

Combining Theodore Roosevelt's History with Current
Public Policy Issues
October 28, 2019

As I mentioned in remarks at Long Island University last April, for those of us who have spent years living with TR as historians, writers, government officials, and as public policy advocates the creation of this institute in this wonderful location is a dream come true.

There are a great many university-based public policy centers, including several named for former presidents: Harvard's Kennedy School; Stanford's Hoover Institute; and Princeton's Woodrow Wilson School all come to mind. But this enterprise has the unique responsibility to focus on the legacy of Theodore Roosevelt, the issues that he cared about, the work that he did during his lifetime, and the ways in which those issues might be examined and treated today.

Prior to the Centenary Conference, the Theodore Roosevelt Association hosted a wonderful discussion of TR's love of the Navy, the way in which he built it during his lifetime, and the role of the Navy today. The keynote speaker was Admiral James Stavridis. There are endless issues about the Navy that could be the subject of meetings and studies and recommendations by LIU's Theodore Roosevelt Institute.

Similarly, the Institute can and will explore issues of conservation and the environment; of the American West; of presidential leadership; and so much more. It will focus on issues of concern during all aspects of his lifetime: from his youth to his years as a state legislator; to his work as New York's Commissioner of Police; to his years as Governor – to his voluminous writings before, during and after his years in office – and much, much more.

For those who follow TR, it seems that there are new studies and new books every few months. To some

extent, all presidents remain relevant. But TR may be unique.

My own area of scholarship and interest involves a part of TR's life after he left office in 1909 and his desire to return to the presidency in 1912. Like every other area where he had an impact, the legacy of his effort to capture the Republican nomination – and then his creation of his own Third Party – is very much with us today. His views and experiences offer lessons for our own era, as they will for future generations.

The topic of my presentation is TR, the history making events of 1912, how those events continue to resonate, and – of special relevance to this convening - what public policy options the Theodore Roosevelt Institute could study and explore.

I will cover TR's role in creating presidential primaries, the way in which the delegate selection process has evolved

since 1912, and then I will make some suggestion of ways in which this Institute can play a unique role.

Along the way, I will include a story about myself – and, to some extent Tweed – and the unlikely role that we played in changing politics in 1968 - more than 50 years ago.

My book on TR was published in January, 2016, just as the primaries of that year were starting. It's called "Let the People Rule: Theodore Roosevelt and the Birth of the Presidential Primary." At the time my book appeared in early 2016, there were seventeen candidates on the Republican side and five Democrats.

At the time, 17 candidates seemed like a lot. What a difference 4 years – and President Trump – has made to the Democratic Party's lineup.

Political junkies may want to see if you can name those who ran in 2016, those who are running in both parties today – and those who have already dropped out.

As we enter a new election cycle, and look back on the past for some lessons, the current issues include: (1) How should the political parties select their presidential nominees?; (2) Are primaries good for democracy?

To whet your appetites a bit, let me quote the first sentence of H. W. Brands' review of my book in the Washington Post, written in late January, 2016. In reviewing my book, as you will see, he conflated my role in 1968 with the topic of the book which is, of course, about TR in 1912.

Here is what he said: "If Donald Trump wins the Republican nomination for president over the strenuous efforts of party elites to derail him, he ought to send a note of thanks to Geoffrey Cowan."

By the way: Donald Trump never sent that note. He didn't even send a Tweet.

But what in the world was Bill Brands talking about?

Here is some context – which could be relevant to any study of this topic by the Institute.

In American history there have been four stages of the presidential nominating process. They are:

1. **King Caucus:** From the founding of republic through 1832, nominees were selected by the members of their party who were serving in congress. It would be as though the Democrats and Republicans in Congress today could pick their party nominee.
2. **Political Conventions** dominated entirely by party leaders with a way for voters to express their wishes as to the party nominee. Those conventions were more or less started by Andrew Jackson in 1832. The deliberations were often described as taking place in “smoke filled rooms.”

