8

Warrior Republicanism

According to the civic liturgy as then prescribed by the U.S. Constitution, Theodore Roosevelt swore the oath of office at twelve noon, March 4, 1905, on the east steps of the Capitol. Thousands of well-wishers turned out to witness the Rough Rider president, the colorful, quotable, indefatigable steam-engine-in-trousers-president, take the oath in his own right. No longer the accident of an assassin's bullet, he belonged now in the company of the chosen, the latest in a distinguished line of American statesmen. And he intended to claim his republican heritage. While the Constitution makes no provision for an inaugural address, every president since Washington had made one, and Roosevelt had Washington on his mind this day. In uncharacteristically brief remarks, fewer than a thousand words, Roosevelt cast himself as the revered founder's intellectual and moral successor. He placed himself in the company of the framing generation and Abraham Lincoln, as the man at the hinge of a historical moment as critical as theirs. Roosevelt's inaugural address announced his arrival as a mature political leader by staking his claim as a serious political thinker. The rhetoric was skillful, even subtle. He invoked the mystic chords of memory to justify a new departure, offering a vision of the future forged from the influences of his past: the neurasthenic theories, the racialism, the works-righteousness and social gospel—they were all there. Claiming the founders' mantle as well as that of Lincoln, he articulated a politics tellingly different from their own. His statecraft as it came into view in the months and years following his election in 1904 was less concerned with rights or the dangers of political power; it was more activist, more nationalist, more statist than that of his predecessors. This was the direction in which he would try to take the country. More than that, it was the character of the era he was helping to create, a *kairos* of reform and change.[1]

"No people on earth," Roosevelt began in the tones of his battle-centric life philosophy, "have more cause to be thankful than ours, and this is said reverently, in no spirit of boastfulness." The great "Giver of Good" had blessed the nation with bountiful opportunities, and, to their credit, Americans had turned opportunity to achievement and wrested "well-being and happiness" from the melee of historical circumstance. "Under such conditions," Roosevelt warned, "it would be our own fault if we failed." Surely Roosevelt knew George Washington's strikingly similar admonition, issued in the form of a circular to the states at the close of the Revolutionary War. "At this auspicious period, the United States came into existence as a Nation," Washington wrote in 1783, "and if their Citizens should not be completely free and happy, the fault will be intirely [*sic*] their own." Roosevelt imitated Washington's warning in thought as well as form; both statements summarized an earlier list of national blessings and culminated in exhortations to continued good behavior. Yet though their function is rhetorically parallel, the two men's summaries of America's blessings and beginnings—Washington's "auspicious period," and Roosevelt's "such conditions"—are revealingly dissimilar.[2]

When Washington spoke of the "auspicious period," in which the United States was founded, he referred to a particular moment in the history of ideas. "The foundation of our Empire was not laid in the gloomy age of Ignorance and Superstition," he wrote, but rather at a time "when the rights of mankind were better understood and more clearly defined, than at any former period." Americans had been favored by Providence insofar as they had been given greater knowledge than those who had tried the republican experiment before them. Thanks to the "labours of Philosophers, Sages and Legislatures, through a long succession of years," and preeminently to "the pure and benign light of Revelation," the men who founded the American republic understood human nature better than any other comparable group of statesmen in the whole of recorded history. The ancient Greeks founded great republics, and the Romans, too, but not a single one of those states endured. Americans' ancient counterparts failed, Washington suggested, because they could not control faction and similar abuses of political power, a systemic defect stemming from the ancients' lack of appreciation for the rights belonging to all people by nature.[3]

Roosevelt saw America's providential endowments rather differently, which led him to picture a different vista for America's future. "To us as a people it has been given to lay the foundations of our national life in a new continent," he told the throngs assembled for the administration of the oath. "We have not been obliged to fight for our existence against any alien race; and yet our life has called for the vigor and effort without which the manlier and hardier virtues wither

away." Washington pictured America's blessings in terms of ideas. Roosevelt, by contrast, celebrated the Americans' vast opportunity for conquest. He located the source of American singularity in open land that was available for settlement and yet stern enough to call forth the hardy, heroic virtues that made for greatness.[4]

Strength of character defined the American experiment, according to Roosevelt. Under conditions so promising for cultivating the warrior virtues, "it would be our own fault if we failed." Earlier generations of Americans had proved themselves worthy of their blessings. They developed conquering character and subdued a continent, advancing civilization in the process. Considering their countrymen's success in the past, it now fell to the current generation of Americans to renew the pioneering spirit and show "that under a free government a mighty people can thrive best."[5]

The intellectual contrast between Roosevelt and his predecessor was sharp and consequential. Washington believed his country's blessings consisted of wisdom and historically fresh insight into human nature, by which he meant a historically fresh appreciation for the doctrine of natural rights. Washington pleaded with Americans to live with "a sacred regard to public justice," to remember, for the sake of self-government, the rights of their fellow men and the limits of political power. The truth of humans' equal moral worth was more than an intellectual proposition, it was the ground for free civic life and the source of shared civic identity. Washington wondered whether a republican government could sustain the moral understandings that led to liberty. Never before in history had the experiment been tried. No regime had ever been founded on the inalienable rights of humankind. Whether Americans would preserve their moral commitment to the equal rights of all citizens would determine the fate of republican liberalism. With their actions, Washington told his readers in closing, "will the destiny of Millions yet unborn be involved."[6]

Roosevelt, too, was profoundly concerned with citizens' conduct as it implicated the fate of free government, but in a different way. His concern ran not to inalienable rights and their moral predicates, but to virility. Roosevelt worried that self-government might breed weakness and mediocrity by gradually undermining the warrior virtues. A prosperous commercial republic might breed effeminacy. The challenge facing his generation was to prove otherwise. American settlers demonstrated the virtues of personal and national heroism when they subdued the expansive West, Roosevelt thought. Thanks to their valor, the nation now stood as the balance of power in the world, the country with the potential to direct the course of the international system for decades to come. But the moment was fraught with peril.[7]

Crafting his own historical narrative of challenge and response, Roosevelt noted that the country had undergone "extraordinary industrial development" in recent decades. That development produced an explosion in "wealth, in population, and in power," which in turn stimulated tremendous social change, including a plethora of new social and political problems "complex and intense" in nature. To overcome these developments, America needed to cultivate anew the moral virtues of greatness. Amid the material wealth economic expansion had brought the country, Americans needed to recover the hardihood and sheer manliness that drove their forebears to conquer the West. They needed to prove that free government could provide for "the things of the soul," as well as "the things of the body." In sum, the nation needed to demonstrate that a democracy could spur humans to their highest moral potentials. This was the American challenge. The whole of his agenda would be geared to meeting it.[8]

He was finished with the politics of prosperity for its own sake. Today he announced to the country a politics of virtue. He was going to back bold measures to combat the moral chaos of the business world. He was going to fight the forces that undermined Americans' control over their own lives. He would call his countrymen to leave behind class loyalties and realize the noble, national life together for which their history of racial and spiritual development fitted them. These were his priorities, and he hoped by his preaching to make them the priorities of his generation.

