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## Living the World War - A Retrospective

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# LIVING THE WORLD WAR—A RETROSPECTIVE

*Donald N. Zillman & Elizabeth Elsbach*

- I. INTRODUCTION
- II. "HE KEPT US OUT OF WAR"—THE 1916 ELECTION
- III. AMERICA MOVES TOWARDS WAR
- IV. RAISING AN ARMY
- V. PAYING FOR THE WAR
- VI. ECONOMIC CONTROLS
- VII. ESPIONAGE AND SEDITION
- VIII. UNEASY TIMES
- IX. PROHIBITION OF ALCOHOL
- X. VICTORY AND ITS AFTERMATH
- XI. THE RUSSIAN SITUATION
- XII. WOMEN'S SUFFRAGE
- XIII. THE LEGACIES OF THE CIVIL WAR
- XIV. THOSE DAYS AS SEEN FROM THESE DAYS

## LIVING THE WORLD WAR—A RETROSPECTIVE

*Donald N. Zillman\* & Elizabeth Elsbach\*\**

### *Abstract*

Living the World War is a 1200-page, two volume study of America's participation in World War I. The week-by-week review tries to place the reader in the position of an American citizen of a century ago who "lived" the War years without knowing what might come next. The authors' sources are the daily editions of the New York Times and the pages of the Congressional Record—two documents available to the informed citizen of 1916 to 1919. The crucial issues of a century ago have helped shape American law and policy that is relevant today to such issues as the nature of the military, American foreign policy, the powers of Congress and the President and issues involving race relations, women's rights, and social issues.

### I. INTRODUCTION

In 2017 and 2018 the United States commemorates the centennial of American participation in the World War, now called World War I. More precisely, the 65<sup>th</sup> Congress declared war on the German Empire on April 6, 1917 (and subsequently declared war on various German allies). America fought the War until Germany accepted Armistice terms on November 11, 1918.

Professional and amateur historians have explored countless aspects of the World War and American involvement. They have focused on everything from the impact of the Treaty of Versailles on international relations to trench warfare on a single battlefield in France. Don and Elizabeth wanted to explore how the War years would have appeared a century ago to the average American living through that period.<sup>1</sup> We decided to provide a week by week account of the War and other pertinent news. We began our study on October 1, 1916, as a most important Presidential and congressional election was entering its final weeks. We ended on March 5, 1919, after the Armistice of November 11, 1918, had stopped the fighting, the Versailles Peace Conference had begun, and the 65<sup>th</sup> Congress of the United States ended its remarkable two-year session.

We limited our research to two sources that were available to readers at the time. The first were 885 daily issues of the New York Times newspaper. The Times was well on its way to cementing its reputation as the nation's finest newspaper. It distinguished itself from newspapers providing largely local coverage and from

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<sup>1</sup> DONALD ZILLMAN & ELIZABETH ELSBACH, LIVING THE WORLD WAR VOL. ONE (2016) and DONALD ZILLMAN & ELIZABETH ELSBACH, LIVING THE WORLD WAR, VOL. TWO (2018).

practitioners of the “yellow journalism” of the day. The Times’s extensive, fact-based wartime coverage helped make its reputation.

Our second source were the debates on the floors of the United States Senate and House of Representatives as reported in the Congressional Record. These were far less read than the Times and other newspapers. But, they were available to citizens in libraries and other places around the country. We reviewed 16,384 pages of the Congressional Record looking for debate on war related legislation and other commentary by members of Congress on the state of the nation and the world. Assuredly, we did not read every debate over District of Columbia garbage collection or other matters unrelated to the War. We also did not review the Congressional committee hearings that often reflected the hard work of preparing proposed legislation for final debate on the floors of Congress. Those committee hearings would have been inaccessible or less accessible than the Congressional Record to the average citizen.

From that printed record, we wrote about each week as if we did not know what happened next, either during the War or in the century that followed the War. We did cheat slightly in our coverage of personalities who would later become more prominent than they were during the War. For example, we regularly reported on the doings of future presidents Franklin D. Roosevelt, Warren Harding, and Herbert Hoover, knowing that they would become more significant makers of American history than as in their 1917-18 roles as Assistant Secretary of the Navy (Roosevelt), a Senator from Ohio (Harding), and the Federal Food Administrator (Hoover). Otherwise, we tried to write from the posture of knowing nothing more than matters that had already happened or had been reported that week in the Times or the Congressional Record.

We took particular delight in the different backgrounds and life experiences that we brought to the project. Don is an early Baby Boomer, a Midwesterner, a military veteran, and a student of American history. Elizabeth is a millennial, a westerner, and a student of European history. We are both lawyers by training and occupation and historians by avocation.

Our studies of the World War prior to starting work on the book had given us a perception of the War that could be summarized as follows. In 1914, a terrorist assassination in the Balkans started a chain reaction that led to foolish declarations of War by most of the major European powers. Russia, Great Britain, France, and later Italy aligned as the Allies. The German, Austro-Hungarian, and Ottoman Empires opposed them as the Central Powers. Despite predictions of a short war, initial combat was incredibly bloody and did not promise an early victory or a compromised peace.

The United States under President Woodrow Wilson declared its neutrality shortly after the 1914 declarations of war. America soon discovered the economic benefits of being a major supplier of food and war goods to the combatant nations. British naval blockades of supplies to Germany made the Allied nations the major beneficiaries of American productivity. Germany’s response was submarine warfare against ships supplying the Allies. The most notable incident was the May 1915, sinking of the British passenger liner Lusitania with the loss of 128 American lives. The Lusitania sinking, and other German submarine attacks, aided a British campaign to bring the United States into the War on the Allied side.

That campaign succeeded with the April 1917 American declaration of war against Germany. The American participation contributed to the Allied victory

twenty months later. The Armistice led to the Versailles Peace Conference, which imposed a harsh peace on Germany but failed to produce the “war to end all wars.” Twenty years later, a rebuilt Germany, with Japan and Italy as allies, started an even bloodier and even broader World War II.

It is not our objective in this essay to capture the 1200 pages of the two volumes of *Living the World War*. We encourage readers to do that at their own pace and centering on matters of most interest to them. Our goal here is to highlight matters from the War years that have been lost to popular memory or may have looked rather differently in 1916-19 from how history has subsequently portrayed them. Our legal backgrounds encourage particular focus on the work of the 65<sup>th</sup> Congress as it wrote the laws for the War that continue to help govern America today.

## II. “HE KEPT US OUT OF WAR”—THE 1916 ELECTION

The election of 1916 offered two of the most impressive candidates for the presidency in American history—Democrat Woodrow Wilson and Republican Charles Evans Hughes. Incumbent Wilson was a highly regarded academic scholar of American government. He remains the single President whose primary career was as an academic. Wilson’s professorial eminence advanced him to the presidency of Princeton University. From there, he made the transition to electoral politics becoming the Democratic governor of New Jersey in 1910. His progressive achievements as governor caused him to be selected as the Democratic candidate for the presidency in 1912. When the Republican Party split its support between incumbent William Howard Taft and Taft’s predecessor, Theodore Roosevelt, Wilson won the plurality of votes and a clear majority in the Electoral College to make him the first Democratic President since Grover Cleveland in the 1890s, and only the second since before the Civil War.

As President, Wilson again demonstrated his abilities as a political leader. His first term accomplishments are matched by few presidents before or since. His domestic achievements were solidly progressive and were probably grudgingly admired by fellow progressive Teddy Roosevelt. Where Wilson and Roosevelt diverged was in international leadership. Wilson had little experience in international affairs as either a scholar or a politician. Roosevelt, by contrast, was widely admired in Europe and may well have been the most prominent political figure in the world.

