WOODROW WILSON'S PLAN FOR A VOTE OF CONFIDENCE

By Kurt Wimer*

The policies of few presidents in American history have remained as obscure as those of Woodrow Wilson, especially towards the end of 1919 and the beginning of 1920. Wilson lay ill in the White House. Hardly anyone had access to him except members of his immediate family and his physician. In the absence of frank information about his condition, countless rumors arose including claims that a "regency council" was in charge of the government. On the basis of evidence now available a re-evaluation of presidential policies during this period seems indicated.

Woodrow Wilson, stricken with cerebral thrombosis on October 2, 1919, had recovered sufficiently by mid-December to attend to urgent governmental matters. While his physician advised the President to avoid matters causing excitement, it was characteristic of Wilson to give much attention to the issue of the League of Nations even though it taxed his energies and retarded his recovery. In the weeks following the first adverse vote on the

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1 On December 18, Tumulty submitted "a list of matters" to Mrs. Wilson for settlement by the President "at intervals." Letter and enclosures from J. P. Tumulty to Mrs. Wilson. Tumulty Papers, Library of Congr. ss. For Wilson's general condition and recovery, see Cary T. Grayson, Woodrow Wilson, an Intimate Memoir (New York, 1960), Chap. 15.

2 According to Dr. Grayson, Wilson was "perfectly calm about everything . . . except the treaty. That tires him: (sic) makes him restless." Baker Diary, Box 125, Ray Stannard Baker Papers, Library of Congress. (Italics in the original.)
Taken in June, 1920, some nine months after the onset of Wilson's illness, this picture does not show the left side of his face, which was paralyzed. It appeared in several newspapers on June 23, 1920.

Harris and Ewing
Wilson's hope, that the Senate could yet be induced to yield to pressure of public opinion, became increasingly questionable. Ruling out what he considered a dishonorable compromise, Wilson, on December 14, issued a statement in which he let it be known that he had "no compromise or concession of any kind in mind." A few days later, when leading senators considered concluding peace through acts of Congress, Wilson reached the conclusion that pressure of public opinion was no longer sufficient to force the Senate to yield. He became convinced that the deadlock over the treaty had to be resolved by the people, and that they should be given an opportunity to render a final verdict. He knew that such a daring course would raise difficult problems but was determined to bring the issue to a head and find means to enable the people to become the ultimate jury.

Wilson's subsequent policies should be understood and evaluated in the light of his central conviction that the deadlock over the treaty had to be resolved through what he called a "solemn referendum." His absolute confidence in the people made the idea of a referendum so appealing that he considered various means to bring it about. Such a solution was clearly in line with his predisposition for the parliamentary system of government. Shortly before his inauguration, he expressed the view that in the twentieth century the president "must be a prime minister." It is seldom realized that before he left office he devised machinery which would have provided for a "vote of confidence." Ultimate failure should not put his continued leadership in question nor should it belittle his efforts.

Wilson planned to bring the issue of the deadlocked treaty before the people in a manner both breath-taking and unprecedented in

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1. The Senate failed to consent to ratification of the treaty on November 19, 1919, 66th Cong., 1st Sess., Congressional Record, 9304.
3. On December 18, Senate majority leader Lodge called a meeting of the Senate Foreign Relations Committee to discuss peace resolutions. A resolution introduced by Lodge even contemplated the establishment of peace through a concurrent resolution not requiring the President's signature. Senate Concurrent Resolution 17, 66th Cong., 2nd Sess.
5. Palmer Papers, Library of Congress. For Wilson's prediction that the United States would "come to" a Cabinet form of government, see Woodrow Wilson Collection, Manuscripts collected by Charles L. Swem, Princeton University.
American history. He considered calling for a separate election to permit the people to decide between his course of action and that of opposition senators. He prepared, but never issued, an appeal to the electorate, in which he stated:

There is but one way to settle such questions, and that is by direct reference to the voters of the country. I have, as you know, repeatedly professed my adherence to the principle of referendum and recall, and I could wish both that you might have an early opportunity at the ballot box to express your sovereign wish with regard to the treaty, and that you might, if you desire, also have an opportunity to recall your commission to me to act and speak in your name and on your behalf.