Roosevelt intended his clarion call for the country at large, but he wanted his fellow Republicans to pay particular attention. If congressional leaders thought the president's smashing election victory would buy them breathing space, they were wrong. On the contrary, Roosevelt read the election returns as validation of his reformist initiatives and a mandate to do more. In November 1904, Republican electoral strength achieved new feats. Roosevelt won 336 electoral votes and over 7.5 million popular votes—56 percent of the total number cast—to form a solid band of Republican states from Delaware to California. Thirty-three of the forty-five states in the Union voted the Republican ticket, every state outside the old Confederacy with the lone exception of Kentucky. The 1904 election was an unqualified Roosevelt landslide. The Republican coalition in the Northeast of industrialists, urban workers, and middle-class professionals more than held. Roosevelt racked up commanding majorities in Pennsylvania, Ohio, Maine, and Vermont. But these were Republican states anyway. Roosevelt's real strides came in the West, in the land of the Populists and William Jennings Bryan. Colorado, Idaho, Nevada, and Montana, states that had voted for Bryan in both 1896 and 1900, now moved to the Republican column. Roosevelt's antitrust prosecutions,

his Bureau of Corporations and revision of the Interstate Commerce Act, were winning him and his party support from former Democratic-Populist voters.[9]

The Democrats, in fact, had all but ceded the reformist label to the president. They nominated Alton B. Parker of New York, a gold standard supporter and opponent of Roosevelt's antitrust prosecutions. In an ill-starred attempt to banish the specter of Bryan and reassure wary Northeastern voters of the Democrats' reliability, Parker suggested at one point during the campaign that the common law afforded states all the resources they needed to regulate trusts and combinations of capital. No additional statutory regulation, state or national, was required. That was hardly the way to consolidate the base. Roosevelt's measures, by contrast, appealed to those Western voters who blamed the corporations for rising consumer prices and shipping rates without alienating the Republicans' bedrock industrial support in the Northeast. Not that the industrialists had many other viable options. Despite Parker's efforts, Democrats still appeared untrustworthy on economic questions, especially the tariff. Roosevelt struck many in the corporate community as overly adventuresome, but ultimately acceptable, particularly when balanced by the more conservative congressional leadership. Consequently, the Republican political alliance was secure, and this meant Roosevelt had a bit of running room. A solid conservative center left him free to explore the Republican periphery for ideas and support. Developments soon after the election convinced him it was time to test his latitude.[10]

The Interstate Commerce Commission informed the president late in October that major railroads were abusing the law, using private freight cars to provide advantages to favored shippers, such as meat packers. Moreover, the railroads were continuing their rebate and discriminatory pricing policies. As Roosevelt pondered the evidence collected by the commission in the weeks following the election, details from the Bureau of Corporations' investigation of the beef trust presented further food for thought. In response to a House resolution, Bureau chief James Garfield reluctantly agreed in March 1904 to investigate the allegedly wide margin between cattle prices and the price of fresh beef, in an effort to determine if illegal business practices were to blame. Early evidence indicated that they were. Then there were the revelations from the ongoing antitrust prosecutions, suggesting that corporate efforts to skirt the law were widespread and sophisticated, making them difficult if not impossible to correct via prosecution. Meanwhile, Ida M. Tarbell concluded her multipart series in *McClure's* magazine on the "History of the Standard Oil Company" just before the election. The series' conceit had been to trace the rise of Standard Oil from small business concern to monopoly, to give readers "a clear and succinct notion of the processes by which a particular industry passes from the control of the many to

that of the few." The portrait was every bit as unflattering as the introductory lines suggested it would be, a tale of industrywide decline from independent ownership and competitive markets to economic oligopoly. The public reaction was overwhelmingly negative.[11]

In response, Roosevelt contemplated action on two fronts. He intended to ask Congress for further reform of the Interstate Commerce Commission, something stronger than the Elkins Act, something to guarantee the commission ratemaking authority and limit the scope of judicial review. Secondly, he proposed to take up tariff reform. With some difficulty he had persuaded Iowa Republicans in 1904 to drop their "Iowa Idea," calling for reductions in the tariff to offset the growth of domestic monopolies. But the connection between the two—tariff and monopoly—was taking hold in the public mind nonetheless, especially in the West, Midwest, and South. Roosevelt's trusted adviser Elihu Root, a McKinley conservative, urged the president in November to call a special session of Congress to deal solely with the tariff issue. Roosevelt should seek targeted reductions, if nothing else. The newly elected president floated the proposal to congressional leaders, and the reaction was predictable. They vehemently opposed it. This was no time to meddle with the tariff schedule, they believed, what with the staunch support business had provided during the election. Nelson Aldrich and Orville Platt, the two most powerful members of the Senate, along with Speaker of the House Joseph Cannon, all expressed opposition.[12]

Roosevelt did not take much convincing. As he had three years before, he backed away from the tariff issue, rationalizing the retreat as he went. "On the interstate commerce business, which I regard as a matter of principle, I shall fight," he pledged. "[O]n the tariff, which I regard as a matter of expediency, I shall endeavor to get the best result that I can, but I shall not break with my party." The bargain was struck, if only, in December 1904, in Roosevelt's mind. He would trade tariff revisions, that "matter of expediency," for corporate regulation. His annual message to Congress just before the new year said nothing about revising the tariff schedule, but he did call for regulatory reform with language bolder than any he had used before.[13]

"In the vast and complicated mechanism of our modern civilized life," Roosevelt told Congress in December, "the dominant note is the note of industrialism." The sweeping changes wrought by the industrial age had rendered many old laws and customs obsolete, perhaps including, he said, hoping to get Congress's attention, the federalist system. Federalism had its advantages, no doubt, "but it is undoubtedly responsible for much of the difficulty of meeting with adequate legislation the new problems presented by the total change in industrial conditions on this continent in the last half-century." This conclusion fol-

lowed, forcefully: the time had come for the federal government "to act directly." It was absurd to expect states to eliminate corporate abuses on their own, especially—though he did not say this—given the Supreme Court's rediscovery of the dormant commerce clause. No, the "National Government alone can deal adequately with these great corporations." And the national government *should* intervene, Roosevelt declared, to subject the interests of the corporate economy to the public good. Proper regulation would help to promote "responsibility and forbearance among capitalists and wage workers alike." Wise legislation could foster "a feeling of respect on the part of each man for the rights of others; a feeling of broad community of interest." National regulation, in short, could promote civic virtues and help forge moral community. Here was Roosevelt the economic mugwump, offering a program of national regulation as a partial antidote to the social anomie infecting the modern era. Here was the state as moral agent.[14]

