Toward the conclusion of his lecture, "Of the Law of Nature," one of the series of lectures he delivered inaugurating the study of law in the College of Philadelphia in the years 1790–1791, James Wilson was led by the sweep of his argument and by his optimism to declare: "It is the glorious destiny of man to be always progressive." The meaning he intended for the word "progressive" was clear enough in his own day. The passage of time would give it added import, for there was to be much in the philosophy of James Wilson remarkably apposite to the Progressive mentality that stirred American life more than a century later. Many of Wilson's ideas were suggestive of and susceptible to the political prescriptions that were to be part of the Progressive Movement in the twentieth century. Theodore Roosevelt, for one, sensed the kinship of the Progressives for Wilson. Invited to deliver an address as part of the dedication ceremonies for the new state capital building in Harrisburg in October, 1906, he invoked the name of James Wilson, Pennsylvanian and jurist, pointing up his meaning for the America of the Progressive Era.

To a degree Wilson has been ill-considered by posterity—as the President noted in his remarks—so that his contribution as an American patriot and founding father is not properly appreciated.

It is not surprising, however, that Wilson was well enough known to Theodore Roosevelt. The President was a serious and knowledgeable student of the American past, which for him was a matter of both patriotism and politics. Conscious of the national heritage, as an active public man he was strongly disposed to relate his current political precepts to past national history. This was no less true of Roosevelt the domestic reformer than of Roosevelt when, for example, he wielded the Big Stick in the name of the Monroe Doctrine. T R’s enthusiastic use of some of Wilson’s leading ideas in his Harrisburg speech, which he called “Legislative Actions and Judicial Decisions,” is a persuasive but by no means atypical demonstration of his instinctive need to discover continuity in American history, and to seek solutions to contemporary problems in an understanding of historic national purpose. Roosevelt, the “conservative as progressive”\(^4\)—a guise representative of a wide body of Progressive opinion—was unprepared to succumb to the simplistic instrumentalism of the more doctrinaire reformers so long as he was able to discern constructive lessons from the past. James Wilson’s judgments on the nature of man and society, Wilson’s insistence upon the “consent of the governed” principle, his advocacy of a central government at once powerful and democratic, his early recognition of the need to define precisely a division of responsibility for the various branches of a federal government—all these were among the leading features of his thought that strongly recommended him to Roosevelt. For T R, Wilson became the “conservative as patriot,” who combined messianic aspects of Jefferson’s faith with Hamilton’s sense of responsibility, an estimate that recent scholarship has tended to second.\(^5\) In his Harrisburg address the President likened him to Lincoln, probably the highest compliment Roosevelt was prepared to offer any public man.\(^6\)


\(^6\) Roosevelt, “Legislative Actions and Judicial Decisions,” 82.
There are some arresting likenesses between the public philosophy of James Wilson and that of Theodore Roosevelt. Both men might be viewed as eclectics, expressing a variety of opinions and principles, the several diverse strands of which each managed to bring together in an integrated whole. To political opponents often times all this appeared as inconsistency, if not hypocrisy, and led to considerable misunderstanding regarding the public purposes Wilson and Roosevelt pursued. A more intent consideration shows that each man unified his thought by recourse to a single, ultimate principle. Though the principle was different for each of them, living as they did in different eras, the source from which their public philosophies arose was identical. Wilson professed an ardent faith in the capacity of the people to rule themselves, yet to the contemporary popular mind he was identified with the propertied classes. His difficulties with the Philadelphia mob in 1779, which attacked him in his home because as a lawyer he had pleaded the legal rights of the Loyalists, along with his near constant involvement in land speculations helped to account for this popular distrust. Yet Wilson’s attachment to democratic rule was as genuine as his desire for wealth and recognition. He became imbued with the Scottish “common sense” philosophy of Dr. Thomas Reid during his years at the universities of Glasgow and Edinburgh. In his private career he was fiercely wedded to an ambition to be rich; this was perhaps his tragic flaw. But Reid’s “common sense” concepts taught him that all men enjoyed the possession of a sufficient ability to make sound judgments, which, in turn, governments existed to facilitate and not frustrate. Wilson saw the entire structure of society based on the morality of the individual. As his principal biographer, Charles Page Smith, has put it so well, “In Wilson’s insistence on the moral basis of society and of government—he added ‘character’ to the Lockean trinity of life, liberty and property. . . .”

