

# THE NEW NATIONALISM AND THE OLD MORALITIES

SPEECH AT SYRACUSE

17 September, 1910

CRITICISM has been made of certain of my speeches in the West where I advocated what has been called the "New Nationalism." But the New Nationalism really means nothing but an application to new conditions of certain old and fundamental moralities. It means an invitation to meet the new problems of the present day in precisely the spirit in which Lincoln and the men of his day met their new problems. In my western speeches I said chiefly what I again and again said in messages to Congress when I was President. I very slightly developed the doctrines contained in these presidential addresses in order to meet the development of the new conditions; and the chief way in which I developed them was to include a quotation from Abraham Lincoln and construe it in connection with the very old doctrine of eminent domain.

Now what I say in the West I of course say here. Whether it is sound or not can, I

think, be determined by the simple expedient of asking whether any party is willing frankly to take the other side of the propositions of which complaint is made. If so, it would be a good thing to have the issue made in clean-cut fashion before the people; for in the end the people would most certainly decide in favor of the principles embodied in the New Nationalism, because otherwise this country could not continue to be a true republic, a true democracy.

Take, for instance, what I said in reference to two decisions of the Supreme Court. It was in the course of an address in which I dwelt upon the great need of having the spheres of activity of the national and state governments extended to cover the whole field of our life that can properly be touched by legislation at all, so that there shall not be left a debatable land in which neither nation nor state has real power, and which can serve as a place of refuge for men who wish to escape all effective control under the law, and especially for the great corporations which wish thus to escape control. One decision was in the Knight Sugar case, in which, according to the dissenting opinion of Justice Harlan, the judgment of the court placed the public "so far as national power

is concerned [the only power which could be effective] entirely at the mercy of combinations which arbitrarily control the prices of articles purchased to be transported from one state to another state." I merely took the view which the learned justice had thus taken in his dissenting opinion. It is, in my judgment, unquestionably the correct view. The decision has been a bar in the path of those who are honestly endeavoring to secure adequate control over great corporations doing an interstate business. Those who criticize me are also criticizing a justice of the Supreme Court, Mr. Harlan. Do my critics take the position that the people shall not be able to control the management and activities of these great monopolistic corporations doing an interstate business? If so, let them frankly avow their position. If not, let them cease their criticism.

The second decision was one against state's rights, prohibiting the state of New York to regulate in very moderate fashion the hours of work in bakery and confectionery establishments where the conditions are such that excessive hours of labor continued day in and day out may endanger the health and shorten the lives of the workingmen. Here what I said was based upon the dissenting

opinions of Justices Harlan, White, Day, and Holmes, who specifically upheld the view that the state had the power to regulate the hours of labor under such conditions, taking the broad ground that "it is the primary duty of the state to guard and protect the health and safety of its people." Here I held that the dissenting justices were right in their views, and that, however honest men may be who revive the long outworn doctrine that the state shall not interfere with the "liberty" of laborers who are driven by grinding need to contract to work for an excessive number of hours under unhealthy conditions, yet such doctrine is essentially anti-social, and is really a relic of a past geological age in our social and economic history. If my opponents disagree with me, let them frankly say that the state has no right to limit the hours of labor of men employed under conditions dangerous to their health and welfare. If they do so, I take issue with them. If they do not, then they have no right to criticize what I have said.

Fifty-three years ago Abraham Lincoln was assailed for his repeated criticisms of the Supreme Court in the Dred Scott case. As regards this decision he announced, not once, but again and again, that he held it to

be not merely the right but the duty of citizens, who felt that judicial decisions were erroneous and damaging, loyally to abide by the decisions as long as they stood, but to try hard to secure their reversal; his language on one occasion being as follows:—

“We do not propose in any violent way [to] disturb the rights of property thus settled. . . . We propose so resisting it [the decision] as to have it reversed if we can, and a new judicial rule established upon this subject.”

He repeated this statement in slightly differing language in speech after speech.

Moreover, he used very strong language about the decision, far stronger than I should dream of using, or than it would be proper to use, about the decisions with which I now deal. But his view as to his right and duty to call attention to an erroneous decision which vitally affected the rights of the people was, I think, entirely sound. At any rate, if I have erred in commenting as I have commented upon the decisions in question, I err in company with Abraham Lincoln.