The rhetoric was grander than the proposed regulation. After calling in his message for strict enforcement of the Elkins Act, outlawing all railroad rebates, Roosevelt urged Congress to vest the Interstate Commerce Commission with the authority to set a "reasonable rate" in but one specific instance—where a given rate had been challenged by a shipper and found to be unreasonable by the commission after a full hearing. The new rate would remain in effect indefinitely, unless and until reversed by a reviewing court. Roosevelt also backed measures to strengthen the commission's control over railroad finances and accounts. "The government must in increasing degree supervise and regulate the workings of the railways engaged in interstate commerce," he admonished congressmen. Actually, he was proposing to give the commission roughly the same amount of regulatory authority it had claimed and briefly exercised under its original charter in 1887, before federal courts intervened.[15]

Roosevelt considered his proposal politically moderate and strategically astute. Cries for rate regulation came loudest from shippers in the South and Midwest, both regions increasingly critical of the tariff and the latter, of course, crucial for Republicans' long-term electoral prospects. Shippers were far from unified as an interest group, but they tended to support administrative discretion on the part of the commerce commission to hear disputes and set rates without extensive review by courts, which they rightly considered hostile to commission oversight. A freshly empowered commerce commission would therefore help tamp down potentially damaging discontent over the high tariff Roosevelt had decided not to revise, by winning plains state citizens' approval on an equally contentious and, to them, equally important, issue. For that matter, the railroads were not wholly opposed to a revival of the national regulatory project. Rail own-

ers were interested in regulation to legalize pooling (which allows rival companies to combine resources and divide customers by agreement, effectively agreeing not to compete), guarantee their financial solvency, and generally keep shipping prices stable. Roosevelt's December proposals failed to offer much to the railroads' liking, but, importantly, they did not regard federal regulation as out of the question, to be defeated at all costs.[16]

Despite his impressive electoral showing and the imminent arrival of new Republican congressmen from the West and Midwest more favorably disposed than the congressional leadership to regulatory reform, Roosevelt still found Congress reluctant to act. With considerable cajoling from the White House, the House of Representatives passed a compromise bill in the second week of February 1905. The margin of approval was, in the end, quite impressive, due partly to the president's whispered threat to throw open the tariff debate should Republican congressmen not stand with him. "There is no use objecting. You've got to take it," an irritated Speaker Cannon reportedly told his caucus on the eve of the vote. "If you don't, there will be tariff reform." Roosevelt really had no serious intention of revisiting the tariff issue, but he was not above using the prospect as a political maneuver. Unfortunately, the Senate proved less susceptible to his ploys. Majority leader Nelson Aldrich played to run out the clock. He regarded Roosevelt's latest regulatory ideas as improvident and his rhetoric alarming. The 58th Congress expired on March 4, inauguration day, and Aldrich stacked the Senate's legislative calendar with the president's own arbitration treaties to prevent the compromise railroad bill from coming up for debate. In a sop to the president of his party, Aldrich promised to hold hearings on an interstate commerce bill sometime in May.[17]

Congress adjourned for Roosevelt's inauguration without a single debate on a joint railroad bill, exposing at the height of Theodore Roosevelt's political power his weakness within his own party. Though Republicans commanded a twenty-four seat majority in the Senate, the president could not compel action on his leading domestic priority. Congressional leaders were irredeemably intransigent, he decided. They had become an "old guard" unwilling to face the realities of the industrial age. If he hoped to enact any additional regulatory measures in the coming four years, he would have to go around them. And he would. Roosevelt decided to fight. As spring arrived, he settled on a new approach to secure rate reform. He intended to leverage his public popularity against the congressional leadership in his own version of asymmetrical warfare. Roosevelt would speak to the public directly, traveling the country to tell the people his views on government regulation, all in an effort to build public pressure on Congress to act. The Senate could stall all it wanted. Roosevelt was taking his case to the people.

This decision to break openly with his party's congressional leadership, at least in the Senate, held enormous political and institutional consequences. For one thing, Roosevelt's strategy flouted past tradition that discouraged presidential pronouncements on policy matters, especially bills under consideration by Congress. His public speaking tours would end up helping to foster a new and lasting set of institutional mores and a new set of public expectations for American presidents. The break with Congress also pushed Roosevelt further toward an open embrace of administrative regulation, which would become a staple of progressive reform. An administrative state, run from the executive branch, was his model for bringing order to the industrial economy. More immediately, his conflict with the Senate forced Roosevelt to articulate clearly and publicly his ideas about government's proper role. It forced him to continue the task he had started at his inauguration: to exert political leadership through rhetoric, to attempt coalition building by speech making, which in turn led him into a discussion about the true interests of citizens, the meaning of rights and duties, and the nature of self-government.[18]

After a test run or two in March of 1905, Roosevelt's undeclared campaign for rate legislation began two months later in Denver, on the return from one of those bear hunting expeditions his wife loathed and the press loved. Not coincidentally, the Senate Commerce committee opened hearings on rate legislation that same month. For the rest of the year, Roosevelt timed his speaking schedule to match the inflection points in the congressional calendar. When progress on a bill stalled in the autumn, Roosevelt launched another speaking tour in the Midwest and South. Everywhere he spoke, his message was the same, a political sermon founded on the doctrine of economic mugwumpery. "Actual experience has shown that it is not possible to leave the railroads uncontrolled," he told crowds in Raleigh, North Carolina. "Such a system . . . is fertile in abuses of every kind, and puts a premium upon unscrupulous and ruthless cunning in railroad management." Unregulated competition forced down the ethical plane to the lowest common denominator. It pressed those shippers who wanted "to do the right," whether large or small, into "acts of wrong and injustice, under penalty of being left behind in the race for success." Henry Carter Adams had made precisely this argument, in almost exactly these terms, eighteen years earlier. Now Roosevelt deployed Adams's logic to justify rate regulation. Government intervention was essential to bringing fairness to the competition between small and large shippers, Roosevelt argued, by ending secret rebating and discriminatory rates. Only then could shippers behave justly without economic penalty. Moreover, prudent regulation by a body of administrative experts should

help stabilize shipping prices and curtail the brutal competition of which railroad executives so often complained. "What we need is some administrative body with ample power," Roosevelt said, able to "prevent favoritism to one individual at the expense of another."[19]