Theodore Roosevelt’s intellectual profile displays a different effect. He was strongly influenced by the practicalities of a given


8 Smith, 319.

9 The literature on Roosevelt is extensive. Of the full-length biographies, William H. Harbaugh, Power and Responsibility, The Life and Times of Theodore Roosevelt (New York,
situation and his own vaulting ambition; he came under the spell of
the American sense of mission almost completely; he was a spokes-
man for the social gospel of nineteenth-century Protestantism; and
he bore the imprint of social Darwinism. Yet T R managed a
resolution of these variegated and potentially disruptive forces by
an insistence that the moral sense of the individual person was the
indispensable key to social progress. He called this quality character.
It is central for understanding Roosevelt's moderate Progressivism
as it is for comprehending his kinship with James Wilson.10 His own
definition of character speaks for itself: "By character I mean the
sum of qualities essential to moral efficiency. Among them are reso-
lution, courage, energy, self-control, fearlessness in taking the
initiative and assuming responsibility, and a just regard for the
rights of others. . . ." Furthermore, the value of character was quite
transcendent, becoming "the foundation-stone of national life."11
More concretely, in terms of political considerations in the United
States, Roosevelt viewed character as the critical link between pri-
ivate and public life: "No man can lead a public career really worth
leading, no man can act with rugged independence, in serious
crisis, nor strike out at great abuses, nor afford to make powerful
and unscrupulous foes, if he himself is vulnerable in his private
character."12 Nor should there be any doubt that Roosevelt was
thinking of moral and not intellectual qualities. Writing in 1895
he had observed that "character is far more important than intellect
to the race and to the individual. We need intelligence and there is
no reason why we should not have it together with character, but
if we must choose between the two we choose character without a
moment's hesitation."13 Nothing he experienced during his presi-
dency or after caused him to change his mind.14

Personalist, XLIX (1968), 331-350, explains the place of character in Roosevelt's outlook. The
moderate quality of his Progressivism I have stressed in "The Public Mind of Theodore
11 Roosevelt, Outlook, Nov. 8, 1913, 527.
14 Roosevelt, Outlook, Apr. 23, 1910, 880; ibid., Nov. 8, 1913, 527.
In his appreciation of the causes of evils in American society Roosevelt was not a radical Progressive, though the means advocated by many radicals he often championed. Innately conservative he sought always to govern change. "Rebellion, revolution, the appeal to arms to redress grievances, these are measures that can be justified in extreme cases. It is far better to suffer any moderate evil or even a very serious one, so long as there is a chance for its peaceful redress, than to plunge the country into civil war," he observed in his study of Oliver Cromwell.\(^{15}\) As profound as were the grievances of the American people in T R's era, violent action, except possibly in the form of isolated industrial strikes, was not imminent. Yet he could be apprehensive about "the wild preacher of unrest and discontent, the wild agitators against the existing order ... all these men are the most dangerous opponents of real reform."\(^{16}\) Reform was the "antidote of revolution."\(^{17}\) As Roosevelt once told William Dean Howells, "I do not believe in violent revolutions, but I do believe in steady and healthy growth in the right direction."\(^{18}\) Conscious of his politico-cultural inheritance, he was convinced that "distrust of radical innovation and preference for reform to revolution gives to the English race its greatest strength."\(^{19}\) Restraint, in sum, was a mark of character in the race as it was in the individual person.

Roosevelt's acknowledgement of the function of character in the social order made him as sensitive as the more radical Progressive to ills of American society and thus caught him up in the Progressive Movement. Though he and many radical reformers differed as to the causes of social distress they were worried by the same evils and frequently sought to overcome them by common methods so that a distinction between the President (or the former President) and certain elements in the Progressive Movement is not always apparent. Indeed, it does not seem unlikely that, lacking general Progressive support, T R could have accomplished very much as a reform President. Progressive strength of varying shades was vital

\(^{15}\) Roosevelt, \textit{Oliver Cromwell}, Roosevelt's \textit{Works}, XIII, 313.