When the World War broke out in the summer of 1914, Wilson quickly declared American neutrality. In doing so, he probably reflected the strong preference of most American citizens throughout the country. Wilsonian neutrality did not appeal to Theodore Roosevelt. Roosevelt rather quickly became an advocate for the Allied cause and urged “preparedness” for a War that America might join at some point. The sinking of the *Lusitania* in 1915 left Roosevelt outraged at Wilson’s continued efforts to assert American rights without calling for American military involvement.

As Wilson faced re-election in 1916, he continued to negotiate with Germany, but adopted some “preparedness” positions. He accepted the resignation of his pacifist Secretary of State (and three-time Democratic presidential candidate), William Jennings Bryan. He supported a major preparedness statute, the Hay Act, in summer 1916. He continued to believe that he had achieved an agreement with Germany to avoid further attacks on American shipping or American passengers.

Wilson was easily re-nominated by the Democrats based on his progressive domestic record. Almost by accident, his international position was summarized in the phrase “he kept us out of war.” This soon appeared to be an electoral winner. Not only did it reflect the booming economy highlighted by the exports to the Allied nations, it also spoke to the American perception of the European War as horrifically costly in lives and national wealth and of no essential importance to the United States.

The Republicans were clearly not ready to forgive Theodore Roosevelt for dividing the party in the 1912 election and giving the White House to Wilson. They looked to New York, America’s most important state, and nominated former New York Governor Charles Evans Hughes. Hughes’s resume included academic accomplishments, Wall Street law practice, and a progressive record as New York’s governor. Following that, he was confirmed for a position as Associate Justice on the United States Supreme Court, a post from which he resigned to accept the Republican nomination for President.

By the first week of October 1916, President Wilson appeared quite content to run on his record of progressive domestic accomplishments and a cautious approach to foreign affairs summarized by “he kept us out of war.” Hughes’s task was harder. He challenged Wilson’s lack of support for American business interests in Mexico and overseas. He opposed Wilson’s subservience to organized labor. He urged higher tariffs on foreign goods. He struggled, however, with the perception that he was supported by American citizens sympathetic to Germany, and that he was far less dynamic than his most prominent supporter and campaigner, Theodore Roosevelt.<sup>2</sup>

Predictions of a close election proved accurate. Initial returns from the east suggested Hughes had won.<sup>3</sup> Then returns from the west and south went heavily for Wilson. It took three days for California to provide the decisive electoral votes for the President. The New York Times, which had endorsed Wilson, rejoiced in the result and hoped that America would never again see a candidate for President resigning from a position on the Supreme Court.<sup>4</sup>

### III. AMERICA MOVES TOWARDS WAR

President Wilson probably viewed his re-election as an endorsement of his cautious diplomacy towards Germany. In December 1916, he urged the warring nations to reach a compromise peace settlement.<sup>5</sup> Response from the combatants was tepid. Germany, however, pushed the United States towards war with two significant actions. In early February 1917, it announced a resumption of unlimited submarine warfare around Britain and France. The Times observed: “The gravity of the situation cannot be exaggerated.”<sup>6</sup> One month later, The Times reported German Foreign Minister Arthur Zimmermann’s messages to Mexico and Japan urging those nations to join the German cause.<sup>7</sup> In return, Mexico would receive the “lost territory” of Texas, New Mexico, and Arizona. Initial response of pro-Germans in America was that the message was a British hoax. That lasted only until Minister

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<sup>2</sup> ZILLMAN & ELSBACH, *LIVING THE WORLD WAR* VOL. ONE 18, 27, 30–32, 35–36 [hereinafter *LTWW*].

<sup>3</sup> *See id.* at 40–42.

<sup>4</sup> *Id.* at 42.

<sup>5</sup> *See id.* at 56–57.

<sup>6</sup> *Id.* at 76.

<sup>7</sup> *Id.* at 108.

Zimmermann validated the message, justifying it as appropriate contingency planning.

In the last days of the 64<sup>th</sup> Congress in early March, a strong bi-partisan congressional consensus was ready to approve legislation allowing the arming of merchant ships to fight German submarine attacks. Opponents in the Senate defeated the legislation by filibuster at the end of the session. President Wilson, in a memorable statement, condemned the “little group of willful men, representing no opinion but their own, [who] have rendered the great Government of the United States helpless and contemptible.”<sup>8</sup> The 65<sup>th</sup> Congress convened knowing that its first business would be a declaration of war on Germany. On April 2, 1917, the President addressed a joint session of the new Congress and asked for that declaration, stating “the world must be made safe for democracy.” Vigorous debate followed, though there was little indication that the President’s request would be denied. Legislators opposing war urged further diplomatic negotiations. They criticized British as well as German offenses against American rights. They contended the American people did not support war. A few felt simply: “[w]e are not ready.” In all, six senators and fifty representatives voted against the declaration of war, which was signed by the President on April 6.<sup>9</sup>

The debate and subsequent legislative comments reflected that America knew it was undertaking a very serious military commitment. Senator James Brady summarized that we had gone to war “with the most powerful military nation on earth.” Representative Martin noted we had gone to “war with the best prepared and greatest military power on . . . earth.” Representative Longworth concluded we were fighting “the greatest military power of all time” and Senator Newlands summarized we were fighting “the most thoroughly organized military power in the world; a power unequalled in military efficiency in the history of the world.”<sup>10</sup>

In 2018, an alliance of the United States, Russia, Great Britain, and France against Germany, Austria, Hungary, and Turkey (the heart of the old Ottoman Empire) would be a horrendous military mismatch. Present American population alone is four times that of Germany. In 1917, any mismatch was far less clear. German population was more than half that of the United States. More importantly, since its emergence as a nation and its defeat of France in the 1870 Franco-Prussian War, Germany had established a strong military culture. Beyond just military power, Germany was the scientific and technological leader of the world, indicated by their receipt of Nobel Prizes in the hard science categories of chemistry, physics, and medicine. In the thirty years between 1900 and 1930, which would have honored research in the pre-War world, six Americans had received those Prizes. Thirty-three Germans had. America had its work cut out for it.

#### IV. RAISING AN ARMY

By 1916, the massive American mobilization for the Civil War had long since passed into history. Since the Civil War, a small Regular Army led by career soldiers had spent most of its combat time fighting undermanned Native American tribes. The 1898 War with Spain prompted brief combat in Cuba and then a longer guerilla war in the Philippines. During President Wilson’s first term, American units

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<sup>8</sup> *Id.* at 120.

<sup>9</sup> *Id.* at 157, 161.

<sup>10</sup> *Id.* at 303.

entered Mexico in efforts to direct that nation's conflicts in ways that would deter bandit raids across the American border and impediments to American commercial transactions below the Rio Grande. Larger concerns over national self-defense relied on the American Navy and the wide oceans that separated America from potential European enemies.

In 1916, the passage of the Hay Act began the building of a larger American armed force. That Army drew on the Regular Army with its body of career professional soldiers, the state militias (National Guards) which by the Constitution could be called into federal service, and volunteers for particular wartime needs. Mandatory conscripted or drafted service was not a part of the American military tradition. Conscription's limited use on the northern side in the Civil War was remembered as causing draft riots in New York City and elsewhere. Only a small percentage of the Civil War forces were draftees and their combat records were not sterling.