In another message to Congress at the conclusion of his speaking campaign, he put the matter directly. "We desire to set up a moral standard," he said. "There can be no delusion more fatal to the nation than the delusion that the standard of profits, of business prosperity, is sufficient in judging any business or political question." Financial success and economic growth were "good thing[s]" insofar as they were "accompanied by and develop a high standard of conduct—honor, integrity, civic courage." The social reformer Jane Addams would later summarize Roosevelt's position with a syllogism. "As the very existence of the state depends upon the character of its citizens, therefore if certain industrial conditions are forcing [down] the standard of decency, it becomes possible to deduce the right of state regulation." American statecraft, Roosevelt insisted, must stand "for manhood first, and for business only as an adjunct to manhood." In short, the national state could act to preserve the qualities of character necessary for democratic government by adjusting the legal boundaries of the marketplace. Careful, limited government action could make the market work for civic character, make it a force again for orderly liberty and a morally wholesome prosperity. The industrial economy had become a threat to the rule of the people, Roosevelt implied, partly because its sheer size swallowed individual agency, but also because it rewarded the wrong things. Use regulation to make it reward honesty, thrift, and initiative, and the market would become a prop rather than a menace to republican freedom.[20]

Roosevelt had nothing against free enterprise. He believed in private property as much as ever, and he was anxious for his audiences to understand that. "Most emphatically we do not wish to see the man of great talents refused the reward for his talents. Still less do we wish to see him penalized." It was just that he refused to regard the market as an independent entity, as if it existed somehow apart from civil society and the state. Like Henry Carter Adams, Roosevelt saw the market as one division of society as a whole, one facet of social life. Accordingly, he found it perfectly reasonable to regulate that facet in order to preserve the health of the larger organism. Roosevelt might have made his case in more explicitly economic terms. He might have promised lower freight rates, an end to discriminatory charging, regulation to put money in the pocket of every American—or every farmer, or shipper, or small merchant. But he said little in this vein, even to sympathetic audiences. He was aiming for something more than a pocketbook coalition. He was striving to achieve moral resonance. He was forg-

ing an argument and, by extension, a politics, that would appeal beyond narrow segments of the economically affected to an entire nation disconcerted by the modern market, if not modern life. His was a politics of reclamation, a politics of renewed moral order and refound decency, made possible by a collective political life of moral purpose.[21]

But the federal government could not bring moral order to the market unless its development kept pace with that of society at large. Modern life required a modern state. Regrettably, America did not have one. Government would have to change, Roosevelt told audiences. The federalist system was not adequate to the tasks of the modern day. Given his proposals, Roosevelt needed only to elaborate a rationale for fairly modest national regulation. Nothing more was politically necessary. But his theoretical justifications implied a much broader, organic, and even unitary conception of American nationalism than any previously embraced by American popular culture. His rhetoric reached beyond his immediate proposals for rate regulation to imply a critique of earlier Americans' wariness of political power and to suggest a newfound eagerness to use it. Roosevelt would pursue that train of thought long after the rate debate ended, taking his generation with him.

It started with an evolutionary story. In the second half of the nineteenth century, according to Roosevelt, "the power of the mighty industrial overlords of the country increased with great strides," while the means of the federal government to regulate and control them "remained archaic and therefore practically impotent." Now railways stretched from one edge of the country to the other, crisscrossing the continent in a bewildering maze of lines and routes. They had become a national enterprise. "When such is the case," Roosevelt said in Denver, "it is absolutely necessary that the Nation, for the State could not possibly do it, should assume a supervisory and regulatory function over the great corporations." Consolidation of power in the commercial and financial spheres was an evolutionary, and therefore natural, phenomenon—"this is an age of combination," Roosevelt said repeatedly. Many people, including the railroad senators, accepted that. Roosevelt argued that consolidation of political power was natural as well. If the environmental circumstances had prompted businesses to combine on a national scale in order to survive, government too would need to grow in order to match the swelling power of enterprise and protect the interests of the race. Failure to adjust politically to the fresh realities of the industrial age would carry the same consequences of failure to adapt biologically—chaos, followed by decline and, finally, extinction.[22]

Roosevelt thought America's federal system of government with its "sharp division of authority between the nation and the several States" had served the

country well in the past. The Constitution's framers designed a state that met the needs of a young, rural frontier nation splendidly. But he also thought the Constitution's decentralized structure and dispersal of political power was proving to be something of an obstacle to the changes the new era of combination required. The federal arrangement was now "undoubtedly responsible for much of the difficulty of meeting with adequate legislation the new problems presented by the total change in industrial conditions during the last half-century," Roosevelt concluded. It needed to be updated, modernized. Fortunately, Roosevelt believed the framers had wisely provided for just the sort of political mutation the new circumstances demanded. The interstate commerce clause of Article I, Section 8 of the Constitution, conferred the right to regulate commerce between the states exclusively on the national government. Roosevelt located the constitutional sanction for his regulatory proposals there. "The power of Congress to regulate interstate commerce is an absolute and unqualified grant, and without limitations other than those prescribed by the Constitution." Echoing faintly the cadences of Chief Justice John Marshall in *McCullough v. Maryland*, Roosevelt declared himself confident that "Congress has constitutional authority to make all laws necessary and proper for executing this power." The Constitution provided the means for the national government's evolutionary expansion.[23]

Roosevelt saw the commerce clause as much more than a convenient excuse for the growth of national power, though, as if it were some sort of constitutional loophole. He took the commerce clause to be the linchpin of the whole Constitution and national expansion as the inner logic of the constitutional scheme. According to him, the nation's leading statesmen journeyed to Philadelphia for the purpose of forging a new political system able to regulate interstate trade. "The makers of our National Constitution," Roosevelt told Congress, "provided especially that the regulation of interstate commerce should come within the sphere of the general government." The arguments in favor "of their taking this stand were even then overwhelming," because with this power over economic relations between the states, the central government would be able to function effectively as a sovereign and bind together the separate states into one nation.[24]