\(^{19}\) Roosevelt, \textit{Oliver Cromwell}, Roosevelt's \textit{Works}, XIII, 301.
to his historical reputation. At the same time, Roosevelt imparted to the popular conception of what Progressives stood for—and what people in large numbers were willing to vote for—a strong flavor of the traditional morality so that the Progressive Movement, despite its more radical possibilities, appeared to many to be very much in keeping with the old ways of thought.

More particularly, where did Progressivism stand in October, 1906, when the President came to Harrisburg? What were the conditions which prompted him to discuss the relationship of legislative actions and judicial decisions? Why did he choose to devote his one major address of the 1906 congressional campaign to the issues covered in the Harrisburg address? In the autumn of 1906 Progressivism had reached a critical juncture: a number of Progressive laws had been passed by the Congress, but their fate before the judiciary was still largely undetermined. Under the leadership of Roosevelt, the movement for reform had made noteworthy strides at the national level, where the most pressing issue involved the relationship of the business corporation to both society and the Federal Government. Laws already had been enacted providing for more effective railroad regulation in the national public interest, and at least one Court opinion, the Northern Securities Case (1904) accepted the principle of regulation. A Bureau of Corporations had been established from which Progressives expected a more efficient policing of the corporate world, and a Pure Food and Drug Law had been put into effect over the strenuous opposition of the special interest groups concerned. None of these measures constituted all that Progressives, including the President, would be satisfied with, but they were sure signs of the effects of reform thought and agitation. Nevertheless, much remained to be done. Roosevelt had traded tariff reform for railroad regulation in getting the Hepburn Act through Congress in 1906, a national conservation policy lacked definition, and many corporate practices thought by the reformers to be detrimental to the public at large still lay beyond the jurisdiction of the Congress as the high Court was prone to interpret legislative prerogatives. In April, 1906, Roosevelt himself had caused some confusion within the ranks of the reformers by his acrimonious attack on the "muckrakers." While he agreed that to denounce mudslinging was not to encourage whitewashing, his use
of the word "muckrakers" to describe the exposé writers cost him loss of confidence with some Progressives. The work of reform was, therefore, very far from being complete at the time of the Harrisburg address.

The mid-term election year of 1906 found Roosevelt coming out strongly in defense of his moderate reform program, with the ceremonies at Harrisburg offering him the appropriate circumstances. Election day was a month away, so that what he said would have a chance to be pondered by the public. Pennsylvania was a key industrial state, and the reports of his speech were sure to be given extensive coverage. In his defense of what already had been accomplished Roosevelt uttered a new call, prophetic of his later position in the 1912 presidential race. He demanded a retreat by the judiciary from its tactic of a narrow constitutional interpretation of the democratically expressed will of the national people as it was enunciated by the President and the Congress. Roosevelt had won an overwhelmingly popular victory over Judge Alton B. Parker in 1904 from which the President derived an enormous sense of confidence respecting his policies. The President put it this way at Harrisburg:

Under a wise and far-seeing interpretation of the interstate commerce clause of the Constitution, I maintain that the National Government should have complete power to deal with all this [corporate] wealth which in any way goes into the commerce between the States—and practically all of it that is employed in the great corporations does thus go in. . . . It shall and must ultimately be understood that the United States Government, on behalf of the people of the United States, has and is to exercise the power of supervision and control over the business use of this wealth. . . .

This insistence upon the role of the national government "on behalf of the people of the United States" might easily have been spoken by James Wilson, in keeping as it was with his own pronounced view of the matter.

