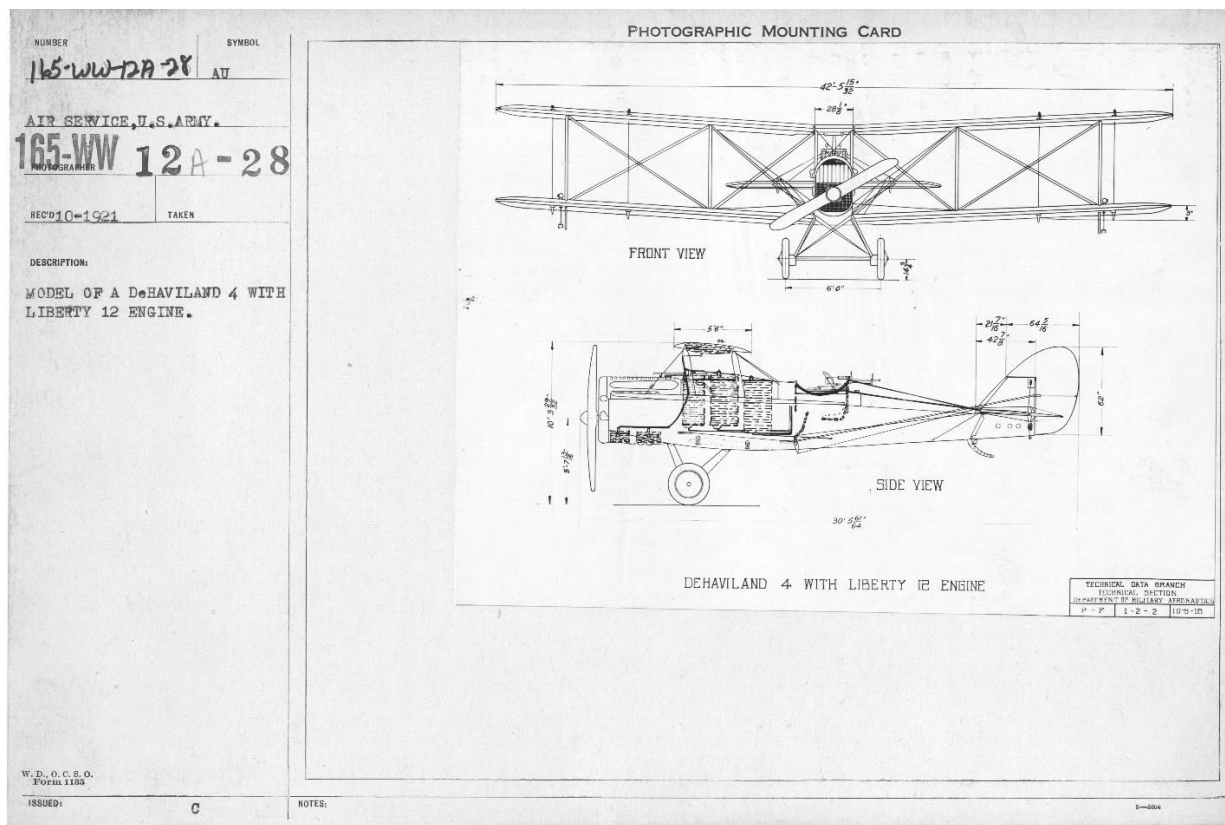
**I AFFIRM THAT I HAVE VERIFIED ABOVE ANSWERS AND THAT THEY ARE TRUE**

P. M. G. O.  
Form No. 1 (Red) 03-6171 (Registrant's signature or mark) (OVER)

*Louis Armstrong*

Registration Card for Louis Armstrong. Record Group 163: Records of the Selective Service System (World War I). Draft Registration Cards. National Archives, Washington, DC. By the time Armstrong registered in 1918, registration cards replaced the bottom corner message for a race block that included White, Negro, and Oriental.

### Exhibit 5: Model of a DeHaviland 4 with Liberty 12 Engine



“Model of a DeHaviland 4 with Liberty 12 Engine.” Photo 165-WW-12A-28. Air Service, U.S. Army. Record Group 165: Records of the War Department General and Special Staffs. National Archives, Washington, DC.

Exhibit 6: Let's Have a Garfield-less Year (Political Cartoon)



"Let's Have a Garfield-less Year," *Evening World* (New York, NY), January 18, 1918, 18.

## Exhibit 7: Spies and Lies (Committee on Public Information Advertisement)



# Spies and Lies

German agents are everywhere, eager to gather scraps of news about our men, our ships, our munitions. It is still possible to get such information through to Germany, where thousands of these fragments—often individually harmless—are patiently pieced together into a whole which spells death to American soldiers and danger to American homes.

But while the enemy is most industrious in trying to collect information, and his systems elaborate, he is *not* superhuman—indeed he is often very stupid, and would fail to get what he wants were it not deliberately handed to him by the carelessness of loyal Americans.

Do not discuss in public, or with strangers, any news of troop and transport movements, or bits of gossip as to our military preparations, which come into your possession.

Do not permit your friends in service to tell you—or write you—"inside" facts about where they are, what they are doing and seeing.

Do not become a tool of the Hun by passing on the malicious, disheartening rumors which he so eagerly sows. Remember he asks no better service than to have you spread his lies of disasters to our soldiers and sailors, gross scandals in the Red Cross, cruelties, neglect and wholesale executions in our camps, drunkenness and vice in the Expeditionary Force, and other tales certain to disturb American patriots and to bring anxiety and grief to American parents.

And do not wait until you catch someone putting a bomb under a factory. Report the man who spreads pessimistic stories, divulges—or seeks—confidential military information, cries for peace, or belittles our efforts to win the war.

Send the names of such persons, even if they are in uniform, to the Department of Justice, Washington. Give all the details you can, with names of witnesses if possible—show the Hun that we can beat him at his own game of collecting scattered information and putting it to work. The fact that you made the report will not become public.

You are in contact with the enemy *and*, just as truly as if you faced him across No Man's Land. In your hands are two powerful weapons with which to meet him—discretion and vigilance. *Use them.*

COMMITTEE ON PUBLIC INFORMATION  
8 JACKSON PLACE, WASHINGTON, D. C.

George Creel, Chairman  
The Secretary of State  
The Secretary of War  
The Secretary of the Navy

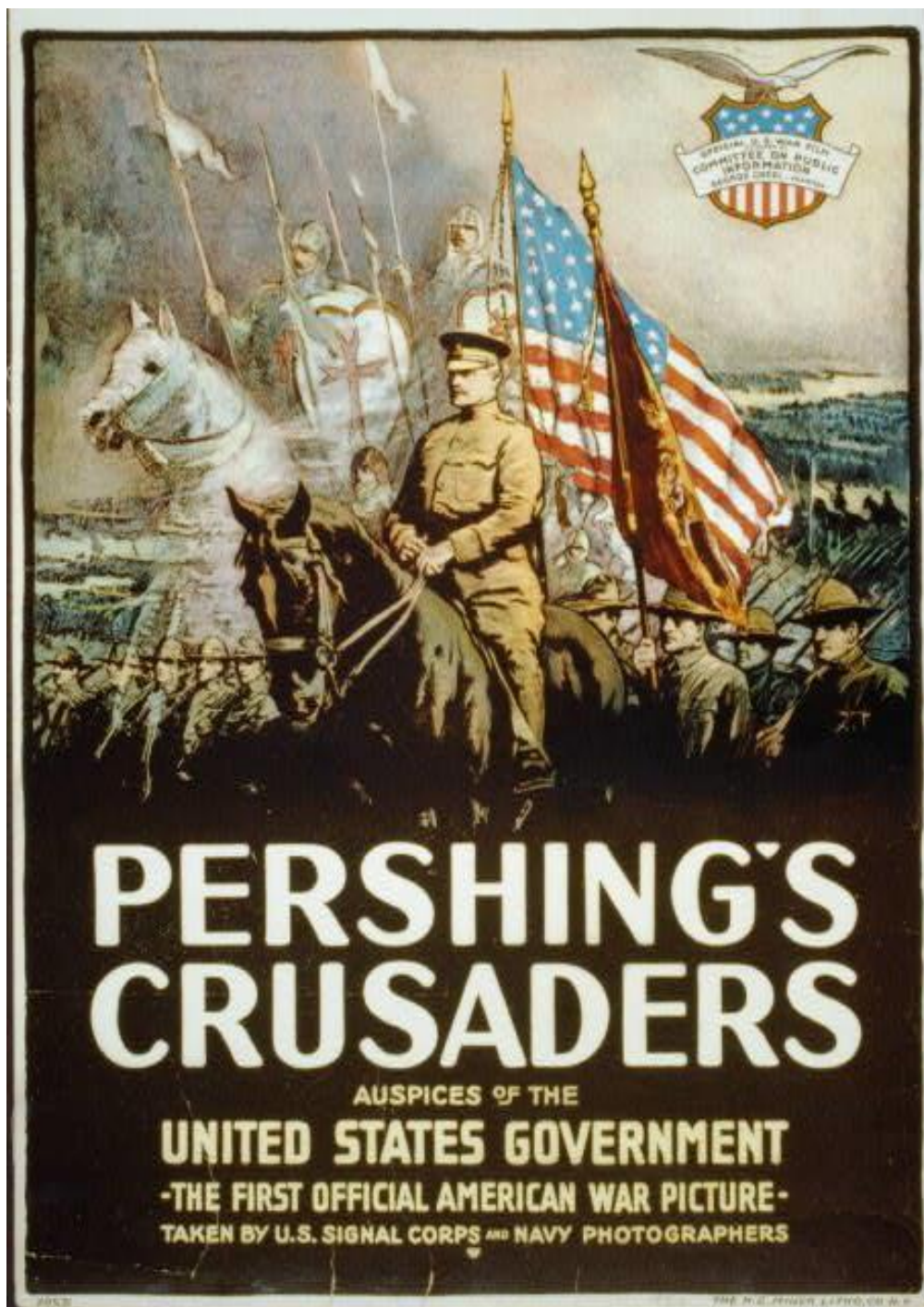
Contributed through Division of Advertising



United States Gov't Comm. on Public Information

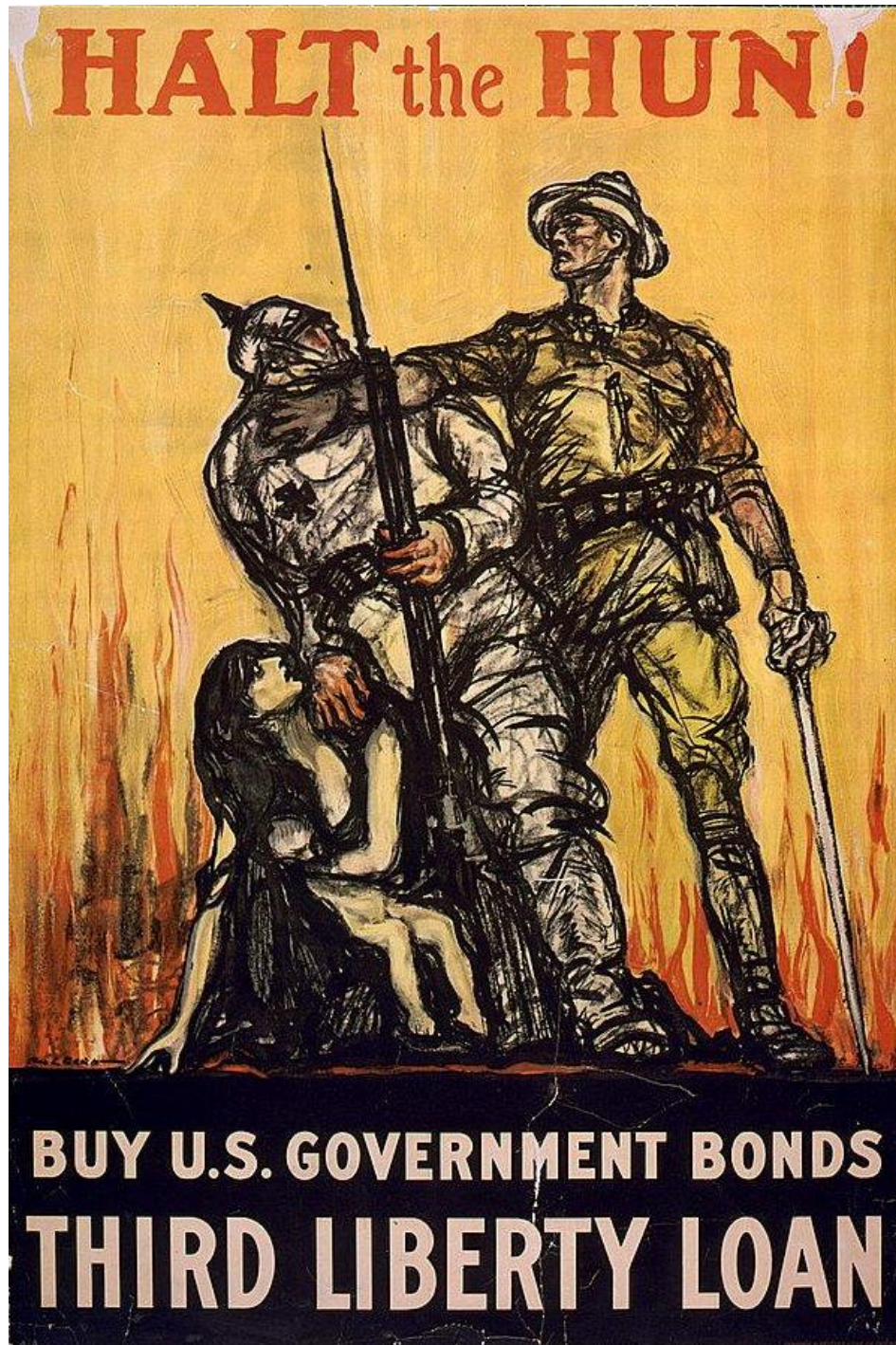
U.S. Committee on Public Information. "Spies and Lies."  
*Saturday Evening Post* 191, no. 5 (August 5, 1918): 23.

Exhibit 8: Pershing's Crusaders (Movie Poster)



"Pershing's Crusaders—Auspices of the United States Government," The H.C. Miner Litho. Co. N.Y. Library of Congress, Prints and Photographs Division, Washington, DC.

Exhibit 9: Halt the Hun! (Propaganda Poster)



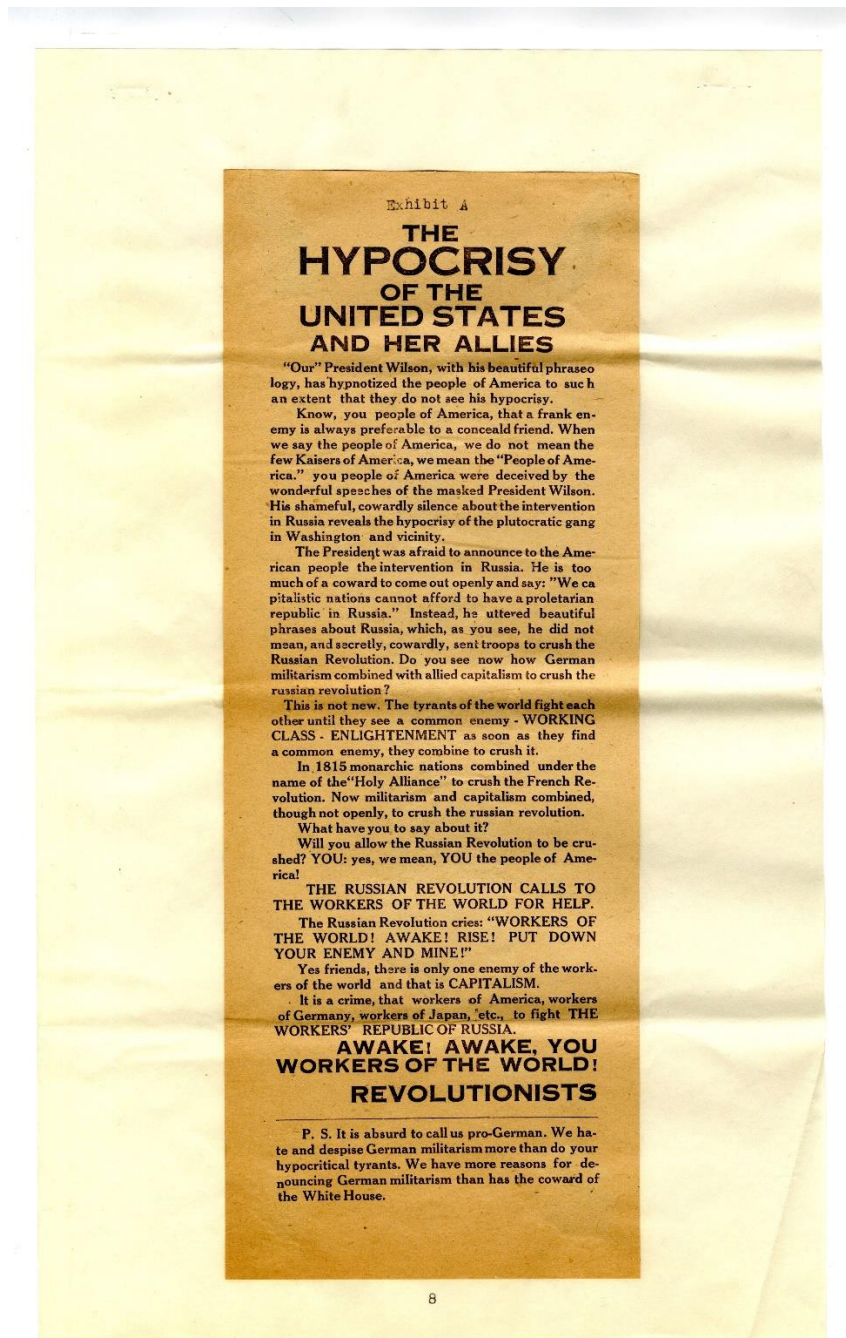
"Halt the Hun! Buy U.S. Government Bonds, Third Liberty Loan," Raleigh. Library of Congress, Prints and Photographs Division, Washington, DC.



**Exhibit 10: Aeroplane Bodies Ready for Shipment to France (Publicity Photo)**

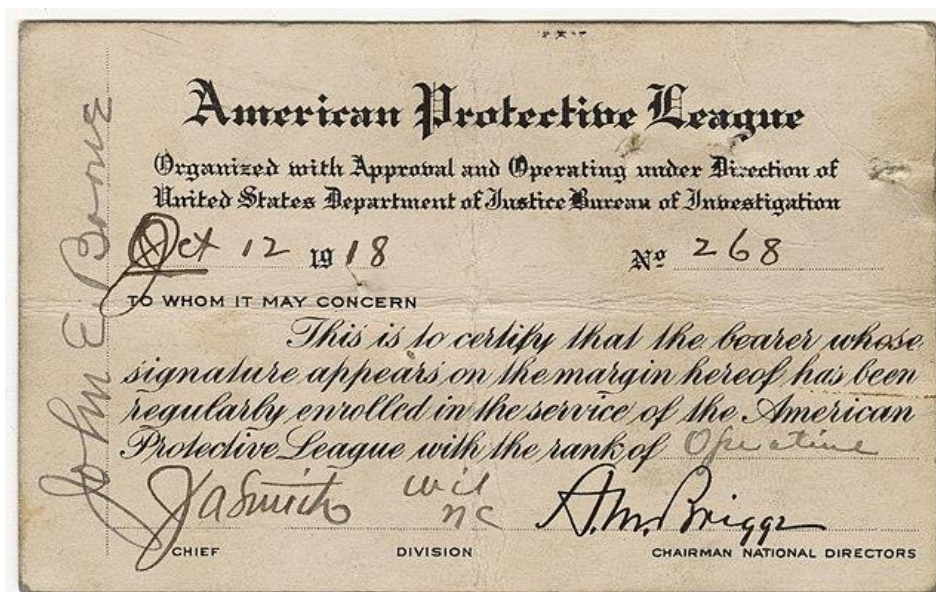
“Aeroplane Bodies Ready for Shipment to France.” Photo 111-SC-6858. March 29, 1918. U.S. Committee on Public Information. Record Group 111: Records of the Office of the Chief Signal Officer. National Archives, Washington, DC.

Exhibit 11: Leaflet from Abrams v. United States



The Hypocrisy of the United States and Her Allies; 8/1918; C15-22, U.S. District Court for the Southern District of New York; United States of America v Jacob Abrams, Jacob Schwartz, Samuel Lipman, Hyman Rozansky, Hyman Lachowsky and Molly Steimer, Etc.; Criminal Case Files, 1845 - 1979 (NAI #582173). Records of District Courts of the United States, 1685-2009, Record Group 21; National Archives at New York; New York, NY, 1918.

**Exhibit 12: American Protective League Badge and Membership Card**




American Protective League badge and membership card, contained in Letter from A. M. Briggs, Chairman of the National Directors of the American Protective League, to J. S. Smith, Chief of the Wilmington, North Carolina American Protective League. Record Group 65: Records of the Federal Bureau of Investigation, Correspondence with Field Offices, 1917 - 1919, North Carolina. National Archives, Washington, DC.

Exhibit 13: The Birth of a Nation (Newspaper Advertisement)

**19,759**

—Persons saw history written with lightning at the Atlanta theater last week.  
 —They laughed, they shouted and they gasped.  
 —And through it all they shed hot, slippery tears.  
 —Never before such scenes in an Atlanta playhouse; never such tumult nor so many damp kerchiefs.  
 —**ASK ANY OF THEM!**  
 —Those who have regained their voices will tell you that you'll regret it to your dying day if you fail to witness

**D. W. GRIFFITH'S GIGANTIC SPECTACLE**



**YOU WILL SEE**  
**18,000 People—3,000 Horses—5,000 Scenes**

—Petersburg at the height of battle.  
 —Lee and Grant at Appomattox.  
 —The shot that killed Abraham Lincoln.  
 —The pillaging of Atlanta by Sherman's invaders.

**YOU WILL HEAR**

—A splendid symphony orchestra of thirty play the best-loved melodies of the Southland.  
 —Roaring cannon, sputtering machine guns, rushing cavalry and clashing bayonets in the mad stampede of battle.

**YOU WILL FEEL**

—The spirit of '61.  
 —The hot surging patriotism that drove your grandfather to don a suit of gray.  
 —The pang of sweethearts parted and the anguish of wives and mothers bereaved.  
 —And above it all a glow of undying pride that they're **YOUR** stars and **YOUR** bars.

**12 MORE PERFORMANCES**

—To relieve the disappointment of hundreds turned away at the week-end performances, the engagement has been extended until next Saturday, inclusive. Twice daily at 2:30 and 8:15 the spectacle will be shown all next week, beginning Monday afternoon, and seats for the twelve additional performances went on sale yesterday morning.

—**THEY'RE GOING FAST.**  
 —**SO YOU'D BETTER HURRY.**

**BOX OFFICE OPEN FROM 9 A. M. UNTIL 9 P. M.**

**PRICES:** NIGHTS—Best Orchestra Seats \$2; Others at 75c, \$1 and \$1.50. Gallery 50c. MATINEES—Best Orchestra Seats \$1; Others at 50c and 75c. Gallery 25c.

You can get the seats you want if you buy early. No Phone Reservations.  
 SPECIAL—"The Birth of a Nation" will positively never be presented except at the important theaters at regular prices—D. W. Griffith.