Where others saw the effective protection of minorities or an inspired model of limited government, Roosevelt identified the genius of the Constitution in what he took to be its proto-nationalism. The constitutional text was sufficiently explicit in its conferral of authority as to leave no doubt, at least in Roosevelt's mind, as to its intent. "It seems to me clear without possibility of dispute not only that the vital need of governing all interstate and foreign commerce of the Nation was the prime cause of calling the Constitutional Convention," he wrote in private correspondence a few years later, "but that the framers of the Constitu-

tion explicitly and emphatically . . . conferred upon the Federal Government in this respect a power meant to include everything relative to its subject; and this excluded all power in the States." Happily, the framers designed the Constitution to be sufficiently broad that, equipped with its "necessary and proper" clause, federal officers could exercise wide discretion in the use of their powers. "The Constitution cannot be made a straightjacket," Roosevelt insisted. The framers meant it to be interpreted so as "to permit us properly to manage our insular affairs."[25]

The extension of the state was vitally important now because only through it could the American people, the American race, hope to exercise mastery over the corporations. As was true during the frontier days, it remained so now that the achievements of the mighty few had to be turned to the advantage of the whole. One part of the body politic depended on another. The "less fortunate and less able" benefited immensely from the jobs and general prosperity the corporatist created. Conversely, the corporatist could create nothing without his workers. The challenge was to get the economy to work for all segments of the populace. The race would never move forward if only one portion of its members prospered, or if only one segment possessed the virile virtues. Practically, this meant that corporate "combination and concentration should be, not prohibited, but supervised and within reasonable limits controlled." Government regulation was the means through which the race or the public would regain direction of its fate. That "there have been aristocracies which have played a great and beneficent part at stages in the growth of mankind," Roosevelt did not doubt. "But we had come to the stage where for our people what was needed was real democracy; and of all forms of tyranny the least attractive and the most vulgar is the tyranny of mere wealth, the tyranny of a plutocracy." The people would reclaim their agency through the state.[26]

Underlying Roosevelt's advocacy of a progressive state able to master and direct the energies of business was his identification of the people with the government. The American public could regain control over the corporate economy by national regulation of business because the government and the people, Roosevelt believed, were essentially one and the same. And by government Roosevelt meant not just any level of government or the constitutional system as a whole, but the federal or, as he tellingly preferred, "national" government. Sometimes he spoke as if the national government was merely a stand-in for the American public, a sort of proxy, as if the two were synonymous. He told Philadelphia's Union League in January 1905 that "neither this people nor any other free people will permanently tolerate the use of the vast power conferred by wealth, without lodging somewhere in the Government the still higher power"

of directing corporate wealth for "the interests of the people as a whole." He said much the same in his fourth annual message to Congress, claiming that "[w]ithin the Nation, the individual has now delegated [his interests] to the State; that is, to the representative of all individuals." Even here, however, while referring in passing to the government as the representative of multiple individuals, Roosevelt subtly conflated the nation and the state, treating the two—the body politic and the national government—as identical.[27]

On other occasions Roosevelt was even more direct. "It is right to remember the interests of the individual," he told a group of attorneys in 1905, "but it is right also to remember the interests of that great mass of individuals embodied in the public, in the Government." The Supreme Court's decision in *U.S. v. E. C. Knight*, limiting the scope of the Sherman Antitrust Act, Roosevelt believed had "left the National Government, that is, the people of the Nation, practically helpless to deal with the large combinations of modern business." Roosevelt conceived the national state as nothing other than the people acting in concert, a theory helped along by his evolutionist reading of history and displaced millennialism. He recognized no consequential distinction between government and civil society, as if the people of the nation arrived at their common, civic identity apart from the apparatus of the state. Instead, individuals came to know themselves as a unified body politic—they became a people, an *ethnos*, in the full political sense of the term—when they participated in the joint exercise of political power. A common political identity rooted in a common state made separate individuals one political person, with one set of shared political interests. Roosevelt described political agency as a collective phenomenon, not an individual one—something to be found in combined action through the state rather than exercised by private persons or classes. He made no effort to argue for a recovery of individual economic independence as the basis for authentic political agency. He was willing to let that aspect of the republican dream die. Instead he offered a collectivist theory for a collectivist age.[28]

Roosevelt spoke for a progressive state, one fully resident in the modern age of combination. Indeed, he regarded a more powerful, more centralized national government as merely the latest chapter in the race's evolutionary story, the latest foothold on the climb toward greater democracy realized and practiced in a shared national state. This brand of what might be called corporate nationalism, in which the nation and the state are held to shape and even create one another, was not uncommon on the European continent during Roosevelt's day. The origins of the corporate nationalist formulation ran back to the French Revolution, and the Germans had adopted something very much like it as their national philosophy after national unification in 1871. If Roosevelt's nationalism and con-

ception of the state had a home in Europe, however, it was largely foreign to America.

Roosevelt's portrayal of the national government as the sovereign of the American political system, based on his conflation of state and populace, was an idea distinctly not a part of the earlier American political tradition. The Constitution's drafters and ratifiers dispersed political power among various levels of government to ensure that sovereignty remained always and finally with the people themselves, not collected in any particular institution or office able to be dominated by corrupt men. The difference is more than one of emphasis. Roosevelt's conception of the nation-state departed substantially from early Americans' understanding of political power as contractual, and suggested that they and Roosevelt held divergent ideas about the origins of the state and its uses.

"The origin of all civil government, justly established, must be a voluntary compact, between the rulers and ruled," Alexander Hamilton wrote in 1777 in a statement typical of the United States' first generation of statesmen. A contract was needed to establish the civil authority of government because those persons who would be governed were each of them bearers of inalienable rights. The American framers rejected the Greek republicans' subordination of the individual good to the interests of the polis much as John Adams did when he condemned the political economies of Sparta, Lacedae, and Athens as "frigid system[s] of national and family pride," totally disrespectful of the individual and faintly authoritarian.[29]

Instead, early American thought from the Puritan colonists to the framers held that the state existed for the good of the person in society. Individuals were not solitary beings; they required and were meant for social company, the family first of all. Civil society and even the state were natural and necessary extensions of humans' social nature and without them the individual could not exist. In that sense, the political community was prior to the person, the irreplaceable context in which humans' nature was fully realized and protected. Yet the state still existed by compact, called forth by rights-bearing individuals equal in their moral worth. Ontologically, the political community came before the person, but chronologically the individual in society was first. Government was not an automatic outgrowth of society. It required the consent of the persons who lived together in community in order to exist justly. A state that possessed the power of coercion and physical force meant in practice that some persons would exercise power over others. If humans were in fact equal in all essential respects, this situation could be legitimate only if approved by the consent of its members. Political power undoubtedly had its uses. The state brought order, provided stability, and

protected liberty. But political power could be easily abused. It needed to be cabined and its uses carefully codified so that rights were safe and civil society could flourish. Thus, Hamilton concluded, "certain great first principles [must] be settled and established, determining and bounding the power . . . of the ruler," so to secure "the rights and liberties of the subject."[30]