Nonetheless, as America prepared for possible War, the professional military leadership strongly favored a draft-based Army. In 1916-17, this was seen as the "scientific" way of raising a military force. It required all young men to make themselves available for possible military service. Those best suited for that duty would then be required to serve under penalty of felony prosecution. Those best suited for other duties in a nation mobilized for War would be left in those duties. This preference for conscription gained support from reports of the early British war experience in 1914. Then, eager volunteers, often drawn from the upper classes, were slaughtered in the first combat and lost for their more valuable later use as the trainers and leaders of new recruits. The American argument for the draft was that the "elites" of American society would volunteer, while the "slackers" often drawn from members of the lower classes or recent immigrants would escape service and take attractive and safe civilian jobs.

These differing perspectives set the stage for a contentious battle in the halls of Congress. Would the legislators take the advice of the professional military establishment favoring conscription, or would they continue the tradition of first reliance on volunteers? A passionate six weeks of debate followed. Supporters of compulsory military service praised its value in teaching "self-control, reliance, health, discipline, organization, administration [and] military tactics . . ." <sup>11</sup> Conscription would also impress both Germany and the American people with America's seriousness about the War. It was also unfair to "ask only the brave to go forward and engage in the conflict." <sup>12</sup>

Supporters of the volunteer system cited its success throughout American history. Representative Augustus Gardner reported the Union had raised 2.9 million men during the Civil War. Only 46,000 were draftees, and 73,000 other draftees had hired substitutes as was allowed under the Civil War statute. Representative Shallenberger opposed "military autocracy founded upon the power of conscription." This was the "first flower of the principle of Prussianism." <sup>13</sup>

A further ground for objection to conscription involved race. South Carolina Representative Nicholls urged keeping local volunteers together. He observed that if "you take a white boy from South Carolina, and put him in a negro

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<sup>11</sup> *Id.* at 161.

<sup>12</sup> *Id.* at 198.

<sup>13</sup> *Id.* at 199.



regiment from Massachusetts . . . you would not have to go to Germany to have war, for you would get war right at home.”<sup>14</sup> Other legislators made clear their worry that militarily trained black soldiers would upset white supremacy in the American south.

A complicating factor in the debate was Teddy Roosevelt. Roosevelt favored aspects of the military establishment’s design for the Army. However, he had a particular request. He offered to raise at least one division of volunteers for prompt service in France under his command. His model was the Rough Riders of the Spanish-American War, where volunteer Colonel Roosevelt had attained national prominence by leading a charge up San Juan Hill. Congressional supporters of Roosevelt and opponents of conscription embraced the Roosevelt proposal. Passage of the Army Bill was delayed for several weeks as Congressional debate weighed the issues. Senator Warren Harding of Ohio became one of the strongest Roosevelt supporters. He and others felt Roosevelt’s willingness to serve provided a splendid illustration of America’s willingness to mobilize. It also offered the prospect of prompt arrival of combat troops in Europe. Opponents of the Roosevelt volunteers cited the dangers of disrupting the overall mobilization efforts. A few also questioned Roosevelt’s qualifications to be a division commander in a vastly different war than that of 1898. The professional military leadership also worried that volunteers for the Roosevelt division would be diverted from more valuable duties in training and leading the new conscript Army.

President Wilson and Secretary of War Newton Baker walked a delicate path in opposing the Roosevelt volunteer proposal without criticizing the former President. Congress finally included the Roosevelt proposal in the Army Act but left its adoption in the hands of the then-current civilian and military leadership.

President Wilson signed the “Act to authorize the President to increase temporarily the Military Establishment of the United States” on May 18<sup>th</sup>. Its first sections raised the Regular Army to full authorized strength and drafted all National Guard members into federal service. The next sections approved a military draft of up to 500,000 enlisted men and authorized the President to order an additional force of 500,000 draftees. Young men aged twenty-one to thirty were required to register for military service. Refusal to register was made a federal felony offense. A further section “authorized” the concept of the Roosevelt volunteers but left the decision to the President.

Further sections of the Act directed its implementation. They created a civilian-run system of draft boards composed of local citizens. These boards would review the registrants in their community and make the selections of who would be called to national military service, and who would be excused for other contributions to the national war effort.

After the legislative debates had finished, matters moved with great speed. President Wilson and Army Secretary Baker praised, but rejected, the Roosevelt volunteer option. The registration of ten million young men ages twenty-one to thirty was set for June 5.<sup>15</sup>

As registration day approached, considerable anti-war and anti-draft sentiment was expressed around the country. Military leaders expressed optimism in public but must have worried in private over the possibility of hundreds of thousands of young Americans simply refusing to register based on their personal

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<sup>14</sup> *Id.* at 199.

<sup>15</sup> *Id.* at 248–49.

feelings or citing Congressional doubts about the War and conscription. Could the civilian criminal process possibly handle such a mass refusal to comply with the law? Would civilian juries be ready to convict violators? Would even modest resistance to service undercut America's commitment to the War in the eyes of Allied and German governments?

On June 5, young Americans across the country validated Congress's and the President's judgment. The New York Times found "no evidence of gloom, despondency, or reluctance." One unidentified registrant summarized: "It was the thing to do; everybody was doing it."<sup>16</sup>

Registration was followed by selection of those registrants who would serve. Public drawings of registrant numbers were conducted by blindfolded government leaders and others in Washington, D.C. Local and district draft boards reviewed requests for exemption from service for those whose numbers had been called. In the summer and fall of 1917, the men selected were given very public send-offs as they headed for training camps in their new roles as soldiers. The reality and the perception of the American mobilization was captured in a July New York Times report of the Paris reception for General John J. Pershing and elements of the first American Regular Army troops to reach Europe. The Times quoted an unnamed Frenchman viewing General Pershing at the iconic Invalides speaking to the larger meaning of Pershing's presence: "behind him there are ten million more."

Those millions would be drafted and trained and would arrive in France in large numbers in 1918. In January 1918, a unanimous Supreme Court sustained the Draft Act as a proper exercise of Congressional powers to provide for a military establishment. The Court almost contemptuously rejected some of the Constitutional challenges to the Act.<sup>17</sup>

On August 31, 1918, Congress legislated that even larger numbers would be provided, if needed, with an amendment to the Draft Act that expanded the draft to ages eighteen to forty-five.<sup>18</sup> The actual presence of American draftees and the potential for even greater numbers of them by mid-1919 would turn the tide of battle and lead to the German plea for an armistice in November.

## V. PAYING FOR THE WAR

From the first days after the American declaration of war in April 1917, one of the expectations of both Americans and Allied governments was that America would help pay for the War that had drained human and financial resources of the Allied powers. With near unanimity, Congress approved the expenditure of \$5 billion that April to buy bonds of Allied nations and provide other financial support to the Allies. The House Ways and Means Committee spoke of "the greatest single bond issue in the history of the world."<sup>19</sup> There was widespread recognition in Congress that the United States was providing in dollars what the Allies had already provided in human lives and property. Representative Madden observed: "I would not care whether [the loans] are repaid or not."<sup>20</sup> Senator Cummins favored giving

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<sup>16</sup> *Id.* at 285.

<sup>17</sup> ZILLMAN & ELSBACH, *LIVING THE WORLD WAR VOL. TWO* 18–19 [hereinafter *LTWW-II*].

<sup>18</sup> *Id.* at 356.

<sup>19</sup> *LTWW, supra*, note 2, at 167.

<sup>20</sup> *Id.* at 169.

the money to the Allies “with never a thought of its repayment.”<sup>21</sup> By April 26, the Conference Report on the loan bill was approved and signed by President Wilson and “[p]robably the largest [check] ever drawn in this country on any occasion” was given to British officials for deposit in the Federal Reserve “to the credit of” the British government.<sup>22</sup>

Legislation for financing the War then addressed the more debatable question of how much further financing should come from bonds sold primarily to the American people and businesses, and how much from taxation. Virtually all legislators recognized that both mechanisms would be needed. Most recognized that sound arguments could be made for either mechanism. Taxation would impose present burdens on citizens and businesses. Bonds would impose the War costs on future generations of Americans who would be responsible for paying back the bonds.