“19,759,” *Atlanta Constitution*, December 12, 1915, 10. The first line reads: “19,759 people saw history written with lightning,” a reference to the alleged quote made by President Wilson.

## Exhibit 14: Why Not Make America Safe for Democracy? (Political Cartoon)

**"MR. PRESIDENT, WHY NOT MAKE AMERICA SAFE FOR DEMOCRACY?"**



William Charles Morris, "Mr. President, Why Not Make America Safe for Democracy?,"  
*Sandusky (Ohio) Star-Journal*, July 7, 1917, 2.

**Exhibit 15: Famous Soldiers Return Home (Harlem Hellfighters Parade)**



“Famous Soldiers Return Home.” Record Group 165: Records of the War Department General and Special Staffs. National Archives, Washington, DC. The 369th Infantry Regiment, the “Harlem Hellfighters,” marched in their own parade in New York City on February 17, 1919.

**Exhibit 16: Suffragettes at Washington (Silent Protest)**



“Suffragettes at Washington, District of Columbia bonfire at White House.” Record Group 165: Records of the War Department General and Special Staffs. National Archives, Washington, DC.

## Bibliography

### Primary Sources

#### Abbreviations

CDJD: Cronon, E. David, ed. *The Cabinet Diaries of Josephus Daniels, 1913-1921*. Lincoln, NE: University of Nebraska Press, 1963.

CMPP: Richardson, James D., ed. *Compilation of the Messages and Papers of the Presidents, 1789-1922*. 20 vols. New York, NY: Bureau of National Literature, 1897–1922.

ICFBI: Investigative Case Files of the Bureau of Investigation 1908-1922. National Archives: Washington, DC, 1976.

PWW: Link, Arthur S., ed. *The Papers of Woodrow Wilson*. 69 vols. Princeton: Princeton University Press, 1966–1994.

#### Archives

Hagley Museum & Library, Wilmington, DE  
Hudson Maxim Papers

Houghton Library, Harvard University, Cambridge, MA  
David Franklin Houston Papers

Library of Congress, Manuscript Division, Washington, DC  
Carrie Chapman Catt Papers  
Woodrow Wilson Papers  
Theodore Roosevelt Papers

Library of Congress, Prints and Photographs Division, Washington, DC

#### National Archives

Record Group 21: Records of District Courts of the United States, 1685-2009

Record Group 65: Records of the Federal Bureau of Investigation, 1896-2008

Investigative Case Files of the Bureau of Investigation 1908-1922

Bureau Section Files, 1920-21

Miscellaneous Files, 1908-22

Old German Files, 1915-20

Record Group 111: Records of the Office of the Chief Signal Officer

Record Group 163: Records of the Selective Service System (World War I)

Record Group 165: Records of the War Department

University of California, Berkeley  
Emma Goldman Papers



Government Documents

Hearings

Supreme Court of the United States. Transcript of Record: Francis C. Wilson, United States Attorney for the Western District of Missouri, Appellant, vs. Alexander New and Henry C. Ferris, as Receivers of the Missouri, Oklahoma & Gulf Railway Company. No. 797, 1916.

U.S. House of Representatives. Hearings Before a Special Committee of the House of Representatives, Sixty-Fifth Congress, Third Session, on H.Res. 469 and H.Res. 476 to Investigate and Make Report as to the Officers, Membership, Financial Support, Expenditures, General Character, Activities, and Purposes of the National Security League, a Corporation of New York, and of Any Associated Organizations. Washington, DC: Government Printing Office, 1918–1919.

U.S. House of Representatives, Committee on Immigration and Naturalization. Restrictions on Immigration: Hearings before the Committee on Immigration and Naturalization, House of Representatives, Sixth-Eighth Congress, First Session, on H.R. 5, H.R. 101, and H.R. 561. Serial 1-A. Washington, DC: Government Printing Office, 1924.

U.S. House of Representatives, Committee on Interstate and Foreign Commerce. Federal Control of Systems of Communication: Hearings before the Committee on Interstate and Foreign Commerce of the House of Representatives (July 2, 1918). Washington, DC: Government Printing Office, 1918.

———. Federal Control of Systems of Communication: Hearings before the Committee on Interstate and Foreign Commerce of the House of Representatives (July 9, 1918). Washington, DC: Government Printing Office, 1918.

U.S. House of Representatives, Committee on Military Affairs. Hearings Before the Committee on Military Affairs, House of Representatives, Sixty-Fourth Congress, First Session, on the Bill to Increase the Efficiency of the Military Establishment of the United States. 2 vols. Washington, DC: Government Printing Office, 1916.

U.S. House of Representatives, Committee on Naval Affairs. Hearings before the Committee on Naval Affairs of the House of Representatives on Estimates Submitted by the Secretary of the Navy, 1914. Washington, DC: Government Printing Office, 1914.

U.S. House of Representatives, Select Committee to Investigate Conditions Interfering with Interstate Commerce between the States of Illinois and Missouri. Hearings before the Select Committee to Investigate Conditions in Illinois and Missouri Interfering with Interstate Commerce between These States, 23 Unpublished Volumes, October–November 1917. Washington, DC: National Archives, 1917–1918.

U.S. House of Representatives, Special Committee. National Security League Hearings.

Washington, DC: Government Printing Office, 1918.

U.S. Senate, Committee on Commerce. Hearings before the Subcommittee of the Committee on Commerce, United States State, Sixty-Fifth Congress, First Session, on H.R. 4960, A Bill to Define, Regulate, and Punish Trading with the Enemy, and for Other Purposes. Washington, DC: Government Printing Office, 1917.

U.S. Senate, Committee on the Merchant Marine and Fisheries. Creating a Shipping Board, A Naval Auxiliary, and a Merchant Marine: Hearings on H.R. 10500 (February 10 to March 9, 1916). Washington, DC: Government Printing Office, 1916.

U.S. Senate, Interstate Commerce Committee. Hearing Before the Committee on Interstate Commerce on the Bills S. 3776 and S. 5106. February 3 and 4, 1910. Series No. 1. Washington, DC: Government Printing Office, 1910.

U.S. Senate, Special Committee on Investigation of the Munitions Industry. Hearings before the Special Committee Investigating the Munitions Industry. Washington, DC: Government Printing Office, 1935.

War Policies Commission. Hearings before the Commission Appointed under the Authority of Public Resolution No. 98 (War Policies Commission). Washington, DC: Government Printing Office, 1931.

## Reports

Comptroller of the Currency. Annual Report of the Comptroller of the Currency to the Second Session of the Sixty-Fifth Congress of the United States, December 3, 1917. Washington, DC: Government Printing Office, 1918.

Crowder, E.H. Final Report of the Provost Marshal General to the Secretary of War on the Operations of the Selective Service System to July 15, 1919. Washington, DC: Government Printing Office, 1920.

———. Report of the Provost Marshal General to the Secretary of War on the First Draft under the Selective-Service Act, 1917. Washington, DC: Government Printing Office, 1918.

———. Second Report of the Provost Marshal General to the Secretary of War on the Operations of the Selective Service System to December 20, 1918. Washington, DC: Government Printing Office, 1919.

Federal Reserve Board. Second Annual Report of the Federal Reserve Board for the Year Ending December 31, 1915. Washington, DC: Government Printing Office, 1916.

———. Third Annual Report of the Federal Reserve Board Covering Operations for the Year 1916. Washington, DC: Government Printing Office, 1917.

Frittelli, John. Shipping Under the Jones Act: Legislative and Regulatory Background.

- Washington, DC: Congressional Research Service, 2019.
- Frittelli, John, and Michael Ratner. U.S. LNG Trade Rising, But No Domestic Shipping. Washington, DC: Congressional Research Service, 2018.
- Garfield, H.A. General Orders, Regulations and Rulings of the United States Fuel Administration, August 10, 1917 - December 31, 1918. Washington, DC: Government Printing Office, 1919.
- Hotchkiss, Willard E., and Henry R. Seager. History of the Shipbuilding Labor Adjustment Board, 1917 to 1919. Bulletin of the United States Bureau of Labor Statistics No. 283, Labor as Affected by the War Series. Washington, DC: Government Printing Office, 1921.
- Interstate Commerce Commission of the United States. 32nd Annual Report of the Interstate Commerce Commission. Washington, DC, 1918.
- Maguire, Steven, and Brent W. Mast. The Telephone Excise Tax: An Economic Analysis. Washington, DC: Congressional Research Service, 2007.
- Saugstad, Jesse E. Shipping and Shipbuilding Subsidies: A Study of State Aid to the Shipping and Shipbuilding Industries in Various Countries of the World. Trade Promotion Series-- No. 129. Washington, DC: Government Printing Office, 1932.
- Talley, Louis Alan. The Federal Excise Tax on Telephone Service: A History. Washington, DC: Congressional Research Service, 2005.
- United States Railroad Administration. Bulletin No. 4: Public Acts, Proclamations by the President Relating to the United States Railroad Administration, and General Orders Issued by the Director General of Railroads to July 1, 1918. Washington, DC: Government Printing Office, 1918.
- United States Shipping Board. First Annual Report of the United States Shipping Board. Washington, DC: Government Printing Office, 1917.
- . Second Annual Report of the United States Shipping Board. Washington, DC: Government Printing Office, 1918.
- . Third Annual Report of the United States Shipping Board. Washington, DC: Government Printing Office, 1919.
- U.S. Commission on Wartime Relocation and Internment of Civilians. Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians. Washington, DC: Government Printing Office, 1982.
- U.S. Committee on Public Information. Preliminary Statement to the Press of the United States. Washington, DC: Government Printing Office, 1917.

- U.S. Committee on Public Information, and George Creel. Complete Report of the Chairman of the Committee on Public Information. Washington: Government Printing Office, 1920.
- . The Kaiserite in America. Washington, DC: Committee on Public Information, 1918.
- U.S. Committee on Public Information, and Harvey O'Higgins. The German Whisper. Washington, DC: Committee on Public Information, 1918.
- U.S. Committee on Public Information, George Winfield Scott, and James Wilford Garner. The German War Code: Contrasted with the War Manuals of the United States, Great Britain, and France. War Information Series No. 11. Washington, DC: Committee on Public Information, 1918.
- U.S. Committee on Public Information, Earl E. Sperry, and Willis M. West. German Plots and Intrigues. Red, White and Blue Series No. 10. Washington, DC: Committee on Public Information, 1918.
- U.S. Committee on Public Information, and Woodrow Wilson. The War Message and the Facts Behind It. War Information Series No. 1. Washington, DC: Committee on Public Information, 1917.
- U.S. Department of Justice. Interpretation of War Statutes. Washington, DC: Government Printing Office, 1917.
- U.S. Department of Justice, Office of Alien Property Custodian. Alien Property Custodian Report (1918-February 15, 1919). Washington, DC: Government Printing Office, 1919.
- . Report of the Alien Property Custodian. Washington, DC: Government Printing Office, 1922.
- . Trading with the Enemy Act and Amendments Thereto. Washington, DC: Government Printing Office, 1920.
- U.S. Department of Labor, Bureau of Industrial Housing and Transportation. Report of the United States Housing Corporation. 2 vols. Washington, DC: Government Printing Office, 1919.
- U.S. Department of Labor, Women's Bureau, Clara M. Beyer, and Florence P. Smith. History of Labor Legislation for Women in Three States. Washington, DC: Government Printing Office, 1929.
- U.S. Department of the Treasury. Annual Report of the Secretary of the Treasury on the State of the Finances. Washington, DC: Government Printing Office, 1947.
- . Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1914, with Appendices. Washington, DC: Government Printing Office, 1915.

———. Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1915, with Appendices. Washington, DC: Government Printing Office, 1916.

———. Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1916, with Appendices. Washington, DC: Government Printing Office, 1917.

———. Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1917, with Appendices. Washington, DC: Government Printing Office, 1918.

———. Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1918, with Appendices. Washington, DC: Government Printing Office, 1919.

———. Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1919, with Appendices. Washington, DC: Government Printing Office, 1920.

———. Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1920, with Appendices. Washington, DC: Government Printing Office, 1921.

———. Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1921, with Appendices. Washington, DC: Government Printing Office, 1922.

———. Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1922, with Appendices. Washington, DC: Government Printing Office, 1923.

———. Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1923, with Appendices. Washington, DC: Government Printing Office, 1924.

U.S. Department of War. Annual Report of the Secretary of War 1915. Washington, DC: Government Printing Office, 1915.

———. Annual Report of the Secretary of War 1916. 3 Vols. Washington, DC: Government Printing Office, 1916.

U.S. House of Representatives. Money Trust Investigation: Investigation of Financial and Monetary Conditions in the United States Under House Resolutions Nos. 429 and 504 Before a Subcommittee of the Committee on Banking and Currency. Washington, DC: Government Printing Office, 1918.

- . Report of the Committee Appointed Pursuant to House Resolutions 429 and 504 to Investigate the Concentration of Control of Money and Credit. Washington, DC: Government Printing Office, 1913.
- . Report of the Special Committee Authorized by Congress to Investigate the East St. Louis Riots, House Document No. 1231, 65th Congress, 2nd Session, 1918.
- . To Define Trading with the Enemy, Report No. 85, 1917.
- U.S. Navy. Annual Report of the Secretary of the Navy. Washington, DC: Government Printing Office, 1885.
- . Annual Report of the Secretary of the Navy. Washington, DC: Government Printing Office, 1887.
- . Annual Reports of the Navy Department for the Fiscal Year 1915. Washington, DC: Government Printing Office, 1916.
- U.S. Post Office Department. Government Control and Operation of Telegraph, Telephone and Marine Cable Systems, August 1, 1918, to July 31, 1919. Washington, DC: Government Printing Office, 1921.
- U.S. Secretary of War. Statement Concerning the Treatment of Conscientious Objectors in the Army. Washington, DC: Government Printing Office, 1919.
- U.S. Senate. Administrative Procedure Act: Legislative History, 79th Congress, 1944-46. No. 79-248. Washington, DC: Government Printing Office, 1946.
- . Administrative Procedure in Government Agencies: Report of the Committee on Administrative Procedure, Appointed by the Attorney General, at the Request of the President, to Investigate the Need for Procedural Reform in Various Administrative Tribunals and to Suggest Improvements Therein. No. 77-8. Washington, DC: Government Printing Office, 1941.
- . Report of the Special Committee on Investigation of the Munitions Industry. Washington, DC: Government Printing Office, 1936.
- . Supplemental Report on the Adequacy of Existing Legislation of the Special Committee on Investigation of the Munitions Industry. Washington, DC: Government Printing Office, 1936.
- U.S. Senate, Committee on Government Operations, Subcommittee on Intergovernmental Relations, and Harry N. Scheiber. The Condition of American Federalism: An Historian's View. Washington, DC: Government Printing Office, 1966.
- U.S. Senate, Interstate Commerce Committee. Extension of Tenure of Government Control of Railroads: Statements of Hon. W.G. McAdoo, Director General of Railroads.

Washington, DC: Government Printing Office, 1919.

———. *Extension of Tenure of Government Control of Railroads: Statements of Mr. Walker D. Hines, Director General of Railroads*. Washington, DC: Government Printing Office, 1919.

U.S. Senate, Select Committee to Study Governmental Operations with respect to Intelligence Activities. *Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans*, Book III. No. 94-755. Washington, DC: Government Printing Office, 1976.

U.S. Senate, Special Committee on the Termination of the National Emergency. *Emergency Powers Statutes: Provisions of Federal Law Now in Effect Delegating to the Executive Extraordinary Authority in Time of National Emergency*. Report No. 93-549. Washington, DC: Government Printing Office, 1973.

*Annual Report of the Attorney General of the United States for the Year 1917*. Washington, DC: Government Printing Office, 1917.

*Annual Report of the Attorney General of the United States for the Year 1918*. Washington, DC: Government Printing Office, 1918.

#### Books

Bevans, Charles I., ed. *Treaties and Other International Agreements of the United States of America, 1776-1949*. 13 vols. United States Treaty Series (1795-1945), 1949.

Interstate Commerce Commission of the United States. *Decisions of the Interstate Commerce Commission of the United States, June 1914 to October 1914*. Washington, DC: Government Printing Office, 1915.

———. *Decisions of the Interstate Commerce Commission of the United States, May 1917 to July 1917*. Washington, DC: Government Printing Office, 1917.

Kearney, George, ed. *Official Opinions of the Attorneys General of the United States*. Vol. 29. Washington, DC: Government Printing Office, 1913.

National Monetary Commission. *An Address by Senator Nelson W. Aldrich Before the Economic Club of New York, November 29, 1909, on the Work of the National Monetary Commission*. Washington, DC: Government Printing Office, 1910.

Palmer, Alexander Mitchell, United States. Alien Property Custodian, and Francis P. Garvan. *Aims and Purposes of the Chemical Foundation, Incorporated, and the Reasons for Its Organization*. New York: The De Vinne Press, 1919.

U.S. Bureau of the Census. *Historical Statistics of the United States: Colonial Times to 1970*. Bicentennial Edition. Washington, DC: Government Printing Office, 1975.

- U.S. Department of Commerce, Bureau of the Census. *Thirteenth Census of the United States Taken in the Year 1910*. Vol. I. 11 vols. Washington, DC: Government Printing Office, 1913.
- U.S. Department of State. *Papers Relating to the Foreign Relations of the United States: 1914 Supplement, The World War*. Washington, DC: Government Printing Office, 1928.
- . *Papers Relating to the Foreign Relations of the United States, 1914-1917*. Washington, DC: Government Printing Office, 1928.
- . *Papers Relating to the Foreign Relations of the United States, The Lansing Papers, 1914-1920*. Vol. 2. Washington, DC: Government Printing Office, 1939.
- U.S. Department of War, College Division, General Staff Corps. *Statement of a Proper Military Policy for the United States*. Washington, DC, 1915.
- Digest of the Opinions of the Judge Advocate General of the Army 1912-1940*. Washington, DC: Government Printing Office, 1942.
- International Radio Telegraph Convention of Berlin: 1906*. Washington, DC: Government Printing Office, 1912.
- Monthly Summary of Commerce and Finance of the United States for the Fiscal Year 1903*. Vol. X. New Series. Washington, DC: Government Printing Office, 1903.
- The Hague Convention (V) on 1907 Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land*. Washington, DC: Carnegie Endowment for International Peace, 1915.
- Articles
- Federal Reserve Board. "Announcement of Opening." Washington, DC, November 15, 1914.
- . "Law Department." *Federal Reserve Bulletin* (October 1917): 41–43.
- . "The World's Shipping: A Statistical Survey." *Federal Reserve Bulletin* (February 1921): 183–188.
- Hollenbeck, Scott, and Maureen Keenan Kahr. "Ninety Years of Individual Income and Tax Statistics, 1916-2005." *Statistics of Income Bulletin* 27, no. 3 (Winter 2008): 136–147.
- Paris, David, and Cecelia Hilgert. "70th Year of Individual Income and Tax Statistics, 1913-1982." *Statistics of Income Bulletin* 3, no. 3 (Winter 1984): 1–10.
- Squier, George Owen. "The Influence of Submarine Cables Upon Military and Naval Supremacy." *Proceedings of the United States Naval Institute* XXVI, no. 4 (October 1900): 599–622.



U.S. Committee on Public Information. "A Few Outlines for Speeches." *Four Minute Men Bulletin*, no. 21 (January 2, 1918): 7.

———. "Foreign Taxes vs. Savings-Stamps." *Four Minute Men Bulletin*, no. 21 (January 2, 1918): 6.

———. "Full Text of Report on Hog Island Shipyard Inquiry; No Fraud Disclosed But Accounts in Chaotic Condition and Plant Cost Is Held to Be Above 'Reasonable Need.'" *Official Bulletin 2*, no. 495 (July 18, 1917): 9–14.

———. "Introduction." *Four Minute Men News* (November 1917): 2.

———. "President Authorizes the Requisition of Shipping (Executive Order 2664), July 18, 1917." *Official Bulletin 1*, no. 54 (July 18, 1917): 1.

———. "The Wrong Idea." *Four Minute Men News* (November 1917): 3.

———. "Two Typical Illustrative Speeches." *Four Minute Men Bulletin*, no. 21 (January 2, 1918): 8.

———. "War Photographs for Release." *Official Bulletin 2*, no. 269 (March 28, 1917): 8.

"A Mysterious Visit." *Internal Revenue Record and Customs Journal*, April 9, 1870.

"Report of Naval Board." *Proceedings of the United States Naval Institute XVI*, no. 2 (1890): 201–277.

#### State and Local Governments

Blackmar, Frank W., ed. *History of the Kansas State Council of Defense*. Topeka, KS: Kansas State Printing Plant, 1921.

California State Council of Defense. *Report of the Activities of the California State Council of Defense from April 6, 1917, to January 1, 1918*. Sacramento, CA: California State Printing Office, 1918.

Maryland Council of Defense. *General Meeting of the Maryland Council of Defense*. Baltimore, MD, 1919.

Minnesota Commission of Public Safety. *Report of Minnesota Commission of Public Safety*. St. Paul, MN: L. F. Dow Co., 1919.

North Carolina Council of Defense. *Annual Report of North Carolina Council of Defense*. Raleigh, NC: Commercial Printing Company, 1918.

South Dakota State Council of Defense. *Report of the South Dakota State Council of Defense: 1917-1919*, 1920.

Wisconsin State Council of Defense. *Report of the Wisconsin State Council of Defense*. Madison, WI, 1919.

*Why We Are at War with Germany*. The Committee on Education for the Connecticut State Council of Defense, n.d. <http://hdl.handle.net/11134/30002:5334372>.

#### Foreign Governments

His Britannic Majesty's Government, Committee on Alleged German Outrages. *Report of the Committee on Alleged German Outrages*. Ottawa: Government Printing Bureau, 1916.

*The Parliamentary Debates: Fifth Session of the Twenty-Seventh Parliament of the United Kingdom of Great Britain and Ireland*. Vol. CXXXIII. Fourth Series. London: Wyman and Sons, Limited, 1904.

#### Digital Resources

Federal Reserve Bank of Minneapolis. "Consumer Price Index, 1913-: Historical Data from the Era of the Modern U.S. Consumer Price Index (CPI)," 2023.

National Bureau of Economic Research. "Index of Industrial Production and Trade for United States [M1204BUSM363SNBR]," August 17, 2012.

U.S. Army Public Affairs. "Army Sets Aside Convictions of 110 Black Soldiers Convicted in 1917 Houston Riots." *U.S. Army*, November 13, 2023. Accessed November 24, 2023. [https://www.army.mil/article/271614/army\\_sets\\_aside\\_convictions\\_of\\_110\\_black\\_soldiers\\_convicted\\_in\\_1917\\_houston\\_riots](https://www.army.mil/article/271614/army_sets_aside_convictions_of_110_black_soldiers_convicted_in_1917_houston_riots).

U.S. Department of the Treasury. "What Is the National Debt?" *FiscalData.Treasury.Gov*. Last modified 2023. Accessed December 8, 2023. <https://fiscaldata.treasury.gov/americas-finance-guide/national-debt/>.

———. "What Is the National Deficit?" *FiscalData.Treasury.Gov*. Last modified 2023. Accessed December 8, 2023. <https://fiscaldata.treasury.gov/americas-finance-guide/national-deficit/>.

U.S. Marshals Service. "The U.S. Marshals During World War I." *Historical Reading Room*. Accessed August 6, 2023. <https://www.archives.gov/research/immigration/enemy-alien/ww1>.

