World War I and the American Constitution

World War I profoundly affected the American political system by transforming constitutional law and providing the predicate for the modern administrative state. In this groundbreaking study, Professor William G. Ross examines the social, political, economic, and legal forces that generated this rapid change. Ross explains how the war increased federal and state economic regulatory powers, transferred power from Congress to the president, and altered federalism by enhancing the powers of the federal government. He demonstrates how social changes generated by the war provided a catalyst for the expansion of personal liberties, including freedom of speech, freedom of the press, and the rights of women, racial minorities, and industrial workers. Through a study of constitutional law, gender, race, economics, labor, the prohibition movement, international relations, civil liberties, and society, this book provides a major contribution to our understanding of the development of the American Constitution.

Cambridge Studies on the American Constitution

Series Editors
Maeva Marcus, The George Washington University
Melvin I. Urofsky, Virginia Commonwealth University
Mark Tushnet, Georgetown University Law Center
Keith Whittington, Princeton University

Cambridge Studies on the American Constitution seeks to publish works that embrace constitutional history, politics, law, and legal and political theory to better explain constitutional politics outside the courts, the determinants of constitutional change, the relationship between constitutional lawmaking and conventional politics, the nature of constitutional regimes, comparative approaches to constitutional systems, and the criteria for evaluating constitutional success and failure. Books in the series will explore these and similar issues within a variety of theoretical and methodological traditions, with special emphasis given to research using interdisciplinary approaches in innovative ways.

Titles in the Series
Mark A. Graber, Dred Scott and the Problem of Constitutional Evil
Christian G. Fritz, American Sovereigns: The People and America’s Constitutional Tradition Before the Civil War
R. Kent Newmyer, The Treason Trial of Aaron Burr
Pamela Brandwein, Rethinking the Judicial Settlement of Reconstruction

© in this web service Cambridge University Press  www.cambridge.org
World War I and the American Constitution

WILLIAM G. ROSS
Samford University, Birmingham, Alabama
To Larry Bell
# Contents

<table>
<thead>
<tr>
<th>Acknowledgments</th>
<th>page viii</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td></td>
</tr>
<tr>
<td>1 Military Conscription</td>
<td>13</td>
</tr>
<tr>
<td>2 Economic Regulation</td>
<td>50</td>
</tr>
<tr>
<td>3 Labor</td>
<td>110</td>
</tr>
<tr>
<td>4 Enfranchisement of Women</td>
<td>145</td>
</tr>
<tr>
<td>5 Prohibition of Alcohol</td>
<td>186</td>
</tr>
<tr>
<td>6 Racial Minorities</td>
<td>225</td>
</tr>
<tr>
<td>7 Personal Liberties</td>
<td>267</td>
</tr>
<tr>
<td>8 The League of Nations</td>
<td>319</td>
</tr>
<tr>
<td>Conclusion</td>
<td>367</td>
</tr>
</tbody>
</table>

**Subject Index**

379
Acknowledgments

It is a pleasure to acknowledge and thank some of the many persons who made significant contributions to this book.

I particularly wish to thank my friends and colleagues David J. Langum, Sr., and Brannon P. Denning for carefully reading the manuscript and offering useful insights. I also appreciate their encouragement. David, an eminent legal historian, has now helped guide me through four books on American constitutional history. Many of my other colleagues, particularly Robert J. Goodwin, Andrew Robert Greene, D. Wendy Greene, and Howard P. Walthall, Sr., also provided suggestions and encouragement.

The book also benefited from the resourcefulness and good cheer of Cumberland School of Law librarians Cherie Feenker, Grace L. Simms, Edward L. Craig, Jr., Brenda Jones, and Library Director Gregory K. Laughlin. I also very much appreciate the assistance of the librarians at the Manuscript Division of the Library of Congress.

Erin Carroll, my talented administrative assistant, helped in many ways, particularly through her excellent proofreading abilities. The book likewise benefited from the skills of Jeffrey M. Whitcomb, Cumberland’s director of computer services.

Deserving of gratitude also are Cumberland Dean Henry C. Strickland, Jr., and former Dean John L. Carroll, who provided financial resources, particularly for travel to archives.

I also wish to thank Lawrence J. Reilly, who provided assistance when he was editor of The American Journal of Legal History, in which an expanded version of the League of Nations chapter of this book was published in volume 53 (January 2013) at pages 1–88 under the title “Constitutional Issues Involving the Controversy over American Membership in the League of Nations, 1918–1920.”

viii