Since the intellectual fundamentals of Theodore Roosevelt and James Wilson were arrestingly alike, the intimations of Wilson's thought for moderate Progressivism, and its later expression in the New Nationalism, are suggestive. It was not merely a rough simil-

---

20 Roosevelt, "Legislative Actions and Judicial Decisions," 85–86.
arity that drew TR to Wilson, but a sympathy with the substance of his thought. Wilson advanced any number of specific political ideas which were transliterated, with the help of time and events, into Roosevelt’s brand of Progressivism. To Wilson the order of the world was evidence of the intelligible work of a Supreme Being and Law-giver. A Supreme Being had made man; man in turn was the immediate source and justification of law. Laws, thought Wilson, “may be said to be engraved by God on the hearts of men.” Man himself, living in society, by his needs and his habits as they took on form in customs, was the source of law. Laws were promulgated “by reason and conscience, the divine monitors within us.” Individual moral sense combined with individual moral responsibility to explain why men obeyed laws which they themselves had made. In “Of the Law of Nature” Wilson stated his position.

What is the efficient moral cause of moral obligation?—I give it this answer—the will of God. This is the supreme law. If I am asked—why do you obey the will of God? I answer—because it is my duty to do so. If I am asked again—how do you know this to be your duty? I answer again—because I am told so by my moral sense or conscience. If I am asked a third time . . . I can only say, I feel that such is my duty. Here investigation must stop; reasoning can go no farther. The science of morals . . . is founded on truths that cannot be discovered or proved by reasoning. . . Morality, like mathematics, has its intuitive truths, without which we cannot make a single step in our reasonings on the subject.

Theodore Roosevelt’s own stress on morality and the need for character, his willingness to sacrifice intelligence in support of a moral sense, these were aspects of his outlook completely consistent with the views of James Wilson.

Furthermore, Wilson saw society operating not out of individual self-interest but out of trust and mutual support, ingredients which the Progressives found sadly lacking in their America, and for the absence of which they proposed various compensations. As his philosophy of the New Nationalism grew slowly out of his experience as President of a nation that had begun to divide along class lines,
T R was especially anxious to re-establish that sense of trust for application to current social, economic, and political problems. Wilson held that "veracity, and its corresponding quality, confidence" were essential to peaceful social dealings; otherwise society "could not be supported." He cultivated the idea that our "moral sense restrains us from harming the innocent: it teaches us that the innocent have a right to be secure from harm."25 But at the same time, "similar to the restraint, respecting personal safety and security, is the restraint which the moral sense imposes on us with regard to property."26 In early twentieth-century America, Roosevelt judged the problem just as Wilson had described it: equal justice for the rich man and for the working man. To achieve this, given the complexity of a large industrialized nation, some form of referee or neutral person was needed. In Roosevelt's developing Progressivism this was the function of the neutral, national state. By recurring to the ideas of Wilson it can be perceived how his concept of a well-regulated society was close to T R's middle of the road Progressivism. In his lecture "Of Man, As a Member of Society" Wilson set forth those views.

The wisest and most benign constitution of a rational and moral system is that, in which the degree of private affection most useful to the individual is, at the same time, consistent with the greatest good of the system; and in which the degree of social affection most useful to the system, is, at the same time, productive of the greatest happiness to the individual.27

Wilson believed that such a condition could be brought about if "the wills and the power of all the members be united in such a manner that they shall never act nor desire but one and the same thing, in whatever relates to that end, for which the society is established. It is from this union of wills and of strength that the state or body politic results."28 This statement might well stand as an idealized version of what the Progressives were seeking to render a reality. At the very least the sentiment of Wilson and the moderate reformers possessed an appealing similarity.