I am sorry the Constitution provides no method or machinery for such reference; but I have a method to propose which I am sure is perfectly legal and feasible and which I hope may have your united and outspoken approval and support.⁷

In the appeal Wilson challenged fifty-seven opposition senators from thirty-eight different states to resign their seats in the Senate and “take immediate steps to seek reelection” on the basis of their respective “records” regarding the treaty. If a majority of the senators would be reelected, Wilson pledged that he (and Vice-President Thomas R. Marshall) would resign after appointing a leader of the opposition as secretary of state to succeed him as president.⁸

Wilson’s drafting of an election appeal shows that he gave deep consideration to holding special elections. This was confirmed recently by his daughter, Mrs. Eleanor Wilson McAdoo, who wrote: “I do know . . . that he gave a great deal of thought to the possibility of presenting the issue of the League of Nations to the American people in a special election—he called it ‘a solemn referendum.’”⁹ It is noteworthy that Wilson applied the term “solemn referendum,” at least initially, to the contemplated spe-

⁸ The influence of Bagehot on Wilson’s ideas on parliamentary control as it might function in the American system is noteworthy. Walter Bagehot. *English Constitution* (New York, 1928).
⁹ Letter of Mrs. Eleanor Wilson McAdoo to author, April 8, 1958.
cial elections, a characterization particularly fitting for such a grave and unprecedented step.\textsuperscript{10}

Wilson considered his plan "perfectly legal and feasible."\textsuperscript{11} Yet, it was one thing to assert that the scheme was compatible with the terms of the constitution, it was another to claim its feasibility. The President, an expert in political science, was apprehensive about its uncertainties and risks. Difficulties involved the President's lack of power to compel senators to resign, attitudes of the governors, and the manner of selecting a president. On December 18, 1919, the very day he apparently decided that the deadlock was complete, Wilson asked Attorney General A. Mitchell Palmer to draw up a memorandum on the effect of the resignation of senators in thirty-five specifically named states.\textsuperscript{12} Four days later Palmer informed him that, according to existing laws, the governors of thirteen states had not received legislative authority to make interim appointments, whereas in the other twenty-two states the governors held such authority. The Attorney General added that "in any case" appointments by the governors were limited until such time as senators would be elected at "general and special elections."\textsuperscript{13} In his draft appeal the President met the difficulty presented by these varying state laws by challenging the senators themselves "to take immediate steps to seek reelection."\textsuperscript{14} Since those to be challenged were his bitter political enemies, there was considerable doubt whether they (or, indeed, anyone) would have complied with the presidential requests. But even if they had resigned, a cooperative attitude on the part of the governors had to be postulated, a questionable assumption in many instances. Typically, Wilson hoped to overcome uncertainties inherent in his plan through "united and outspoken approval and support"\textsuperscript{15} of the people.

\textsuperscript{10} The term has since become a misnomer because it is applied to Wilson's later attempt to get a verdict on the League of Nations in the presidential elections of 1920. The election of 1920 was, in the words of Professor Bemis, "not a referendum, nor was it even solemn." Samuel Flagg Bemis, \textit{A Diplomatic History of the United States} (New York, 1950), 656.

\textsuperscript{11} Draft Appeal, File II, Wilson Papers.

\textsuperscript{12} The request was made by Mrs. Wilson in behalf of the President. Letter of Edith Bolling Wilson to Attorney General Palmer, December 18, 1919. Palmer Papers.

\textsuperscript{13} Attorney General Palmer to President Wilson, December 22, 1919. Wilson Papers.

\textsuperscript{14} Draft Appeal, File II, Wilson Papers.

\textsuperscript{15} \textit{Ibid.}
The procedure for selecting a new president, in case Wilson lost his challenge, also had its difficulties. A president cannot force a vice-president to resign, although the content of the draft appeal reveals that Vice-President Marshall had authorized Wilson to announce his willingness to do so. Since the president can remove his secretary of state from office, Wilson would have been in a position to appoint his successor by making him secretary of state. It is unlikely that opposition senators and others would have been agreeable to having a president appointed rather than elected. Furthermore, it is doubtful whether they would have been satisfied to let Wilson make their choice. The Senate could have registered disapproval by failing to confirm the President's appointment of a secretary of state. Even if one takes the view that in certain circumstances a senatorial confirmation might not have been absolutely required, there is the possibility that a Congress hostile to such a scheme might have changed the law of succession, as was done in 1947. 16