"World War I Enemy Alien Records." *National Archives*. Last modified May 22, 2023. Accessed August 6, 2023. <https://www.archives.gov/research/immigration/enemy-alien/ww1>.

#### Books

Adams, Ephraim Douglass. *Why We Are at War with Germany*. San Francisco: Liberty Loan

General Executive Board, c1918.

Adams, Henry. *The Education of Henry Adams: An Autobiography*. Boston, MA: Houghton Mifflin Company, 1918.

Alexander, James S. *The Principles Involved in War Financing*. New York, NY: National Bank of Commerce in New York, 1917.

Allison, Charles B., ed. *Alien Enemies and Property Rights under the Trading With Enemy Act*. New York, NY, 1921.

American Defense Society. *Hand Book of the American Defense Society*. New York, 1918.

American Protective League. *American Protective League: Organized with the Approval and Operating Under the Direction of the United States Department of Justice, Bureau of Investigation*. Washington, DC, 1918.

———. *Counter-Espionage Laws of the United States*. Washington, 1918.

American Union Against Militarism. *Conscription and the "Conscientious Objector" to War: Facts Regarding Exemptions from Military Service Under the Conscription Act*. Washington, DC: American Union Against Militarism, 1917.

Angell, Norman. *The Great Illusion: A Study of the Relation of Military Power to National Advantage*. Fourth Revised and Enlarged Edition. New York, NY: G.P. Putnam's Sons, 1913.

Baker, Ray Stannard. *Woodrow Wilson and World Settlement*. 3 vols. Garden City, NY: Doubleday, Page, 1922.

———. *Woodrow Wilson: Life and Letters*. 8 vols. New York: Doubleday, Doran, 1927.

Baker, Ray Stannard, and William E. Dodd. *The Public Papers of Woodrow Wilson*. 2 vols. New York: Harper & Brothers, 1970.

Bancroft, Frederic, ed. *Speeches, Correspondence and Political Papers of Carl Schurz*. Vol. V. 6 vols. New York, NY: G.P. Putnam's Sons, 1913.

Baruch, Bernard M. *American Industry in The War: A Report of the War Industries Board*. Washington, DC: Government Printing Office, 1921.

———. *Baruch*. 2 vols. New York: Henry Holt and Company, 1957.

Bastiat, Frédéric. *The Law*. Translated by Dean Russell. Irvington-on-Hudson, NY: Foundation for Economic Education, Inc., 1972.

Berdahl, Clarence A. *War Powers of the Executive in the United States*. Urbana, IL: University

of Illinois, 1921.

Berkman, Alexander, and Emma Goldman. *Anarchism on Trial: Speeches of Alexander Berkman and Emma Goldman before the United States District Court in the City of New York, July 1917*. New York, NY: Mother Earth Publishing Association, 1917.

Bishop, Joseph B., ed. *Theodore Roosevelt and His Time: Shown in His Own Letters*. Vol. I. New York, NY: Charles Scribner's Sons, 1920.

Blanqui, Jérôme-Adolphe. *History of Political Economy in Europe*. Translated by Emily J. Leonard. New York, NY: G.P. Putnam's Sons, 1885.

Bourne, Randolph. *The Radical Will: Selected Writings, 1911-1918*. Edited by Olaf Hansen. New York, NY: Urizen Books, 1977.

———. *The State*. Tucson, AZ: See Sharp Press, 1998.

———. *War and the Intellectuals: Essays by Randolph S. Bourne, 1915-1919*. Edited by Carl Resek. New York, NY: Harper & Row, 1964.

Bourne, Randolph, and James Oppenheim. *Untimely Papers*. New York, NY: B.W. Huebsch, Inc., 1919.

Brands, H.W., ed. *The Selected Letters of Theodore Roosevelt*. New York, NY: Cooper Square Press, 2001.

Brissenden, Paul F. *Justice and the I.W.W.* Chicago, IL: General Defense Committee, 1920.

Bryan, William Jennings, and Mary Baird Bryan. *The Memoirs of William Jennings Bryan*. Philadelphia: The John C. Winston Company, 1925.

Butler, Nicholas Murray. *A World in Ferment: Interpretations of the War for a New World*. New York, NY: Charles Scribner's Sons, 1917.

Chafee, Zechariah, Jr. *Freedom of Speech*. London: George Allen & Unwin, Ltd., 1920.

Cocks, F. Seymour, ed. *The Secret Treaties and Understandings*. London: Union of Democratic Control, 1918.

Council of National Defense. *National Defense Conference Held Under the Auspices of the Council on National Defense, Washington, D.C., May 2 and 3, 1917*. Washington, DC, 1917.

Creel, George. *How We Advertised America*. New York, NY: Harper & Brothers, 1920.

———. *Rebel at Large: Recollections of Fifty Crowded Years*. New York, NY: G.P. Putnam's Sons, 1947.

- Croly, Herbert. *The Promise of American Life*. New York, NY: The Macmillan Company, 1909.
- Cronon, E. David, ed. *The Cabinet Diaries of Josephus Daniels, 1913-1921*. Lincoln, NE: University of Nebraska Press, 1963.
- Crowder, E.H. *The Spirit of Selective Service*. New York, NY: The Century Co., 1920.
- Culbertson, William S. *Commercial Policy in War Time and After: A Study of the Application of Democratic Ideas to International Commercial Relations*. Problems of War and of Reconstruction. New York, NY: D. Appleton and Co., 1919.
- Daniels, Josephus. *The Wilson Era: Years of Peace, 1910-1917*. Chapel Hill, NC: University of North Carolina Press, 1944.
- . *The Wilson Era: Years of War and After, 1917-1923*. Chapel Hill, NC: The University of North Carolina Press, 1946.
- Dewey, John. *Characters and Events: Popular Essays in Social and Political Philosophy*. Edited by Joseph Ratner. 2 vols. New York: Henry Holt and Company, 1929.
- DeWolfe Howe, Mark, ed. *Holmes-Laski Letters: The Correspondence of Mr. Justice Holmes and Harold J. Laski*. 2 vols. Cambridge, MA: Harvard University Press, 1953.
- Duff, Harvey. *The Silent Defenders, Courts and Capitalism in California*. Chicago, IL: Industrial Workers of the World, n.d.
- Earle, Jr., George H. *Does Price Fixing Destroy Liberty? A Consideration of Certain Economic and Common Law Principles Applying to Government Interference with the Liberty of Trade*. Philadelphia, PA, 1920.
- . *The Liberty to Trade as Buttressed by National Law*. Philadelphia, PA, 1909.
- Eisenhower, Dwight D. *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1960-61*. Washington, DC: Office of the Federal Register, 1961.
- Ernest L. Meyer. *"Hey! Yellowbacks!" The War Diary of a Conscientious Objector*. New York, NY: The John Day Company, 1930.
- Executive Committee of the Progressive National Committee. *The Progressive Party: Its Record from January to July, 1916, Including Statements and Speeches of Theodore Roosevelt*. New York, NY: Press of the Mail and Express Print Job, 1916.
- Fox, George, Richard Hubberthorn, John Stubbs, Francis Hogwill, Gerald Roberts, John Boulton, Leonard Fell, et al. *A Declaration from the Harmless and Innocent People of God Called Quakers*. London: Robert Wilson, 1660.
- Garis, Roy L. *Immigration Restriction: A Study of the Opposition To and Regulation of*

- Immigration into the United States*. New York, NY: The Macmillan Company, 1927.
- Garrison, William Lloyd. *Selections from the Writings of W.L. Garrison*. Boston, MA: R.F. Wallcut, 1852.
- . *The Words of Garrison: A Centennial Selection (1805-1905) of the Characteristic Sentiments from the Writings of William Lloyd Garrison*. Boston, MA: Houghton, Mifflin and Company, 1905.
- George, David Lloyd. *War Memoirs of David Lloyd George, 1917-1918*. Boston, MA: Little, Brown and Company, 1936.
- Glass, Carter. *An Adventure in Constructive Finance*. Garden City, NY: Doubleday, Page & Company, 1927.
- Gompers, Samuel. *Seventy Years of Life and Labor: An Autobiography*. Edited by Nick Salvatore. Ithaca, NY: ILR Press, 1984.
- Gordon, Thomas, and John Trenchard. *Cato's Letters, or Essays on Liberty, Civil and Religious, and Other Important Subjects*. Edited by Ronald Hamowy. Vol. 4. Indianapolis: Liberty Fund, 1995.
- Grant, Madison. *The Passing of the Great Race: Or, The Racial Basis of European History*. New York, NY: Charles Scribner's Sons, 1916.
- Graves, William S. *America's Siberian Adventure, 1918-1920*. New York, NY: Peter Smith, 1941.
- Gray, Harold Studley. *Character "Bad": The Story of a Conscientious Objector, as Told in the Letters of Harold Studley Gray*. Edited by Kenneth Irving Brown. New York, NY: Harper & Brothers, 1934.
- Grose, Howard B. *Aliens or Americans?* New York: Young People's Missionary Movement, 1906.
- Haney, Lewis H. *Price Fixing in the United States During the War*. New York, NY: Academy of Political Science, 1919.
- Hanotaux, Gabriel. *Histoire Illustrée de La Guerre de 1914*. 17 vols. Paris: Gounouillhou, 1915–1924.
- Hart, Albert Bushnell. *The War in Europe: Its Causes and Results*. New York, NY, 1914.
- Hepburn, A. Barton. *Financing the War*. Princeton, NJ: Princeton University Press, 1918.
- Hirst, F.W. *The Political Economy of War*. New and Revised Edition. London: J.M. Dent & Sons, 1916.

- Hough, Emerson. *The Web*. Chicago: The Reilly & Lee Co., 1919.
- House, Edward M. *The Intimate Papers of Colonel House*. Edited by Charles Seymour. 4 vols. London: Ernest Benn Limited, 1926.
- House, Edward Mandell. *Philip Dru: Administrator*. New York, NY: B.W. Huebsch, Inc., 1912.
- Howeth, Linwood S. *History of Communications-Electronics in the United States Navy*. Washington, DC: Government Printing Office, 1963.
- Hurley, Edward N. *The Bridge to France*. Philadelphia, PA: J.B. Lippincott Company, 1927.
- Huxley, Aldous. *Complete Essays*. Edited by Robert S. Baker and James Sexton. 6 vols. Chicago, IL: Ivan R. Dee, 2000.
- International Congress of Women. *Report of the International Congress of Women, The Hague, April 28-May 1, 1915*. Amsterdam: International Women's Committee of Permanent Peace, 1915.
- John L. Heaton. *Cobb Of "The World": A Leader In Liberalism*. New York, NY: E.P. Dutton, 1924.
- Jordan, David Starr. *The Days of a Man: Being Memories of a Naturalist, Teacher, and Minor Prophet of Democracy*. Vol. 1. Yonkers-on-Hudson, NY: World Book Company, 1922.
- Keynes, John Maynard. *The Economic Consequences of the Peace*. New York, NY: Harcourt, Brace and Howe, 1920.
- Kipling, Rudyard. *Rudyard Kipling's Verse*. Garden City, NY: Doubleday and Company, Inc., 1939.
- Krooss, Herman E., ed. *Documentary History of Banking and Currency in the United States*. 4 vols. New York, NY: Chelsea House Publishers in Association with McGraw-Hill Book Co., 1969.
- Le Queux, William. *German Atrocities: A Record of Shameless Deeds*. London: George Newnes, Limited, 1914.
- Leland, Waldo G., and Newton D. Mereness, eds. *Introduction to the American Official Sources for the Economic and Social History of the World War*. New Haven: Yale University Press, 1926.
- Lindbergh, Charles A. *Banking and Currency and The Money Trust*. Washington, DC: National Capital Press, 1913.
- . *The Economic Pinch*. Philadelphia, PA: Dorrance & Company, 1923.

- . *Why Is Your Country at War and What Happens to You after the War and Related Subjects*. Washington, DC: National Capital Press, 1917.
- . *Your Country at War and What Happens to You After a War*. Philadelphia, PA: Dorrance & Company, 1934.
- Link, Arthur S., ed. *The Papers of Woodrow Wilson*. 69 vols. Princeton: Princeton University Press, 1966–1994.
- Lippmann, Walter. *The Stakes of Diplomacy*. New York, NY: Henry Holt and Company, 1915.
- Lodge, Henry Cabot. *War Addresses, 1915-1917*. Boston: Houghton Mifflin Company, 1917.
- Lodge, Henry Cabot, and Charles F. Redmond, eds. *Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge, 1884-1918*. Vol. I. 2 vols. New York, NY: De Capo Press, 1971.
- Lynd, Staughton, and Alice Lynd, eds. *Nonviolence in America: A Documentary History*. Maryknoll, NY: Orbis Books, 1995.
- Mahan, Alfred Thayer. *The Influence of Sea Power Upon History, 1660-1783*. Fifth Edition. Boston, MA: Little, Brown and Company, 1894.
- . *The Interest of America in Sea Power, Present and Future*. Boston, MA, 1897.
- March, Peyton C. *The Nation at War*. Garden City, NY: Doubleday, Doran & Co., 1932.
- Maxim, Hudson. *Defenseless America*. New York, NY: Hearst's International Library Co., 1915.
- McAdoo, William G. *Crowded Years: The Reminiscences of William G. McAdoo*. Boston, MA: Houghton Mifflin Company, 1931.
- McClure, James P., and J. Jefferson Looney, eds. *The Papers of Thomas Jefferson*. Charlottesville, VA: University of Virginia Press, 1950–2020.
- McMaster, John Bach. *The United States in the World War*. 2 vols. New York, NY: D. Appleton and Co., 1918–1920.
- Mencken, H. L. *Letters of H.L. Mencken*. Edited by Guy J. Fergie. New York, NY: Alfred A. Knopf, 1961.
- . *My Life as Author and Editor*. Edited by Jonathan Yardley. New York : Knopf, 1993.
- . *Prejudices: A Selection*. Edited by James T. Farrell. Baltimore, MD: Johns Hopkins University Press, 1996.
- . *The Vintage Mencken*. Edited by Alistair Cooke. New York, NY: Vintage Books, 1955.



- Menger, Carl. *Principles of Economics*. Translated by James Dingwall and Bert F. Hoselitz. Auburn, AL: Ludwig von Mises Institute, 2007.
- Mises, Ludwig von. *Nation, State, and Economy*. Translated by Leland B. Yeager. New York, NY: New York University Press, 1983.
- . *The Theory of Money and Credit*. Translated by J.E. Batson. Auburn, AL: Ludwig von Mises Institute, 2009.
- Morel, E.D. *Diplomacy Revealed*. London: National Labour Press Ltd., 1921.
- . *Military Preparations for the Great War: Fact versus Fiction*. London: Labour Publishing Company Ltd., 1922.
- . *Ten Years of Secret Diplomacy: An Unheeded Warning*. London: National Labour Press Ltd., 1915.
- . *The Secret History of a Great Betrayal*. Washington, DC: Government Printing Office, 1924.
- . *Truth and the War*. London: National Labour Press Ltd., 1916.
- National Association for the Advancement of Colored People. *Fighting a Vicious Film: Protest Against "The Birth of a Nation."* Boston, MA: National Association for the Advancement of Colored People (Boston Branch), 1915.
- National Civil Liberties Bureau. *War-Time Prosecutions and Mob Violence*. New York, NY: National Civil Liberties Bureau, 1918.
- National Popular Government League. *To the American People: Report upon the Illegal Practices of the United States Department of Justice*. Washington, DC: National Popular Government League, 1920.
- National Security League. *America at War: A Handbook of Patriotic Education References*. Edited by Albert Bushnell Hart. New York, NY: George H. Doran Company, 1918.
- . *Handbook of the War for Public Speakers*. Edited by Albert Bushnell Hart and Arthur O. Lovejoy. New York, NY: National Security League, 1917.
- . *Handbook of the War for Readers, Speakers and Teachers*. Edited by Albert Bushnell Hart and Arthur O. Lovejoy. Second Edition. New York, NY: National Security League, 1918.
- . *Proceedings of the Congress of Constructive Patriotism under the Auspices of the National Security League, Washington, D.C., January 25-27, 1917*. New York, NY: National Security League, 1917.

- . *Proceedings of the National Security Congress under the Auspices of the National Security League, Washington, January 20-22, 1916*. New York, NY: National Security League, 1916.
- . *The National Security League, Inc.: What It Is and Why, What It Has Done and Is Doing*. New York, NY: National Security League, 1917.
- . *We Are Unprepared*. New York, NY: National Security League, 1915.
- National Security League, and Robert McNutt McElroy. *Annual Report upon the Educational Work of The National Security League*. New York, NY: National Security League, 1919.
- Neilson, Francis. *How Diplomats Make War*. New York, NY: B.W. Huebsch, 1915.
- Nelles, Walter. *Espionage Act Cases, with Certain Others on Related Points: New Law in Making as to Criminal Utterance in War-Time*. New York, NY: National Civil Liberties Bureau, 1918.
- Ortega y Gasset, José. *The Revolt of the Masses*. Authorized Translation from the Spanish. London: George Allen & Unwin, Ltd., 1932.
- Orwell, George. *1984*. New York, NY: The New American Library, 1961.
- Paine, Albert Bigelow, ed. *Mark Twain's Letters*. Vol. II. 2 vols. New York, NY: Harper & Brothers, 1917.
- Paul, Alice, and Amelia Fry. *Conversations with Alice Paul: Woman Suffrage and the Equal Rights Amendment*. Berkeley, CA: Regents of the University of California, 1976.
- Pershing, John J. *My Experiences in the World War*. 2 vols. New York, NY: Frederick A. Stokes Company, 1931.
- Phelps, Edward J. *International Relations Address Before the Phi Beta Kappa Society of Harvard University, June 29, 1889*. Burlington, VT: Free Press Association, 1889.
- Plumb Plan League. *Plumb Plan League to Secure Public Ownership and Democracy in the Operation of the Railroads*. Washington, DC: Plumb Plan League, 1919.
- Richardson, James D. *A Compilation of the Messages and Papers of the Presidents*. Vol. VIII. 11 vols. Washington, DC: Authority of Congress, 1899.
- , ed. *Compilation of the Messages and Papers of the Presidents, 1789-1922*. 20 vols. New York, NY: Bureau of National Literature, 1897-1922.
- Roosevelt, Theodore. *Letter from Theodore Roosevelt to the Congress of Constructive Patriotism Held under the Auspices of the National Security League, Washington, D.C., January 26, 1917*. Washington, DC: National Security League, 1917.

- Sandburg, Carl. *The Chicago Race Riots, July 1919*. New York, NY: Harcourt, Brace and Howe, 1919.
- Scott, Emmett J. *Scott's Official History of the American Negro in the World War*. Chicago, IL: Homewood Press, 1919.
- Shaw, Albert, ed. *The Messages and Papers of Woodrow Wilson*. 2 vols. New York: Review of Reviews Corp., 1924.
- Smith, Grover, ed. *Letters of Aldous Huxley*. London: Chatto & Windus, 1969.
- Spencer, Herbert. *Social Statics: Or, The Conditions Essential to Human Happiness Specified ...* John Chapman, 1851.
- . *The Man versus the State*. Caldwell, ID: Caxton Printers, 1940.
- Spooner, Lysander. *The Constitution of No Authority*. Boston, MA, 1870.
- Stagg, J.C.A., ed. *The Papers of James Madison*. 44 vols. Charlottesville, VA: University of Virginia Press, 1962–2023.
- Stenshorne, Jennifer E., ed. *The Papers of George Washington*. Digital Edition. Vol. 20. Presidential Series. Charlottesville, VA: University of Virginia Press, 2008.
- Stevens, Doris. *Jailed for Freedom*. New York, NY: Liveright Publishing Corporation, 1920.
- Stimson, Henry L. *The Issues of the War*. New York, NY: National Security League, 1917.
- Sumner, William Graham. *Protectionism: The -Ism Which Teaches That Waste Makes Wealth*. New York, NY: Henry Holt and Company, 1887.
- . *The Forgotten Man and Other Essays*. Edited by Albert Galloway Keller. New Haven, CT: Yale University Press, 1918.
- . *War and Other Essays*. Edited by Albert Galloway Keller. New Haven, CT: Yale University Press, 1911.
- Taylor, Hannis. *A Review of President Wilson's Administration*. Washington, DC, 1916.
- Thomas, Norman. *Is Conscience a Crime?* The Garland Library of War and Peace. New York, NY: Garland Publishing, Inc., 1972.
- . *The Conscientious Objector in America*. New York, NY: B.W. Huebsch, Inc., 1923.
- de Tocqueville, Alexis. *Democracy in America*. Translated by Henry Revve. 7th ed. New York, NY: Edward Walker, 1847.
- Tumulty, Joseph P. *Woodrow Wilson as I Know Him*. Garden City, NY: Doubleday, Page &

- Company, 1921.
- U.S. Department of State. *Maritime Law: Correspondence Relative to Neutral Rights between the Government of the United States and the Powers Represented in the Congress at Paris*. Washington, DC: A.O.P. Nicholson, 1856.
- Vail, Theodore N. *Views on Public Questions: A Collection of Papers and Addresses of Theodore Newton Vail, 1907-1917*. Privately Printed, 1917.
- Vanderlip, Frank A., and Boyden Sparkes. *From Farm Boy to Financier*. New York, NY: D. Appleton and Co., 1935.
- Villard, Oswald Garrison. *Fighting Years: Memoirs of a Liberal Editor*. New York, NY: Harcourt, Brace and Company, 1939.
- . *Free Trade, Free World*. New York, NY: Robert Schalkenbach Foundation, 1947.
- Walters, Alexander. *My Life and Work*. New York, NY: Fleming H. Revell Company, 1917.
- Warburg, Paul M. *The Federal Reserve System: Its Origin and Growth*. Vol. 1. 2 vols. New York, NY: The Macmillan Company, 1930.
- Wells, David A. *Theory and Practice of Taxation*. New York, NY: D. Appleton and Co., 1900.
- . *Why We Trade and How We Trade*. New York, NY: G.P. Putnam's Sons, 1878.
- Weyl, Walter E. *The New Democracy: An Essay on Certain Political and Economic Tendencies in the United States*. New York, NY: The Macmillan Company, 1912.
- Wilbur, Ray Lyman. *The Memoirs of Ray Lyman Wilbur, 1875-1949*. Edited by Edgar Eugene Robinson and Paul Carroll Edwards. Stanford, CA: Stanford University Press, 1960.
- Willis, H. Parker. *The Federal Reserve System: Legislation, Organization and Operation*. New York, NY: The Ronald Press Company, 1923.
- . *The Theory and Practice of Central Banking*. New York, NY: Harper & Brothers, 1936.
- Willoughby, William Franklin. *Government Organization In War Time And After: A Survey of the Federal Civil Agencies Created for the Prosecution of the War*. New York, NY: D. Appleton and Co., 1919.
- Wilson, Woodrow. *The New Freedom: A Call for the Emancipation of the Generous Energies of a People*. London: Chapman and Hall, Ltd., 1913.
- Woolsey, Theodore D. *Introduction to the Study of International Law*. Third Edition. New York, NY: Scribner, Armstrong & Co., 1874.
- Official Book of the German Atrocities Told by Victims and Eye-Witnesses*. London: C. Arthur

Pearson, Ltd., 1915.

*Work of the Conference Committee on National Preparedness*. New York, NY, 1918.