25 Ibid., I, 261.
26 Ibid., I, 262.
27 Ibid., I, 270.
28 Ibid., I, 272.
James Wilson’s stress of the “consent of the governed,” as he treated this principle in his jurisprudence, was fully stated as he applied his legal philosophy to the realities of American politics in his day. A favorite theme of Progressives was that rule in the United States ignored “consent of the governed” in preference for rule by special interests, operating out of self-interest and not from “veracity and confidence.” Wilson’s position on “consent of the governed” is a critical element for appreciating his attractiveness to Progressives like T R. Because Wilson was an active politician and statesman as well as a philosopher of the law, he inclined to “prove” his theories by reference to the history and experience of his own era. If, as he contended in his lectures, a law must have “its origin and introduction from free and voluntary consent, is a position that must be evident to every one who understands the force and meaning of the terms,” the question still remained as to the composition of the membership of the state. For Americans in the very early National Period this meant more particularly the nature of the Union: was it a union of states, improved beyond the old Articles of Confederation but a union of sovereign states none-theless, or had it become a Union of the American people? Was law derived from the consent of the states, or the consent of the citizens as a national people? The Progressive variation of the same issue involved the question whether the people of the nation, acting via their national executive and legislature, had the authority and the power to control the actions of individuals or institutions which a majority of the people deemed acting in a manner inimical to the general good. Though the particular obstacles to rule by the people had been altered from one era to another, the means for overcoming those obstacles remained the same for the Progressives as for Wilson, namely, an appeal to a democratized, powerful national government.

Wilson’s great faith in the capacity of the people to rule themselves had been amply demonstrated by his work in the Constitutional Convention. During the debates of that assembly he proposed that the upper house of the legislature in addition to the lower be elected directly by the people, arguing that he was anxious to construct a government derived as far as possible from the people instead

29 Ibid., I, 185.
of from the states. He disputed the position of the small states, repudiating their right to block a new government by arguing that one-fourth of the people should not be allowed to impose its will on the majority. For Wilson the people were also the most appropriate electors of the chief executive, and thus he advocated a popularly chosen president. Likewise, in his “Speech in Convention” (November 26, 1787) he sought to persuade Pennsylvania to ratify the Constitution because the new government could be traced to “one abundant fountain. In this constitution all authority is derived from THE PEOPLE.” It is evident that to Wilson the people of the United States, and not the people as citizens of the several states, were the real source of authority in the emerging American nation.

Wilson had already examined some of the consequences of this interpretation of the new Constitution in the years before the Philadelphia Convention. In his defense of the Bank of North America in 1782 he asserted that

The United States have general rights, general powers, and general obligations, not derived from any particular states, nor from all the particular states, taken separately; but resulting from the union of the whole. . . . To many purposes the United States are to be considered one undivided, independent nation; and as possessed of all the rights and powers and properties, by the law of nations incident to such.

Wilson had enunciated, in effect, a doctrine of inherent powers which not a few Progressives, including Theodore Roosevelt in his Harrisburg address, were convinced was one of the best tools for fashioning reform.

The general powers which the American people as a nation were said to enjoy, apart from any single constitutional provision, and the foundation of that power in the people rather than in the states or the people thereof were twin propositions of the utmost consequence in Wilson’s public philosophy. He combined them in a powerful concurring opinion in the case of Chisholm vs. Georgia (1793). Much of the philosophy expressed in this opinion and some of the very wording itself were remarkably apposite to the Progressive

30 Smith, 235-242 passim.
31 Wilson’s Works, I, 545 (capitals in original).
32 Ibid., I, 558.
33 Chisholm vs. Georgia, 2 Dallas 419 (1793).
stand of more than one hundred years later. The case involved the question whether a citizen of one state might bring suit against another state under the provisions of the Constitution. Wilson believed that the constitutional stipulation so providing should be maintained, thus placing the authority of the central government over that of the states where the Constitution had so determined.

Justice Wilson opened his judicial argument in the Chisholm case by noting that the ultimate issue behind the specific question—is a state in the Union amenable to the Supreme Court—was this: "Do the people of the United States form a NATION?" In employing three different lines of inquiry he drew upon principles of general jurisprudence, the laws and practices of particular states, and chiefly on the Constitution of the United States and "the legitimate result of that valuable instrument." In the first place, he refused to argue from "genus and species in logic and interpretations and ideas in metaphysics," preferring the common sense approach of Dr. Reid. As he pointed out, in the Constitution the term sovereignty is "totally unknown." "The people of the United States might have announced themselves sovereign but serenely conscious of the fact, they avoided the ostentatious declaration." In somewhat the same manner, the Progressives, frustrated by the rule of the Courts, which utilized the logic of precedents and the interpretations of astute corporation counsel, insisted that the "common sense" of the matter should prevail and the interests of the public in general—the end of government rightly understood—should be protected. In the Chisholm vs. Georgia opinion, Wilson proclaimed himself "a citizen of the Union," holding that the people of the United States possessed the right to legislate for their own prosperity. Drawing further argument from the laws and practices of particular states, Wilson disagreed with his perennial nemesis, Blackstone, and the lawyer's logic that had led to the distortion that the state was sovereign over man. Based on American experience he contended that this inversion of order had eventuated in the theory of states' rights, despite the will and wishes of the sovereign people. If we but substitute "corporation power" for "state sovereignty" the lesson of Wilson for the Progressives becomes plain.