In spite of these considerations Wilson's design was "feasible" if we assume a willingness on all sides to submit the issue to the people for a verdict. To be sure such an assumption was unrealistic. Nevertheless an uncooperative attitude on the part of Wilson's opponents would have demonstrated publicly their unwillingness to solve the conflict by direct reference to the ultimate sovereign—the people. Wilson had no doubts about the outcome had his opponents accepted his challenge. Others, too, gave him a good chance for success. Thus Professor Lindsay Rogers who somehow sensed or reasoned that the President might try to let the people decide, wrote:

It may be . . . that Mr. Wilson's rebuff at the hands of the Senate will make him desire to try the issue before the American people, and he would, under such circumstances, have a fair chance of success, since, I feel confident the country is not so extreme as the Senate in its views. 17

16 80th Cong., 1st Sess., Public Law 199.
17 Lindsay Rogers, Contemporary Review, CXVII, February 1920. For other evidence which corroborates Professor Rogers' views see 66th Cong., 2nd Sess., Congressional Record, 1774, January 19, 1920.
Historians have considered Wilson's scheme "fantastic" or even "preposterous." Undoubtedly Wilson's extraordinary plan involved a departure from traditional practice. The President was aware that the contemplated procedures were unorthodox, unexpected, and hazardous. Earlier he had expressed the belief that in a showdown "audacity of method" and daring often succeed when ordinary means fail. He once told naval officers:

Do the thing that is audacious to the utmost point of risk and daring, because that is exactly the thing that the other side does not understand, and you will win by the audacity of method when you cannot win by circumspection and prudence.

Similarly, his bold design of calling a separate election was a last resort after he became convinced that, barring an unworthy compromise, there was no way out of the impasse other than having the people decide the issue directly.

Wilson's plan has also been denounced as being "out of keeping with the philosophy of American government" and as evidence of "the deterioration of a once effective talent." Such evaluations ignore the direction in which Wilson believed American government, and especially the American presidency, was heading in the early twentieth century. Shortly before his inauguration as president, Wilson had stated that

the character of the American presidency is passing through a transitional stage. . . . Sooner or later, it would seem, he [the president] must be made answerable to opinion in a somewhat more informal and intimate fashion. . . . But that is a matter to be worked out—in some natural American way which we cannot yet even predict.

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20 President Wilson's address to the officers of the Atlantic Fleet, August 11, 1917. Wilson's Speeches and Writings, 1917, Woodrow Wilson Foundation, New York City.
21 John M. Blum, Joe Tunulty and the Wilson Era (Boston, 1951), 232.
22 Letter of Woodrow Wilson to A. Mitchell Palmer of February 5, 1913, Palmer Papers. See also Congressional Record, 64th Cong., 1st Sess., vol. 53, 12, 620.
While in office he contemplated steps to bring about the development he foresaw. On at least one occasion he considered resignation but became convinced that his resignation alone was insufficient to break a deadlock with the legislature if members of Congress did not do so simultaneously. Ultimately, to obtain the hoped-for verdict on the League of Nations, he devised the blueprint for separate elections as a means for making the president and legislature "answerable" to the people.

Since there were only ten months left before the presidential election, Wilson might have tried to obtain a decision from the people in the forthcoming election. The fact that he gave so much consideration to a farfetched plan suggests his lack of faith in such a possibility. According to Mrs. Eleanor Wilson McAdoo, the President feared that "if the League issue was voted on during the coming presidential elections it would be just one of many 'planks' in the party platforms, and the people would vote according to their political beliefs or prejudices and not necessarily for or against the League of Nations." Wilson's writings further reveal his awareness of other difficulties, including the fact that the seats of many senators are not immediately affected in presidential elections. Since his controversy was with senators opposing his course of action, no clear-cut verdict could have been expected in an election in which the majority of opposition senators had no immediate stake. Further, the new Senate would not convene in regular session until December 1921 or in special session till after March 4 of that year. Wilson, anxious to have the treaty issue settled speedily, preferred procedures promising a prompt solution and complete victory. Such a settlement would have been in keeping with his desire for "immediate and ideal solutions," of which Professor Link wrote recently:

Wilson was in temperament an extreme activist, never satisfied with mere speculation or willing to apply slow-

Letter of President Wilson to Secretary of State Lansing, November 5, 1918. Papers of Frank L. Polk, Yale University Library. See also letters of Bernard M. Baruch to author, September 24 and October 9, 1957.