### Articles

Adams, Samuel Hopkins. "Poisoning the Press." *Everybody's Magazine*, December 1917.

Allen, Frederick Lewis. "The American Tradition and the War." *The Nation*, April 26, 1917.

Allinson, Brent Dow. "Senator Nye Sums Up." *Christian Century* LII, no. 3 (January 16, 1935): 80–81.

American Railway Association Special Committee on National Defense. "How the Railroads Will Be Operated During the War." *The Railroads' War Board*, no. 1 (April 20, 1917): 1.

Ansell, S. T. "Status of State Militia under the Hay Bill." *Harvard Law Review* 30, no. 7 (1917): 712–723.

Anti-Imperialist League. *Save the Republic: Anti-Imperialist Leaflet No. 11-21*. Washington, DC: Anti-Imperialist League, 1898.

Baker, Newton D. "Some Legal Phases of the War." *American Bar Association Journal* 7, no. 7 (1921): 321–329.

Baldwin, Roger Nash. "The Faith of a Heretic." *The Nation* CVII, no. 2784 (November 9, 1918): 549.

Beffel, John Nicholas. "At Alcatraz." *Reedy's Mirror* XXIX, no. 19 (n.d.): 375–376.

Brooks, Charles F. "The 'Old-Fashioned' Winter of 1917-18." *Geographical Review* 5, no. 5 (1918): 405–414.

Bryan, William Jennings. "My Forecast on Next Year's Election." *Hearst's International* XLIV, no. 5 (November 1923): 21–23, 158–160.

Bullock, Charles J. "Financing the War." *Quarterly Journal of Economics* 31, no. 3 (May 1917): 357–379.

Chafee, Zechariah, Jr. "Freedom of Speech in War Time." *Harvard Law Review* 32, no. 8 (1919): 932–973.

Clark, J.M. "The Basis of War-Time Collectivism." *The American Economic Review* 7, no. 4 (December 1917): 772–790.

Cowin, Edward S. "War, the Constitution Moulder." *New Republic* 11, no. 136 (June 9, 1917): 153–155.

- Du Bois, W.E.B. "Another Open Letter to Woodrow Wilson." *The Crisis* 6, no. 5 (September 1913): 232–233, 236.
- Earle, George H. "A Central Bank as a Menace to Liberty." *The Annals of the American Academy of Political and Social Science* 31 (1908): 55–60.
- Fehr, Joseph Conrad. "Disposal of Enemy Property." *North American Review* 216, no. 800 (1922): 10–20.
- Godkin, E.L. "Armed Evangelists." *The Nation* LVI (March 16, 1893): 190–191.
- . "Naval Politics." *The Nation* LVI (March 9, 1893): 173–174.
- . "Our Diplomacy." *The Nation* XLIX, no. 1254 (July 11, 1889): 24.
- . "The Eclipse of Liberalism." *The Nation* LXXI (August 9, 1900): 105–106.
- . "The Income Tax Decision." *The Nation* LX (April 11, 1895): 272.
- Gompers, Samuel. "The Broken Pledge." *American Federationist* XXVII, no. 1 (January 1920): 41–50.
- Hall, Henry. "The Future of American Shipping." *Atlantic Monthly* XLVII (February 1881): 166–174.
- Hard, William. "Mr. Burleson, Espionagent." *New Republic* 19, no. 236 (May 10, 1919): 42–45.
- Hinrichs, A.E. "The Spread Eagle vs. Alien Property Rights." *The Nation* CXI, no. 2888 (November 10, 1920): 528–529.
- Hoar, George F. *Letter from the Hon. George F. Hoar, March 29, 1899*. Washington, DC: Anti-Imperialist League, 1898.
- Holt, Hamilton. "Armament Scandals." *The Independent* LXXIV, no. 3361 (May 1, 1913): 946–947.
- Hughes, Charles Evans. "Our After-War Dangers: In Saving the World Have We Lost Our Republic?" *The Forum* LXI (February 1919): 237–242.
- . "War Powers Under the Constitution." *Report of the Fortieth Annual Meeting of the American Bar Association Held at Saratoga Springs, New York, September 4, 5, 6, 1917* (1917): 232–248.
- Kohn, Robert D. "Housing in a Reconstruction Program." *The Survey* XLII, no. 9 (May 31, 1919): 341, 392, 394.
- Lamar, William H. "The Government's Attitude Toward the Press." *Printers' Ink* (August 8, 1918): 135–140.

- Lincicome, Scott. "The Obscure Maritime Law That Ruins Your Commute." *The Atlantic* (March 20, 2023).
- Lippmann, Walter. "What Program Shall the United States Stand for in International Relations?" *The Annals of the American Academy of Political and Social Science* 66, no. 1 (July 1916): 60–70.
- Lodge, Henry Cabot. "Our Blundering Foreign Policy." *The Forum* XIX (March 1895): 8–17.
- Lovejoy, A.O., Edward Capps, and A.A. Young. "Report of Committee on Academic Freedom in Wartime." *Bulletin of the American Association of University Professors* 4, no. 2/3 (March 1918).
- Luce, Stephen B. "A Powerful Navy Not Dangerous to Civil Liberty." *The United Service* II (January 1880): 109–113.
- . "Christian Ethics as an Element of Military Education." *The United Service* (January 1883): 1–14.
- . "The Benefits of War." *North American Review* 153, no. 421 (1891): 672–683.
- MacKaye, Milton. "The Birth of a Nation." *Scribner's Magazine* CII (November 1937): 40–46, 69.
- Mahan, Alfred Thayer. "Hawaii and Our Future Sea-Power." *The Forum* XV (March 1893): 1–11.
- May, Mark A. "The Psychological Examination of Conscientious Objectors." *The American Journal of Psychology* 31, no. 2 (1920): 152–165.
- Mencken, H. L. "What I Believe." *Forum and Century* LXXXIV, no. 3 (n.d.): 133–139.
- Morrow, J.D.A. "Why and Wherefore of the Coal Shortage." *Coal Age* 13, no. 1 (January 5, 1918): 10–12.
- National Security League. "A Declaration of Principles." *Our Country* II, no. 1 (July 1916): 5.
- Nock, Albert Jay. "Impostor-Terms." *Atlantic Monthly* 157, no. 2 (February 1936): 161–169.
- . "The One Thing Needful." *The Nation* 107, no. 2776 (September 14, 1918): 283.
- Nolan, Mary. "'That Night of Terror,' November 14, 1917." *The Suffragist* V, no. 97 (December 1, 1917): 7, 14.
- Nolan, Rose. "The Prison Notes of Rose Winslow." *The Suffragist* V, no. 97 (December 1, 1917): 6.
- Nye, Gerald P. "Should Governments Exercise Direct Control of Munitions Industries?"

- Congressional Digest* XIII, no. 11 (November 1934): 266, 268, 270.
- O'Brian, John Lord. "Uncle Sam's Spy Policies: Safeguarding American Liberty During the War." *The Forum*, April 1919.
- Palmer, A. Mitchell. "Crushing the German Advance in American Industry." *Scribner's Magazine* LXVI, no. 1 (July 1919): 17–24.
- . "The Great Work of the Alien Property Custodian." *The American Law Review* LIII (February 1919): 43–66.
- Parker, Gilbert. "The United States and the War." *Harper's Monthly* CXXXVI (March 1918): 521–531.
- Posselt, Erich. "Prisoner of War No. 3598." *The American Mercury* XI, no. 43 (July 1927): 313–323.
- Rogers, Lindsay. "Freedom of the Press in the United States." *The Contemporary Review* 114 (July 1, 1918): 177–183.
- Roosevelt, Theodore. "A Great Public Servant." *The Outlook*, January 13, 1915.
- Squier, George Owen. "Aeronautics in the United States, 1918." *Transactions of the American Institute of Electrical Engineers* XXXVIII, Part I (January 10, 1919): 1–62.
- Sumner, William G. "The Conquest of the United States by Spain." *The Yale Law Journal* 8, no. 4 (1899): 168–193.
- Thomas, Norman. "War's Heretics." *The Source* (December 7, 1918): 319–323.
- Turner, Frederick Jackson. "The Problem with the West." *Atlantic Monthly* 78, no. 467 (September 1896): 289–297.
- . "The Significance of the Frontier in American History." *Annual Report of the American Historical Association for the Year 1893* (1894): 197–227.
- Twain, Mark. "To the Person Sitting in Darkness." *North American Review*. Boston, Mass., etc., United States: North American Review Corp., etc., February 1901.
- U.S. Committee on Public Information. "Spies and Lies." *Saturday Evening Post* 191, no. 5 (August 5, 1918): 23.
- Villard, Oswald Garrison. "Our Drift into Militarism." *The Nation* 103, no. 2666 Supplement (August 3, 1916): 3–4.
- . "Preparedness Is Militarism." *The Annals of the American Academy of Political and Social Science* 66 (1916): 217–224.



- . “‘The Nation’ and the Post Office.” *The Nation* 107, no. 2778 (September 28, 1918): 336–337.
- Vincent, Jesse G. “Reasons Behind the Liberty Aviation Engine.” *SAE Transactions* 13 (1918): 96–103.
- . “The Liberty Aircraft Engine.” *SAE Transactions* 14 (1919): 385–432.
- Wells, David A. “An Income Tax: Is It Desirable?” *The Forum* XVII (March 1894): 1–13.
- . “The Communism of a Discriminating Income-Tax.” *North American Review* 130 (March 1880): 236–246.
- West, George P. “A Talk with Mr. Burleson.” *The Public* XX, no. 1019 (October 12, 1917): 985–987.
- Wilson, William B. “The Efficiency of Labor.” *The Annals of the American Academy of Political and Social Science* 78 (July 1918): 66–74.
- Young, Arthur C. “A Brief Account of What Happened at Buffalo When Orders Were Received to Disconnect All Radio Apparatus and Dismantle All Aerial Wires, and the Means Used to Enforce the Orders.” *QST* (July 1917): 26.
- “American Sympathies in the War.” *Literary Digest*, November 14, 1914.
- “Are We American Thieves?” *The Nation*, no. 3030 (August 1, 1923): 103–104.
- “Business Men Willing to Pay for Defense.” *The Nation’s Business* (June 1916): 4–5, 21.
- “Government Forced to Release Suffrage Prisons from Occoquan.” *The Suffragist* V, no. 97 (December 1, 1917): 4–5.
- “How the Government Seals Radio Apparatus.” *The Electrical Experimenter* (July 1917): 188.
- “I Recognize the Need.” *Army and Navy Journal* LII, no. 46 (July 17, 1915): 1465.
- “Mobilizing Our Industries for War: Story of the Wonderful Transformation Which the First Six Months of War Have Produced in American Industrial and Commercial Life.” *Current History* 7, no. 2 (November 1917): 223–237.
- “Mr. Burleson on the Grill.” *Literary Digest* LXI, no. 3 (April 19, 1919): 14–15.
- “Mr. Burleson to Rule the Press.” *Literary Digest* LV, no. 14 (October 6, 1917): 12.
- “News of the Week: Postal Censorship.” *The Public* XX, no. 1019 (October 12, 1917): 989.
- “On Behalf of Louis F. Post.” *New Republic* XXII, no. 282 (April 28, 1920): 264–266.

- “Our Heatless ‘Holidays.’” *Literary Digest* LVI, no. 4 (January 26, 1918): 5–7.
- “President May Run Railroads.” *The Traffic World* XVIII, no. 5 (July 29, 1916): 303–304.
- “Professors in Battle Array.” *The Nation* CVI, no. 2749 (March 7, 1918): 255.
- “Public Opinion Defeating the Strikes.” *Literary Digest* LXIII, no. 8 (November 22, 1919): 10–14.
- “Reconstruction.” *Monthly Labor Review* 8, no. 1 (1919): 40–76.
- “Running the Railroads Under the New Regime.” *Railway Age* 64, no. 3 (January 18, 1918): 153–157.
- “Silence Enemy Aliens.” *North American Review’s War Weekly*, April 27, 1918.
- “The Censorship of Messages.” *Wireless Age* 1, no. 12 (September 1914): 964–966.
- “The Democratic Plan for Strengthening the Army.” *Literary Digest* LII, no. 10 (March 4, 1916): 547–548.
- “The Farmer and Prices.” *Wallaces’ Farmer* 42, no. 35 (August 31, 1917): 1176–1177.
- “The Illinois Race War and Its Brutal Aftermath.” *Current Opinion* LXIII, no. 2 (August 1917): 75–77.
- “The Massacre of East St. Louis.” *The Crisis* 14, no. 5 (September 1917): 219–338.
- “The Nation’s Food as the Nation’s Business.” *Literary Digest* LV, no. 7 (August 18, 1917): 9–11.
- “The Negro Silent Parade.” *The Crisis* 14, no. 5 (September 1917): 242–243.
- “The Opposition to Judge Hook.” *Literary Digest* XLIV, no. 3 (January 20, 1912): 103–104.
- “The Railroad Situation.” *Federal Trade Reporter* 5, no. 17 (December 1, 1916): 503–515.
- “The Red Autocracy.” *American Legion Weekly* 1, no. 2 (n.d.): 10.
- “The Week.” *The Nation* CVI, no. 2761 (June 1, 1918): 637–639.
- “To Kill or Use German Press?” *Literary Digest* LVII, no. 6 (May 11, 1918): 12.
- “Treason’s Twilight Zone.” *Literary Digest* LIV, no. 23 (June 9, 1917): 1763–1765.
- “Turning the Negro Back.” *Congregationalist and Christian World* (September 18, 1913): 357, 359.

“Washington Letter.” *The National Review (China)*, September 19, 1914.

## Statutes and Regulations

### Statutes

- Act of April 22, 1898, 30 Stat. 361 (1898)
- Adamson Act, Pub. L. No. 64–252, 39 Stat. 721 (1916)
- Administrative Procedure Act, 60 Stat. 237 (1946)
- Aldrich–Vreeland Act of 1908, 35 Stat. 546 (1908)
- Alien Enemies Act, 50 U.S.C. § 21, 1 Stat. 577 (1798)
- Alien Registration Act, Pub. L. No. 76–670, 54 Stat. 670, ch. 439 (1940)
- An Act Enabling Certain Cities and Towns to Control Rents and Evictions, Pub. L. No. Chapter 842 (1970)
- Army Appropriations Act of 1916, 39 Stat. 619 (1916)
- Army Efficiency Act of 1903, 32 Stat. 830 (1903)
- Army Reorganization Act of 1901, 31 Stat. 748 (1901)
- Chinese Exclusion Act, Pub. L. No. 47–126, 22 Stat. 58, Chap. 126 (1882)
- Deficiency Appropriations Act of 1918, 40 Stat. 459 (1918)
- Departmental Reorganization Act, Pub. L. No. 65–152, 40 Stat. 556 (1918)
- Drug-Free Media Campaign Act of 1998, 112 Stat. 2681-752 (1998)
- Elkins Act of 1903, 32 Stat. 847 (1903)
- Emergency Banking Act, Pub. L. No. 73–1, 48 Stat. 1 (1933)
- Emergency Internal Revenue Tax Act of 1914, 38 Stat. 745 (1914)
- Espionage Act of 1917, 40 Stat. 217 (1917)
- Federal Control Act, 40 Stat. 451 (1918)
- Federal Reserve Act, Pub. L. No. 63–43, 38 Stat. 251, ch. 6 (1913)
- First Deficiency Appropriations Act of 1919, 40 Stat. 1020 (1918)
- Food and Fuel Control Act, Pub. L. No. 65–41, 40 Stat. 276 (1917)
- Food Control and District of Columbia Rents Act, 41 Stat. 297 (1919)
- Foreign Ship Registry Act, 38 Stat. 698 (1914)
- Hepburn Act of 1906, 34 Stat. 584 (1906)
- Housing and Rent Act of 1947, 61 Stat. 193 (1947)
- ICC Termination Act of 1995, 109 Stat. 183 (1995)
- Immigration Act of 1917, Pub. L. No. 64–301, 39 Stat. 874 (1917)
- Immigration Act of 1924, 43 Stat. 153 (1924)
- International Emergency Economic Powers Act, Pub. L. No. 95–223, 91 Stat. 1625 (1977)
- Interstate Commerce Act of 1887, Pub. L. No. 49–104, 24 Stat. 379 (1887)
- Joint Resolution, 40 Stat. 904 (1918)
- Joint Resolution of Congress Concerning Seizure of Enemy Ships, 40 Stat. 75 (1917)
- Joint Resolution Terminating the State of War, 42 Stat. 105 (1921)
- Mann-Elkins Act of 1910, 36 Stat. 539 (1910)
- Merchant Marine Act of 1920, Pub. L. No. 66–261, 41 Stat. 988 (1920)
- Militia Act of 1903, 32 Stat. 775 (1903)

Militia Act of 1908, 35 Stat. 399 (1908)  
 National Defense Act of 1916, Pub. L. No. 64–85, 39 Stat. 166 (1916)  
 National Emergencies Act, Pub. L. No. 94–412, 90 Stat. 1255 (1976)  
 Naval Appropriations Act of 1912, 37 Stat. 328 (1912)  
 Naval Appropriations Act of 1916, 38 Stat. 328 (1912)  
 Naval Emergency Fund Act of 1917, 39 Stat. 1168 (1917)  
 Priority of Shipments Act, 40 Stat. 272 (1917)  
 Radio Act of 1912, 37 Stat. 302 (1912)  
 Railroad Revitalization and Regulatory Reform Act, 90 Stat. 31 (1976)  
 Railway Administration Act of 1918, Pub. L. No. 65–107, 40 Stat. 451 (1918)  
 Revenue Act of 1861, 12 Stat. 292, 309 (1861)  
 Revenue Act of 1862, 12 Stat. 432 (1862)  
 Revenue Act of 1864, 13 Stat. 223 (1864)  
 Revenue Act of 1867, 14 Stat. 471, 477 (1867)  
 Revenue Act of 1894, 28 Stat. 509 (1864)  
 Revenue Act of 1913, 38 Stat. 114 (1913)  
 Revenue Act of 1916, Pub. L. No. 64–271, 39 Stat. 756, 777 (1916)  
 Revenue Act of 1918, 40 Stat. 1057 (1919)  
 Revenue Act of 1924, 43 Stat. 253 (1924)  
 Revenue Act of 1932, 47 Stat. 169 (1932)  
 Sedition Act of 1918, Pub. L. No. 65–150, 40 Stat. 553 (1918)  
 Selective Service Act of 1917, Pub. L. No. 65–12, 40 Stat. 76 (1917)  
 Selective Training and Service Act of 1940, 54 Stat. 885 (1940)  
 Settlement of War Claims Act of 1928, 45 Stat. 254 (1928)  
 Shipping Act of 1916, 39 Stat. 728 (1916)  
 Smith–Lever Act of 1914, Pub. L. No. 63–95, 38 Stat. 372 (1914)  
 Spanish-American War Revenue Act, 30 Stat. 448 (1898)  
 Staggers Rail Act, 94 Stat. 1895 (1980)  
 Trading with the Enemy Act of 1917, Pub. L. No. 65–91, 40 Stat. 411 (1917)  
 Transportation Act, 1920, Pub. L. No. 66–152, 41 Stat. 456 (1920)  
 Urgent Deficiencies Act, 40 Stat. 182 (1917)  
 U.S. Const., amend. XVI (1913)  
 War Revenue Act of 1917, 40 Stat. 300 (1917)  
 War Risk Insurance Act, 38 Stat. 711 (1914)  
 Wilson-Gorman Tariff Act of 1894, 28 Stat. 570 (1894)

## Regulations

Federal Reserve Board. “Regulation J, Series of 1915, (April 2, 1915).” *Federal Reserve Bulletin* 1, no. 1 (May 1, 1915): 45–46.

———. “Regulation R, Series of 1915, (September 7, 1915).” *Federal Reserve Bulletin* 1, no. 6 (October 1, 1915): 310–11.

Court Cases

## Supreme Court

Abrams v. United States, 250 U.S. 616 (1919)  
Adair v. United States, 208 U.S. 161 (1908)  
Auer v. Robbins, 519 U.S. 452 (1997)  
Baltzer v. United States, 248 U.S. 593 (1918)  
Bantam Books, Inc. v. Sullivan, 372 U.S. 58 (1963)  
Block v. Hirsh, 256 U.S. 135 (1921)  
Brandenburg v. Ohio, 395 U.S. 444 (1969)  
Central Union Trust Co. v. Garvan, 254 U.S. 554 (1921)  
Chastleton Corp. v. Sinclair, 264 U.S. 543 (1929)  
Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837 (1984)  
Cincinnati, New Orleans & Texas Pacific Railway Co. v. ICC, 162 U.S. 184 (1896)  
Commercial Cable Co. v. Burleson, 250 U.S. 360 (1919)  
Commercial Trust Co. v. Miller, 262 U.S. 51 (1923)  
Commonwealth v. Hamilton Mfg. Co., 120 Mass. 383 (1876)  
Coppage v. Kansas, 236 U.S. 1 (1915)  
Cox v. Wood, 247 U.S. 3 (1918)  
Dakota Central Tel. Co. v. South Dakota, 250 U.S. 163 (1919)  
Debs v. United States, 249 U.S. 211 (1919)  
Farbwerke v. Chemical Foundation, Inc., 283 U.S. 152 (1931)  
Frohwerk v. United States, 249 U.S. 204 (1919)  
Highland v. Russell Car & Snow Plow Co., 279 U.S. 253 (1929)  
International Paper Co. v. United States, 282 U.S. 399 (1931)  
Journal of Commerce & Commercial Bulletin v. Burleson, 229 U.S. 600 (1913)  
Kneidler v. Lane, 45 Pa. 238 (1863)  
Lochner v. New York, 198 U.S. 45 (1905)  
Marcus Brown Holding Co., Inc. v. Feldman, 256 U.S. 170 (1921)  
Muller v. Oregon, 208 U.S. 412 (1908)  
Northern Pacific Ry. Co. v. North Dakota, 250 U.S. 135 (1919)  
Pollock v. Farmers' Loan & Trust Co., 158 U.S. 429 (1895)  
Prigg v. Pennsylvania, 41 U.S. 539 (1842)  
Schenck v. United States, 249 U.S. 47 (1919)  
Selective Draft Law Cases, 245 U.S. 366 (1918)  
Stoehr v. Wallace, 255 U.S. 239 (1921)  
Swiss National Ins. Co., Ltd. v. Miller, 267 U.S. 42 (1925)  
Texas and Pacific Ry. Co. v. ICC, 162 U.S. 197 (1896)  
United States v. Chemical Foundation, 272 U.S. 1 (1926)  
United States v. Cohen Grocery Co., 255 U.S. 81 (1921)  
Weeds, Inc. v. United States, 255 U.S. 109 (1921)  
Wilson v. New, 243 U.S. 332 (1917)  
Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952)

### Federal Appeals Courts

Goldstein v. United States, 258 F. 908 (9th Cir. 1919)  
 Haywood v. United States, 268 F. 795 (7th Cir. 1920)  
 Masses Publishing Co. v. Patten, 246 F. 24 (2d Cir. 1917)  
 Masses Publishing Co. v. Patten, 245 F. 102 (2d Cir. 1917)  
 Schumann v. United States, 258 F. 233 (8th Cir. 1919)  
 Shaffer v. United States, 255 F. 886 (9th Cir. 1919)  
 Stokes v. United States, 264 F. 18 (8th Cir. 1920)  
 United States ex rel. Milwaukee Social Democrat Pub. Co. v. Burleson, 258 F. 282 (D.C. Cir. 1919)

