

will.” These included the initiative, referendum, recall (including recall of judges and judicial decisions), and direct election of U.S. senators.

Most of these devices had been in political circulation since their promulgation by the Populists in the 1890s. Roosevelt, however, had remained skeptical as late as 1911, when he declined to join Wisconsin senator Robert La Follette’s National Progressive Republican League, a group that put Progressive structural reform at the center of its platform. By early 1912, though, Roosevelt had become persuaded that the Progressive ; ; program he had championed since 1910 — including

recall that decision if they think it wrong," Roosevelt maintained. This form of recall—applied in his initial formulation to the review of state supreme-court decisions—would allow the people at large to override the “monstrous misconstruction of the Constitution into an instrument for the perpetuation of social and industrial wrong and for the oppres-

George Mowry would describe the speech as “at once perhaps the most sincere and the most disastrous of all Roosevelt’s public addresses.”

constitutional conservatives

So startling was the speech that two long-time Roosevelt allies—New York senator Elihu Root and Massachusetts senator Henry Cabot Lodge—were among the Republican leaders driven into Taft’s arms. Root had served Roosevelt as both secretary of war and secretary of state; Lodge, meanwhile, was Roosevelt’s lifelong friend.

Senator Root’s decision to break with Roosevelt did not come easily, for he had in fact been a champion of Roosevelt in his battle for a Progressive legislative agenda. And nothing in Roosevelt’s “Square Deal,” according to Root, had been inconsistent with the principles of the nation’s founding or with the understanding of individual natural rights expressed in the Declaration of Independence and the Constitution. Root understood that the new era of industrialization and urbanization had introduced massive new institutions—corporations in particular—that required the counterweight of a far more active federal government to protect individual rights from abuse.

Root’s expansive view of federal power followed from his profes-

capacity for popular self-government,” according to Root, was the “possession of that power of self-restraint through which a people can subject its own conduct to the control of declared principles of action.”

America had passed that test, because it had agreed at its founding to bind itself to certain principles of right and justice. As Root explained, “for that imposition of rules of conduct that formerly came from a monarch, our fathers substituted the imposition of rules of right conduct by the people, upon themselves,” in the form of the Constitution. Root elaborated:

In our Constitution we have embodied the eternal principles of justice; we have set up a barrier against ourselves. As Ulysses required his followers to bind him to the mast that he might not yield to the song of the siren as he sailed by, so the American democracy has bound itself to the great rules of right conduct, which...make it practically impossible that the impulse, the

In Root's view, the crown jewel of America's representative system was the United States Senate, and that institution was threatened by another Progressive measure, the direct election of senators. Root (and Lodge) opposed the 17th Amendment — agitation in favor of which was well underway by 1912 — because the Constitution's framers had grasped that "the weakness of democracy is the liability to continual change; they realized that there needed to be some guardian of the sober second thought; and so they created the Senate" with longer terms and indirect election. A Senate directly elected by the people, Root argued, would "do away with the benefits of discussion and comparison of views and mutual concessions, and that fair and open-minded yielding to the argument of our fellows, which is the essential of good legislation." The result would be senators less likely to "protect the American democracy against itself," as Root had expressed the body's purpose, and more likely to posture and preen for the public.

The recall of judges and judicial decisions, meanwhile, would deal dramatic blows to the protection of individual rights against inflamed majorities. Since "[n]o mere paper rules will restrain these powerful and common forces of human nature," Root believed, the founders had wisely added an independent judiciary to our system of government to

hall with outrage, believing with some justification that their loss had been foreordained by an unfair allocation of contested delegates by the Republican National Committee.

The howls of protest only intensified during the keynote address Root delivered as the newly elected convention chairman. Unlike the typically bland convention keynotes designed to smooth feathers ruffled by the nominating contest and unite the party for the main event in November, Root's speech aimed to remind the Republican Party that, however Progressive it might become in other respects, it must never abandon its heritage as the party of constitutionally constrained democracy. Root insisted that "throughout that wide field in which the conditions of modern industrial life require that government shall intervene in the name of social justice... the Republican national administrations... have done their full, enlightened, and progressive duty to the limit of the national power under the Constitution." Taft's Progressivism, however, did not carry over into questioning the fundamental institutions of American life.