David Lawrence, The True Story of Woodrow Wilson (New York, 1924), 311.

Letter of Mrs. Eleanor Wilson McAdoo to author, April 8, 1958.

See Woodrow Wilson, Constitutional Government in the United States (New York, 1908), Chap. V, where Wilson analyzes the relatively sheltered position of the Senate in presidential elections.
working remedies, but driven as if by demons to almost frenzied efforts to achieve immediate and ideal solutions.\(^27\)

2.

The period during which Wilson contemplated special elections has not been clearly established. Theories regarding the time of drafting the appeal are vague and often conflicting;\(^28\) there does not seem to be any literature as to when and why Wilson gave up the idea for separate elections. Careful examination of available evidence suggests the following conclusions.

Wilson conceived this plan before December 18, 1919, since on that day an inquiry was made by Mrs. Wilson to Attorney General Palmer requesting information on state laws regarding senatorial vacancies.\(^29\) It is likely he had given consideration to such a solution for some time, but the first suggestion of its implementation occurred on the day when the Senate Foreign Relations Committee started consideration of peace plans of its own. After receiving information from Attorney General Palmer on December 22, 1919, Wilson drafted the appeal and contemplated special elections shortly thereafter. He considered challenging the senators in a special message to Congress and even prepared a draft message (in shorthand) in which he contemplated telling the “Gentlemen of Congress” about matters of such supreme importance that he was “deeply concerned” lest he should not prove adequate to their proper presentation.\(^30\) This message was not delivered but circumstantial evidence indicates that Wilson was still thinking of special elections on January 2, 1920. Joseph P. Tumulty, Wilson’s secretary, then made suggestions designed to put the President in a better position “to go to the country in the way you have in


\(^{28}\) Professor Blum’s suggestion (Blum, *op. cit.*, 315, f. 3) that the appeal was drawn up earlier than December 22, 1919, is unlikely since Wilson would hardly have labeled his plan “perfectly legal” prior to having received an opinion from the Attorney General. Professor Bailey’s conclusion that it was “clearly prepared late in January 1920” (Bailey, *op. cit.*, II, 216) must be ruled out, as will be shown presently.

\(^{29}\) Mrs. Wilson to Attorney General Palmer, Palmer Papers, December 18, 1919, See footnote 12.

\(^{30}\) There are eight pages of shorthand notes in the Wilson Papers under the date Dec. 22, 1919. In view of Wilson’s illness it is not surprising that their transcription has proved to be extremely difficult. Fragmentary transcriptions reveal clearly that the message dealt with the special elections. File II, December 22, 1919, Wilson Papers.
By January 6, however, Wilson had given up the idea of separate elections, as will be shown.

Regarding the President’s reasons for discarding special elections Walworth has written that “Wilson’s advisers were able to persuade him [Wilson] that his plan was impractical under the laws of the nation.” It is not known, however, to what extent the President confided in others regarding this plan. Bernard M. Baruch, one of the few persons who saw Wilson during this period, wrote recently that Wilson never mentioned to him his plan for calling special elections. There is evidence that during January, 1920, Wilson talked about this project to Dr. Grayson and to Mrs. Wilson. While the former, because of the President’s health, was strongly in favor of Wilson’s resignation, Mrs. Wilson “objected.” Mrs. Wilson, more realistic than the President about conditions in January 1920, realized the impractical nature of his plans. Nevertheless, the influence of any advisers, including Mrs. Wilson, should not be overestimated since Wilson, in matters of strategy regarding the treaty, largely disregarded counsel and ignored pleas for a compromise. It is more likely that Wilson himself became increasingly aware of obstacles to the execution of this project, especially since he based major points of his appeal on assumptions which became questionable early in January 1920.