### Federal District Courts

Commercial Cable Co. v. Burleson, 255 F. 99 (S.D.N.Y. 1919)  
 Jeffersonian Pub. Co. v. West, 245 F. 585 (S.D. Ga. 1917)  
 Masses Publishing Co. v. Patten, 244 F. 535 (S.D.N.Y. 1917)  
 United States v. Motion Picture Film "The Spirit of '76," 252 F. 946 (S.D. Cal. 1917)  
 Writers Guild of America, West, Inc. v. F.C.C., 1064 F. Supp. (C.D. Cal. 1976)

### State Courts

Ritchie v. People, 40 N.E. 454 (Ill. 1895)  
 State v. Le Barron, 162 P. 265 (Wyo. 1917)

### Newspapers

Altoona Times  
 Arkansas Gazette  
 Atlanta Constitution  
 Baltimore Sun  
 Belleville News-Democrat  
 Birmingham News  
 Birmingham News  
 Boston Globe  
 Bottineau Courant  
 Brooklyn Daily Eagle  
 Brooklyn Citizen  
 Buffalo Express  
 Champaign Daily News  
 Chicago Defender  
 Chicago Tribune  
 Daily Transcript (Norman, OK)  
 Dayton Forum  
 Des Moines Tribune

Dumfries and Galloway Standard & Advertiser  
Evening Capital (Annapolis, MD)  
Evening Gazette (Cedar Rapids, IA)  
Evening Public Ledger (Philadelphia, PA)  
Evening Star (Washington, DC)  
Evening World (New York, NY)  
Fargo Forum and Daily Republican  
Fort Worth Star-Telegram  
Gazette Times (Pittsburgh, PA)  
Gettysburg Compiler  
Helena Independent  
Indianapolis News  
Indianapolis Star  
Intelligencer Journal (Lancaster, PA)  
Internal Revenue Record and Customs Journal  
Kansas City Star  
La Crosse Republican (La Crosse, KS)  
La Crosse Tribune (La Crosse, WI)  
Lancaster Daily Intelligencer  
Logan (Utah) Republican  
Los Angeles Times  
Meeker Herald (Meeker, CO)  
Minneapolis Journal  
Minneapolis Morning Tribune  
Minneapolis Sunday Tribune  
Montgomery Advertiser  
National News (Chicago)  
New Times (Minneapolis)  
New Ulm Review  
New York Age  
New York Evening Post  
New York Herald  
New York Times  
New York Tribune  
Official Bulletin  
Pacific Commercial Advertiser  
Palladium-Item (Richmond, IN)  
Paris (TX) Morning News  
Philadelphia Inquirer  
Pittsburgh Daily Post  
Princeton Review  
Reading Eagle  
Reading Times  
San Francisco Chronicle  
San Francisco Examiner

San Jose Evening News  
 San Luis Obispo Daily Telegram  
 Sandusky (Ohio) Star-Journal  
 Sioux City Journal  
 St. Louis Post-Dispatch  
 St. Louis Star  
 Tampa Daily Tribune  
 The Sun (New York, NY)  
 Tomahawk (White Earth, MN)  
 USA Today  
 Wall Street Journal  
 Washington Post  
 Washington Times  
 Yonkers Herald

## Secondary Sources

### Books

- Abrahamson, James L. *The American Home Front: Revolutionary War, Civil War, World War I, World War II*. Washington, DC: National Defense University Press, 1983.
- Abrams, Ray H. *Preachers Present Arms: A Study of the War-Time Attitudes and Activities of the Churches and the Clergy in the United States, 1914-1918*. Philadelphia, PA, 1933.
- Ackerman, Kenneth D. *Young J. Edgar: Hoover, the Red Scare, and the Assault on Civil Liberties*. New York, NY: Carroll & Graf Publishers, 2007.
- Air Force Association. *Lifeline in Danger: An Assessment of the United States Defense Industrial Base*. Arlington, VA: Aerospace Educational Foundation, 1988.
- Albrecht-Carrié, René. *The Meaning of the First World War*. Englewood Cliffs, NJ: Prentice-Hall, Inc, 1965.
- Allen, H.C. *Great Britain and the United States: A History of Anglo-American Relations (1783-1952)*. New York, NY: St. Martin's Press, 1955.
- American Institute for Economic Research. *America's Unknown Enemy: Beyond Conspiracy*. Great Barrington, MA: American Institute for Economic Research, 1993.
- Anderson, Benjamin M. *Economics and the Public Welfare: A Financial and Economic History of the United States, 1914-1946*. Princeton, NJ: D. Van Nostrand Company, Inc., 1949.
- Aptheker, Herbert. *Toward Negro Freedom*. New York, NY: New Century Publishers, 1956.
- Armentano, Dominick T. *Antitrust and Monopoly: Anatomy of a Policy Failure*. New York: Wiley, 1982.



- Armstrong, William M. *E.L. Godkin and American Foreign Policy, 1865-1900*. New York, NY: Bookman Associates, 1957.
- Atwood, Paul L. *War and Empire: The American Way of Life*. London: Pluto, 2010.
- Avlon, John. *Washington's Farewell: The Founding Father's Warning to Future Generations*. New York, NY: Simon & Schuster, 2017.
- Axelrod, Alan. *Selling the Great War: The Making of American Propaganda*. New York, NY: Palgrave Macmillan, 2009.
- Barbeau, Arthur E., and Florette Henri. *The Unknown Soldiers: Black American Troops in World War I*. Philadelphia, PA: Temple University Press, 1974.
- Bastiat, Frédéric. *The Collected Works of Frédéric Bastiat*. Edited by Jacques Guenin and David M. Hart. Vol. 6. Indianapolis, IN: Liberty Fund, 2011.
- Beard, Charles A., and Mary R. Beard. *The Rise of American Civilization*. Vol. II. 2 vols. New York, NY: The Macmillan Company, 1927.
- Beaver, Daniel R. *Newton D. Baker and the American War Effort, 1917-1919*. Lincoln, NE: University of Nebraska Press, 1966.
- Bernardo, C. Joseph, and Eugene H. Bacon. *American Military Policy: Its Development since 1775*. Harrisburg, PA: Military Service Division, Stackpole Company, 1961.
- Bernstein, Marver H. *Regulating Business by Independent Commission*. Westport, CT: Greenwood Press, 1977.
- Billington, Ray Allen. *Frederick Jackson Turner*. New York, NY: Oxford University Press, 1971.
- Bing, Alexander M. *War-Time Strikes and Their Adjustments*. New York, NY: E.P. Dutton, 1921.
- Blakey, George T. *Historians on the Homefront: American Propagandists for the Great War*. Lexington, KY: University of Kentucky Press, 1970.
- Blakey, Roy G., and Gladys C. Blakey. *The Federal Income Tax*. New York, NY: Longmans, Green and Co., 1940.
- Blum, John M. *Joe Tumulty and the Wilson Era*. Boston, MA: Houghton Mifflin Company, 1951.
- Bowers, Claude G. *Beveridge and the Progressive Era*. New York, NY: The Literary Guild, 1932.

- Brandes, Stuart D. *Warhogs: A History of War Profits in America*. Lexington, KY: University Press of Kentucky, 1997.
- Breen, William J. *Uncle Sam at Home: Civilian Mobilization, Wartime Federalism, and the Council of National Defense, 1917-1919*. Westport, CT: Greenwood Press, 1984.
- Brooks, John. *Telephone: The First Hundred Years*. New York, NY: Harper & Row, 1976.
- Brown, Richard Maxwell. *Strain of Violence: Historical Studies of American Violence and Vigilantism*. Oxford, 1977.
- Brownlow, Kevin. *The War, the West, and the Wilderness*. New York, NY: Alfred A. Knopf, 1979.
- Bruner, Robert F., and Sean D. Carr. *The Panic of 1907: Lessons Learned from the Market's Perfect Storm*. Hoboken, NJ: John Wiley & Sons, 2007.
- Butler, Smedley D. *War Is a Racket*. New York, NY: Round Table Press, 1935.
- Capozzola, Christopher. *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen*. New York, NY: Oxford University Press, 2008.
- Cappella Zielinski, Rosella. *How States Pay for Wars*. Ithaca: Cornell University Press, 2016.
- Chadwick, French Ensor. *The Relations of the United States and Spain*. 3 vols. New York, NY: Charles Scribner's Sons, 1911.
- Chambers II, John W. *To Raise an Army: The Draft Comes to America*. New York, NY: The Free Press, 1987.
- Chandler, Lester V. *Benjamin Strong, Central Banker*. Washington, DC: The Brookings Institution, 1958.
- Chatfield, Charles. *For Peace and Justice: Pacificism in America, 1914-1941*. Knoxville, TN: University of Tennessee Press, 1971.
- Chernow, Ron. *The House of Morgan: An American Banking Dynasty and the Rise of American Finance*. New York, NY: Atlantic Monthly Press, 1990.
- Chodorov, Frank. *The Income Tax: Root of All Evil*. 2002 Online Edition. New York, NY: Devin-Adair, 1954.
- Chrislock, Carl H. *Watchdog of Loyalty: The Minnesota Commission of Public Safety during World War I*. St. Paul, MN: Minnesota Historical Society Press, 1991.
- Christmas, Billy. "Force and Coercion." In *The Routledge Companion to Libertarianism*, edited by Matt Zwolinski and Benjamin Ferguson, 148–163. London: Routledge, 2022.

- Clark, Christopher M. *The Sleepwalkers: How Europe Went to War in 1914*. New York, NY: HarperCollins, 2013.
- Clarkson, Grosvenor B. *Industrial America in the World War: The Strategy Behind the Line, 1917-1918*. Boston, MA: Houghton Mifflin Company, 1923.
- Coben, Stanley. *A. Mitchell Palmer: Politician*. New York, NY: Columbia University Press, 1963.
- Cole, Wayne S. *Senator Gerald P. Nye and American Foreign Relations*. Minneapolis, MN: University of Minnesota Press, 1962.
- Collins, Ross F. *Children, War, and Propaganda*. Mediating American History 6. New York, NY: Peter Lang Publishing, 2011.
- Cooling, Benjamin Franklin, ed. *War, Business, and American Society: Historical Perspectives on the Military-Industrial Complex*. Port Washington, NY: Kennikat Press, 1977.
- Cooper, John Milton. *Pivotal Decades: The United States, 1900-1920*. New York, NY: W.W. Norton & Company, 1990.
- Corera, Gordon. *Intercept: The Secret History of Computers and Spies*. London: Weidenfeld & Nicolson, 2015.
- Corwin, Edward S. *The President: Office and Powers, 1787-1948*. New York, NY: New York University Press, 1948.
- . *Total War and The Constitution*. New York, NY: Alfred A. Knopf, 1947.
- Cottrell, Robert C. *Roger Nash Baldwin and the American Civil Liberties Union*. New York, NY: Columbia University Press, 2000.
- Coulter, Matthew Ware. *The Senate Munitions Inquiry of the 1930s: Beyond the Merchants of Death*. Westport, CT: Greenwood Press, 1997.
- Coyne, Christopher J., and Peter J. Boettke. *The Essential Austrian Economics*. Vancouver: Fraser Institute, 2020.
- Coyne, Christopher J., and Abigail R. Hall. *Tyranny Comes Home: The Domestic Fate of U.S. Militarism*. Stanford, CA: Stanford University Press, 2018.
- Coyne, Christopher J., and Rachel L. Mathers. "The Fatal Conceit of Foreign Intervention." In *What Is so Austrian about Austrian Economics?*, edited by Roger Koppl, Steven Horwitz, and Pierre Desrochers, 14:225–250. *Advances in Austrian Economics*. Emerald Group Publishing Limited, 2010.
- Craig, Douglas B. *Progressives at War: William G. McAdoo and Newton D. Baker, 1863-1941*.

- Baltimore, MD: Johns Hopkins University Press, 2013.
- Cripps, Thomas. *Slow Fade to Black: The Negro in American Film, 1900-1942*. New York, NY: Oxford University Press, 1977.
- Crunden, Robert Morse. *The Superfluous Men: Conservative Critics of American Culture, 1900-1945*. Wilmington, DE: Intercollegiate Studies Institute, 1999.
- Cuff, Robert D. *The War Industries Board: Business-Government Relations During World War I*. Baltimore, MD: Johns Hopkins University Press, 1973.
- Cunningham, William J. *American Railroads: Government Control and Reconstruction*. Chicago, IL: A.W. Shaw Company, 1922.
- Daniels, Rudolph L. *The Great Railroad War: United States Railway Operations During World War I*. Pompton Plains, NJ: Garbely Publishing Company, 2017.
- Davis, Deborah. *Katharine the Great: Katharine Graham and the Washington Post*. New York, NY: Harcourt Brace Jovanovich, 1979.
- Dawley, Alan. *Changing the World: American Progressives in War and Revolution*. Princeton, NJ: Princeton University Press, 2003.
- De La Pedraja, René. *A Historical Dictionary of the U.S. Merchant Marine and Shipping Industry: Since the Introduction of Steam*. Westport, CT: Greenwood Press, 1994.
- . *The Rise and Decline of U.S. Merchant Shipping in the Twentieth Century*. Twayne's Evolution of American Business Series. New York, NY: Twayne Publishers, 1992.
- Denson, John V., ed. *Reassessing the Presidency: The Rise of the Executive State and the Decline of Freedom*. Auburn, AL: Mises Institute, 2001.
- . *The Costs of War: America's Pyrrhic Victories*. Second Expanded Edition. New Brunswick, NJ: Transaction Publishers, 1999.
- Detzer, Dorothy. *Appointment on the Hill*. New York, NY: Henry Holt and Company, 1948.
- Devlin, Patrick. *Too Proud to Fight: Woodrow Wilson's Neutrality*. New York, NY: Oxford University Press, 1975.
- DeWeerd, Harvey A. *President Wilson Fights His War: World War I and the American Intervention*. New York, NY: The Macmillan Company, 1968.
- Dixon, Frank H. *Railroads and Government: Their Relations in the United States, 1910-1921*. New York, NY: Charles Scribner's Sons, 1922.
- Dixon, Frank H., and Julius H. Parmelee. *War Administration of the Railways in the United*

- States and Great Britain*. New York, NY: Oxford University Press, 1919.
- Doenecke, Justus D. *Nothing Less than War: A New History of America's Entry into World War I*. Lexington, KY: University of Kentucky Press, 2011.
- Doris, Lillian, ed. *The American Way in Taxation: Internal Revenue, 1862-1963*. Englewood Cliffs, NJ: Prentice-Hall, Inc., 1963.
- Dos Passos, John. *Mr. Wilson's War*. Garden City, NY: Doubleday and Company, Inc., 1962.
- Doyle, Robert C. *The Enemy in Our Hands: America's Treatment of Prisoners of War from the Revolution to the War on Terror*. Lexington, KY: University Press of Kentucky, 2010.
- Dubofsky, Melvyn. *We Shall Be All: A History of the Industrial Workers of the World*. Edited by Joseph A. McCartin. Abridged Edition. Urbana, IL: University of Illinois Press, 2000.
- Duffy, James P. *Lindbergh vs. Roosevelt: The Rivalry That Divided America*. New York, NY: MFJ Books, 2010.
- Early, Frances H. *A World without War: How U.S. Feminists and Pacifists Resisted World War I*. Syracuse, NY: Syracuse University Press, 1997.
- Ebeling, Richard M., and Jacob G. Hornberger, eds. *The Failure of America's Foreign Wars*. Fairfax, VA: Future of Freedom Foundation, 1996.
- Edwards, John Carver. *Patriots in Pinstripe: Men of the National Security League*. Washington, DC: University Press of America, 1982.
- Eisner, Marc Allen. *From Warfare State to Welfare State: World War I, Compensatory State-Building, and the Limits of the Modern Order*. University Park, PA: The Pennsylvania State University Press, 2000.
- Ellis, Edward Robb. *Echoes of Distant Thunder: Life in the United States, 1914-1918*. New York, NY: Coward, McCann & Geoghegan, Inc., 1975.
- Ely, James W. *Railroads and American Law*. Lawrence, KS: University Press of Kansas, 2001.
- Ely, John Hart. *Constitutional Lessons of Vietnam and Its Aftermath*. Princeton, NJ: Princeton University Press, 1993.
- Emerson, Everett. *Mark Twain: A Literary Life*. Philadelphia, PA: University of Pennsylvania Press, 2000.
- Engelbrecht, H. C. *Revolt against War*. New York: Dodd, Mead & Company, 1937.
- Engelbrecht, H.C., and F.C. Hanighen. *Merchants of Death: A Study of the International Armament Industry*. New York, NY: Dodd, Mead & Company, 1934.

- Evans, Peter B., Dietrich Rueschemeyer, and Theda Skocpol, eds. *Bringing the State Back In*. Cambridge: Cambridge University Press, 1985.
- Ewing, Cortez A.M. *Congressional Elections, 1896-1944: The Sectional Basis of Political Democracy in the House of Representatives*. Norman, OK: University of Oklahoma Press, 1947.
- Ferrell, Robert H. *Woodrow Wilson and World War I, 1917-1921*. New York, NY: Harper & Row, 1985.
- Finnegan, John Patrick. *Against the Specter of a Dragon: The Campaign for American Military Preparedness, 1914-1917*. Westport, CT: Greenwood Press, 1974.
- Flexner, Eleanor. *Century of Struggle: The Woman's Rights Movement in the United States*. Cambridge, MA: Belknap Press of Harvard University Press, 1959.
- Floyd, M. Ryan. *Abandoning American Neutrality: Woodrow Wilson and the Beginning of the Great War, August 1914-December 1915*. New York, NY: Palgrave Macmillan, 2013.
- Flynn, George Q. *Conscription and Democracy: The Draft in France, Great Britain, and the United States*. Westport, CT: Greenwood Press, 2002.
- Flynn, John T. *The Roosevelt Myth*. New York, NY: Devin-Adair, 1948.
- Folsom, Jr., Burton. *Entrepreneurs vs. the State*. Reston, VA: Young America's Foundation, 1987.
- Folwell, William Watts. *A History of Minnesota*. 4 vols. St. Paul, MN: Minnesota Historical Society, 1926.
- Foner, Philip Sheldon. *Mark Twain, Social Critic*. New York, NY: International Publishers, 1958.
- Forcey, Charles. *The Crossroads of Liberalism: Croly, Weyl, Lippmann, and The Progressive Era, 1900-1925*. New York, NY: Oxford University Press, 1961.
- Franck, Thomas M. *Political Questions/Judicial Answers: Does the Rule of Law Apply to Foreign Affairs?* Princeton, NJ: Princeton University Press, 1992.
- Frankfurter, Felix, and Harlan B. Phillips. *Felix Frankfurter Reminisces*. New York, NY: Reynal & Company, 1960.
- Friedman, Milton, and Anna Jacobson Schwartz. *A Monetary History of the United States*. Princeton, NJ: Princeton University Press, 1963.
- . *Monetary Trends in the United States and the United Kingdom: Their Relation to Income, Prices, and Interest Rates, 1867-1975*. Chicago, IL: University of Chicago Press,

1982.

- Fussell, Paul. *The Great War and Modern Memory*. Oxford: Oxford University Press, 2013.
- G. Edward, Griffin. *The Creature from Jekyll Island: A Second Look at the Federal Reserve*. Second edition. Appleton, WI: American Opinion Publishing, 1994.
- Gamble, Richard M. *The War for Righteousness: Progressive Christianity, the Great War, and the Rise of the Messianic Nation*. Wilmington, DE: Intercollegiate Studies Institute, 2014.
- Garnett, David. *The Golden Echo*. Vol. 1. 3 vols. New York, NY: Harcourt, Brace and Company, 1954.
- Garraty, John A. *Henry Cabot Lodge: A Biography*. New York, NY: Alfred A. Knopf, 1965.
- Garrett, Garet. *The People's Pottage*. Caldwell, ID: Caxton Printers, 1953.
- Gelber, Lionel M. *The Rise of Anglo-American Friendship: A Study in World Politics, 1906-1906*. London: Oxford University Press, 1938.
- Gentile Ford, Nancy. *The Great War and America: Civil Military Relations during World War I*. Westport, CT: Praeger Security International, 2008.
- George, Alexander L., and Juliette L. George. *Woodrow Wilson and Colonel House: A Personality Study*. New York, NY: Dover Publications, Inc., 1964.
- Gerstle, Gary. *American Crucible: Race and Nation in the Twentieth Century*. Princeton, NJ: Princeton University Press, 2001.
- Gilbert, Charles. *American Financing of World War I*. Contributions in Economics and Economic History 1. Westport, CT: Greenwood Publishing, 1970.
- Glasson, William H. *Federal Military Pensions in the United States*. New York, NY: Oxford University Press, 1918.
- Glennon, Michael. *Constitutional Diplomacy*. Princeton, NJ: Princeton University Press, 1990.
- Godfrey, Aaron A. *Government Operation of the Railroads, 1918-1920: Its Necessity, Success, and Consequences*. Austin, TX: San Felipe Press, 1974.
- Goebel, Julius. *History of the Supreme Court of the United States*. 11 vols. Oliver Wendell Holmes Devise. New York, NY: The Macmillan Company, 1971–1985.
- Goldberg, Jonah. *Liberal Fascism: The Secret History of the American Left from Mussolini to the Politics of Meaning*. New York, NY: Doubleday, 2007.
- Goldman, Eric Frederick. *Rendezvous with Destiny: A History of Modern American Reform*. New York, Knopf, 1952.