Finally and chiefly in the Chisholm decision, Justice Wilson judged the case on the Constitution of the United States itself.
After reviewing the constitutional quality of the Articles of Confederation and the history of the Philadelphia Convention in order to demonstrate the intention of the Convention to establish a more perfect Union, he swiftly concluded with a ringing statement in support of the right of the people of the nation to be allowed to rule themselves.

Who ever considers, in a combined and comprehensive view, the general texture of the Constitution, will be satisfied that the people of the United States intended to form themselves into a nation for national purposes. They instituted for such purposes a national government complete in all its parts and in all those powers [executive, legislative, judicial] extending over the whole nation. Is it congruous that with regard to such purposes any man or body of men, any person, natural or artificial, should be permitted to claim successfully an entire exemption from the jurisdiction of the national government? Would not such claims be repugnant to our very existence as a nation?

In the passage quoted, Wilson has made it unnecessary to update his phrasing: “any man or body of men”—George F. Baer or J.P. Morgan or the plutocracy; “any person, natural or artificial”—Rockefeller or Harriman or the trusts. His meaning to the Progressives was frontal and immediate and Theodore Roosevelt was eager to exploit it for he saw in Wilson that vital link with the historic past which was part of his thinking as a moderate reformer.

One of the most formidable obstacles to Progressive legislation was the judiciary of the United States, with its instinctive regard for the interests of the trusts by appeal to the rights of property. Because of the interstate nature of business activity, the states, despite their historic exercise of the police power, had been ineffectual in regulating corporate wealth in favor of the general public. The occasional successful persecution of the trusts under the Sherman Act of 1890 did not reassure all Progressives, though at Harrisburg Roosevelt professed to believe this to be a hopeful sign. What had developed was an area of economic activity that lay substantially beyond the power of any branch or agency of the national or state governments to regulate. As early as 1791 Wilson had been alive to this possibility. He discussed the matter with President Washington and presented to the chief executive a detailed proposal for a compilation of a digest of the laws of the United States. The govern-
new formed and organized and a good system of Legislation introduced into it now will have a salutary, a decisive, and a permanent Influence upon its future Fortune and Character," he wrote Washington. "Good Principles, at least Principles congenial to those of the Constitution, should be laid betimes as the Foundation of subsequent Regulations. . . . The most intricate and the most delicate Questions in our National Jurisprudence will arise in running the Line between the Authority of the National Government and that of the several States," he went on to explain. "A Controversy, happening between the United States and any particular State in the Union, will be viewed and agitated with Bias and Passion, like a Question of Politics . . . unless formulated before it arises." However impractical Wilson's proposal for one man to carry out so stupendous a task, his prophecy of future difficulties caught the attention of Roosevelt. In his Harrisburg address T R dwelled on Wilson's proposal to Washington, complimented him on his vision, and reaffirmed the pressing need for some workable definition of governmental jurisdictions so that no area of major importance would fall outside the power of the people to rule.