"We shall not apologize for American institutions," Root shot at the

for strength and wisdom to abide by the principles of the Constitution against the days of our temptation and weakness.”

For the next several days, Root calmly and patiently presided over a convention that was in a constant uproar. Even Roosevelt’s allies had to credit him with being the strong, dominant, persistent force that kept the convention going. William Roscoe Thayer wrote that “[a]t no other national convention in American history did a chairman keep his head and his temper so admirably as did Mr. Root on this occasion. His intellect, burning with a cold, white light, illumined every point, but betrayed no heat of passion.”

Root’s performance was all the more extraordinary given his strong aversion to public speaking, and considering that his only elected national office would be one term in that legislative chamber whose members were still to be regarded (in Root’s view) as lofty, venerable, wise statesmen. It might be said that Root in that moment embodied precisely the constraint and reserve that democracy requires to protect itself against its moments of heated passion.

However successful the Taft forces were in renominating their candidate, they understood full well that the chances of his success in November were very slim, since Roosevelt and his allies bolted the convention and began to lay plans for the new Progressive Party. Nonetheless, they firmly believed that

the Republican Party should be seized and carried over to populism.” Root assumed that “the Roosevelt disa ection would probably beat the Republican candidate. This has not seemed to me to make any di eference in our duty to hold the Republican Party firmly to the support of our constitutional system. Worse things can happen to a party than to be beaten.”

The party was beaten, of course, by Democrat Woodrow Wilson in November 1912. But though Wilson was of the Progressive mold and tepidly supported the initiative and referendum, he had staunchly refused to endorse the court reforms so important to Roosevelt Progressives. Indeed, the , 7

ensured that Roosevelt's program of Progressive constitutional reform was now the "dominant formative influence in American political life."

Only in 1912 had Progressives at last come to appreciate that they were "confronted, not by disconnected abuses, but by a perverted system," Croly argued, stemming from the fact that "the United States never had been a genuine political democracy." Forced to "carry their inquisition to its logical conclusion—to challenge the old system, root and branch," Roosevelt Progressives were now "committed to a drastic reorganization of the American political and economic system, to the substitution of a frank social policy for the individualism of the past." Rallying feebly against the forthcoming complete emancipation of democratic rule, the conservative remnant could only fall back upon "an unqualified affirmation of the necessity of the traditional constitutional system to the political salvation of the American democracy," because it embodied "the permanent principles of righteous and reasonable political action."

For Croly, once the issue was thus starkly posed, it could hardly resolve itself in any way other than the triumph of Progressive democracy over constrained constitutional democracy. The fact that this assessment was published in 1914—two years before the tide of radical constitutional reform had begun to recede—only ensured that the book would vanish without a trace, just another failed political prophecy.

It is no exaggeration to say that the Taft victory within the Republican Party in 1912 determined that the nation would try to solve the perplexing new problems of the ensuing century without abandoning its fundamental commitment to limited government and constitutional constraints on majority rule. And the importance of that victory can be understood by considering just how different things would have been had Roosevelt won the presidency and driven through Congress and the states merely one piece of his reform platform—establishing a far easier and more efficient method

William Chambr

Declaration of Independence and the Constitution. Martin Diamond, Harry Jaffa, Herbert Storing, Walter Berns, Robert Goldwin, and many of their students have begun to restore the founders' notion that democracy can work only insofar as its passions are tempered by various constitutional

founders necessarily looking out for their own wealthy class. Diamond's Madison, on the other hand, saw that modern economic arrangements could instead provide the resolution of that bitter bipolar warfare into the much milder and safer — and entirely democratic — struggle of a vast multiplicity of economic, religious, and political interests.

This interpretation is of interest precisely because the Constitution remains our central governing charter. And it remains our central governing charter because the Tea Republicans prevented it from being consigned to the ash heap of history. The Tea Party has rightly channeled appreciative attention toward, and placed renewed emphasis on, the framers of our Constitution. But the words and deeds of Root, Taft, and Lodge, too, deserve examination and respect