Over the course of the War, four Liberty Loan campaigns were authorized by Congress and implemented by the Executive Branch with assistance from a wide variety of supporters from the private sector. The First Liberty Loan Campaign ran from April to June 1917 and set the pattern. Treasury Secretary William Gibbs McAdoo became the very public face of the campaign to raise \$2 billion from the sale of bonds in amounts as low as \$50. McAdoo stressed bond purchases as an opportunity for citizens to show their support for the War effort.<sup>23</sup> The Second, Third, and Fourth Liberty Loan campaigns were conducted in subsequent months of 1917 and 1918. The amounts to be raised increased and artists, entertainers and parents of soldiers joined government and business officials in emphasizing patriotic citizens’ duties to buy bonds. Railroad trains toured the country with displays emphasizing patriotic themes. Broadway performers sang the song Buy a Bond between acts of their shows. The lyrics went:

[I]f you’re fond of your old Uncle Sam.  
Think what he’s done for you.  
Do your bit just remit, with a check that will fit.  
Just what you think [is] his due.  
If you can’t lug a gun you can help pay for one.  
It’s the cash that will count so respond.  
If you love that old flag, get that old money bag.  
And invest in a Liberty Bond.

President Wilson joined patriotic rallies and purchased bonds himself. The Liberty Loans became a highly visible way for all citizens to make a contribution to the War effort.

Far more controversial in the halls of Congress and beyond were proposals for taxation to support War costs. For most of its history, the federal government had financed itself from tariffs and duties on goods imported to the country. More direct forms of taxation were viewed as the province of state and local governments. In 1913, Congress and the States had approved the Sixteenth Amendment to the Constitution, allowing federal taxation of “incomes, from whatever source derived,

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<sup>21</sup> *Id.* at 181.

<sup>22</sup> *Id.* at 197.

<sup>23</sup> *Id.* at 232.

without apportionment among the several States, and without regard to any census or enumeration.” Congress, however, had been restrained in its exercise of that taxing power. In the years before American entry to the War, less than one percent of citizens were subjected to federal income taxes at relatively modest rates.<sup>24</sup>

As legislation for the first loan to the Allies sped through the Congress, the House Ways and Means Committee began to assess “[w]ho would be taxed, how much, for what, and with what exceptions.” There was broad support for an increase in income tax rates. More controversial were proposals to tax “excess profits” or “war profits.” One concern was taxing money needed by companies for their work essential to the war effort. A second concern was over using watered stock or inflated capitalization to avoid taxation.<sup>25</sup> When debate moved to the full House, Representative Fordney emphasized two hard and contradictory truths: “the . . . Government will go after every nickel that it can collect because they need the money.”<sup>26</sup> Equally: “[t]he trouble with this bill is that it taxes and there is not a man on earth who wants to be taxed.”<sup>27</sup> The result was lengthy battles in Committee and on the floor that addressed such subjects as postal rates and taxes on automobiles, bank checks, estates, tea and coffee, electricity, liquor, tobacco, income in prior years, sugar, amusements, yachts, perfumes, cameras, and jewelry.<sup>28</sup>

On October 3, 1917, the long-debated War Tax Act was approved. Covering thirty-eight pages, it detailed one of the most comprehensive assertions of federal government revenue raising powers in history. In general, the higher the taxpayer revenue from the taxed product, the greater percentage of tax that was allowed. Individual titles of the Act addressed personal and corporate income taxes, excess profits, alcoholic beverages, cigars and tobacco, admissions and dues, rail, pipeline and telegraph services, business stamps, postal stamps and estates. A War Excise section taxed motor vehicles, pianos, motion picture films, jewelry, sporting equipment, perfumes and cosmetics, pills, chewing gum, and cameras. While directed to raising revenue for the War, the federal government had now asserted itself as the major taxing entity of the nation.

## VI. ECONOMIC CONTROLS

While taxation was a burden on businesses and the average citizen, it was often less intrusive than a variety of federal government controls over economic transactions that touched the everyday lives of Americans during the war period. Their impact regularly made headline news.

Food, fuel, and transportation were the most visible subjects of regulation. Legislation before and during the War authorized the President to take actions to govern the distribution and use of matters that had previously been left to the workings of the free market or to state regulation. The justification was that the necessities of wartime required government dictation of matters that would ordinarily be left to the decisions of private buyers and sellers.

Three government officials were given major responsibility for making and implementing the economic regulations. Harry Garfield, President of Williams

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<sup>24</sup> *Id.* at 238.

<sup>25</sup> *Id.* at 169, 238.

<sup>26</sup> *Id.* at 237.

<sup>27</sup> *Id.* at 262.

<sup>28</sup> *Id.* at 402.

College and son of the assassinated Republican President James A. Garfield, became the Fuel Administrator. Herbert Hoover, a millionaire mining engineer and the leader of Belgian war relief efforts, became the Food Administrator. Secretary of Treasury William Gibbs McAdoo added to his workload the job of Railroad Administrator. Newspaper commentary often informally titled the men as “czars” to reflect the wide scope of their powers.

The Food Bill worked its way through a lengthy Congressional debate in the spring and summer of 1917. Contentious debates dealt with the subjects to be regulated, minimum prices for wheat, the regulation of alcohol, and whether a Board or a single administrator would run the program.<sup>29</sup> The eventual Food Control Act made criminal speculation, hoarding, and other market manipulations that involved “the production, conserving the supply and controlling the distribution of food products and fuel.” The President was authorized to control “manufacture, storage, mining, or distribution” of regulated fuels and food, including setting their prices. He or his designees could further requisition foods or fuels for support of the military, subject to payment of just compensation. The President could also take over “a factory, packinghouse, oil pipeline, mine, or other plant” to achieve the goals of the Act.<sup>30</sup> Other sections allowed the President to set prices for the regulated items. Shortly after passage of the Act, the President named Harry Garfield as Coal Administrator, with the understanding that he would take over control, distribution, and pricing of the nation’s coal supply.<sup>31</sup> By the following week, Food Administrator Hoover had fixed prices for the 1917 wheat crop.

The debate concerning economic regulations in November and December 1917 centered on control and operation of America’s railroads. Under the 1916 Army Appropriations Act, President Wilson was given the authority to take control of the railroads in time of war. On December 28, he exercised that authority. Wilson praised railroad executives but observed that they lacked the power to assure that national needs were met. Secretary McAdoo was made the Director General with instructions to see that the national interest would be served.<sup>32</sup> McAdoo quickly issued an order to “move traffic by the most convenient and expeditious routes.” Top priority was given to shipments of coal and food. Passenger trains that impeded that goal were stopped. The Times praised McAdoo’s “dictatorial powers . . . . There were no long drawn-out hearings, no days of indecision and debate.”<sup>33</sup>

Fuel Administrator Garfield stunned the country with a mid-January 1918, order to stop fuel deliveries to any business not on a priority list. The Times headline captured the scope of the order: “Shutdown of Industries for Five Days; Begins Friday; Nine Idle Mondays Follow; Washington Order Startles the Country.” “The order applied to all states east of the Mississippi River.”<sup>34</sup> The Times was soon reporting office buildings, stores, and saloons having to operate without heat or light. Elevators could only run to floors with businesses exempt from the order. In Rochester, New York, prominent businessman George Eastman had to cut heat to his famous greenhouses with the loss of thousands of dollars’ worth of rare plants.<sup>35</sup>

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<sup>29</sup> *Id.* at 367, 391.