President Roosevelt commenced his speech at Harrisburg by reminding his audience that Wilson possessed "the courage to recognize the fact that faith in the people amounted to nothing unless the representatives of the people assembled together in the National Government were given full and complete power to work on behalf of the people." He credited to Wilson, as stated in his Chisholm vs. Georgia opinion, the idea that "an inherent power rested in the nation, outside the enumerated powers conferred upon it by the Constitution in all cases where the object involved was beyond the power of the several States and was a power ordinarily exercised by sovereign nations." All this was preliminary to the main thrust of the President's remarks: his protest against judicial interference with the will of the sovereign people. "It is a narrow construction of the powers of the National Government which in our democracy has proved the chief means of limiting the national power to cut out

36 Ibid., 83.
abuses and which is now the chief bulwark of those great moneyed interests which oppose and dread any attempt to place them under efficient government control." Roosevelt called the attention of his audience to Wilson’s letter to Washington, with its suggestion of a digest of laws of the United States. According to him, Wilson laid down the proposition that it should be made clear that there were neither vacancies nor interferences between the limits of State and national jurisdiction, and that both jurisdictions together composed only one uniform and comprehensive system of government and laws; that is, whenever the States cannot act, because the need to be met is not one of merely a single locality, then the National Government, representing all the people, should have complete power to act.

Wilson’s foresight in this regard T R was ready to acknowledge. “Certain decisions,” he said, “have done just what Wilson feared; they have, as a matter of fact, left vacancies, left blanks between the limits of possible State jurisdiction and the limits of actual national jurisdiction over the control of the great business corporations.” Whereupon the President appealed for a construction of Progressive legislation “in the spirit of your great Pennsylvanian, Justice Wilson—in the spirit of Marshall and Washington.” To forsake the principles of Wilson was to render the people impotent to deal with the abuses that assailed them. As he emphasized, again with the lesson of Wilson’s proposal to Washington in mind, today’s “legislative and judicial actions and decisions do not really leave to the States power to deal with corporate wealth in business. Actual experience has shown,” he continued, “that the States are wholly powerless to deal with the subject; and any action or decision that deprives the nation of the power to deal with it, simply leaves the corporation absolutely free to work without any effective supervision

\[37\] Ibid., 84.
\[38\] Ibid., 83.
\[39\] Ibid., 83–84.

\[40\] Ibid., 84. Roosevelt may not have been aware of another of Wilson’s attitudes toward the proper jurisdiction of the Courts (and judges) which would have been consistent with Progressive criticism of the judiciary. In the first Hayburn Case, 2 Dallas 409 (1792), Wilson had declined to act as a judge in certain pension applications and claims, insisting that this was not the business of the judiciary, and so might be revised or reversed by the political arms of the government. See Max Farrand, “The First Hayburn Case, 1792,” *American Historical Review*, XIII (1907–1908), 281–285.
whatever." With that sense of ultimate consequences that was characteristic of Wilson as well, Roosevelt judged a continuance of this practice "fraught with untold danger to the future of our whole system of government. . . ." 42

Throughout the Harrisburg Speech, Roosevelt, the moderate Progressive, avoided any demagogic attack on wealth. Encouraged by the Northern Securities suit he hoped to see "a similar extension of national power to oversee and secure correct behavior in the management of all great corporations engaged in interstate business." "The Government ought not to conduct the business of the country," he admitted, "but it ought to regulate it so that it shall be conducted in the interests of the public." 43 The President rejoiced that the reforms he had advanced had been denounced by the "reactionaries—the Bourbons," and the "wild apostles of unrest." 44 This seemed to reassure him of the propriety of his moderation. The middle ground of Progressivism was for him the "common sense" of the matter, an attitude both he and Wilson found philosophically and politically comfortable. In a final assessment of the Harrisburg address it becomes evident that James Wilson had received a latter-day fulfillment in the supposals of moderate Progressivism, while Theodore Roosevelt, for his part, had discovered in the Pennsylvanian another line to the anchor of the past so essential to his advocacy of reform in the present.

41 Roosevelt, "Legislative Actions and Judicial Decisions," 84.
42 Ibid., 84-85.
43 Ibid., 87.
44 Ibid. Roosevelt undertook a spirited defense of this part of his speech as well as his remarks generally in a letter to his close friend Henry Cabot Lodge. Roosevelt to Lodge, Oct. 16, 1906, Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge (New York, 1925), II, 246–249.