The convention system without direct voter input prevailed until 1912 when, largely thanks to TR, presidential primaries were born. But from 1912, and until 1968, only a few states had primaries, so you

can think of the third phase, the phase that TR did so much to create, as...

3. **The mixed primary – convention system:** Under that system a candidate could win most of the primaries and not be nominated – as happened to TR in 1912 and to Estes Kefauver in 1952, and to the forces opposed to the Vietnam War who supported Eugene McCarthy and Robert Kennedy in 1968

And then, as the result of events in 1968...

4. **The current system** where all or at least most of the delegates are selected with direct public input through caucuses or primaries.

Interestingly we may be entering a fifth era for both parties – which I will address at the end of my remarks.

What led to that fourth phase of the selection process?

John F. Kennedy, who was elected president in 1960, was assassinated in 1963. The Vice President, Lyndon Johnson, also known as LBJ, took his place and won the 1964 election in a landslide. In some respects, LBJ was a remarkably successful president. During his years in office Congress passed the Civil Rights Act, the Voting Rights Act, Medicare and much more.

But by 1967 a huge number of Democrats, and particularly younger voters, had become deeply angry about the war in Vietnam. They were so angry that they organized a campaign to defeat Johnson for the nomination. They hoped that President Kennedy's brother, Senator Robert Kennedy, would run, but at first he refused. So those opposed to the war coalesced around Eugene McCarthy, an anti-war Senator from Minnesota.

In 1968, only 14 states held primaries. The others picked delegates the old-fashioned way – by party leaders.

The first primary was held on March 12, 1968 in New Hampshire and McCarthy stunned the nation by winning 42 percent of the votes.

Four days later, on March 16, 1968, Senator Robert Kennedy entered the race. Johnson knew that he was deeply unpopular. Public opinion polls said he had an approval rating of only about 38 percent.

So, on March 31, 1968, LBJ appeared on national television and announced that he had decided not to seek his party's nomination for president. Most of his supporters coalesced around his Vice President, Hubert Humphrey, who was also from Minnesota. Since Humphrey supported the war in Vietnam, Senators McCarthy and Kennedy continued their efforts to win the nomination.

During the months that followed, Humphrey did not win a single primary. The final primaries took place on June 4, 1968. On that day, Senator McCarthy won in New Jersey

and Senator Kennedy won in California. Humphrey did not win anywhere.

On the night of the California Primary, just after his victory speech in Los Angeles, Robert Kennedy was assassinated. It was a horrible event that shocked the nation.

It is possible that Kennedy would have won the nomination if he had lived – but far from sure. Senator McCarthy had won 2,900,000 votes; Senator Kennedy had won 2,300,000 votes. And Hubert Humphrey had only won about 166,000. But after Kennedy was assassinated it was clear that Humphrey would be nominated.

To those of us who had been working for Senator Kennedy or Senator McCarthy, that seemed very unfair and very undemocratic.

So, to assure that the public could decide in the future, I helped to organize a commission chaired by Governor

Harold Hughes of Iowa that issued a report to the convention. At the time, I was in my last year as a student at Yale Law School. Tweed, who had been a classmate at Harvard College, was the Commission's staff director. That report resulted in a minority report from the Rules committee to the convention.

The minority required said that: "All delegates to the 1972 convention would be selected through a process open to full public participation in the calendar year of the convention."

Amazingly, that minority report was adopted on the floor of the convention. My guess is that the delegates did not really know what they were doing. Our proposal ended something called the Unit Rule but, much more important, it also required that delegates be selected in the future by the public. The press and politicians only focused on the elimination of the Unit Rule.

Here is how the event was described in The New York Times on August 27, 1968 - the next day:

Unit Rule for Voting Abolished In First Democratic Floor Fight

New York Times (1857-Current file);

Unit Rule for Voting Abolished In First Democratic Floor Fight

Special to The New York Times

CHICAGO, Aug. 26 — The unit rule, a hoary relic of the old machine politics, was voted into oblivion tonight by the Democratic National Convention, and there was hardly a damp eye in the house.