<sup>30</sup> *Id.* at 394.

<sup>31</sup> *Id.* at 416–17.

<sup>32</sup> *Id.* at 565.

<sup>33</sup> LTWW-II, *supra* note 17, at 26.

<sup>34</sup> *Id.* at 34.

<sup>35</sup> *Id.* at 54.

Eventually weather conditions and fuel supplies improved. But serious questions remained over whether gains from the shutdowns were greater than losses. One certainty was that few Americans did not feel that War policies had a direct impact on them.

In early 1918, Congress completed work on legislation to specify the terms of the railroad takeover. The railroads were promised “just compensation” for their losses. Government control would continue for the duration of the War and for as much as twenty-one months afterwards. Most parties seemed content with the compromise.<sup>36</sup> By summer, Congress’s work on economic controls shifted to price controls on wheat and government control of telephone and telegraph businesses.<sup>37</sup> Those discussions continued through the end of the War.

## VII. ESPIONAGE AND SEDITION

Even before the Declaration of War, the 64<sup>th</sup> Congress had considered a bill to criminalize espionage and related activities. After the Declaration of War in April 1917, the Espionage (or Spy) Bill became a congressional priority on par with the Army Act. The large majority of members in both houses of Congress agreed on the need to criminalize spying designed to benefit Germany. Frequently cited examples of espionage were disclosure of the sailing dates of ships and the location and strength of military units. Although those matters might involve speech on the part of the accused spy, there was little belief that it was covered within the First Amendment’s protection of free speech. Similarly, a wide range of other activities in the Espionage Bill discussion involving regulation of shipping and improper use of government documents were considered both wise and constitutional.

Difficulties arose, however, when the Bill sought to punish activities that arguably interfered with the performance of military duties, military recruitment, and the operation of the draft. A large subset of that debate involved the question of “prior restraint” of speech, which involved the censorship of speech before it was spoken or published.<sup>38</sup> Not surprisingly, newspapers expressed great concern over such regulation. The papers stressed the value of candid discussion of War policies to a successful resolution of the War. They also feared their business would be harmed by censors from either the civilian or military realm.

After some of the most thorough discussion of freedom of speech and censorship in American legislative history, the Espionage Act entered the statute books on June 15, 1917. The Act included lightly-debated provisions over traditional spying, regulation of ships and shipping, acts disturbing American foreign relations, and search warrants. The most debated sections punished false reports intended to (1) interfere with American military success, (2) encourage “insubordination, disloyalty, mutiny or refusal of duty” by members of the armed forces, or (3) obstruct “recruiting or enlistment services of the United States.”<sup>39</sup> A separate section of the Act prohibited from the mail any matter forbidden by the Act or that contained “any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States.”<sup>40</sup> In the days before radio, television, the internet, and social

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<sup>36</sup> *Id.* at 138, 281.

<sup>37</sup> *Id.* at 309.

<sup>38</sup> *Id.* at 170.

<sup>39</sup> *Id.* at 299.

<sup>40</sup> *Id.*

media, postal censorship was a powerful limitation on the regulated party.

Anti-war activity continued in a variety of forms before and after the Espionage Act. Only a limited amount of speech or written communications were clearly intended to advocate German victory in the War. More frequent were written and oral comments designed to advance labor interests (with the International Workers of the World a particular target), advocate socialist or Bolshevik political positions, or to question the legality or wisdom of the draft or other war legislation.<sup>41</sup> Criminal prosecutions under the Act were brought against prominent figures including socialist presidential candidate Eugene Debs, journalist John Reed, editor Max Eastman, and advocate Emma Goldman.

Speech questioning the war effort also prompted extra-legal retaliation that included murders of the speakers. Pleas for more inclusive anti-sedition legislation urged the need to prevent resort to vigilante justice. An immediate goal of proposed new legislation was addressing speech that could obstruct the spring 1918 Liberty Loan campaign.<sup>42</sup> Congressional debate struggled with the language of criminal statutes: What would protect permissible First Amendment questioning of War policies without making it impossible to secure criminal convictions of truly disloyal or seditious statements?<sup>43</sup> Postal censorship also continued to trouble legislators.

The amendment of the Espionage Act (often called the Sedition Act) was approved on May 16, 1918, despite considerable Congressional objection. Subsections made criminal (1) false statements to interfere with the success of the American armed forces or the sale of government bonds; (2) willful attempts to incite “insubordination, disloyalty, mutiny or refusal of duty” by military personnel or obstruction of the “recruiting or enlistment service”; (3) disloyal speech or writing about “the form of government . . . or the Constitution, or the military or naval forces . . . or the flag of the United States”; and (4) words or action “to support or favor the cause of” an enemy of the United States or “to oppose the cause of the United States” in the War. Persons convicted under these provisions faced twenty years imprisonment and/or a fine of \$10,000.<sup>44</sup>

### VIII. UNEASY TIMES

The Sedition Act reflected the temper of the times from November 1917 to May 1918 in the United States. As mentioned, the horrific weather and the shortages of fuel, food, and railroad services troubled much of America. In Europe, Russia had left the War as an ally of Britain and France and was now operating under a Bolshevik government that was fighting a civil war at home. The result freed German troops on the Eastern Front to join the fighting in France. In Italy, German and Austro-Hungarian forces had advanced to within twenty miles of Venice and threatened to drive another ally out of the War. Meanwhile, France suffered a change of governments and troop mutinies that called into question the degree of its further participation in the War. In Great Britain, Prime Minister Lloyd George faced Parliamentary challenges to his leadership of the British War effort.<sup>45</sup>

In the United States Congress, committee hearings and discussions on the

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<sup>41</sup> *Id.* at 386.

<sup>42</sup> LTWW-II, *supra* note 2, at 162.

<sup>43</sup> *See id.* at 178-79, 211-12.

<sup>44</sup> *Id.* at 231-32.

<sup>45</sup> LTWW, *supra*, note 1, 520.

floors of the Senate and House raised questions about American leadership of the War effort and the need for changes of policies and personnel. There was considerable sentiment that America had not done enough to advance the War effort and had mobilized too slowly.<sup>46</sup> Both military and civilian leaders were sharply criticized. A recurrent theme was the need for Congressional management of war policies and expenditures. President Wilson vigorously opposed such efforts as infringing on executive powers.

Just as the Wilson administration appeared to be correcting deficiencies, news came on March 21 of a major German offensive in France.<sup>47</sup> By the second week of April, the Times headlined: “Haig Tells Any Retirement Must Stop” and “Germans Push On.” British Commander in Chief Sir Douglas Haig gave orders to his men: “[e]very position must be held to the last man. There must be no retirement. With our backs to the wall . . . each one of us must fight to the end.”<sup>48</sup> Further German advances and desperate Allied and American resistance continued into June. Then the tide shifted against Germany thanks, in considerable part, to the rapidly increasing numbers of American troops on the front lines. By August the Allies had taken the offensive which they retained until the November 11 Armistice.

#### IX. PROHIBITION OF ALCOHOL

The War Tax debate was one of several Congressional debates that raised the subject of the national government’s treatment of alcoholic beverages. The most prominent debate in 1917 and 1918 concerned a proposed Amendment to the Constitution to ban the “manufacture, sale or transportation of intoxicating liquors” in the United States.