- Goldstein, Robert Justin. *Political Repression in Modern America: From 1870 to 1976*. Urbana, IL: University of Illinois Press, 2001.
- Gordon, Linda. *The Second Coming of the KKK: The Ku Klux Klan of the 1920s and the American Political Tradition*. New York, NY: Liveright Publishing Corporation, 2017.
- Gould, Lewis L. *The First Modern Clash over Federal Power: Wilson versus Hughes in the Presidential Election of 1916*. Lawrence, KS: University Press of Kansas, 2016.
- Gould, Lewis L. *The Spanish-American War and President McKinley*. Lawrence, KS: University Press of Kansas, 1982.
- Graham, Jr., Otis L. *An Encore for Reform: The Old Progressives and the New Deal*. New York, NY: Oxford University Press, 1967.
- Graham, Sara Hunter. *Woman Suffrage and the New Democracy*. New Haven, CT: Yale University Press, 1996.
- Grant, James. *Bernard M. Baruch: The Adventures of a Wall Street Legend*. New York, NY: Simon & Schuster, 1983.
- Grattan, C. Hartley. *Why We Fought*. New York, NY: Vanguard Press, 1929.
- Greenwald, Glenn. *No Place to Hide: Edward Snowden, the NSA, and the U.S. Surveillance State*. New York, NY: Metropolitan Books, 2014.
- Grice-Hutchinson, Marjorie. *The School of Salamanca: Readings in Spanish Monetary Theory, 1544-1605*. Oxford: Clarendon Press, 1952.
- Gruber, Carol S. *Mars and Minerva: World War I and the Uses of the Higher Learning in America*. Baton Rouge, LA: Louisiana State University Press, 1975.
- Gullace, Nicoletta. *The Blood of Our Sons: Men, Women and the Renegotiation of British Citizenship during the Great War*. New York, NY: Palgrave Macmillan, 2004.
- Gunther, Gerald. *Learned Hand: The Man and the Judge*. New York, NY: Alfred A. Knopf, 1994.
- Hackett, John. *The Profession of Arms*. New York, NY: Macmillan Publishing Company, 1983.
- Haines, Henry S. *Restrictive Railway Legislation*. New York, NY: The Macmillan Company, 1905.
- Hamilton, John Maxwell. *Manipulating the Masses: Woodrow Wilson and the Birth of American Propaganda*. Baton Rouge, LA: Louisiana State University Press, 2020.
- Harries, Meirion. *The Last Days of Innocence: America at War, 1917-1918*. New York, NY:



- Random House, 1997.
- Hart, David M. "Class." In *The Routledge Companion to Libertarianism*, edited by Matt Zwolinski and Benjamin Ferguson, 291–307. London: Routledge, 2022.
- Hartmann. *The Movement to Americanize the Immigrant*. New York, NY: AMS Press, 1967.
- Hawley, Ellis W. *The Great War and the Search for a Modern Order*. Second Edition. New York, NY: St. Martin's Press, 1992.
- Hayek, F.A. *The Fatal Conceit: The Errors of Socialism*. Edited by W.W. Bartley III. Chicago, IL: University of Chicago Press, 1988.
- Healy, David. *U.S. Expansionism: The Imperialist Urge in the 1890s*. Madison, WI: University of Wisconsin Press, 1970.
- Healy, Gene. *The Cult of the Presidency: America's Dangerous Devotion to Executive Power*. Washington, DC: Cato Institute, 2008.
- Healy, Thomas. *The Great Dissent: How Oliver Wendell Holmes Changed His Mind--and Changed the History of Free Speech in America*. New York, NY: Metropolitan Books, 2013.
- Henkin, Lous. *Foreign Affairs and the Constitution*. New York, NY: Norton, 1975.
- Herman, Arthur. *Freedom's Forge: How American Business Produced Victory in World War II*. New York : Random House, 2012.
- Higgs, Robert. *Against Leviathan: Government Power and a Free Society*. Oakland, CA: Independent Institute, 2004.
- , ed. *Arms, Politics, and the Economy*. Independent Studies in Political Economy. New York, NY: Holmes & Meier, 1990.
- . *Crisis and Leviathan: Critical Episodes in the Growth of American Government*. New York: Oxford University Press, 1987.
- . *Crisis and Leviathan: Critical Episodes in the Growth of American Government*. 25th Anniversary Edition. Oakland, CA: The Independent Institute, 2012.
- Higham, John. *Strangers in the Land: Patterns of American Nativism, 1860-1925*. New Brunswick, NJ: Rutgers University Press, 1988.
- Hines, Walker D. *War History of American Railroads*. Economic and Social History of the World War. New Haven, CT: Yale University Press, 1928.
- Hobson, Fred C. *Mencken: A Life*. New York, NY: Random House, 1994.

- Hofstadter, Richard, and Walter P. Metzger. *The Development of Academic Freedom in the United States*. New York, NY: Columbia University Press, 1955.
- Holcombe, Randall G., ed. *The Great Austrian Economists*. Auburn, AL: Ludwig von Mises Institute, 1999.
- Hoogenboom, Ari Arthur, and Olive Hoogenboom. *A History of the ICC: From Panacea to Palliative*. New York, NY: W.W. Norton & Company, 1976.
- Horne, Charles F., ed. *Source Records of the Great War*. Vol. 7. New York, NY: National Alumni, 1923.
- Horwitz. *The Transformation of American Law, 1870-1960: The Crisis of Legal Orthodoxy*. New York, NY: Oxford University Press, 1992.
- Hughes, Jonathan. *The Government Habit Redux: Economic Controls from Colonial Times to the Present*. Princeton, NJ: Princeton University Press, 1991.
- Hull. *A Scrap of Paper: Breaking and Making International Law during the Great War*. Ithaca, NY: Cornell University Press, 2014.
- Hülsmann, Jörg Guido. *Mises: The Last Knight of Liberalism*. Auburn, AL: Ludwig von Mises Institute, 2007.
- Huxley, Aldous. *Brave New World Revisited*. New York, NY: Harper & Row, 1958.
- Hyman, Harold M. *Soldiers and Spruce: Origins of the Loyal Legion of Loggers and Lumbermen*. Los Angeles, CA: Institute of Industrial Relations, 1963.
- . *To Try Men's Souls: Loyalty Tests in American History*. Berkeley, CA: University of California Press, 1960.
- Hynes, Samuel. *A War Imagined: The First World War and English Culture*. New York, NY: Collier Books, 1992.
- Immerman, Richard H. *Empire for Liberty: A History of American Imperialism from Benjamin Franklin to Paul Wolfowitz*. Princeton, NJ: Princeton University Press, 2010.
- Jantscher, Gerald R. *Bread upon the Waters: Federal Aids to the Maritime Industries*. Studies in the Relation of Economic Activity. Washington, DC: The Brookings Institution, 1975.
- Jensen, Joan M. *Army Surveillance in America, 1775-1980*. New Haven, CT: Yale University Press, 1991.
- . *The Price of Vigilance*. Chicago, IL: Rand McNally & Company, 1969.
- John, Richard R. "When Techno-Diplomacy Failed: Walter S. Rogers, the Universal Electrical

- Communications Union, and the Limitations of the International Telegraph Union as a Global Actor in the 1920s.” In *History of the International Telecommunication Union (ITU): Transnational Techno-Diplomacy from the Telegraph to the Internet*, edited by Gabriel Balbi and Andreas Fickers, 55–75. Innovation and Diplomacy in Modern Europe 1. Berlin: De Gruyter Oldenbourg, 2020.
- Johnson, Donald. *Challenge to American Freedoms: World War I and the Rise of American Civil Liberties Union*. Lexington, KY: University of Kentucky Press, 1963.
- Johnson, Robert T. *Historical Beginnings...The Federal Reserve*. Boston, MA: Federal Reserve Bank of Boston, 2010.
- Jones, Margaret C. *Heretics & Hellraisers: Women Contributors to The Masses, 1911-1917*. Austin, TX: University of Texas Press, 1993.
- Jones, Richard Seelye. *A History of the American Legion*. Indianapolis, IN: The Bobbs-Merrill Company, 1946.
- de Jouvenel, Bertrand. *On Power: Its Nature and the History of Its Growth*. New York, NY: Viking Press, 1949.
- Karl, Barry D. *The Uneasy State: The United States from 1915 to 1945*. Chicago, IL: University of Chicago Press, 1983.
- Karp, Walter. *Buried Alive: Essays on Our Endangered Republic*. New York, NY: Franklin Square Press, 1992.
- . *The Politics of War: The Story of Two Wars Which Altered Forever the Political Life of the American Republic, 1890–1920*. New York, NY: Franklin Square Press, 2003.
- Katz, Friedrich. *The Life and Times of Pancho Villa*. Stanford, CA: Stanford University Press, 1998.
- Katz, Jonathan M. *Gangsters of Capitalism: Smedley Butler, the Marines, and the Making and Breaking of America’s Empire*. New York, NY: St. Martin’s Press, 2022.
- Kauffman, Bill. *Ain’t My America: The Long, Noble History of Antiwar Conservatism and Middle American Anti-Imperialism*. New York, NY: Metropolitan Books, 2008.
- Kaufman, Burton I. *Efficiency and Expansion: Foreign Trade Organization in the Wilson Administration, 1913-1921*. Contributions in American History No. 34. Westport, CT: Greenwood Press, 1974.
- Keene, Jennifer D. “Finding a Place for World War I in American History: 1914–2018.” In *Writing the Great War: The Historiography of World War I from 1918 to the Present*, edited by Christoph Cornelissen and Arndt Weinrich, 449–487. New York, NY: Berghahn Books, 2021.

- . *The United States and the First World War*. Harlow, England: Longman, 2000.
- Keith, Jeanette. *Rich Man's War, Poor Man's Fight: Race, Class, and Power in the Rural South during the First World War*. Chapel Hill, NC: University of North Carolina Press, 2004.
- Keller, Morton. *Affairs of State: Public Life in Late Nineteenth Century America*. Cambridge: Belknap Press of Harvard University Press, 1977.
- Kennedy, David M. *Over Here: The First World War and American Society*. Oxford: Oxford University Press, 1980.
- Kennedy, Paul M. "Imperial Cable Communications and Strategy, 1870-1914." In *The War Plans of the Great Powers, 1880-1914*, edited by Paul M. Kennedy, 75–98. London: Routledge, 2014.
- Kennedy, Ross A., ed. *A Companion to Woodrow Wilson*. New York, NY: Wiley-Blackwell, 2013.
- Kennon, Donald B., and Rebecca M. Rogers. *The Committee on Ways and Means: A Bicentennial History, 1789-1989*. Washington, DC: Government Printing Office, 1989.
- Kerr, K. Austin. *American Railroad Politics, 1914-1920: Rates, Wages, and Efficiency*. Pittsburgh, PA: University of Pittsburgh Press, 1968.
- Kingsbury, Celia Malone. *For Home and Country: World War I Propaganda on the Home Front*. Lincoln, NE: University of Nebraska Press, 2010.
- Klein, Maury. *Unfinished Business: The Railroad in American Life*. Hanover, NH: University Press of New England, 1994.
- . *Union Pacific: The Rebirth, 1894-1969*. Minneapolis, MN: University of Minnesota Press, 2006.
- Klein, Woody. *Liberties Lost: The Endangered Legacy of the ACLU*. Westport, CT: Praeger, 2006.
- Koenig, Louis W. *Bryan: A Political Biography of William Jennings Bryan*. New York, NY: G.P. Putnam's Sons, 1971.
- Koh, Harold. *The National Security Constitution: Sharing Power after the Iran-Contra Affair*. New Haven, CT: Yale University Press, 1990.
- Kohn, Stephen M. (Stephen Martin). *Jailed for Peace: The History of American Draft Law Violators, 1658-1985*. Westport, CT: Greenwood Press, 1986.
- Koistinen, Paul A. C. *The Military-Industrial Complex: A Historical Perspective*. New York, NY: Praeger, 1980.

- Koistinen, Paul A.C. *Mobilizing for Modern War: The Political Economy of American Warfare, 1865-1919*. Lawrence, KS: University Press of Kansas, 1997.
- Kolko, Gabriel. *Railroads and Regulations, 1877-1916*. Princeton, NJ: Princeton University Press, 1965.
- . *The Triumph of Conservatism: A Reinterpretation of American History, 1900–1916*. New York, NY: Free Press, 1963.
- Kornweibel Jr., Theodore. “Race and Conscientious Objection in World War I: The Story of the Church of God in Christ.” In *Proclaim Peace: Christian Pacifism from Unexpected Quarters*, edited by Theron F. Schlabach and Richard T. Hughes, 58–81. Urbana, IL: University of Illinois Press, 1997.
- Krammer, Arnold. *Undue Process: The Untold Story of America’s German Alien Internees*. New York, NY: Rowman & Littlefield Publishers, Inc., 1997.
- Kurian, George T., ed. *A Historical Guide to the U.S. Government*. New York, NY: Oxford University Press, 1998.
- Kwoka, Jr., John E., and Lawrence J. White. *The Antitrust Revolution: Economics, Competition, and Policy*. Fifth Edition. New York, NY: Oxford University Press, 2009.
- La Follette, Belle Case, and Fola La Follette. *Robert M. La Follette*. 2 vols. New York, NY: The Macmillan Company, 1953.
- LaFeber, Walter. *The American Age: United States Foreign Policy at Home and Abroad since 1750*. New York, NY: Norton, 1989.
- . *The New Empire: An Interpretation of American Expansion, 1860-1898*. Ithaca, NY: Cornell University Press, 1967.
- Lamson, Peggy. *Roger Baldwin, Founder of the American Civil Liberties Union: A Portrait*. Boston, MA: Houghton Mifflin Company, 1976.
- Larson, Bruce L. *Lindbergh of Minnesota: A Political Biography*. New York, NY: Harcourt Brace Jovanovich, 1973.
- Larson, Simeon. *Labor and Foreign Policy: Gompers, the AFL, and the First World War, 1914-1918*. Rutherford, NJ: Fairleigh-Dickinson University Press, 1975.
- Laski, Harold J. *The American Presidency: An Interpretation*. London: George Allen & Unwin, Ltd., 1940.
- Lasswell, Harold D. *Propaganda Technique in the World War*. New York, NY: Peter Smith, 1938.

- Lawson, Gary, and Guy Seidman. *The Constitution of Empire: Territorial Expansion & American Legal History*. New Haven, CT: Yale University Press, 2004.
- Lecht, Leonard A. *Experience under Railway Labor Legislation*. New York, NY: Columbia University Press, 1955.
- Lekachman, Robert. *The Age of Keynes*. London: Allen Lane The Penguin Press, 1967.
- Lett, Monica R. *Rent Control: Concepts, Realities, and Mechanisms*. New Brunswick, NJ: Center for Urban Policy Research, 1976.
- Leuchtenburg, William E. *The FDR Years: On Roosevelt and His Legacy*. New York, NY: Columbia University Press, 1995.
- . *The Perils of Prosperity, 1914-32*. Chicago, IL: University of Chicago Press, 1958.
- Levy, Leonard W. *Emergence of a Free Press*. New York, NY: Oxford University Press, 1985.
- Linfield, Michael. *Freedom under Fire: U.S. Civil Liberties in Times of War*. Boston, MA: South End Press, 1990.
- Link, Arthur S. *Wilson*. 5 vols. Princeton, NJ: Princeton University Press, 1947–1965.
- . *Woodrow Wilson: A Brief Biography*. Cleveland, OH: World Publishing Company, 1963.
- . *Woodrow Wilson and the Progressive Era, 1910-1917*. New York, NY: Harper & Brothers, 1954.
- Litman, Simon. *Prices and Price Control in Great Britain and the United States During the World War*. Oxford University Press, 1920.
- Livermore, Seward W. *Politics Is Adjourned: Woodrow Wilson and the War Congress, 1916-1918*. Middletown, CT: Wesleyan University Press, 1966.
- Longaker, Richard P. *The Presidency and Individual Liberties*. Ithaca, NY: Cornell University Press, 1962.
- Martin, Albro. *Enterprise Denied: Origins of the Decline of American Railroads, 1897-1917*. New York, NY: Columbia University Press, 1971.
- Martin, James J. *The Saga of Hog Island and Other Essays in Inconvenient History*. Colorado Springs, CO: R. Myles, 1977.
- Marvin, Winthrop L. *The American Merchant Marine: Its History and Romance from 1620 to 1902*. New York, NY: Charles Scribner's Sons, 1902.
- May, Christopher N. *In the Name of War: Judicial Review and the War Powers since 1918*.

- Cambridge, MA: Harvard University Press, 1989.
- May, Ernest R. *Imperial Democracy: The Emergence of America as a Great Power*. New York, NY: Harper & Row, 1961.
- May, Henry F. *The End of American Innocence: Study Of The First Years Of Our Own Time, 1912-1917*. New York, NY: Alfred A. Knopf, 1959.
- McCaleb, Walter F. *Brotherhood of Railroad Trainmen: With Special Reference to the Life of Alexander F. Whitney*. New York, NY: Albert & Charles Boni, 1936.
- McGirr, Lisa. *The War on Alcohol: Prohibition and the Rise of the American State*. New York, NY: W.W. Norton & Company, 2015.
- McWhirter, Cameron. *Red Summer: The Summer of 1919 and the Awakening of Black America*. New York, NY: Henry Holt & Co., 2011.
- Meltzer, Allan H. *A History of the Federal Reserve*. 2 vols. Chicago, IL: University of Chicago Press, 2003.
- Miller, David Hunter. *The Drafting of the Covenant*. 2 vols. New York, NY: G.P. Putnam's Sons, 1928.
- Miller, Sidney L. *Inland Transportation, Principles and Policies: A Revision and Extension of "Railway Transportation."* New York, NY: McGraw-Hill Book Company, 1933.
- Miller, Stuart Creighton. *"Benevolent Assimilation": The American Conquest of the Philippines, 1899-1903*. New Haven, CT: Yale University Press, 1982.
- Millis, Walter. *Road to War: America, 1914-1917*. Boston, MA: Houghton Mifflin Company, 1935.
- . *The Martial Spirit: A Study of Our War with Spain*. Cambridge, MA: The Riverside Press, 1931.
- Mises, Ludwig von. *Economic Calculation in the Socialist Commonwealth*. Translated by S. Adler. Auburn, AL: Ludwig von Mises Institute, 2012.
- . *Epistemological Problems of Economics*. Translated by George Reisman. Third Edition. Auburn, AL: Ludwig von Mises Institute, 2003.
- . *Human Action: A Treatise on Economics*. Auburn, AL: Ludwig von Mises Institute, 1998.
- . *The Free and Prosperous Commonwealth: An Exposition of the Ideas of Classical Liberalism*. Edited by Arthur Goddard. Translated by Ralph Raico. Princeton, NJ: D. Van Nostrand Company, Inc., 1962.

- Mock, James R. *Censorship, 1917*. Princeton, NJ: Princeton University Press, 1941.
- Mock, James R., and Cedric Larson. *Words That Won the War: The Story of the Committee on Public Information, 1917-1919*. Princeton, NJ: Princeton University Press, 1939.
- Mombauer, Annika. *The Origins of the First World War: Controversies and Consensus*. London: Longman, 2002.
- Morlan, Robert L. *Political Prairie Fire: The Nonpartisan League, 1915-1922*. Minneapolis, MN: University of Minnesota Press, 1955.
- Morris, Edmund. *The Rise of Theodore Roosevelt*. New York, NY: Coward, McCann & Geoghegan, Inc., 1979.
- . *Theodore Rex*. New York, NY: The Modern Library, 2001.
- Mullins, Eustace. *Secrets of the Federal Reserve: The London Connection*. Jekyll Island Edition. Staunton, VA: Bankers Research Institute, 1991.
- Murphy, Paul L. *The Meaning of Freedom of Speech: First Amendment Freedoms from Wilson to FDR*. Contributions in American History 15. Westport, CT: Greenwood Publishing, 1972.
- . *World War I and the Origin of Civil Liberties in the United States*. New York, NY: W.W. Norton & Company, 1979.
- Murray, Robert K. *Red Scare: A Study in National Hysteria, 1919-1920*. Minneapolis, MN: University of Minnesota Press, 1955.
- Nagler, Jörg. “Control and Internment of Enemy Aliens in the United States during the First World War.” In *Internment during the First World War*, edited by Stefan Manz, Panikos Panayi, and Matthew Stibbe, 181–204. London: Routledge, 2018.
- . *Nationale Minoritäten Im Krieg: “Feindliche Ausländer” Und Die Amerikanische Heimatfront Während Des Ersten Weltkrieges*. Hamburg: Hamburger Edition Institute for Social Research, 2000.
- Nash, George H. *The Life of Herbert Hoover: Master of Emergencies, 1917-1918*. New York, NY: W.W. Norton & Company, 1983.
- Navarro, Peter. *The Policy Game: How Special Interests and Ideologues Are Stealing America*. New York, NY: John Wiley & Sons, 1984.
- Neiberg, Michael S. *The Path to War: How the First World War Created Modern America*. New York, NY: Oxford University Press, 2016.
- Neu, Charles E. *Colonel House: A Biography of Woodrow Wilson’s Silent Partner*. New York,



- NY: Oxford University Press, 2015.
- Nevins, Allan. *Henry White: Thirty Years of Diplomacy*. New York, NY: Harper & Brothers, 1930.
- Newman, Patrick. *Cronyism: Liberty versus Power in Early America, 1607-1849*. Auburn, AL: Ludwig von Mises Institute, 2021.
- Nisbet, Robert A. *Twilight of Authority*. New York, NY: Oxford University Press, 1975.
- Nock, Albert Jay. *Memoirs of a Superfluous Man*, 1943.
- . *Our Enemy, the State*. New York, NY: William Morrow & Company, 1935.
- . *The Myth of a Guilty Nation*. New York, NY: B.W. Huebsch, Inc., 1922.
- O'Brien, Mary Barmeyer. *Jeannette Rankin, 1880-1973: Bright Star in the Big Sky*. Helena, MT: Falcon Press, 1995.
- Opitz, Edmund A, ed. *Leviathan at War*. Irvington-on-Hudson, NY: Foundation for Economic Education, Inc., 1995.
- Oppenheimer, Franz. *The State: Its History and Development Viewed Sociologically*. Translated by John M. Gitterman. New York, NY: B.W. Huebsch, Inc., 1922.
- Osgood, Robert Endicott. *Ideals and Self-Interest in America's Foreign Relations: The Great Transformation of the Twentieth Century*. Chicago, IL: University of Chicago Press, 1964.
- Paine, Albert Bigelow. *Mark Twain: A Biography*. Vol. III. 4 vols. New York, NY: Harper & Brothers, 1912.
- Palmer, Frederick. *Newton D. Baker: America at War*. 2 vols. New York, NY: Dodd, Mead & Company, 1931.
- Panavi, Panikos, ed. *Minorities in Wartime: National and Racial Groupings in Europe, North America, and Australia During the Two World Wars*. London: Bloomsburg Publishing, 2018.
- Paxson, Frederic L. *American Democracy and the World War*. 3 vols. New York, NY: Cooper Square Publishers, Inc., 1966.
- Pearlman, Michael. *To Make Democracy Safe for America: Patricians and Preparedness in the Progressive Era*. Urbana, IL: University of Illinois Press, 1984.
- Pérez, Jr., Louis A. *Cuba in the American Imagination: Imagination, Metaphor, and the Imperial Ethos*. Chapel Hill, NC: The University of North Carolina Press, 2008.

- Perkins, Bradford. *The Great Rapprochement: England and the United States, 1895-1914*. New York, NY: Atheneum, 1968.
- Pestritto, Ronald J. *Woodrow Wilson and the Roots of Modern Liberalism*. Lanham, MD: Rowman & Littlefield Publishers, Inc., 2005.
- Peterson, H.C. *Propaganda for War: The Campaign Against American Neutrality, 1914-1917*. Norman, OK: University of Oklahoma Press, 1939.
- Peterson, H.C., and Gilbert C. Fite. *Opponents of War, 1917-1918*. Paperback. Seattle, WA: University of Washington Press, 1968.
- Phillips, Kevin. *American Dynasty: Aristocracy, Fortune, and the Politics of Deceit in the House of Bush*. New York, NY: Penguin Books, 2004.
- Pinkleton, Bruce. "The Campaign of the Committee on Public Information: Its Contribution to the History and Evolution of Public Relations." In *Government Public Relations: A Reader*, edited by Mordecai Lee, 71–82. Boca Raton, FL: CRC Press, 2008.
- Polenberg, Richard. *Fighting Faiths: The Abrams Case, the Supreme Court, and Free Speech*. New York, NY: Viking Penguin, Inc., 1987.
- Pollack, Sheldon D. *War, Revenue, and State Building: Financing the Development of the American State*. Ithaca, NY: Cornell University Press, 2009.
- Ponsonby, M.P., Arthur. *Falsehood in War-Time*. London: Garland Publishing, Inc., 1928.
- Porter, Bruce D. *War and the Rise of the State: The Military Foundations of Modern Politics*. New York, NY: The Free Press, 1994.
- Powers, H.H. *America Among the Nations*. Chautauqua, NY: The Chautauqua Press, 1919.
- Pratt, Julius W. *Expansionists of 1898: The Acquisition of Hawaii and the Spanish Islands*. Baltimore, MD: Johns Hopkins University Press, 1936.
- Preston, William. *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933*. Cambridge: Harvard University Press, 1963.
- Pursell, Jr., Carroll W. *The Military-Industrial Complex*. New York, NY: Harper & Row, 1972.
- Rabban, David M. *Free Speech in Its Forgotten Years*. Cambridge: Cambridge University Press, 1997.
- Raico, Ralph. "American Foreign Policy: The Turning Point, 1898-1919." In *The Failure of America's Foreign Wars*, edited by Richard M. Ebeling and Jacob G. Hornberger. Fairfax, VA: Future of Freedom Foundation, 1996.