It took less than a half-hour for the delegates to dispose of the first floor fight of the convention, rejecting by shouted voice-vote an attempt by Texas to keep the unit rule in effect for this year's sessions.

Under the rule, the majority of a delegation controls all its votes in a bloc. When it is applied, as it has been by Southern states for many years, votes that a state would otherwise cast for a minority candidate or position are lost.

The rule change is not expected to have any material effect on the 1968 Presidential nomination. Among the nine states that still employed the unit rule until tonight, there were relatively few votes for Senator Eugene J. McCarthy that would have been submerged by pro-Humphrey majorities.

Two Texans, Tom Gordon of Abilene and Frank C. Erwin Jr. of Austin, made perfunctory speeches on behalf of a rule that would have abolished the unit system beginning with the party's 1972 convention.

Mr. Gordon, a member of the rules committee, said the unit rule had first been invoked at the first Democratic convention in 1831.

"It was a good rule then, it is a good rule now," he declared.

"Boo," responded the delegates.

Mr. Erwin said it would be "grossly unfair and inequitable" to abolish the rule when Texas had organized its delegation in reliance on it and had insufficient notice of the change.

Gov. Samuel H. Shapiro of Illinois, the rules committee chairman, called it a moment of historic significance in the life of the Democratic party" as he spoke in defense of the new "freedom of conscience" rule.

The new rule frees all delegates from any limitation on voting that might result from imposition of the unit rule or the result of a Presidential primary.

The only states that still used the unit rule were Alaska, Arkansas, Georgia, Kansas, Louisiana, Missouri, South Carolina, Tennessee and Texas. Together they cast 415 of the 2,622 convention votes.

Moments after the rule change was made, on a roll-call on postponing the credentials report, Gov. John Connally Jr., announced: "Texas, voting under the unit rule, casts 104 votes 'no'."

Under the rule change, if any Texas delegate had wanted to vote "yes," he could have. No one did.

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The first sentence said: “The unit rule, a hoary relic of the old machine politics, was voted into oblivion tonight by the Democratic Convention, and there was hardly a damp eye in the house.”

But once the resolution was adopted, that language changed the delegate selection rules of both parties – seemingly forever.

On the opening night of the Democratic Convention in 1972, ABC commentator Howard K. Smith aired a commentary called “Mr. Cowan.” It ended with these words: “Around the hall tonight are hanging huge pictures of the men who made the Democratic Party what it is. One is oddly missing. That of young Geoffrey Cowan who did more to change conventions than anyone since Andrew Jackson started them.”

Here is the Howard K. Smith editorial:

<https://www.youtube.com/watch?v=298X18RnYIQ>

My hero that year was TR and his effort to create primaries in 1912. As we shall see, he won the primaries but lost the nomination.

In 1968, I was hoping that our efforts would complete his vision.

In a sense, I was doing what we all hope that this Institute will do. I was studying TR to create a new public policy proposal.

My text book that year was George Mowry's "Theodore Roosevelt and the Progressive Movement".

I wrote my book about TR in an effort to find a more complete story of what had happened that year.

You might not think that there could be new sources of materials about TR, but there are.

LIU has now become a repository and inspiration for books about TR. In fact, I have given LIU almost 500 books – by the way, you can't imagine how pleased my wife is to reclaim the space on our book shelves.

Here are a couple of examples of new material that I used: Incoming correspondence. The Library of Congress has a huge repository of TR letters and materials. Most are now on microfilm. But researchers tend to look at his outgoing correspondence – which is enormous. For this book, my researchers and I looked at every incoming letter for a three-year period to find those that related to the 1912 campaign.

Partly because of what we found in these incoming letters, I or my researcher looked at the archives of a great many of his contemporaries including governors and including some of his important young acolytes including a lawyer named Arthur Hill who went on to have a great career.