One can see the nature of these assumptions by examining Wilson’s problems in drafting the appeal. If the people were to decide between the presidential position on the treaty and that of opposition senators, clearcut issues had to be presented. This was a difficult task amidst the confusion concerning treaty matters prevalent towards the end of 1919. In an effort to provide the people with a meaningful choice Wilson in his draft appeal dis-

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\(^{31}\) Tumulty to Wilson, January 2, 1920. Tumulty Papers. In the same letter Tumulty made reference to Wilson’s “larger plan.”


\(^{33}\) Walworth, op. cit., 388.

\(^{34}\) Letter of Bernard Baruch to the author, October 9, 1957. Mr. Baruch recalled that Wilson once mentioned to him his intention to resign. He was not sure, however, whether the intended resignation applied to this occasion or to the election of 1916. Ibid.

\(^{35}\) Baker Diary, November 28, 1920, Series 2, container 126, Baker Papers. For the attitude of Mrs. Wilson see Baker Papers, January 23, 1920.
tinguished between the effects of his course of action and those of the Senate's course. He asserted that his policies would have brought about prompt ratification of the treaty, whereas actions of the Senate postponed its coming into force for the United States and the world. Wilson pointed out with alarm that "without the treaty" Germany could retain all her threatening armaments, that her obligations to pay reparations could be questioned, and that territorial arrangements, including return of Alsace-Lorraine to France, would not be binding. Such extreme claims were technically correct as long as there was no treaty. When in the first days of January, 1920, the exchange of ratifications of the peace treaty became imminent between Germany and America's Allies, it was obviously no longer opportune for Wilson to issue an appeal in which he blamed the Senate for lack of a peace treaty. Thus, Allied determination to bring the treaty into force without waiting for United States' participation added to Wilson's difficulties and increased the obstacles to a course he knew to be hazardous. In these circumstances he abandoned his plan for separate elections.

3.

It is important to recognize that Wilson did not give up the idea of submitting the issue to the people; he merely decided to seek the people's verdict in a different fashion. This became apparent in his Jackson Day message, when he wrote:

If there is any doubt as to what the people of the country think on this vital matter, the clear and single way out is to submit it for determination at the next election to the voters of the Nation, to give the next election the form of a great and solemn referendum.

Undoubtedly he had great misgivings suggesting "a solemn referendum" at "the next election" in view of the difficulties of concentrating the presidential election on a specific issue. To avoid these difficulties he had given much thought to separate elections.

37 The tendency to make statements which were technically correct but actually misleading was characteristic of Wilson and was referred to by Colonel House as Wilson's "grazing the truth." Arthur S. Link, Wilson: The New Freedom (Princeton, 1956), 80.
38 Congressional Record, 66th Cong., 2nd Sess., 1249.
on the treaty issue. When that approach proved impractical, however, a solemn referendum in the fall election seemed to be the only way out, as long as he remained convinced that the League issue had to be submitted to the people.

Reactions to the Jackson Day message reflected Wilson's apprehension. Some detected contradictory elements in his message. The New York Times commented editorially:

Mr. Wilson's language cannot be construed as advice to his party to take the Treaty into the campaign. That cannot be his wish or hope. It is not, for the whole weight of his appeal and argument supports prompt ratification.39

Others, acquainted with Wilson's patterns of thought and action, wondered about the origin of this message.40 More recent writers have attributed authorship to Wilson's advisers—particularly to Tumulty.41 There is, however, clear evidence that Wilson wrote it himself and that the influence of his draft appeal for special elections has been overlooked. Having discarded separate elections, Wilson used the earlier draft appeal as his Jackson Day message except for those portions calling for a separate election. He replaced the latter by a paragraph asking the Democratic Party to give the next election the form of a great and solemn referendum.42 It is not surprising therefore that aside from reference to a "solemn referendum" at the "next election" the letter implied an immediate and prompt solution.

