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978-1-107-03295-8 - The American State from the Civil War to the New Deal: The Twilight of Constitutionalism and the Triumph of Progressivism

Paul D. Moreno

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The American State from the Civil War to the New Deal

The American State from the Civil War to the New Deal tells the story of constitutional government in America during the period of the “social question.” After the Civil War and Reconstruction, and before the “second Reconstruction” and cultural revolution of the 1960s, Americans dealt with the challenges of the urban and industrial revolutions. In the crises of the American Revolution and the Civil War, the Founders – and then Lincoln and the Republicans – returned to a long tradition of Anglo-American constitutional principles. During the Industrial Revolution, American political thinkers and political actors gradually abandoned those principles for a set of modern ideas, initially called Progressivism.

The social crisis, culminating in the Great Depression, did not produce a Lincoln to return to the Founders’ principles, but rather a series of leaders – Theodore Roosevelt, Woodrow Wilson, and Franklin D. Roosevelt – who repudiated them. Congress and the Supreme Court eventually followed their lead. Since the New Deal, Americans have lived in a constitutional twilight, not having completely abandoned the natural-rights constitutionalism of the Founders, nor having completely embraced the entitlement-based welfare state of modern liberalism.

PAUL D. MORENO is the William and Berniece Grewcock Chair in Constitutional History at Hillsdale College. He has taught at Hillsdale for thirteen years and has held visiting professorships at Princeton University and the University of Paris School of Law. He earned his doctorate under Herman Belz at the University of Maryland in 1994. Moreno is the author of *From Direct Action to Affirmative Action: Fair Employment Law and Policy in America* and *Black Americans and Organized Labor: A New History*.

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PAUL D. MORENO

Hillsdale College



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For my beloved children: Judy, Mark, Ruth, and Greg

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Abbreviations Used in the Footnotes

ALL	<i>American Landmark Legislation: Primary Materials</i> , ed. Irving J. Sloan. 6 vols. New York: Oceana, 1978.
ANB	<i>American National Biography</i> , ed. John A. Garraty and Marc C. Carnes, 24 vols. New York: Oxford University Press, 1999.
CG	<i>Congressional Globe</i> .
CR	<i>Congressional Record</i> .
CWWHT	<i>The Collected Works of William Howard Taft</i> , 8 vols, ed. David H. Burton. Athens: Ohio University Press, 2001–04.
DHRP	<i>Documentary History of the Franklin D. Roosevelt Presidency</i> , ed. George McJimsey, 31 vols. Bethesda: University Publications of America, 2001.
H&R	<i>The Supreme Court of the United States: Hearings and Reports on Successful and Unsuccessful Nominations of Supreme Court Justices by the Senate Judiciary Committee</i> , comp. Roy M. Mersky and J. Myron Jacobstein, 19 vols. Buffalo: Hein, 1977–96.
LH	<i>The Economic Regulation of Business and Industry: A Legislative History of United States Regulatory Agencies</i> , ed. Bernard Schwartz, 5 vols. New York: Chelsea House, 1973.
LLDB	<i>Letters of Louis D. Brandeis</i> , ed. Melvin I. Urofsky and David M. Levy, 5 vols. Albany: State University of New York Press, 1971–78.
LTR	<i>Letters of Theodore Roosevelt</i> , ed. Elting E. Morison, 8 vols. Cambridge, MA: Harvard University Press, 1951–54.
M&PP	<i>A Compilation of Messages and Papers of the Presidents</i> , comp. James D. Richardson, 20 vols. New York: Bureau of National Literature, 1897–1916, and <i>Supplement to the Messages and Papers of the Presidents</i> . New York: Bureau of National Literature, 1929.
NPP	<i>National Party Platforms, 1840–1972</i> , comp. Donald Bruce Johnson and Kirk H. Porter. Urbana: University of Illinois Press, 1973.

<i>PP&A</i>	<i>The Public Papers and Addresses of Franklin D. Roosevelt</i> , comp. Samuel I. Rosenman, 13 vols. New York: Macmillan and Harper, 1938–50.
<i>PPHH</i>	<i>The State Papers and Other Public Writings of Herbert Hoover</i> , ed. William Starr Myers, 2 vols. Garden City, NY: Doubleday, 1934.
<i>PWW</i>	<i>Papers of Woodrow Wilson</i> , ed. Arthur S. Link, 69 vols. Princeton: Princeton University Press, 1966–94.
<i>TRM</i>	<i>The Works of Theodore Roosevelt</i> , Memorial edition, ed. Hermann Hagedorn, 20 vols. New York: Scribner’s, 1925.
<i>TRN</i>	<i>The Works of Theodore Roosevelt</i> , National edition, ed. Hermann Hagedorn, 20 vols. New York: Scribner’s, 1926.

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