- . *Great Wars & Great Leaders: A Libertarian Rebuttal*. Auburn, AL: Ludwig von Mises Institute, 2015.
- Raimondo, Justin. *An Enemy of the State: The Life of Murray N. Rothbard*. Amherst, NY: Prometheus Books, 2000.
- Rand, Ayn. *The Virtue Of Selfishness: A New Concept of Egoism*. New York, NY: Signet, 1964.
- Ratner, Sidney. *Taxation and Democracy in America*. New York, NY: John Wiley & Sons, 1967.
- Rehnquist, William H. *All the Laws but One: Civil Liberties in Wartime*. New York, NY: Knopf, 2001.
- Rickover, H.G. *How the Battleship Maine Was Destroyed*. Washington, DC: Naval History Division, Department of the Navy, 1976.
- Riddle, Wesley Allen. "World War I and the Great Departure." In *The Failure of America's Foreign Wars*, edited by Richard M. Ebeling and Jacob G. Hornberger, 10–20. Fairfax, VA: Future of Freedom Foundation, 1996.
- Robinson, Peter. *Ronald Reagan: A Life in Photographs*. New York, NY: Fall River Press, 2010.
- Roche, John P. *The Quest for the Dream: The Development of Civil Rights and Human Relations in Modern America*. New York, NY: The Macmillan Company, 1963.
- Rochester, Stuart I. *American Liberal Disillusionment in the Wake of World War I*. University Park, PA: The Pennsylvania State University Press, 1977.
- Rockoff, Hugh. "Until It's Over, Over There: The US Economy in World War I." In *The Economics of World War I*, edited by Stephen Broadberry and Mark Harrison, 310–339. Cambridge: Cambridge University Press, 2005.
- . "War and Inflation in the United States from the Revolution to the Persian Gulf War." In *Economic History of Warfare and State Formation*, edited by Jari Eloranta, Eric Golson, Andrei Markevich, and Nikolaus Wolf, 159–195. Studies in Economic History. Singapore: Springer, 2016.
- Ross, William G. *World War I and the American Constitution*. Cambridge Studies on the American Constitution. Cambridge: Cambridge University Press, 2017.
- Rossiter, Clinton. *Constitutional Dictatorship: Crisis Government in The Modern Democracies*. Princeton, NJ: Princeton University Press, 1948.
- Rossiter, Clinton, and Richard P. Longaker. *The Supreme Court and the Commander in Chief*. Expanded Edition. Ithaca, NY: Cornell University Press, 1976.
- Rosten, Leo C. *The Washington Correspondents*. New York, NY: Harcourt, Brace and

- Company, 1937.
- Roth, Jack J., ed. *World War I: A Turning Point in Modern History*. New York, NY: Alfred A. Knopf, 1967.
- Rothbard, Murray N. *A History of Money and Banking in the United States: The Colonial Era to World War II*. Auburn, AL: Ludwig von Mises Institute, 2005.
- . *Anatomy of the State*. Auburn, AL: Ludwig von Mises Institute, 2009.
- . *Conceived in Liberty*. 4 vols. Auburn, AL: Ludwig von Mises Institute, 2011.
- . *For a New Liberty: The Libertarian Manifesto*. Auburn, AL: Ludwig von Mises Institute, 2006.
- . *Man, Economy, and State with Power and Market*. Scholar's Edition. Auburn, AL: Ludwig von Mises Institute, 2009.
- . *The Betrayal of the American Right*. Auburn, AL: Ludwig von Mises Institute, 2007.
- . *The Case Against the Fed*. Auburn, AL: Ludwig von Mises Institute, 2007.
- . *The Ethics of Liberty*. New York, NY: New York University Press, 1998.
- . *The Progressive Era*. Auburn, AL: Ludwig von Mises Institute, 2017.
- . "War Collectivism in World War I." In *A New History of Leviathan: Essays on the Rise of the American Corporate State*, edited by Ronald Radosh and Murray N. Rothbard, 66–110. New York, NY: E.P. Dutton, 1972.
- Rothstein, Richard. *The Color of Law: A Forgotten History of How Our Government Segregated America*. New York, NY: Liveright Publishing Corporation, 2017.
- Rudwick, Elliott M. *Race Riot at East St. Louis, July 2, 1917*. Carbondale, IL: Southern Illinois University Press, 1964.
- Safford, Jeffrey J. *Wilsonian Maritime Diplomacy, 1913-1921*. New Brunswick, NJ: Rutgers University Press, 1978.
- Schaffer, Ronald. *America in the Great War: The Rise of the War Welfare State*. New York, NY: Oxford University Press, 1991.
- Scheiber, Harry N. *The Wilson Administration and Civil Liberties, 1917-1921*. Ithaca, NY: Cornell University Press, 1960.
- Schirmer, Daniel B. *Republic or Empire: American Resistance to the Philippine War*. Cambridge, MA: Schenkman Publishing Company, Inc., 1972.

- Schlesinger, Arthur M. *The Imperial Presidency*. Boston, MA: Houghton Mifflin Company, 1973.
- Schmidt, Regin. *Red Scare: FBI and the Origins of Anticommunism in the United States, 1913-1943*. Copenhagen: Museumsculanum Press, University of Copenhagen, 2000.
- Schriftgiesser, Karl. *The Gentleman from Massachusetts: Henry Cabot Lodge*. Boston, MA: Little, Brown and Company, 1944.
- . *This Was Normalcy: An Account of Party Politics during Twelve Republican Years: 1920-1932*. New York, NY: Oriole Editions, 1973.
- Schwarz, Jordan A. *The Speculator: Bernard M. Baruch in Washington, 1917-1965*. Chapel Hill, NC: University of North Carolina Press, 1981.
- Scott, Anne Firor. *One Half the People: The Fight for Woman Suffrage*. Urbana, IL: University of Illinois Press, 1982.
- Sharfman, I. Leo. *Interstate Commerce Commission: A Study in Administrative Law and Procedure*. Vol. 1. 5 vols. New York, NY: The Commonwealth Fund, 1931.
- . *The American Railroad Problem: A Study in War and Reconstruction*. The Century New World Series. New York, NY: The Century Co., 1921.
- Shimazu, Naoko. *Japan, Race and Equality: The Racial Equality Proposal of 1919*. London: Routledge, 1998.
- Skowronek, Stephen. *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*. Cambridge: Cambridge University Press, 1982.
- Slide, Anthony. *The Big V: A History of the Vitagraph Company*. Metuchen, NJ: The Scarecrow Press, Inc., 1976.
- Smith, Darrell Hevenor, and Paul V. Betters. *The United States Shipping Board: Its History, Activities, and Organization*. Service Monographs of the United States Government 63. Washington, DC: The Brookings Institution, 1931.
- Smith, Donald L. *Zechariah Chafee, Jr.: Defender of Liberty and Law*. Cambridge, MA: Harvard University Press, 1986.
- Socolofsky, Homer E., and Allan B. Spetter. *The Presidency of Benjamin Harrison*. Lawrence, KS: University Press of Kansas, 1987.
- Sollenberger, Mitchel A., and Mark J. Rozell. *The President's Czars: Undermining Congress and the Constitution*. Lawrence, KS: University of Kansas Press, 2012.
- Spector, Ronald. *Professors of War: The Naval War College and the Development of the Naval*

- Profession*. Newport, RI: Naval War College Press, 1977.
- Splawn, Walter M.W. *Government Ownership and Operation of Railroads*. New York, NY: The Macmillan Company, 1928.
- Stanley, Robert. *Dimensions of Law in the Service of Order: Origins of the Federal Income Tax, 1861-1913*. New York, NY: Oxford University Press, 1993.
- Steiner, Zara. *Britain and the Origins of the First World War*. London: The Macmillan Press, 1977.
- Stephenson, George M. *A History of American Immigration, 1820-1924*. Boston, MA: Ginn and Company, 1926.
- Stid, Daniel D. *The President as Statesman: Woodrow Wilson and the Constitution*. Lawrence, KS: University of Kansas Press, 1998.
- Stone, Geoffrey R. *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism*. New York, NY: W.W. Norton & Company, 2004.
- Stone, Richard D. *The Interstate Commerce Commission and the Railroad Industry: A History of Regulatory Policy*. New York, NY: Praeger, 1991.
- Stovall, Tyler. *Paris Noir: African Americans in the City of Light*. Boston, MA: Houghton Mifflin Company, 1996.
- Stover, John F. *American Railroads*. Chicago, IL: University of Chicago Press, 1997.
- . *The Life and Decline of the American Railroad*. New York, NY: Oxford University Press, 1970.
- Striner, Richard. *Woodrow Wilson and World War I: A Burden Too Great to Bear*. Lanham, MD: Rowman & Littlefield Publishers, Inc., 2014.
- Tansill, Charles C. *America Goes to War*. Boston, MA: Little, Brown and Company, 1942.
- Taylor, A.J.P. *English History: 1914-1945*. New York, NY: Oxford University Press, 1965.
- Thomas, Evan. *The War Lovers: Roosevelt, Lodge, Hearst, and the Rush to Empire, 1898*. New York, NY: Little, Brown and Company, 2010.
- Thomas, Jr., William H. *Unsafe for Democracy: World War I and the U.S. Justice Department's Covert Campaign to Suppress Dissent*. Madison, WI: The University of Wisconsin Press, 2008.
- Thompson, John A. *Reformers and War: American Progressive Publicists and the First World War*. Cambridge: Cambridge University Press, 1987.

- Tobin, Harold J., and Percy W. Bidwell. *Mobilizing Civilian America*. New York, NY: Council on Foreign Relations, 1940.
- Todd, Lewis Paul. *Wartime Relations of the Federal Government and the Public Schools, 1917-1918*. New York, NY: Arno Press, 1971.
- Toft, Monica Duffy, and Sidita Kushi. *Dying by the Sword: The Militarization of US Foreign Policy*. New York, NY: Oxford University Press, 2023.
- Tompkins, E. Berkeley. *Anti-Imperialism in the United States: The Great Debate, 1890-1920*. Philadelphia, PA: University of Pennsylvania Press, 1970.
- Turk, Richard W. *The Ambiguous Relationship: Theodore Roosevelt and Alfred Thayer Mahan*. Westport, CT: Greenwood Press, 1987.
- Turner, John Kenneth. *Shall It Be Again?* New York, NY: B.W. Huebsch, Inc., 1922.
- Tyler, Robert L. *Rebels of the Woods: The I.W.W. in the Pacific Northwest*. Eugene, OR: University of Oregon Books, 1967.
- Tyrrell, Ian, and Jay Sexton, eds. *Empire's Twin: U.S. Anti-Imperialism from the Founding Era to the Age of Terrorism*. Ithaca, NY: Cornell University Press, 2015.
- Urofsky, Melvin I. *A March of Liberty: A Constitutional History of the United States*. New York : Knopf, 1988.
- . *Louis D. Brandeis: A Life*. New York, NY: Pantheon Books, 2009.
- Vaughn, Stephen. *Holding Fast the Inner Lines: Democracy, Nationalism, and the Committee on Public Information*. Chapel Hill, NC: University of North Carolina Press, 1980.
- Venzon, Anne Cipriano, ed. *The United States in the First World War: An Encyclopedia*. New York, NY: Garland Publishing, Inc., 1995.
- Villard, Oswald Garrison. *Oswald Garrison Villard: The Dilemmas of the Absolute Pacifist in Two World Wars*. Edited by Anthony Gronowicz. London: Routledge, 2021.
- Vincent, Jonathan. *The Health of the State: Modern US War Narrative and the American Political Imagination, 1890-1964. The Health of the State*. New York, NY: Oxford University Press, 2017.
- Walker, Samuel. *In Defense of American Liberties: A History of the ACLU*. New York, NY: Oxford University Press, 1990.
- . *Presidents and Civil Liberties from Wilson to Obama: A Study of Poor Custodians*. Cambridge: Cambridge University Press, 2012.

- Ward, Larry Wayne. *The Motion Picture Goes to War: The U.S. Government Film Effort during World War I*. Studies in Cinema No. 37. Ann Arbor, MI: UMI Research Press, 1985.
- Watson, Jr., Richard L. *The Development of National Power: The United States, 1900-1919*. Boston, MA: Houghton Mifflin Company, 1976.
- Weinberg, Albert K. *Manifest Destiny: A Study of Nationalist Expansion in American History*. Chicago, IL: Quadrangle Books, 1935.
- Weiner, Tim. *Legacy of Ashes: The History of the CIA*. New York, NY: Doubleday, 2007.
- Weinrib, Laura M. *The Taming of Free Speech: America's Civil Liberties Compromise*. Cambridge, MA: Harvard University Press, 2016.
- Weinstein, James. *The Corporate Ideal in the Liberal State, 1900-1918*. Boston, MA: Beacon Press, 1968.
- . *The Decline of Socialism in America, 1912-1925*. New York, NY: Monthly Review Press, 1967.
- West, Robert Craig. *Banking Reform and the Federal Reserve, 1863-1923*. Ithaca, NY: Cornell University Press, 1977.
- Whalan, Mark. "The Military-Industrial Complex." In *A History of American Literature and Culture of the First World War*, edited by Tim Dayton and Mark W. Van Wienen, 368–380. Cambridge, 2021.
- Whitehurst, Jr., Clinton H. *American Domestic Shipping in American Ships: Jones Act Costs, Benefits, and Options*. Washington, DC: American Enterprise Institute for Public Policy Research, 1985.
- . *The U.S. Shipbuilding Industry: Past, Present, and Future*. Annapolis, MD: Naval Institute Press, 1986.
- Wicker, Elmus. *The Great Debate on Banking Reform: Nelson Aldrich and the Origins of the Fed*. Columbus, OH: The Ohio State University Press, 2005.
- Wicker, Elmus R. *Federal Reserve Monetary Policy, 1917-1933*. New York, NY: Random House, 1966.
- Williams, Chad L. *Torchbearers of Democracy: African American Soldiers in the World War I Era*. Chapel Hill, NC: University of North Carolina Press, 2010.
- Williams, William Appleman. *The Contours of American History*. Chicago, IL: Quadrangle Books, 1961.
- . *The Roots of the Modern American Empire: A Study of the Growth and Shaping of*



- Social Consciousness in a Marketplace Society*. New York, NY: Random House, 1969.
- . *The Tragedy of American Diplomacy*. Cleveland, OH: World Publishing Company, 1959.
- Wilson, Woodrow. *A History of the American People*. 5 vols. New York, NY: Harper & Brothers, 1902.
- Wiltz, John E. *In Search of Peace: The Senate Munitions Inquiry, 1934-36*. Baton Rouge, LA: Louisiana State University Press, 1963.
- Winkler, Jonathan Reed. *Nexus: Strategic Communications and American Security in World War I*. Cambridge, MA: Harvard University Press, 2008.
- Wittke, Carl. *German-Americans and the World War*. Columbus, OH: Ohio State Archaeological and Historical Society, 1936.
- Wreszin, Michael. *Oswald Garrison Villard: Pacifist at War*. Bloomington: Indiana University Press, 1965.
- . *The Superfluous Anarchist: Albert Jay Nock*. Providence, RI: Brown University Press, 1972.
- Wynn, Neil A. *From Progressivism to Prosperity: World War I and American Society*. New York, NY: Holmes & Meier, 1986.
- Yoo, John. *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11*. Chicago, IL: University of Chicago Press, 2005.
- Zeis, Paul Maxwell. *American Shipping Policy*. Princeton, NJ: Princeton University Press, 1938.
- Zieger, Robert H. *America's Great War: World War I and the American Experience*. Lanham, MD: Rowman & Littlefield Publishers, Inc., 2000.
- Zimmermann, Warren. *First Great Triumph: How Five Americans Made Their Country a World Power*. New York, NY: Farrar, Straus and Giroux, 2004.
- Zwick, Jim. *Mark Twain's Weapons of Satire: Anti-Imperialist Writings on the Philippine-American War*. Syracuse, NY: Syracuse University Press, 1992.

### Articles

- Abrahamson, James L. "David Starr Jordan and American Antimilitarism." *The Pacific Northwest Quarterly* 67, no. 2 (1976): 76–87.
- Allen, Howard W. "Republican Reformers and Foreign Policy, 1913-17." *Mid-America* XLIV (October 1962): 222–229.

- Allin, Lawrence C. "Ill-Timed Initiative: The Ship Purchase Bill of 1915." *The American Neptune* XXXIII, no. 3 (July 1973): 178–198.
- van Alstyne, Richard W. "Private American Loans to the Allies, 1914-1916." *Pacific Historical Review* 2, no. 2 (1933): 180–193.
- Alvarez, Gabriel Calzada. "Mises and Rothbard on War Finance." *Procesos de Mercado: Revista Europea de Economía Política* II, no. 1 (2005): 147–170.
- Anderson, Adrian. "President Wilson's Politician: Albert Sidney Burleson of Texas." *The Southwestern Historical Quarterly* 77, no. 3 (January 1974): 339–354.
- Angoff, Charles. "The Higher Learning Goes to War." *The American Mercury* XI, no. 42 (June 1927): 177–191.
- Auerbach, Jerold S. "Woodrow Wilson's 'Prediction' to Frank Cobb: Words Historians Should Doubt Ever Got Spoken." *The Journal of American History* 54, no. 3 (1967): 608–617.
- Baack, Bennett D., and Edward John Ray. "Special Interests and the Adoption of the Income Tax in the United States." *The Journal of Economic History* 45, no. 3 (1985): 607–625.
- Barnes, Harry Elmer. "Woodrow Wilson." *The American Mercury* I, no. 4 (April 1924): 479–490.
- Bass, Herbert J. "David B. Hill and the 'Steal of the Senate,' 1891." *New York History* 41, no. 3 (July 1960): 299–311.
- Beard, Charles A. "New Light on Bryan and War Policies." *The New Republic* LXXXVII, no. 1124 (June 17, 1936): 177–178.
- Beaver, Daniel R. "Newton D. Baker and the Genesis of the War Industries Board, 1917-1918." *The Journal of American History* 52, no. 1 (1965): 43–58.
- Beito, David T., and Linda Royster Beito. "Gold Democrats and the Decline of Classical Liberalism, 1896–1900." *The Independent Review* IV, no. 4 (Spring 2000): 555–575.
- Benbow, Mark E. "Birth of a Quotation: Woodrow Wilson and 'Like Writing History with Lightning.'" *The Journal of the Gilded Age and Progressive Era* 9, no. 4 (2010): 509–533.
- Bernstein, Barton J., and Franklin A. Leib. "Progressive Republican Senators and American Imperialism, 1898–1916: A Reappraisal." *Mid-America* L (July 1968): 1963–205.
- Bernstein, Carl. "The CIA and the Media." *Rolling Stone* (October 20, 1977).
- Bernstein, David E. "Brandeis Brief Myths." *Green Bag* 15, no. 1 (Autumn 2011): 9–15.

- Bernstein, J.L. "Conscription and the Constitution: The Amazing Case of *Kneedler v. Lane*." *American Bar Association Journal* 53, no. 8 (1967): 708–712.
- Blum, John M. "Nativism, Anti-Radicalism, and the Foreign Scare." *Midwest Journal* III, no. 1 (Winter 1950): 46–53.
- Braeman, John. "World War One and the Crisis of American Liberty." *American Quarterly* 16, no. 1 (Spring 1964): 104–112.
- Breen, William J. "Mobilization and Cooperative Federalism: The Connecticut State Council of Defense, 1917-1919." *The Historian* 42, no. 1 (1979): 58–84.
- Brownlee, W. Elliot. "Wilson and Financing the Modern State: The Revenue Act of 1916." *Proceedings of the American Philosophical Society* 129, no. 2 (1985): 173–210.
- Buchanan, James M. "The Pure Theory of Government Finance: A Suggested Approach." *Journal of Political Economy* 57, no. 6 (December 1949): 496–505.
- Buehrig, Edward H. "Wilson's Neutrality Re-Examined." *World Politics* 3, no. 1 (1950): 1–19.
- Capozzola, Christopher. "Body and Soul: The Selective Draft Law Cases and World War I." *Journal of Supreme Court History* 44 (2019): 295–306.
- . "The Only Badge Needed Is Your Patriotic Fervor: Vigilance, Coercion, and the Law in World War I America." *The Journal of American History* 88, no. 4 (2002): 1354–1382.
- Cappon, Lester J. "The Collection of World War I Materials in the States." *The American Historical Review* 48, no. 4 (1943): 733–745.
- Carruth, Joseph. "World War I Propaganda and Its Effects in Arkansas." *The Arkansas Historical Quarterly* 56, no. 4 (1997): 385–98.
- Chatfield, Charles. "World War I and the Liberal Pacifist in the United States." *The American Historical Review* 75, no. 7 (1970): 1920–1937.
- Clark, Lindley D. "Minimum-Wage Laws of the United States." *Monthly Labor Review* XII, no. 3 (March 1921).
- Clements, Kendrick A. "Woodrow Wilson and World War I." *Presidential Studies Quarterly* 34, no. 1 (2004): 62–82.
- Cooper, John Milton. "Progressivism and American Foreign Policy: A Reconsideration." *Mid-America* LI (October 1969): 260–277.
- Coyne, Christopher J. "Lobotomizing the Defense Brain." *The Review of Austrian Economics* 28, no. 4 (December 1, 2015): 371–396.

- Coyne, Christopher J., and Nathan P. Goodman. "The Military-Industrial Complex." *George Mason University Working Paper No. 22-32* (November 9, 2022).
- Crawford, Neta C. "Blood and Treasure: United States Budgetary Costs and Human Costs of 20 Years of War in Iraq and Syria, 2003-2023." *Costs of War*. Costs of War Research Series (March 15, 2023): 1–27.
- . "The U.S. Budgetary Costs of the Post-9/11 Wars." *Costs of War*. Costs of War Research Series (September 1, 2021): 1–24.
- Cuff, Robert D. "Private Success, Public Problems: The Du Pont Corporation and World War I." *Canadian Review of American Studies* 20, no. 2 (Fall 1989): 173–189.
- Day, Edmund E. "The American Merchant Fleet: A War Achievement, a Peace Problem." *The Quarterly Journal of Economics* 34, no. 4 (1920): 567–606.
- Delehant, John W. "A Judicial Revisitation Finds *Kneedler v. Lane* Not So 'Amazing.'" *American Bar Association Journal* 53, no. 12 (1967): 1132–1135.
- Dulles, John Foster. "Vesting Powers of the Alien Property Custodian." *Cornell Law Quarterly* XXVIII, no. 3 (March 1943): 245–260.
- Dunn, Samuel O. "The Threatened Strike on the Railways." *North American Review* 204 (July 1, 1916): 575–588.
- Dunning, W.A. "Disloyalty in Two Wars." *The American Historical Review* 24, no. 4 (July 1919): 625–630.
- Ekirch, Arthur A. "The Sixteenth Amendment: The Historical Background." *Cato Journal* 1 (1981): 161.
- Eland, Ivan. "Warfare State to Welfare State: Conflict Causes Government to Expand at Home." *The Independent Review* 18, no. 2 (2013): 189–218.
- Fishe, Raymond P. H. "The Federal Reserve Amendments of 1917: The Beginning of a Seasonal Note Issue Policy." *Journal of Money, Credit and Banking* 23, no. 3 (1991): 308–326.
- Fordham, Benjamin O. "Revisionism Reconsidered: Exports and American Intervention in World War I." *International Organization* 61, no. 2 (2007): 277–310.
- Fritz, Nancy Rice. "Montana Council of Defense." *Dissertations, & Professional Papers* 3004 (1966). <https://scholarworks.umt.edu/etd/3004>.
- Funk, Clayton. "Popular Culture, Art Education, and the Committee on Public Information During World War I, 1915-1919." *Visual Arts Research* 37, no. 1 (July 1, 2011): 67–78.
- Goldin, Claudia. "Maximum Hours Legislation and Female Employment: A Reassessment."