And there were papers still in the hands of descendants including those of Ormsby McHarg, a major figure in TR's campaign. Through Ancestry.com, I tracked down a man named "Paul Ryan" who had been seeking information about his grandfather. After four years of trying, I found Paul Ryan and he then generously gave me a trove of letters that were in his personal files.

There are lots of surprises in the book, I think, but I want to focus on two for this talk.

First: I thought TR ran in 1912 for ideological reasons, because he disagreed so profoundly with Taft on matters of policy.

That is somewhat true, but in fact there were other reasons.

Everyone in this audience knows about TR's amazing life including:

- His childhood (by the way, I also had childhood asthma)

- His years in the badlands of North Dakota
- His exploits as New York City's Police Commissioner (My wife and I love seeing his picture on the wall every Friday night on the TV show Blue Bloods where Tom Selleck plays the role of a current New York police chief)
- His work as Assistant Secretary of the Navy and in the Spanish American War and as Governor
- And, of course, his remarkable achievements as President – including his work with Gifford Pinchot, the nation's forester, protecting the nation's majestic wilderness

You know, of course, that he became president when William McKinley was assassinated on September 4, 1901. Karl Rove, who wrote a wonderful book on McKinley, is also a speaker at the Centenary Conference.

As a result, TR would have served almost eight years as president by the end of his second term.

So, when he was elected in 1904, he said that he would follow the tradition created by George Washington and not serve more than 8 years. He said that he would not seek another term as president.

Instead, he anointed and trained William Howard Taft as his successor. He called Taft “the most loveable man I know.”

When TR left office in March of 1909, he went to Africa on a year-long safari, thinking the government was in good hands.

But while TR was in Africa, many of his friends were becoming disillusioned with Taft – including Gifford Pinchot who was fired as the nation’s forester.

People started a movement that they called the “Back from Elba” movement – in a nod to Napoleon.

The movement became even more intense when the Republicans were routed in the 1910 elections.

Clearly Taft was a drag on a party that TR had done so much to build.

But despite those entreaties, TR refused to run.

So, what changed?

One important development was the creation of the National Progressive Republican League, which was formed in the living room of Senator Robert La Follette, who was a progressive champion – a firebrand who was perhaps a bit like Bernie Sanders today.

When TR said he would not challenge Taft, La Follette said that he would.

All of a sudden TR's admirers, including Gifford Pinchot, were in La Follette's camp. He, rather than TR, became the champion of reform.

TR may have hoped to run as the progressive Republican standard bearer four years later, in 1916.

He would have been 58 that year, by the way, much younger than any of the top candidates in either party this year.

But now La Follette was emerging as the hero of that faction of the party.

And TR did not like La Follette. In private correspondence – in private letters that had not been used before my book - TR said that “in all the United States there does not exist a worse type of public man.” He called La Follette the “most dangerous” man in public life.

I think that TR was, in some ways, as motivated by his rivalry and dislike of La Follette as by his disappointment in Taft.

But there was something else, I think. Something very personal.

Throughout his career, TR had been the symbol of American vigor. We think of him as one of the most physically fit men of his era.

Henry Adam's famously wrote that "his restless and combative energy was more than abnormal...he was pure act".

In 1911, TR was still in his early 50s, still in the prime of life. And yet – he was feeling old. Imagine Theodore Roosevelt feeling old!

Though only fifty-three, he told friends that "I am really an old man."

He complained of rheumatism and even doubted that he could ever take long walks again.

After a visit to Roosevelt in Oyster Bay – right near LIU, of course - one friend “found the Colonel in a most depressed state of mind; all his old buoyancy was gone, and he really seemed to be a changed man.”

President Taft, who still loved his old friend and mentor, knew that only a good fight could revive him.

Here is what President Taft told Archie Butt, their mutual friend and aid in January, 1911: “It depresses me very deeply, more deeply than anyone can know, to think of him sitting there at Oyster Bay alone and feeling himself deserted,” he told Archie. “It is a dreary spot in winter. . . .