The first American statesmen—or most of them—were nationalists, to be sure, and American nationalism had a long history before Theodore Roosevelt. But earlier, more traditional American nationalism preserved a distinction between government and civil society. Though he would never have admitted he was breaking from the founders' school of thought, Roosevelt did seem to acknowledge these earlier American understandings of government that were different from his own by characterizing them as products of an age of "individualism." "The men who first applied the extreme Democratic theory in American life," by which he meant the idea that the people themselves, rather than an elite, should rule, "were, like Jefferson, ultra-individualists, for at that time what was demanded by our people was the largest liberty for the individual." In the days of the early republic, the United States was without a fully formed national consciousness. Moreover, Americans had much expanding to do that could not be directed from a central authority, and the very people responsible for that expansion—the frontiersmen—were far too independent and strong-willed to submit to the heavy hand of government. They were "rugged individuals" in an era of individualism, an age necessary for the country to traverse if it were to become a continental nation.[31]

Be that as it may, "during the century that had elapsed since Jefferson became president the need had exactly reversed. There had been a riot of individualistic materialism, under which complete freedom for the individual . . . turned out in practice to mean perfect freedom for the strong to wrong the weak." The age of individualism was past, the era of combination at hand. According to Roosevelt, as the race became stronger and more highly developed, it shook off individualism with all its attendant theoretical constructs about individual rights and the dangers of centralized power, and realized its shared destiny in collective action. On this evolutionary account, a sort of Herbert Spencerism read backward, government emerged not so much by common consent as by common need. The state was pictured as one further stage in an unfolding evolutionary process which humans did not, finally, control. So the state was not a product of human rationality or deliberate choice. It was an evolutionary imperative rooted in humans' need for stability and physical safety in order to progress beyond other animals.[32]

That meant the social contract was a theoretical mistake. The state was not,

strictly speaking, the result of any particular contract, a view visible in Roosevelt's thought as early as his first volumes of *The Winning of the West*. Roosevelt stressed the Teutonic racial origins of the American people and their government. In his account, peoples or races may indeed consciously design a government for themselves, as the Americans did. But this was not the same as establishing "certain first principles" that called the state into existence, as Hamilton had it. Rather, to write or reform a constitution was merely to alter the administration of a political community that already existed, before any act of deliberative consent. This is why, for Roosevelt, the order of society was ultimately predicated on force. An advanced race brought structure to its surroundings by imposing its will on everything within its domain, including other, weaker races. This is what Roosevelt believed the Western settlers had (rightly) done with the indigenous American tribal peoples. According to his logic, government did not originate in the considered consent of rights-bearing individuals; rather, all political agreements for protection of rights and other interests—agreements that could be quite profitable for the race and even necessary for its success—came after the fact. Government existed by evolutionary necessity, realized by force.[33]

The consequences of this idea of government's beginnings reverberated in every other aspect of Roosevelt's political thought, affecting his understanding of the Constitution, citizenship, rights, and the connection between personal character and self-government. Nowhere was the influence of his evolutionary idea more apparent than on the subject of political power. The framers sought to disperse it, distribute it, and prevent it from concentrating in any one place. State power, to them, was dangerous. Should the balance between state and society be upset, and the coercive power of the state grow too strong, the rights of citizens could be jeopardized. Roosevelt, on the other hand, was far more willing—even eager—to use the power of the national government. If some national good could be achieved through vigorous state action, then he was for it, especially when he was the one running the state.[34]

But if Roosevelt in his writing and his rhetoric imagined the state as the ultimate embodiment of the nation, rejecting the founders' contractual account of government, and if he cast the Constitution as a basically nationalist document in contrast to the framers' emphasis on dispersal of power and balance of interests, he by no means discarded the American republican tradition wholesale. Like these earlier Americans, Roosevelt believed self-government was a difficult task, requiring specific character traits in its practitioners. He too was concerned with the problem of civic virtue. But even here, in echoing a great theme of American political thought past, Roosevelt offered his generation a different path.

"Self-government is not an easy thing," the president reminded his listeners in North Carolina. "Only those communities are fit for it in which the average individual practices the virtues of self-command, of self-restraint, and of wise disinterestedness." Free government, in sum, depended on good character, a claim Roosevelt made repeatedly in one variation after another throughout his presidency, and especially during the six months of his pro–rate regulation speaking blitz. Roosevelt, however, was not interested in civic virtue because it promoted the ability of citizens to share in self-government and experience freedom. Rather, his interest in self-government and the virtues which sustained it stemmed from his passion for racial mightiness, national greatness. It was not that self-government was valuable because it made men free. Self-government was worth preserving because it was necessary for "a mighty people." Roosevelt sought the warrior virtues that would allow the race to triumph—to restore moral order at home, to spread Anglo-American civilization around the globe and bring the United States to world power. Roosevelt believed in the importance of civic virtue but changed the definition of virtue.[35]

The late colonials and early Americans had worried that wage work could not produce good citizenship because republican citizenship was so difficult and the qualities needed for it were comparatively rare. Wage work had become a commonplace before Roosevelt's presidency, however, and earlier controversialists had tried to meet the challenge of developing a republican model of citizenship workable for the modern age. The leaders of this revisionist effort were the first members of Roosevelt's party. Republican partisans in the 1850s redefined independent laborers to be "working white men," as distinguished from enslaved black men, and not necessarily self-subsisting farmers or property owners. They addressed Jefferson's worry about the servile quality of wage labor by maintaining that unforced labor was independent labor, whether performed for a wage or not. In other words, free labor advocates argued that republican citizenship was not so difficult after all. Independent labor or, at least, labor that allowed an independence of mind was far more common than Thomas Jefferson and other founders thought. Theodore Roosevelt built on the free labor logic and added his own twist. Virtue, he said, was not so difficult to attain either.[36]

Roosevelt, unlike both Jefferson and most free labor advocates, was not wedded to an account of self-government as the culmination of man's rational, rights-bearing nature. He did not justify republican politics based on rights or rationality. His case for democracy was practical and almost utilitarian. He believed that self-government was best because it best accommodated the strength and vigor of a great, warrior people. Consequently, his political theory did not require that citizens cultivate the (perhaps rare) character traits that would be

needed to protect rights and participate in the institutions that preserved and embodied them. Moderation and patience, moral refinement and political learning, did not particularly interest Roosevelt as civic qualities. He believed that individual hardihood, vigor, and physical courage were the really desirable virtues. "The man's moral quality . . . his cleanliness of life, his power to do his duty toward himself and toward others [are what] really count," Roosevelt told Congress while president, gently reiterating the neurasthenic language of his youth. These virile virtues were the character traits that resulted in achievement and racial progress. And these virtues were accessible to almost any person, at any socioeconomic station, who cared to cultivate them. The man "who in driving an engine or erecting a building or handling deep-sea fishing-craft shows the necessary moral, intellectual, and physical qualities demanded by his task ought to be instantly accepted as standing upon as high a plane of citizenship as any human being in the community." What sort of work a person performed did not matter. It only mattered that the work he did, he did well, evidencing the warrior qualities of character.[37]