In 2018, prohibition is looked back upon as a stupid and failed effort to control personal behavior regarding a subject that sharply divided the American people. The Prohibition Amendment helped shape the post-War “Roaring Twenties.” By the start of the Great Depression and the New Deal prohibition was ready for repeal by the Twenty-First Amendment.

In 1918, prohibition was viewed by many citizens as one part of the progressive movement to improve the life of the average American. It appeared to be a movement that was gaining new supporters yearly. The “saloon” was seen as a bad thing both scientifically and socially. An advancing and progressive society should be moving to abolish the culture of alcohol. Especially in wartime, workers needed to be at their most efficient.

Beyond scientific arguments, alcohol consumption was also negatively associated with immigrant populations and African-Americans. The association of Germans with beer was seen as a strong argument for prohibition. Southern whites saw prohibition as a way of easing the “white man’s burden” of protecting white women from sexual assault from drunken African-American men.<sup>49</sup> Opponents of prohibition countered with a variety of arguments.<sup>50</sup> Many contended that moderate use of alcohol was valuable for encouraging wartime labor productivity. The workman or the soldier should not be denied his “tipple.” As a financial matter,

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<sup>46</sup> See *id.* at 546, 556, 567; LTWWI-II, *supra* note 17, at 8, 24, 40, 63, 73.

<sup>47</sup> LTWW-II, *supra* note 17, at 132.

<sup>48</sup> *Id.* at 174–75.

<sup>49</sup> *Id.* at 320, 330, 554.

<sup>50</sup> *Id.* at 379, 412, 422.



prohibition also promised to shut down major industries that produced wine, beer, or hard liquor. And, not just the owners would suffer. The federal government faced the loss of an estimated \$500 million in tax revenues from the potential elimination of legal alcoholic beverages.

Opponents of prohibition also argued that constitutional federalism opposed a nationwide prohibition amendment. Different states with different popular views on alcohol should be entitled to determine their own policies. A fascinating North/South division appeared as southern legislators favored nationwide prohibition but opposed nationwide women's suffrage. Northern legislators took the opposite positions. Amidst its other work, prohibition legislation advanced and an Eighteenth Amendment was approved by Congress and sent to the states for ratification.<sup>51</sup> By December 1918, the Amendment had been ratified by three quarters of the states and became the most recent addition to the Constitution.<sup>52</sup>

#### X. VICTORY AND ITS AFTERMATH

For much of 1918 optimistic American predictions were that continued arrivals of American troops and improved collaboration between the Allies and the United States could bring victory by the summer of 1919. Few were bold enough to predict victory before that date.<sup>53</sup> In the late summer and fall of 1918 those predictions changed. Allied offensives began to cover miles instead of yards. Belgian and French towns that had been in German hands since 1914 were recaptured along with growing numbers of German prisoners. Fighting remained ferocious and American casualties in September and October moved rapidly over the 100,000 mark. Battles like St. Mihiel and the Argonne Forest joined Bunker Hill and Gettysburg in American military lore. By mid-September, the Central Powers began serious discussions about ending the War. The Allies made clear that earlier discussions of "peace without victory" were now off the table. The continued Allied advance forced a German request for an Armistice that became, in practical effect, a German surrender on November 11, 1918.<sup>54</sup>

Before the Armistice, America and much of the world had faced a further horror. This was the influenza epidemic that killed an estimated fifty million persons including large numbers of previously healthy young adults.<sup>55</sup> The so-called "Spanish flu" disrupted both military and civilian activity. But, American war efforts advanced to victory, and by Armistice Day, the flu epidemic was thought to have eased.

Political activity centered on the November mid-term Congressional elections. In May, 1918, President Wilson used the phrase "politics is adjourned" to express his desire for non-partisan pursuit of War objectives that were shared by both Democrats and Republicans.<sup>56</sup> That hope or promise seemingly changed in October 1918 when President Wilson stated: "[i]f you have approved of my leadership . . . I earnestly beg that you will express yourself unmistakably to that effect by returning a Democratic majority in both the Senate and the House of Representatives."<sup>57</sup>

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<sup>51</sup> *Id.* at 554.

<sup>52</sup> *Id.* at 536.

<sup>53</sup> *Id.* at 345, 388.

<sup>54</sup> *Id.* at 457.

<sup>55</sup> *Id.* at 345, 386, 407, 432.

<sup>56</sup> *Id.* at 255.

<sup>57</sup> *Id.* at 434.

Teddy Roosevelt spoke for his party when he called the Wilson appeal the “most lamentable appeal in politics ever made by a President during a great war . . . .”<sup>58</sup> Other Republicans wondered how politics could be “adjourned” when Wilson was advocating the election of arch-pacifist Henry Ford as the Democratic candidate for a Michigan Senate seat.

Wilson’s gamble failed. On Tuesday, November 5, voters gave Republicans control of both the Senate and House.<sup>59</sup> Within the week, Germany had agreed to Armistice terms and America celebrated.

Plans for the Peace Conference now moved to center stage. President Wilson announced his plans to attend the gathering of leaders at Versailles,<sup>60</sup> despite considerable Republican opposition. Teddy Roosevelt contended the November election results had repudiated Wilson’s earlier statements of terms for peace (the so-called “14 Points”).<sup>61</sup> Roosevelt favored a harsh peace against Germany. President Wilson further risked political troubles by selecting a delegation to accompany him to Versailles that lacked either Senatorial or Republican representation. For the next three months, reports of the President’s travels and participation in the Versailles Conference dominated the news.

There was one notable exception. Early on Monday morning of January 6, 1919, Theodore Roosevelt died unexpectedly at his Sagamore Hill home. His vigorous life had continued until the day before his death and he had been widely regarded as the Republican nominee for President in the 1920 election.<sup>62</sup> Speculation began immediately about the next Republican nominee. The *New York Times* summarized: “Talk Most of Harding’ with praise for the Ohio Senator’s standing amongst fellow Senators and Republican Party leaders.”<sup>63</sup>

## XI. THE RUSSIAN SITUATION

The political situation in Russia fascinated both American leaders and average citizens throughout the War period. The unpredictability of Russian politics became a defining feature of the War. Russia started the War in 1914 with the 300-year-old totalitarian Romanoff Dynasty at the helm of Russia. By the end of the War, Russia had been through two revolutions, had brutally deposed the Czar and murdered him and his family, and had entered a period of civil war that remained unsettled at the start of the Versailles Peace Conference in 1919.

Shortly before the United States entered the War in April 1917, the first Russian Revolution had overthrown the Czar. He had been replaced by something resembling a western democratic government under the leadership of Alexander Kerensky. This was good news for President Wilson and the United States. They would now unite with democratic governments in Great Britain, France, and Russia to oppose the autocratic rulers of Germany and her allies Austria-Hungary, and the Ottoman Empire. America was the first nation to recognize the new Russian government. By mid-June of 1917 the Speaker of the House, Champ Clark, was calling the Russian Revolution “one of the most momentous political movements

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<sup>58</sup> *Id.* at 435, 440.

<sup>59</sup> *Id.* at 450.

<sup>60</sup> *Id.* at 470.

<sup>61</sup> *Id.* at 57.

<sup>62</sup> *Id.* at 520.

<sup>63</sup> *Id.* at 524.

since the French Revolution.”<sup>64</sup>

As with many transformative political actions, conflicts began to arise in Russia among various factions. Radicals and fringe groups began to gain support, while landowners and nobility created private armies. The Russian Army was confronted by multiple conflicting orders from multiple sources. Few of the orders appeared to be backed by actual authority. Various generals seized control of what troops they could. Ordinary soldiers deserted at a rapid pace. Yet, officially, Russia was still at war with Germany.