“To feel everything slipping away from him,” Taft continued, “all the popularity, the power which he loved, and above all the ability to do what he thought was of real

benefit to the country, to feel it all going and then to be alone!”

With Roosevelt’s character, there was really only one remedy.

“If he could only fight!” Taft said. “That is what he delights in and what is denied to him now.”

Ironically, the only fight worth making was to regain the Republican nomination from Taft himself.

The second surprise was this. I thought TR believed in primaries and direct democracy. That was the source of my admiration for him in 1968 and, indeed, the initial reason that I wrote the book.

But in fact: he was very skeptical about the movement that later carried his name.

Here is some background:

The leading progressives were committed to the concept of direct democracy in general and to the concept of presidential primaries in particular.

In January, 1911, the leading progressives of the era, as I mentioned, met in Robert La Follette's living room to create what they called the "National Progressive Republican League."

They planned to espouse many goals, and none was more important than the creation of presidential primaries.

But despite countless requests that he join their ranks – or lead them – TR refused.

When La Follette decided to challenge Taft for the nomination, La Follette knew that his only hope was to create primaries that he expected to win.

By the fall of 1911, there were six such primaries.

TR did not support them.

His views were set forth in a fascinating series of letters with a California reformer named Charles Dwight Willard – a member of Governor Hiram Johnson’s progressive faction of the California party.

By the way, Willard founded a club in Los Angeles called “The Sunset Club” where I am a member. The papers of the Sunset Club are at the Huntington Library. If you follow the trail of TR and his community, it can take you to places all over the country and the world.

Speaking for his group of California reformers, Willard told TR that he and others in the movement believed in popular democracy as a religion, an end in itself.

Willard called it “Godlike as a maker of men.”

“The one thing in the whole scheme of human affairs that we can believe in without limitation and without

reservation,” Willard wrote, “[is] that the people should rule.”

TR emphatically disagreed.

In his view, the progressives were neither realistic nor pragmatic.

He ticked off a series of places where the people were not educated well enough to vote, such as Haiti; places where reactionary forces had used the initiative process to thwart reforms, such as Switzerland; and places where the public had voted for corrupt politicians rather than for reformers, including in his own state of New York.

You are not yet “the great moral leader of the people,” Willard told TR. “You will join us later.”

A question worth asking at a new public policy center is this: Did TR have a point?

That December, when the Republican National Committee met in Washington, DC to create the rules by which delegates would be selected for the next convention. La Follette's forces fought for a rule that would make it easier for states to create primaries.

TR already planned to try to become the Republican nominee – to wrest the Republican nomination from Taft. But he thought he could win the nomination by convincing his old friends in the party leadership to turn to him. He thought he could win at a convention filled with old line party leaders in smoke-filled rooms.

At the December meeting of the Republican National Committee, TR instructed his aids to oppose the La Follette reforms and to make it more difficult to create primaries.

But in the next two months, Roosevelt learned that Taft, as the incumbent president, was so powerful that he would

win the nomination under the old rules. Taft, not TR, would control the people in the old smoke-filled rooms.

So, TR announced his candidacy in February, 1912. Think of it. This year, it seems too late to join the primary field in late October – and a number of people have already dropped out. Yet in 1912, TR joined the field in February of the 1912 election year – and Robert Kennedy entered the primary field in mid-March of the 1968 election year.

When he announced his candidacy in late February, 1912, TR embraced primaries and popular democracy as his core beliefs.

His campaign theme became “Let the People Rule”. And, of course, “Let the People Rule” is the title of my book.

The ensuing campaign was filled with tremendous drama which led more than one reviewer to call it a “rollicking” story. But of course everything TR did was “rollicking.”

With TR's help, there were 13 primaries that year.

Remember that in 1968 there were only 14. Not much of a change.