Belief that the Jackson Day letter was prepared for Wilson by others may have originated with David F. Houston, a member of Wilson's cabinet. Houston, who saw the first draft two days before it was read, was asked by Wilson's close advisers to draw

40 Colonel House and Under-Secretary of State Polk were "wondering what it [the letter] was like in its original form..." The Diary of Edward M. House, Yale University Library, January 11, 1920. Hereinafter cited as House Diary.
42 First draft of Wilson's Jackson Day appeal. Tumulty Papers. The only other differences between this draft and the draft appeal for separate elections are in the introductory and concluding paragraphs. For Wilson's authorship of the Jackson Day letter see also Baker Diary, January 23, 1920.
up alternate versions for passages they considered "unsatisfactory." Secretary Houston suggested elimination of the section dealing with Germany's possible escape—if there were no treaty—from such treaty obligations as the return of Alsace-Lorraine to France. The only other passage with which he took issue was the core of the letter, namely, Wilson's unqualified assertion that the only way out was to have a referendum on the treaty at the next election. Houston "knew" that he was not free to eliminate a statement to the effect "that the treaty should be left to a referendum," but he suggested that such a course be a last resort in case the Senate refused to accept interpretive reservations which were not objectionable. Wilson accepted the essence of Houston's revisions and incorporated them, together with a few other sentences, in his message.

Houston later asserted that there were "erroneous statements" in the draft of the Jackson Day letter:

I did not say so, but I doubted if the President had had anything to do with the preparation of this letter. I could not understand how he could make such statements. I insisted that the letter be changed. It contained erroneous statements. There was a treaty. All the other powers had agreed to the Versailles Treaty... The letter, as it stood, I said, would arouse great adverse comment and would irritate the Allies.

It is hardly appropriate, however, to speak of errors in the letter which Houston examined. Houston may not have recalled, six years later, that the treaty was not in force at the time of preparation of the Jackson Day message or even when it was delivered in January 8, 1920. (The treaty went into effect on January 10.)

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14 Ibid., 546.

15 There are three drafts of the Jackson Day letter. The first draft was the basis for Houston's comments. Houston's suggestions were incorporated in the second draft. There is also a note attached to this draft in Mrs. Wilson's handwriting. The third and final copy bears Wilson's name. The three drafts, Houston's two memoranda, as well as his explanatory notes, are found in the Tumulty Papers.

16 David F. Houston, "The War on Wilson," op. cit., 546. (Italics in the original.)
Having no inkling of Wilson’s previous draft appeal, Houston was understandably puzzled over the origin and meaning of some statements. To avoid attributing what he considered errors to Wilson, who was not in the habit of making such errors, he suggested that the President had nothing to do with the preparation of this important document. Ironically, Houston was the only person other than Wilson who had a part in composing the final document. On the basis of Houston’s suggestions Wilson accepted revisions which prevented his unqualified public commitment to a solemn referendum at this early stage. The road to compromise remained technically open. There can be little doubt, however, of Wilson’s conviction that the conflict had to be resolved through a solemn referendum.

Such was the course of Wilson’s strategy over the issue of the League at the end of 1919 and the beginning of 1920. When pressure of public opinion which he had repeatedly relied on in the past, proved insufficient to force senators to retreat, Wilson became convinced that a “solemn referendum” on the treaty should be held to allow the people to decide the deadlocked issue. His plans for such a referendum should be considered as the culmination of his strategy in his struggle with the legislature. While previously contemplating resignation from office if defeated, he formulated a plan which, without constitutional amendment, amounted to a “vote of confidence.” Through resignation of executive and legislative leaders, the nation would have had an opportunity to pass on a crucial issue. This plan not proving feasible, he hoped to concentrate the presidential election on the League of Nations. Failure of a “solemn referendum” in this form merely confirmed Wilson’s earlier apprehension concerning the focusing of presidential elections on a specific issue.

Belief that Wilson “stumbled through the last months of his term without plan” is assuredly open to question. There was a plan. That it miscarried should not blind students to its existence. Neither is there reason to ascribe excessive influence to Wilson’s advisers or to members of his family. The nature of his policies

47 Dr. Grayson indicated that the Jackson Day letter incorporated Wilson’s maximum concessions. It was “the best they could do with the President.” House Diary, January 11, 1920.

48 Garraty, op. cit., 188.
demonstrates that they were masterminded by an expert in political science. Mrs. Wilson undoubtedly gave her husband every assistance possible during his illness, but decisions regarding the treaty were Wilson's.\(^4\) It was his choice to attempt a "solemn referendum" rather than compromise with the Senate. His miscalculation had serious consequences at home and abroad.

\(^4\) On August 16, 1960, Mrs. Eleanor Wilson McAdoo wrote to the author, "I can say, to my own certain knowledge, that... my father—and no-one else—was in charge of all policies and decisions" during his illness.