Roosevelt solved the problem of republican political economy by racializing traditional republican virtues. Wage workers or anyone else could develop individual initiative and personal strength of character if given a fair opportunity, Roosevelt argued. Thus his focus became securing that opportunity for workers in their existing circumstances, rather than trying substantially to change those circumstances. In Roosevelt's political science, the conditions of industrial progress were also industrialism's peril—unprecedented combinations of business power and size increased productivity but threatened to crowd out opportunities for achievement by individuals just beginning in life, or by those without wealth or inherited social standing. Such a situation would seriously weaken the race over the long run, Roosevelt feared, by depriving the nation of the energies and achievements of its vast majority while removing the wealthy few from challenge and competition. Roosevelt thought he detected those very conditions already in much of the corporate world. The federal government needed to intervene to ensure that every American had a chance to make something of him- or herself. Reforming the Interstate Commerce Commission was just the beginning, more important for the principle than the actual effect it might have: righteousness and equality, those were the watchwords. "Equality of opportunity," Roosevelt said in 1910, "means that the commonwealth will get from every citizen the highest service of which he is capable."[38]

Roosevelt's fixation on the warrior virtues, and his drive to secure conditions where they could flourish at times, made him sound more virtue-centric than the founders. To consider their different attempts at fostering virtue is to realize

they and Roosevelt had very different priorities. John Adams thought that virtues in the citizenry were a result, rather than a prerequisite, of a system of government whose divisions among multiple sovereigns promoted the flourishing of local communities and civic associations. "The best republics will be virtuous," Adams mused, "but we may hazard a conjecture that the virtues have been the effect of the well ordered constitution, rather than the cause." James Madison followed Adams's line of reasoning in his attempt, outlined in *Federalist* Number Ten, to use the extensive population and geographic size of the Union as tools to neutralize groups of self-interested citizens who would trample the rights of others in pursuit of their own agendas. If the republic's size were matched with a representative form of government where elected officials made decisions rather than the people themselves, violently self-interested collections of citizens, or factions, would be hard-pressed to seize the reins of power.[39]

Madison was not contending that virtue was unimportant. It certainly did matter. Like Adams, he wanted to encourage good character by encouraging the institutions that stood between the individual and government, especially religious institutions. Meanwhile, he thought a written constitution could provide mechanical protections for rights independent of the virtues of statesmen or citizens, and he sought to multiply those provisions as much as possible. Constitutional protections of rights would also act as educators, reminding the populace of the ground of their civic identities and of their obligations to their fellow citizens. Lincoln later cast the Declaration of Independence in this role, claiming that it contained the essential principles of American government, and of all free government. For him, as for Adams and Madison, the virtuous behavior that would preserve free government flowed from an appreciation for rights and their need for protection.[40]

The founders and Lincoln appeared far more hesitant than Roosevelt to rely on virtue for the sustenance of the republic, and far more likely to lean on civil society and private institutions to craft the character traits they did find essential. But had Roosevelt recognized these divergences, and there is no sign he did, they likely would have only confirmed for him the profoundly different circumstances between his day and theirs. That is, they would have returned Roosevelt to the basic tenets of his economic mugwumpery: the state needed to intervene in order to redress the imbalance in civil society created by the era of combination. Private associations, like private individuals, were being swamped by the economic and political might of the giant corporations and the men who ran them. Only the national state was strong enough to set the scales aright. For Roosevelt, rate legislation represented just the sort of constructive intervention the country required, a means to the end of remoralizing American society and re-

connecting the interests of major businessmen with the interests of the nation as a whole. "What is needed is not sweeping prohibition of every arrangement, good or bad, which may tend to restrict competition," he said, "but such adequate supervision and regulation as will prevent any restriction of competition from being to the detriment of the public."[41]

Aldrich and company did not find the president's public sermons particularly inspiring. But the tide of opinion ran with Roosevelt. In the summer of 1905, a New York state investigation spearheaded by young attorney Charles Evans Hughes uncovered a sordid alliance between Republican politicians and life-insurance company executives. The details shocked the public. State assembly members had drafted legislation protecting the insurance companies in return for campaign contributions and outright bribes. The muckrakers couldn't have dreamed up a more salacious story if they had tried. News of the investigation spread quickly around the country, and that wasn't all. In Pittsburgh and San Francisco, graft trials of city officials exposed municipal networks of corruption similar to those in New York. The newspapers had a field day. Just a few years earlier, investigative journalists had struggled to keep reformers' hopes alive by printing long lists of prominent reform advocates. Now corporate politics and the influence of railroads were on the tip of every tongue. Kansas journalist and Roosevelt ally William Allen White captured the restive national mood that season when he wrote that "our senators went to Washington obligated to the large corporate interests of their states." The public was in an increasingly anti-corporation frame of mind.[42]

The big beneficiary of the public outcry was Theodore Roosevelt. His rhetoric was perfectly timed to take advantage of the shifting popular mood, and, in this context, his ideas resonated. A powerful reform coalition was coming together under his guidance, a popular groundswell of support from shippers, small merchants, and farmers in the Midwest and West, good government reformers in the cities, social gospel advocates, middle-class professionals, and readers of the new periodicals, their general, often inchoate and sometimes conflicting calls for action shaped and organized by Roosevelt's public rhetoric. He didn't create the elements of the coalition any more than he dreamed up ex nihilo the regulatory measures he forwarded. The various groups that backed his efforts at national regulation existed before 1905—some had been around for decades, the sources of their convictions rooted in various circumstances and events unrelated to him. Similarly, the independent commission he proposed to strengthen was the brainchild of an earlier generation, just like the Sherman Antitrust Act he used and the anti-monopoly laws in twenty-five states, all adopted before Roosevelt

came to the White House. Neither the measures nor the reformers were new, but Roosevelt creatively invested preexisting ideas with fresh significance, drawing on traditional republican themes and Christian ethics, folding in racial theories of progress and a belief in the potential of science, administration, and expertise. In an age of rapid change and upheaval, Roosevelt offered the state as an agent of order and restoration. A broad array of Americans responded to his call, invigorated by his preaching and his will to act. Like him, they came to see the relation of public to private power and the preservation of free government as the central issues of the age.[43]