TR lost the first one – on March 19, in North Dakota, to La Follette. He lost the second one, in New York on March 26, to Taft. He lost the third one, on April 2, in Wisconsin, to La Follette. But on April 9 he won a resounding victory in Illinois – in a primary that he and his supporters had created and had run in a secret partnership of the Chicago Tribune. And after that he won almost everywhere else.

In the end, TR won 9 of the 13 primaries and 70 percent of the delegates selected in the primaries. As a result, he felt entitled to the nomination.

But because only 13 states had primaries and most delegates were still selected by party leaders, and not in primaries, Taft won the nomination.

In the argot of today's world, Roosevelt claimed that the process was "rigged."

And so he walked out to start his own party – as all of you know.

There is lots to say about his Bull Moose Party – and about third parties in general. That's another topic for study by the new Roosevelt Institute.

But my remarks today are about the nominating process of the major parties.

Looking at the events of 1912 – and more recent events – at a distance – which TR should we deem most prescient?: The man who worried about popular democracy? Or the man who championed it?

The founders were clearly in the former camp. They believed in representative democracy and worried about the risks of direct democracy. They created an electoral

college of course, which is a form of representative government, not direct democracy.

They did not provide for the direct election of US Senators. Indeed, the founders deliberately wrote into the constitution a system where members of the House of Representatives were elected by the people but where the members of the US Senate were elected by state legislatures. There were many reasons for that distinction. But one was the belief that it would help the Senate become a body that would counter the populism of the House and to "take a more detached view of issues coming before Congress." But thanks to the 17th Amendment, which was adopted in 1913, as part of the same reform movement that led to presidential primaries, the constitution now requires the direct election of US Senators.

The founders also created a series of checks and balances. They created courts that could overrule executive decisions and the put power in the hand of

congress that would put limits on the power of the Executive.

And in that era, party nominees were elected by King Caucus.

Without the movement that TR did so much to expand and popularize, and that Tweed and I then encouraged the parties to take to the next logical level, we probably would not have had John F. Kennedy, who was a catholic, or Barak Obama, who is black. Nor would we have had Donald Trump as the Republican nominee or as the President. Practically no one in the Republican Party leadership wanted him to be nominated.

On the other hand, it would not have been possible to challenge Lyndon Johnson. Nor would not have been possible for anyone to mount a challenge to Donald Trump's re-nomination.

Looking to the future, there are some important topics that could be studied and explored by the Theodore Roosevelt Institute.

It could start with the conflict between direct and representative democracy. That's a profound question worthy of serious thought.

It's a topic of interest to people everywhere – and it should be examined in an international context just as TR used international examples to guide or fortify his own positions.

One such example these days is Brexit.

But the whole concept of “illiberal democracies,” in the phrase of Hungary's Victor Orban, is of great importance. Populism is bringing a whole new cast of leaders to the world – in countries as diverse as Poland, Brazil, India and the Philippines

Because TR has great admirers in both parties, the Institute could also look at what's happening in this country, with our political process and with each party's method of selecting nominees. It could ask whether recent changes make sense for the longer term.

Should the process start with two mostly white and rural states, Iowa and New Hampshire? Should there be caucuses that make it difficult if not impossible for some people to participate – such as nurses or first responders or parents with small children at home? Should there be super-delegates which, by the way, would not have been allowed under the 1968 rules that Tweed and I helped to create but were allowed by the Democratic Party thanks to rules created 15 years later. Should the parties use the process of selecting those who can appear on a debate stage as a way of winnowing the field early? Should there be new laws governing campaign finance?

And while the nation changed the process for selecting US Senators, should we take a close look at the process of

electing presidents? For example, does the Electoral College still make sense? And in today's polarized environment, what can and should be the role of 3rd parties? In recent years they have tended to be to the left and right of the two major parties – but could and should there be a new party at the center?

Those and dozens of other issues deserve constant reexamination. And I can't think of a better place to do it than in this important new entity that is named for a man who died a century ago but left an enduring legacy: the great Theodore Roosevelt.