The American government tried to help, sending over a coalition of experts, led by Elihu Root, to help set up a new government. President Wilson was willing to support a low interest loan to the new government of Russia to aid with stabilization. These efforts, while well intended, would fail.

After a troubled summer in 1917, a second Revolution took place later that year. This was led by the Bolsheviks, with Lenin and Trotsky as the visible leaders. In addition to favoring a different form of autocratic government, the Bolsheviks clearly favored withdrawing from the War regardless the consequences. By January, Russia had left the War under conditions that reflected surrender to German military might.

Over the next year, Russia collapsed into chaos. Starvation became a constant reality. Revolutionaries patrolled the streets shooting opponents. Prisoners died slow deaths of starvation. Typhus and other diseases swept the country. Harold Williams, a correspondent for the Times, reported from Russia: “[n]o death is so terrible as the death of a great nation. Russia is dying, and it is agony and anguish to see it. She will rise again, sometime, but no man on earth can say when this will be.”<sup>65</sup>

## XII. WOMEN’S SUFFRAGE

The fight for women’s suffrage (the right to vote) in America was an ongoing battle that had begun in the early 1800s with the Seneca Falls Convention. It was raging as America entered the War a century later. While several states had voted to permit women to vote, starting with Wyoming, the fight to secure a national constitutional amendment allowing suffrage continued on the streets and in the halls of Congress. Women’s suffrage was about more than the right to vote. It was about securing full participation in government. One area of particular concern to women was birth control. In January of 1917, Mrs. Weaker, sister to the famous birth control advocate Margaret Sanger, was imprisoned for thirty days for advocating for birth control. She promptly went on a hunger strike to bring attention to her cause.

While many of her fellow advocates urged her to eat because she was of more value to the cause alive than dead, Mrs. Weaker simply replied, “[w]ith the Health Department reporting 8,000 deaths a year in the State of New York from illegal operations on women, one more death won’t make much difference, anyway.”<sup>66</sup> As with many imprisoned women who sought to advance their cause through non-violent social action and protest such as hunger strikes, Mrs. Weaker was force fed. The Times detailed the gruesome process in detached, scientific language:

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<sup>64</sup> *Id.* at 80.

<sup>65</sup> *Id.* at 80.

<sup>66</sup> LTWW, *supra* at 1, at 73.

The patient is wrapped in blankets, when this method is employed and held rigidly or strapped, while a soft rubber tube with a firm nozzle is introduced into the aesophagus [sic] through the nose or mouth and liquid food poured through it. If the patient exhibits strong resistance, the nostril method may be used; otherwise a gag will be forced between her teeth and the tube introduced through the mouth.<sup>67</sup>

Although the road to suffrage experienced many setbacks, there were moments of triumph. One of those moments came with the 1916 election of Jeanette Rankin of Montana as the first woman ever elected to Congress. During her two-year term Miss Rankin would support suffrage and freedom for Ireland from Great Britain. She would also vote against the Declaration of War on Germany, joining fifty-five male colleagues. On the War vote, Miss Rankin simply said, "I want to stand by my country but I cannot vote for war. I vote [n]o."<sup>68</sup> Miss Rankin was viewed as a representative of her sex. People on both sides of the argument either praised or lambasted her, but most seemed to equate her actions with the views of all women. A fellow suffragette, Carrie Chapman Catt, pointed out that Miss Rankin would have been criticized no matter how she voted.

The suffrage debate also involved other issues. Many white Southern women, and Northern women too, fought for suffrage because they were affronted by the idea that an African-American man could vote while a white woman could not. Many Southern men who supported suffrage were of the opinion that suffrage was needed for white women in order to maintain white supremacy. Senator McKellar stated on the Senate floor, "[w]e ought not to treat negro men better than we do our white women."<sup>69</sup> While suffrage for women would eventually be obtained, one cannot forget that racism played a part in shaping how the movement was perceived and why certain parts of society eventually became advocates for it. It is a lesson that a person can advocate for a good cause while still holding horrific beliefs.

Vigorous debate in both houses of the 65<sup>th</sup> Congress weighed the suffrage decision. Both Teddy Roosevelt and Woodrow Wilson supported the suffrage amendment. Both saw it as advancing the War effort in various ways. The House approved the suffrage amendment by one vote as a congressman was swayed by a telegram from his mother urging him to support suffrage. The Senate vote fell short of the necessary two-thirds by a few votes. It would remain for the 66<sup>th</sup> Congress to approve the suffrage amendment and submit it for prompt approval by three-quarters of the states to become the Nineteenth Amendment to the Constitution.

### XIII. THE LEGACIES OF THE CIVIL WAR

In 1917-18, the United States was only half a century past its bloody and divisive Civil War. In practical terms this meant the Civil War was learned not only from the history books but from the memories of those who had fought in it or lived through it, and those who took their guidance from parents and other mentors. The

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<sup>67</sup> *Id.*

<sup>68</sup> *Id.* at 161.

<sup>69</sup> LTWW-II, *supra* note 1, at 398-399.

65<sup>th</sup> Congress had veterans of both the Northern and Southern armies. The Chief Justice of the Supreme Court was a former Confederate soldier. The twelve-year period of Reconstruction (1865-1877) that followed the War was even closer to the memory of citizens of the World War era.

The decisive Union military victory in the Civil War was followed by questions of whether the North and South could come together as one nation again and whether the promises to the freed African-American population would actually gain the benefits of the Fourteenth and Fifteenth Amendments to the Constitution enacted during Reconstruction. The Fourteenth Amendment forbade discrimination on the basis of race in the workings of government. The Fifteenth Amendment gave the freed slaves the right to vote.

The great goals of Reconstruction failed. By the early 20th century, it was clear that the Southern states had reinstated discriminations against African-Americans that harked back to the days of slavery. Society was divided sharply along racial lines with discriminations of all sorts favoring whites and disadvantaging African-Americans. African-American voting in the south was almost non-existent.

Woodrow Wilson's presidency worsened the situation. The Southern born and raised Wilson enforced racial discrimination against African-Americans in all varieties of federal government positions. In essence, white Northerners and white Southerners aligned against the small populations of Northern African-Americans and the far larger populations of Southern African-Americans to keep Southern whites in control of government, the economy, and society in the South. Lynching of African-Americans was common and rarely punished.

The coming of the World War to America saw both racial and North-South issues play significant roles in the American approach to war. The decades leading up to the War saw many African-Americans leave their homes in the South to relocate in Northern cities for better economic opportunities and a degree of freedom from the violence found in the South.<sup>70</sup>

Racial issues played a role in the debates of April and May of 1917 over the structure of the Army and the draft. Congressmen and woman could oppose raising an Army by conscription for many reasons. One of them, however, was the impact of a conscripted army on race relations. Southern legislators were troubled by the impact of training and arming African-Americans for military service in the World War.<sup>71</sup> Representative James Byrnes of South Carolina objected to the War Department's "right to assign a boy from South Carolina . . . by the side of a negro from Indiana."<sup>72</sup> His fellow South Carolinian Samuel Nichols was more direct: "[if] you take a white boy from South Carolina and put him in a negro regiment from Massachusetts, or anywhere else . . . you would not have to go to Germany to have war, for you would get war right at home."<sup>73</sup> An immediate fear was that military training in the South might not require African-Americans to "know their place."<sup>74</sup> As a result the majority of African-American draftees did their stateside training in Iowa.

The different treatment of African-Americans was reflected in draft

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<sup>70</sup> LTWW, *supra* note 1, at 144, 292, 334.

<sup>71</sup> *Id.* at 202.

<sup>72</sup> *Id.* at 202.