Historians have argued over which component group in the gathering proregulation coalition was most responsible for reform, which represented the real progressive constituency. Some have argued the agrarian element was dominant, fueled by the Granger remnant, the Populists, and small shippers in the South and West. Others traced the national drive for reform to a fading urban upper-middle class, the mugwump type, whose social status as keepers of the nation's literary, cultural, and religious mores withered in the explosion of industrial wealth and mass immigration, boss-oriented politics, and new media forms. Still others believed regulatory reform originated with the emerging professional middle-class exponents of science and technology, eager to assert their newfound social influence. Or perhaps it was the apostles of the social gospel, or the good government reformers, or the temperance movement, or any one of a dozen other groups hawking reform in the industrial age. In fact, no one group dominated because there was no one reform movement. The rate debate introduced a reform moment, or perhaps a series of moments stretching over two decades. The rate debate was the first act of the progressive era, a nationwide season of reform when Americans tried to preserve their democracy in the threatening circumstances of the early twentieth century. Roosevelt's genius was to bring the generalized reform impulse that had been building for almost thirty years to the national stage, to create a moment when concerted action was possible. He did it chiefly by propounding a public philosophy of self-government through reform and renewal, a warrior republicanism.[44]

The moment, as 1905 gave way to 1906, belonged to him. After a strongly worded annual message in December 1905, in which the president also endorsed an employers' liability law for the District of Columbia, pure-food-and-drug legislation, and a Commerce Department inquiry into child labor practices, the Senate finally reported a rate bill out of committee on February 26, 1906. As its chief sponsor, Republican Senator Jonathan Dolliver, had drafted it, the bill conferred on the Interstate Commerce Commission an additional two members and, among other things, the authority to set a maximum rate in the

event of a dispute between railroad and shipper. Dolliver's version said nothing about court review, however, leaving the distinct impression that commission decisions may not be open to review at all. Aldrich had failed to keep the bill off the Senate floor, but he gathered enough Republican votes to prevent passage in its current form. Roosevelt would have to rely on an impromptu assemblage of Republican moderates and Democrats, or else find some way to compromise with the Aldrich forces. Initially he ignored the Senate leader and worked to build a majority of moderates from both parties in support of a slightly rewritten bill that allowed only narrow court review. But when Democrats proved unable to deliver enough votes to pass that version, Roosevelt backtracked. In April, he returned to Aldrich and struck another bargain. Senator William Allison, a member of the Aldrich camp, had drafted an amendment that provided for judicial review of commission decisions, but without specifying any particular standard. Aldrich and supporters believed it would guarantee the widest review possible. Roosevelt decided to hope for the best, and, with his assent, the Hepburn rate bill and Allison amendment became law in June 1906. The Hepburn Act expanded the Interstate Commerce Commission from five members to seven and authorized commissioners to appoint examiners and agents. It enlarged the commission's jurisdiction to cover sleeping cars, express companies, and oil pipelines. In an effort to prevent expansion of railroad monopoly power, the act prohibited railroads from owning the goods they transported. It explicitly delegated maximum rate-making authority to the commission, which could be suspended only by court injunction. Roosevelt believed it was the greatest domestic achievement of his presidency.[45]

Before the summer was out, Roosevelt scored two more victories with the Pure Food and Drug Act and the meat inspection law. He had the investigative journalists especially to thank for these. Legislation providing for national standards and labels for food shipped in interstate commerce had been a hardy Washington perennial since the 1890s. Roosevelt recommended food regulation again in December 1905, but prospects looked dim with Congress and the White House fixated on rate reform. Then, in early 1906, Upton Sinclair published *The Jungle*, a fictionalized exposé of Chicago meat-packing plants. For a year it was the best-selling book in the United States. Roosevelt read it himself, as did several members of Congress, and in the wake of the book's startling revelations popular opinion swung solidly behind food regulations for consumer safety. The president capitalized on the turn of events by launching a federal investigation of the Chicago stockyards. Then he released the stomach-turning results to the public. For his timing and finesse, Roosevelt got two bills that together mandated

inspection of all meat products, gave the Department of Agriculture authority to oversee packing house operations directly, and forbade the sale, manufacture, or transport of adulterated food stuffs in interstate commerce.[46]

The Democratic *New York World* moaned that Roosevelt's railroad and food-inspection bills together constituted "the most amazing program of centralization that any President of the United States has ever recommended." This was an exaggeration, but there was no denying Roosevelt had achieved a decisive break with the past. His initiatives shifted political power away from Congress and toward the executive branch. More accurately, they generated a new locus of power in administrative bodies like the Interstate Commerce Commission, nominally independent of both legislature and executive. Indeed, the Roosevelt legislation of 1906 marked the genesis of a professionalized, bureaucratic administrative state, a state in theory at least beyond the control of private interests or party machinery, though the reality was more ambiguous. Roosevelt believed in expert, independent administration, and given his political experience from Albany to Washington, he identified party participation in the execution of laws as corrupt, or corrupting. But it would be a mistake to believe he wanted the professional state to be strictly independent. He had little authority over the Interstate Commerce Commission, but then it predated his arrival in Washington. In practice, his own administrative creations—the Bureau of Corporations, the Department of Commerce—reported to the president. The administrative state was, for him, the presidential state.[47]

Just as significant as his actual legislative accomplishments was the rhetoric he used to win them. It too marked a historical departure. Roosevelt invoked the founders' statecraft but abandoned its priorities. He appealed to an earlier tradition of republicanism but rewrote its themes. He offered the country a new intellectual synthesis, an activist, nationalist state in pursuit of moral community, stability, prosperity and uplift. The administrative state Roosevelt helped midwife would grow to a size and shape beyond his intentions, into a bureaucratic behemoth of alphabet agencies directly accountable to neither the president nor Congress, nor any elected official. In a similar way, his rhetoric swept beyond the immediate political context in which he formed it to justify state action on a much grander scale, to open theoretical avenues for the creation of a national social welfare state. In 1906, Roosevelt's ideas—his warrior republicanism—were helping to transform the American political scene, and he was transformed by them in the process. In the years to come, he would follow their logic to bolder proposals for larger reforms, while trying to hold together the coalition that had brought him this moment of triumph. But time waits for no man, and it would

not wait for him. His ideas and their consequences and the new reform era hurtled forward together, developing, changing, reverberating in the vortex of history. Roosevelt would spend the rest of his career trying to get back to this moment, trying to return to this place of victory and political consensus, when he, of all people, should have known that a return to the past is never possible.