- Journal of Political Economy* 96, no. 1 (1988): 189–205.
- Gould, Lewis L. “William McKinley and the Expansion of Presidential Power.” *Ohio History* 87 (1978): 5–20.
- Guariglia, Matthew. “Wrench in the Deportation Machine: Louis F. Post’s Objection to Mechanized Red Scare Bureaucracy.” *Journal of American Ethnic History* 38, no. 1 (Fall 2018): 62–77.
- Gulchrist, D. T. “Albert Fink and the Pooling System.” *Business History Review* (pre-1986) 34, no. 1 (1960): 24–49.
- Gunther, Gerald. “Learned Hand and the Origins of Modern First Amendment Doctrine: Some Fragments of History.” *Stanford Law Review* 27, no. 3 (February 1975): 719–773.
- Hallifax, Stuart. “‘Over by Christmas’: British Popular Opinion and the Short War in 1914.” *First World War Studies* 1, no. 2 (October 1, 2010): 103–121.
- Hart, David M. “Classical Liberalism and the Problem of Class.” *Liberty Matters* (November 2016). <https://oll.libertyfund.org/page/liberty-matters-david-hart-classical-liberalism-problem-of-class>.
- Herring, George C. “James Hay and the Preparedness Controversy, 1915-1916.” *The Journal of Southern History* 30, no. 4 (1964): 383–404.
- Heuer, Vera. “Pamphlets of the Committee on Public Information and the Construction of an American National Identity during World War One: An Event-Frame Analysis.” *Nationalism and Ethnic Politics* 24, no. 2 (April 3, 2018): 222–243.
- Higgs, Robert. “How the Federal Government Got into the Ocean-Shipping Business.” *The Freeman* (November 2003).
- Higgs, Robert, and Charlotte Twight. “National Emergency and the Erosion of Private Property Rights.” *Cato Journal* 6, no. 3 (Winter 1987): 747–773.
- Hill. “The Civil War Income Tax.” *Quarterly Journal of Economics* 8, no. 4 (July 1894): 416–452.
- Hilton, O.A. “Freedom of the Press in Wartime 1917-1919.” *The Southwestern Social Science Quarterly* 28, no. 4 (1948): 346–361.
- . “Public Opinion and Civil Liberties in Wartime 1917-1919.” *The Southwestern Social Science Quarterly* 28, no. 3 (1947): 201–224.
- . “The Oklahoma Council of Defense and the First World War.” *The Chronicles of Oklahoma* 20, no. 1 (March 1942): 18–42.

- Himmelberg, Robert F. "The War Industries Board and the Antitrust Question in November 1918." *The Journal of American History* 52, no. 1 (1965): 59–74.
- Hough, Charles M. "Law in War Time." *Harvard Law Review* 31, no. 5 (March 1918): 692–701.
- Howell, Thomas. "The Writers' War Board: U.S. Domestic Propaganda in World War II." *The Historian* 59, no. 4 (1997): 795–813.
- Humphreys, R. A. "Presidential Address: Anglo-American Rivalries and the Venezuela Crisis of 1895." *Transactions of the Royal Historical Society* 17 (December 1967): 131–164.
- Hutchinson, John F. "The Nagler Case: A Revealing Moment in Red Cross History." *Canadian Bulletin of Medical History*, no. 2 (Fall 1992): 177–190.
- Janson, Michael A., and Christopher S. Yoo. "The Wires Go to War: The U.S. Experiment with Government Ownership of the Telephone System During World War I." *Texas Law Review* 91 (April 1, 2013): 983–1050.
- Jenson, Carol. "Loyalty As a Political Weapon: The 1918 Campaign in Minnesota." *Minnesota History* 43, no. 2 (Summer 1972): 42–57.
- Johnson, Donald. "The Political Career of A. Mitchell Palmer." *Pennsylvania History: A Journal of Mid-Atlantic Studies* 25, no. 4 (October 1958): 345–370.
- . "Wilson, Burluson, and Censorship in the First World War." *The Journal of Southern History* 28, no. 1 (February 1962): 46–58.
- Johnson, James P. "The Fuel Crisis, Largely Forgotten, of World War I." *Smithsonian* (December 1976): 64–71.
- . "The Wilsonians as War Managers: Coal and the 1917-18 Winter Crisis." *Prologue* 9, no. 4 (Winter 1977): 193–208.
- Juhnke, James C. "Mob Violence and Kansas Mennonites in 1918." *Kansas Historical Quarterly* 43, no. 3 (1977): 334–350.
- Kaplan, Sidney. "Social Engineers as Saviors: Effects of World War I on Some American Liberals." *Journal of the History of Ideas* 17, no. 3 (1956): 347–369.
- Keith, Jeanette. "The Politics of Southern Draft Resistance, 1917-1918: Class, Race, and Conscription in the Rural South." *The Journal of American History* 87, no. 4 (2001): 1335–1361.
- Kerr, K. Austin. "Decision For Federal Control: Wilson, McAdoo, and the Railroads, 1917." *The Journal of American History* 54, no. 3 (December 1967): 550–560.
- Keynes, John Maynard, and T. W. Hutchison. "The Collected Writings of John Maynard

- Keynes, Volumes I-VI and XV-XVI." *The Economic History Review* 26, no. 1 (1973): 141–152.
- Knodell, Jane. "Making a Central Bank Out of the Federal Reserve: A Historical Perspective on Wartime Amendments to the Federal Reserve Act." *Review of Political Economy* (February 7, 2023): 1–28.
- Koistinen, Paul A. C. "The 'Industrial-Military Complex' in Historical Perspective: The InterWar Years." *The Journal of American History* 56, no. 4 (1970): 819–839.
- . "The 'Industrial-Military Complex' in Historical Perspective: World War I." *The Business History Review* 41, no. 4 (1967): 378–403.
- Lambert, Karras J., Christopher J. Coyne, and Nathan P. Goodman. "The Fatal Conceit of Foreign Intervention: Evidence from the Afghanistan Papers." *Peace Economics, Peace Science and Public Policy* 27, no. 3 (September 1, 2021): 285–310.
- Lawrence, Thomas A. "Eclipse of Liberty: Civil Liberties in the United States during the First World War." *Wayne Law Review* 21, no. 1 (November 1974): 33–112.
- Leuchtenburg, William E. "Progressivism and Imperialism: The Progressive Movement and American Foreign Policy, 1898-1916." *The Mississippi Valley Historical Review* 39, no. 3 (1952): 483–504.
- . "The Pertinence of Political History: Reflections on the Significance of the State in America." *The Journal of American History* 73, no. 3 (1986): 585–600.
- Lichtenberger, J.P. "The War Relief Work of the Council of National Defense." *The Annals of the American Academy of Political and Social Science* 79 (September 1918): 229–232.
- Lincicome, Scott. "The Obscure Maritime Law That Ruins Your Commute." *The Atlantic* (March 20, 2023).
- Link, Arthur S. "That Cobb Interview." *The Journal of American History* 72, no. 1 (1985): 7–17.
- Lyon, E. Wilson. "The Franco-American Convention of 1800." *The Journal of Modern History* 12, no. 3 (September 1940): 305–333.
- Manley, Robert N. "Language, Loyalty and Liberty: The Nebraska State Council of Defense and the Lutheran Churches, 1917-1918." *Concordia Historical Institute Quarterly* 37, no. 1 (April 1964): 1–16.
- Markowitz, Gerald E. "Progressivism and Imperialism: A Return to First Principles." *The Historian* 37, no. 2 (1975): 257–275.
- Matsen, William E. "Professor William S. Schaper: War Hysteria and the Price of Academic Freedom." *Minnesota History* 51, no. 4 (Winter 1988): 130–137.

- McKellar, N.L. "Steel Shipbuilding under the U.S. Shipping Board, 1917-1921." *The Belgian Shiplover*, no. 87 (June 1962): 270–277.
- McMahon, Stephanie Hunter. "A Law With a Life of Its Own: The Development of the Federal Income Tax Statutes Through World War I." *Pittsburgh Tax Review* 7, no. 1 (2009): 1–42.
- Mencken, H. L. "The Immortal Democrat." *The American Mercury* IX, no. 33 (September 1926): 123–124.
- Mennell, James. "African-Americans and the Selective Service Act of 1917." *The Journal of Negro History* 84, no. 3 (1999): 275–287.
- Miron, Jeffrey A., and Christina D. Romer. "A New Monthly Index of Industrial Production, 1884-1940." *The Journal of Economic History* 50, no. 2 (1990): 321–337.
- Morse, Clarence G. "A Study of American Merchant Marine Legislation." *Law and Contemporary Problems* 25, no. 1 (1960): 57–81.
- Moseley, Jr., Merritt W. "H.L. Mencken and the First World War." *Menckenia*, no. 58 (1976): 8–15.
- Navy League of the United States. *2023-2024 Maritime Policy*. Arlington, VA: Navy League of the United States, 2023.
- Newland, Samuel J. "The National Guard: Whose Guard Anyway?" *Parameters* 18, no. 2 (June 1, 1988): 40–50.
- Newman, Patrick. "The Depression of 1920–1921: A Credit Induced Boom and a Market Based Recovery?" *The Review of Austrian Economics* 29, no. 4 (December 1, 2016): 387–414.
- Nisbet, Robert. "Conservatives and Libertarians: Uneasy Cousins." *Modern Age* 24, no. 1 (Winter 1980): 2–8.
- Novick, Sheldon M. "The Unrevised Holmes and Freedom of Expression." *The Supreme Court Review* 1991 (1991): 303–390.
- Organisation for Economic Co-operation and Development. "Local Content Requirements and Their Economic Effect on Shipbuilding: A Qualitative Assessment." *OECD Science, Technology and Industry Policy Papers*, no. 69 (April 2019): 1–41.
- Pillsbury, Arthur J. "The Destiny of Duty." *Overland Monthly* 33, no. 194 (February 1899): 168–170.
- Pollack, Sheldon D. "Origins of the Modern Income Tax, 1894–1913." *The Tax Lawyer* 66, no. 2 (Winter 2013): 295–330.



- . “The First National Income Tax, 1861-1872.” *The Tax Lawyer* 67, no. 2 (Winter 2014): 311–330.
- Potterf, Rex M. “Treatment of Alien Enemy Property in War Time and After by the United States.” *Indiana Law Journal* 2, no. 6 (March 1927): 453–472.
- Powers, H.H. “The War as a Suggestion of Manifest Destiny.” *The Annals of the American Academy of Political and Social Science* 12 (September 1898): 173–192.
- Pratt, Julius W. “The ‘Large Policy’ of 1898.” *The Mississippi Valley Historical Review* 19, no. 2 (1932): 219–242.
- Reeves, William Harvey. “Is Confiscation of Enemy Assets in the National Interest of the United States?” *Virginia Law Review* 40, no. 8 (1954): 1029–1060.
- Richman, Daniel C., and Sarah Seo. “How Federalism Built the FBI, Sustained Local Police, and Left Out the States.” *Columbia Public Law Research Paper*, no. 14–679 (2020).
- Richman, Sheldon. “New Deal Nemesis: The ‘Old Right’ Jeffersonians.” *The Independent Review* 1, no. 2 (Fall 1996): 201–248.
- Ripley, La Vern J. “Conflict in the Classroom: Anti-Germanism in Minnesota Schools, 1917-19.” *Minnesota History* 47, no. 5 (Spring 1981): 170–183.
- Roberts, Priscilla. “Paul D. Cravath, The First World War, and the Anglophile Internationalist Tradition.” *Australian Journal of Politics & History* 51, no. 2 (2005): 194–215.
- . “‘Quis Custodiet Ipsos Custodes?’ The Federal Reserve System’s Founding Fathers and Allied Finances in the First World War.” *The Business History Review* 72, no. 4 (1998): 585–620.
- Rothbard, Murray N. “H.L. Mencken: The Joyous Libertarian.” *New Individualist Review* 2, no. 2 (Summer 1962): 15–27.
- . “The Conspiracy Theory of History Revisited.” *Reason*, April 1977.
- . “World War I as Fulfillment: Power and the Intellectuals.” *Journal of Libertarian Studies* IX, no. 1 (Winter 1989): 81-125.
- Ruff, Allen. “Dawn of ‘Total War’ and the Surveillance State: 1917: America Joins the Slaughter.” *Against the Current*, no. 190 (October 2017): 22–26.
- Sanderlin, Walter S. “The Indictment of Joseph F. Guffey.” *Pennsylvania History: A Journal of Mid-Atlantic Studies* 30, no. 4 (1963): 465–482.
- Sandos, James A. “German Involvement in Northern Mexico, 1915-1916: A New Look at the Columbus Raid.” *The Hispanic American Historical Review* 50, no. 1 (1970): 70–88.

- Scheiber, Harry N. "The Political Career of A. Mitchell Palmer: A Comment." *Pennsylvania History: A Journal of Mid-Atlantic Studies* 26, no. 4 (October 1959): 377–379.
- Scheiber, Jane Lang, and Harry N. Scheiber. "The Wilson Administration and the Wartime Mobilization of Black Americans, 1917–18." *Labor History* 10, no. 3 (June 1969): 433–458.
- Seager, Robert. "Ten Years Before Mahan: The Unofficial Case for the New Navy, 1880-1890." *The Mississippi Valley Historical Review* 40, no. 3 (1953): 491–512.
- Selgin, George. "Central Banks as Sources of Financial Instability." *The Independent Review* 14, no. 4 (2010): 485–496.
- Seligman, Edwin R.A. "The War Revenue Act." *Political Science Quarterly* 33, no. 1 (March 1918): 1–37.
- Shulman, Mark R. "The Progressive Era Origins of the National Security Act." *Dickinson Law Review* 104 (2000): 289–330.
- Sicotte, Richard. "Economic Crisis and Political Response: The Political Economy of the Shipping Act of 1916." *The Journal of Economic History* 59, no. 4 (1999): 861–884.
- Skocpol, Theda. "America's First Social Security System: The Expansion of Benefits for Civil War Veterans." *Political Science Quarterly* 108, no. 1 (1993): 85–116.
- Steen, Kathryn. "Patents, Patriotism, and 'Skilled in the Art' USA v. The Chemical Foundation, Inc., 1923-1926." *Isis* 92, no. 1 (October 21, 2015): 91–122.
- Stoltzfus, Duane. "Armed With Prayer in an Alcatraz Dungeon: The Wartime Experiences of Four Hutterite C.O.'s in Their Own Words." *Mennonite Quarterly Review* 85 (April 2011): 259–292.
- Stromberg, Joseph R. "Imperialism, Noninterventionism, and Revolution: Opponents of the Modern American Empire." *The Independent Review* 11, no. 1 (Summer 2006): 79–113.
- Sutton, Ronald E. "The Nationalization of the United States Radio System in 1917." *Journal of Visual Literacy* 10, no. 1 (January 1990): 8–25.
- Sutton, Walter I. "Progressive Republican Senators and the Submarine Crisis, 1915-1916." *Mid-America* XLVII (April 1965): 75–88.
- Terrill, Tom E. "David A. Wells, the Democracy, and Tariff Reduction, 1877-1894." *The Journal of American History* 56, no. 3 (1969): 540–555.
- Thelen, Max. "Federal Control of Railroads in War Time." *The Annals of the American Academy of Political and Social Science* 76 (1918): 14–24.

- Thernstrom, Stephan A. "Oswald Garrison Villard and the Politics of Pacifism." *Harvard Library Bulletin* XIV, no. 1 (Winter 1960): 126–152.
- Thierer, Adam D. "Unnatural Monopoly: Critical Moments in the Development of the Bell System Monopoly." *Cato Journal* 14, no. 2 (Fall 1994): 267–285.
- Todd, Lewis Paul. "Wartime Relations of the Federal Government and the Public Schools, 1917–1918." *Teachers College Record* 47, no. 4 (January 1946): 1–3.
- Tourgee, Albion W. "Aaron's Rod in Politics." *North American Review* CXXXII, no. 291 (February 1881): 139–162.
- Urofsky, Melvin I. "The Great War, the Constitution and the Court." *Journal of Supreme Court History* 44 (2019): 251–266.
- Varacalli, Thomas F.X. "National Interest and Moral Responsibility in the Political Thought of Admiral Alfred Thayer Mahan." *Naval War College Review*, no. 2 (Spring 2016): 108–127.
- Vaughn, Stephen. "First Amendment Liberties and the Committee on Public Information." *The American Journal of Legal History* 23, no. 2 (1979): 95–119.
- Ward, Robert D. "The Origin and Activities of the National Security League, 1914-1919." *The Mississippi Valley Historical Review* 47, no. 1 (June 1960): 51–65.
- Waxman, Matthew C. "Constitutional War Powers in World War I: Charles Evans Hughes and the Power to Wage War Successfully." *Journal of Supreme Court History* 44 (2019): 267–277.
- . "The Power to Wage War Successfully." *Columbia Law Review* 117, no. No. 3 (2017): 613–686.
- Weinrib, Laura. "The Limits of Dissent: Reassessing the Legacy of the World War I Free Speech Cases." *Journal of Supreme Court History* 44 (2019): 278–294.
- Wiener, Frederick Bernays. "The Militia Clause of the Constitution." *Harvard Law Review* 54, no. 2 (1940): 181–220.
- Wilson, Trevor. "Lord Bryce's Investigation into Alleged German Atrocities in Belgium, 1914-15." *Journal of Contemporary History* 14, no. 3 (1979): 369–383.
- de Wolf, Francis Colt. "Telecommunications and Neutrality." *The American Journal of International Law* 30, no. 1 (1936): 117–123.
- Wolgemuth, Kathleen L. "Woodrow Wilson and Federal Segregation." *The Journal of Negro History* 44, no. 2 (1959): 158–173.

- Wolgemuth, Kathleen Long. "Woodrow Wilson's Appointment Policy and the Negro." *The Journal of Southern History* 24, no. 4 (1958): 457–471.
- Yerxa, Donald A. "The State of Maine and the New Navy, 1889-1893." *Maine History* 14, no. 4 (April 1975): 183–205.
- Zeiger, Susan. "The Schoolhouse vs. The Armory: U. S. Teachers and the Campaign against Militarism in the Schools, 1914-1918." *Journal of Women's History* 15, no. 2 (Summer 2003): 150–179.
- "Arms and the Men." *Fortune* IX (March 1934): 53–57, 113–126.
- "Louis F. Post and the Red Scare of 1920." *Prologue* 11, no. 1 (Spring 1979): 41–55.

### Digital Resources

- Defend the Guard*. Accessed December 9, 2023. <https://defendtheguard.us/>.
- Helton, Jonathan. "Jones Act Needs an Update, and so Does the Jones Act Fleet." *Grassroot Institute of Hawaii*, December 21, 2021. Accessed December 9, 2023. <https://www.grassrootinstitute.org/2021/12/jones-act-needs-an-update-and-so-does-the-jones-act-fleet/>.
- Williamson, Samuel H. "The Annual Consumer Price Index for the United States, 1774-Present." *MeasuringWorth.Com*. Accessed March 11, 2023. <http://www.measuringworth.com/usdpi/>.
- Peek, Matthew M. "North Carolina's WWI Collector of War Records." *North Carolina Department of Natural and Cultural Resources*, March 13, 2017. <https://www.ncdcr.gov/blog/world-war-i/nc-war-records-collector>.
- Raico, Ralph. "Classical Liberal Roots of Marxist Class Analysis" Presented at the Marx and Marxism, New York, NY, October 15, 1988. Accessed November 30, 2023. <https://www.youtube.com/watch?v=IPLaKTbNKvA>.
- . "Murray Rothbard at His Semicentennial." *Mises Daily Articles*, June 2, 2010. Accessed July 1, 2023. <https://mises.org/library/murray-rothbard-his-semicentennial>.
- Stockholm International Peace Research Institute. "SIPRI Military Expenditure Database," April 2020. Accessed December 8, 2023. <https://milex.sipri.org/sipri>.
- "The Decline of U.S. Shipbuilding." *Shipbuilding History*. Last modified January 21, 2016. Accessed December 9, 2023. <https://www.shipbuildinghistory.com/statistics/decline.htm>.
- Yockelson, Mitchel. "The War Department: Keeper of Our Nation's Enemy Aliens During World War I" Presented at the Society for Military History Annual Meeting, Wheaton,

IL, April 1998. Accessed August 6, 2023.  
<https://net.lib.byu.edu/~rdh7/wwi/comment/yockel.htm>.

### Dissertations and Theses

- Arlington, James R. "The Art of Manipulation: Agents of Influence and the Rise of the American National Security State, 1914-1960." Ph.D. diss., University of Houston, 2015.
- Becker, Gary S. "The Case Against Conscription (Unpublished Manuscript)," 1957.
- Berry, Michael P. "Little Americans: The Division of Civic and Educational Cooperation and the World War I Propaganda Campaign in Public Schools." University of Nebraska at Kearney, 2018.
- Markowitz, Gerald E. "Progressive Imperialism: Consensus and Conflict in the Progressive Movement on Foreign Policy, 1898-1917." Ph.D. diss., University of Wisconsin, 1971.
- Reimer, Thomas. "Bayer & Company in the United States: German Dyes, Drugs, and Cartels in the Progressive Era." Ph.D. diss., Syracuse University, 1996.
- Schearer, Michael. "Batteryman vs. The New Deal: The Life of Fred C. Perkins." Liberty University, 2021.
- . "Civil Liberties on the Homefront: Korematsu and the National Security Justification." Liberty University, 2019.
- . "Ludwig von Mises and Classical Liberalism." Liberty University, 2020.
- . "No Ma'am: Progressive Reform as an Obstacle to Gender Equality." University of Maryland Francis King Carey School of Law, 2014.
- . "The Impact of the New Deal on Economic Liberties During the Great Depression." Liberty University, 2021.
- Warhop, Bill. "Patriotism and Dissent: Coercive Voluntarism in Wartime Georgia, 1917-1919." M.A. diss., Georgia State University, 2013.
- Williams, William J. "Shipbuilding and the Wilson Administration: The Development of Policy, 1914-1917." Ph.D. diss., University of Wisconsin, 1989.
- Wise, Kenneth Lloyd. "The War News System." Ph.D. diss., American University, 1967.