The criticism of me is perhaps well summed up in the following speech of an eminent public man:—

“He makes war on the decision of the Supreme Court. I wish to say to you,

fellow citizens, that I have no war to make on that decision, or any other ever rendered by the Supreme Court. I am content to take that decision as it stands delivered by the highest judicial tribunal on earth, a tribunal established by the Constitution of the United States for that purpose, and hence that decision becomes the law of the land, binding on you, on me, and on every other good citizen, whether we like it or not. Hence, I do not choose to go into an argument to prove, before this audience, whether or not he [the Chief Justice] understood the law better than Theodore Roosevelt.”

Now, gentlemen, I have made one change in the above quotation. The last words were not “Theodore Roosevelt,” the last words were “Abraham Lincoln,” and this attack, made nearly fifty-three years ago upon Abraham Lincoln, is precisely and exactly the kind of attack made upon me at the moment. Abraham Lincoln felt and professed, throughout his life, the same profound respect for the Supreme Court that, of course, I feel, and that I have again and again in public speech and messages, as President of the United States, expressed. An upright judge is a higher and better public servant



than any other man can possibly be, and it is a cause of pride to every American citizen that our Supreme Court is the most influential judicial tribunal in the entire world. I have quoted Abraham Lincoln; let me quote him again: "We believe in obedience to and respect for the judicial department of government. We think its decisions on constitutional questions when fully settled should control." I agree absolutely with this sentence of Abraham Lincoln, not the less because I also believe in what Lincoln said immediately afterwards: "But we think this decision erroneous, and we shall do what we can to have it overruled."

Nor do I have to go only to the statesmen of the past for precedents. The President of the United States, Mr. Taft, has served his country honorably and uprightly in many positions, — as judge, as Governor of the Philippines, as Secretary of War, and now as President, — for to him and the Congress acting with him, we owe the creation of a Tariff Commission, the adoption of maximum and minimum tariff law treaties with foreign powers, the proper treatment of the Philippines under the tariff, the increase in the efficiency of the Interstate Commerce Law, the beginning of a national legislative

program providing for the exercise of the taxing power in connection with corporations doing an interstate business, a Postal Savings Bank Bill, the constitution of a commission to report a remedy for overcapitalization in connection with the issue of stocks and bonds; but few of his services are more deserving of record than what he said in this very matter of criticism of the judiciary. Speaking as a United States circuit judge, fifteen years ago, he said: "The opportunity freely and publicly to criticize judicial action is of vastly more importance to the body politic than the immunity of courts and judges from unjust aspersions and attack. Nothing tends more to render judges careful in their decisions and anxiously solicitous to do exact justice than the consciousness that every act of theirs is to be submitted to the intelligent scrutiny and candid criticism of their fellow men. In the case of judges having a life tenure, indeed, their very independence makes the right freely to comment on their decisions of greater importance, because it is the only practicable and available instrument in the hands of a free people to keep such judges alive to the reasonable demands of those they serve."

We who work for the New Nationalism



are not working in any spirit of mere faction or party. We recognize parties as necessary instruments for government under popular conditions, just as we recognize corporations as necessary instruments in modern business, and just as we recognize unions as necessary instruments in the elevation of wage workers under modern industrial conditions. But we believe that true loyalty to a party consists chiefly in making that party the efficient servant of the whole people.

Among those who manage our government, state and national, in legislative and in judicial positions, we regard the one vital and essential matter to be honesty. The crook in public life is the gravest menace to our political institutions, and we call on all good citizens to drive him out of public life. Whether his crookedness takes the form of blackmail or of bribery — we care nothing whether he receive the bribe or give it — is of small consequence. In any event he is a traitor to democracy and a foe to republican institutions; and against him we war without mercy; and we will reject without hesitation any plea advanced on his behalf, no matter what may be the influence, political, social, or commercial, that stands behind him.