<sup>73</sup> *Id.* at 199.

<sup>74</sup> *Id.* at 422-23.

regulations that read: “[i]f person is of African descent, tear off this corner [of the draft registration cards.]”<sup>75</sup> No other group of Americans faced such discrimination.

An initial compromise on the “do we arm Negroes” question was an understanding that African-Americans would be used primarily for non-combat duties and would serve under the command of white officers in African-American-only units. African-American soldiers’ performance under fire broke down those barriers. African-Americans were still discriminated against, but their individual and group performance began to defeat racial stereotypes. Speaking to a largely African-American crowd of 2,000 at the Hampton Institute shortly after the declaration of war, a speaker urged: “[w]e are ready, white and colored alike, to serve our country in any way we are called.”<sup>76</sup>

The Congressional debates over Prohibition and Women’s Suffrage also brought racial issues to the fore. We have noted the contrary positions some legislators (primarily Southern ones) took toward the federalization of voting rights and the prohibition of alcohol. Advocates of a nationwide prohibition amendment favored a rule that would keep alcohol out of the hands of African-Americans. The fears of intoxicated African-Americans assaulting white women was both hinted at and bluntly expressed. A national standard for voting eligibility was disfavored. The fear of African-American women being able to vote was real in the eyes of many legislators. The single female member of Congress, Jeanette Rankin of Montana, tried to persuade her white colleagues not to let racial issues defeat women’s suffrage. She urged Southern colleagues “who have struggled with your negro problem” to not oppose women’s suffrage because of the “enfranchisement of a child-race.”<sup>77</sup>

Congressional debates of all sorts gave rise to racist expressions that ranged from throw-away lines to bitter doubts as to African-Americans’ intelligence, work habits, and contribution to the nation.<sup>78</sup> A final racial aspect was racial violence. Beyond individual lynching of African Americans, race riots took place in locations from Houston<sup>79</sup> to East St. Louis<sup>80</sup> to New York City<sup>81</sup> to the Dupont Plant in Virginia.<sup>82</sup> If the benefits of the War to racial harmony and eventual equality were mixed at best, the reconciliation of the white populations in the North and South was assisted by uniting in a common cause under the leadership of a Southern-born President.

President Wilson attempted to connect the lessons of the two wars in a speech to a Confederate veterans meeting in Washington in June 1917. He praised the heroism of both Union and Confederate troops in the Civil War that “made one proud to have been sprung of a race that could produce such bravery and constancy.” The present War showed “why this great nation was kept united for we are beginning to see the great world purposes which it was meant to serve.” Men in both the North and South had “the same love of self-government and of liberty and now we are to be an instrument in the hands of God to see that liberty is made secure for mankind.”

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<sup>75</sup> *Id.* at 261.

<sup>76</sup> *Id.* at 176.

<sup>77</sup> LTWW-II, *supra* note 17, at 21.

<sup>78</sup> *Id.* at 397–99.

<sup>79</sup> LTWW, *supra* note 2, at 412.

<sup>80</sup> *Id.* at 334, 456 (East St. Louis, Illinois).

<sup>81</sup> *Id.* at 282 (New York City).

<sup>82</sup> LTWW-II *supra* note 2, at 411.

The forthcoming draft registration day was “a day of reunion, a day of noble memories, a day of dedication.”<sup>83</sup>

While the fifty-six members of Congress who voted against the declaration of War and other war measures, had a variety of reasons for their votes, Southern support for the War was generally strong. A Times headline following draft registration day proclaimed: “South Responds Eagerly.”<sup>84</sup> The few Southern pacifists were outnumbered by strong supporters of the War. Southerners welcomed white Northern soldiers for training in the warmer Southern climates.

#### XIV. THOSE DAYS AS SEEN FROM THESE DAYS

A fascinating aspect of writing *Living the World War* was comparing the events of 1916-19 with those a century later. Elizabeth and Don certainly could not have predicted when they started their project, that in June 2016, Great Britain would vote to withdraw from the European Union (EU) and that other national elections in the EU would evidence a resurgence of nationalism and nativism. They also could not have predicted that the United States would elect a President with the least governmental experience of any chief executive in history running on a slogan of Make America Great Again. The first year of the Trump Administration continued to set a standard against which to measure the events of 1916 through 1919.

Several factors stand out in what would have highlighted the experience of living the World War. The first was the remarkable accomplishments of the Wilson Administration and the 65<sup>th</sup> Congress. The President and the Congress, sometimes at odds, but more often working collaboratively, mobilized America for the greatest international challenge in its history. The accomplishments of the American government included building a national military from a very small base and relying heavily on conscription to do so; providing massive financial support for its allies; fundraising for the War through both borrowing and taxation in ways that redefined federal financial demands on its citizens; regulating a wide variety of everyday activities to advance War objectives; defining and punishing behavior that was felt to discourage support for the War; and approving a wide variety of other support for the War effort ranging from financial support for War businesses to the provision of insurance for soldiers.

Many of the expansive federal measures were quickly dialed back after the War. But, they provided precedent fifteen years later when the Great Depression again called for an activist federal government. Those precedents continue to define America today.

The second factor that provides fascinating contrast between 1917 and 2017 is the bi-partisan spirit in which the Congress operated in 1917. Granted, at no time was “politics adjourned” completely. But, much of the major legislation described above was eventually passed with overwhelming majorities after vigorous committee discussion and floor debate that compromised over areas of disagreement. The debates provided some of the most excellent discussion of both Constitutional governance and public policy in American history. Individual legislators like Augustus Gardner, Julius Kahn, and Swagger Sherley are unknown to modern Americans. But, they served as admirable models of what members of Congress should be.

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<sup>83</sup> *Id.* at 291; *see also, id.* at 245.

<sup>84</sup> *Id.* at 286.

If the Congressional workload seemed enormous, it was. Traditional recesses were cancelled. Floor sessions extended to late evening hours. Committee sessions often forced legislators to choose between essential committee work and important floor debates. Participation in wartime civic events, like Liberty Bond rallies, also commanded the time of Senators and Representatives.

In a number of cases the impact of the workload was lethal. During the term of the 65<sup>th</sup> Congress, ten Senators and sixteen Representatives died. Tributes to many of them could cite overwork as killing members in their forties or early fifties. A few members also served in uniform during their terms and prominent Representative Augustus Gardner died in a military hospital during his service.

The third factor was the reminder that areas of controversy beyond the War were present in 1917 and 1918 are still present today. Racial relations remain a challenge to America. The role of women in America remains a public issue. Other social issues remain controversial. Prohibition may have been settled but abortion and gay rights have taken its place.

The final factor that was vividly present in the 1,200 pages of *Living the World War* was the degree to which the average American was directly impacted by the challenges of those years. The average citizen, particularly in the Northeast, faced food, fuel, and transportation shortages that made daily life downright difficult. He or she lived through the worst epidemic of the 20th century with the Spanish flu of 1918-19. Taxation touched a great number of Americans it had never touched before. Solicitations for Liberty Loan bonds were equally seen as part of an American's responsibility. Lastly, an enormous portion of the American people were directly affected by the large growth of the military. Recruits, their families, their friends, and their employers were directly touched by the War.

Military duties reached across social classes and races. Among military fatalities were a prominent Congressman and advocate for American preparedness (Augustus Gardner), the former mayor of New York City (John Mitchel), a prominent popular poet (Joyce Kilmer), one of the outstanding college athletes of his day (Hobey Baker), and the son of a President of the United States (Quentin Roosevelt, two of whose brothers were seriously wounded). Comparisons with contemporary America that has been involved in a fifteen-year war, are painful.