We believe in the hearty encouragement

and reward of individual excellence, but we believe also in steadily using the power of the government to secure economic democracy as well as political democracy. Our ideal is to secure, so far as by law it is possible to secure, a reasonable approximation to equality of opportunity for all men, so that (as far as it is humanly possible to secure it) each man shall have the chance to start fair in the race of life and to show the stuff that is in him, unhelped by special privilege for himself and unhampered by special privilege for others. We know that an ideal like this can never be entirely realized, but we believe it our duty to do whatever is possible to bring about a measurable approximation to this ideal. We entirely understand that after the best possible laws have been obtained, and after they have been enforced in the most efficient possible manner, it will yet remain true that the chief factor in each man's success or failure must be that man's individual character; but while fully recognizing this fact, we nevertheless insist that good laws and honest administration of these laws can be made to play a very real and effective part in the betterment of mankind. According to our ability we intend to safeguard the rights of the mighty; but we intend no less jeal-

ously to safeguard the rights of the lowly. Our ideal is equal justice for all; justice alike for the rich man and the poor man who do right; and the same stern justice for the rich man and the poor man who do wrong.

We cordially believe in the rights of property. We think that normally and in the long run the rights of humanity, the rights of mankind, coincide with the rights of property, and that the two sets of rights are in large part inextricably interwoven; and so we would protect property in all its rights. But we feel that if in exceptional cases there is any conflict between the rights of property and the rights of man, then we must stand for the rights of man. And we believe that where property has accumulated in such masses that it becomes heaped-up wealth, fairly fabulous in its extent and power, then there arises a real reason not merely for safeguarding the rights of wealth but for safeguarding the people against the wrongs and abuses of wealth, and especially of wealth in its corporate capacity, of wealth functioning as corporate capital. The great captains of industry do well and are entitled to great rewards only in so far as they render great service; they are invaluable as long as they in good faith act as efficient servants of the

public; they become intolerable when they behave as the masters of the public. The corporation is the creature of the people; and it must not be allowed to become the ruler of the people.

Politically we believe that the people should act with justice and moderation, and that it is eminently necessary that they should show self-control. But we also believe that this should be literally self-control and not control by outsiders; that they should be controlled by themselves and not by political bosses, or by the direct or indirect use of wealth, and least of all by a combination between political bossism and big business. People are apt to say that bossism is merely another term for leadership. I do not think that this is so. Of course there are all degrees in bossism; and of course the mere fact that a man is a boss does not in the least justify the kind of attack upon him that ought to be made upon a corrupt and unfaithful public servant. Nevertheless, we think that the boss is a bad development in our politics. It is necessary and desirable that there should be leaders, but it is unnecessary and undesirable that there should be bosses. The leader leads the people; the boss drives the people. The leader gets his hold by open

appeal to the reason and conscience of his followers; the boss keeps his hold by manipulation, by intrigue, by secret and furtive appeals to many forms of self-interest, and sometimes to very base forms of self-interest. The leader wars on the crook and seeks to drive him from power; the boss too often protects the crook and seeks to profit by his existence. The leader treats the unfaithful public servant as the worst foe of the party to which he nominally belongs, and refuses entirely to recognize him as a party representative; the boss too often uses and shields him. Leadership is carried on in the open light of day; bossism derives its main strength from what is done under cover of darkness.

Of course leadership must not only be brave and honest, but it must be sober and must accord with the dictates of common sense. Exactly as the conservative who favors abuses and connives at corruption is in reality the worst enemy of conservatism, so the popular leader or reformer who acts in the spirit of the demagogue, or of the wild-eyed visionary, who incites to excess and to rash action and stirs up class hatred, is himself the worst foe of progress, the most dangerous enemy of the popular cause which he professes to champion. There must be

progress; a great democracy which ceases to be progressive soon also ceases to be either great or democratic; but the progress must be wise, sober, moderate, if it is to be permanent. If we attempt merely to stand still, we are certain to go backward. If under the theory that we are making progress we go in the wrong direction, we shall have to waste much time in retracing our steps. But progress there must and shall be. The past century has been one of gigantic material prosperity, of gigantic accumulation of prosperity. Our task is to preserve that prosperity, in the interest of all of us; but it is also in the interest of all of us to work for a less unequal division of the prosperity. We believe in material well-being as absolutely essential. It is only upon a foundation of material well-being that the greatness of a nation can be built. But the foundation is in no way sufficient in itself. Material well-being is a great good, but it is a great good chiefly as a means for the upbuilding upon it of a high and fine type of character, private and public. Upon our national well-being as a foundation we must upbuild the structure of a lofty national life, raised in accordance with the doctrine that "righteousness exalteth a nation."