

JOHN JACOB ESCH: A WISCONSIN CONGRESSMAN
AND THE WORLD WAR I ERA

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ABSTRACT

This is a study of the political life of Congressman John Jacob Esch during the years from 1914 to 1919. This study is not intended to be a mere political biography, however. The extraordinary domestic situation brought about by America's involvement in World War I affected the actions, beliefs and careers of many national political figures. Congressman Esch was one of those so affected. This study is an analysis of the manner that the war affected his political career.

John Esch represented Wisconsin's Seventh District for twenty-two years from 1899 to 1921. The years from 1914 to 1919, however, were probably the most critical--if not the most important--of his long political career. America's involvement in World War I brought extraordinary pressures to bear on the members of Wisconsin's Congressional delegation. LaFollette's attitude towards the war helped pin a "pro-German" label on him and other members of the delegation. During the neutrality controversy Esch joined with LaFollette in opposing the administration's course. Once America entered the conflict, however, Esch broke with the Senator and followed his own course.

World War I affected Esch's position on three important issues not directly related to the war: immigration, prohibition and woman's suffrage. The chaotic condition of American

railroads caused by the war led to federal control of the nation's transportation systems. Esch recognized federal control as a necessity during the war and aided in the framing of wartime railroad legislation. When the war ended he was a co-author of the controversial Transportation Act which returned the railroads to their former owners.

Esch's part in framing the Transportation Act and his votes on many issues during the war had brought him many enemies by 1920. Chief of these was Senator LaFollette who emerged from the war as strong as ever in Wisconsin. In the Republican primary of 1920 Esch was overwhelmingly defeated by Joseph Beck, a LaFollette lieutenant who received the combined support of organized labor, the Non-Partisan League and the state progressive machine.

PREFACE

This is a study of the political life of Wisconsin Congressman John Jacob Esch during the years from 1914 to 1919. This study is not intended to be a mere political biography, however. The extraordinary domestic situation resulting from America's involvement in World War I, both as spectator and participant, affected the actions, beliefs and careers of many national political figures. Congressman John J. Esch was one of those so affected. This study will concentrate on analyzing the manner and extent that World War I affected John Esch's political career.

John J. Esch represented the Seventh Wisconsin Congressional District* for eleven consecutive terms from 1899 to 1921. While in Congress he gained national prominence for his role in shaping much of the railroad legislation enacted during that period. The years from 1914 to 1919, however, were probably the most critical--if not the most important--of his entire political career.

America's entry into the European war on the side of the Allies brought extraordinary pressures to bear on members

*In 1898 the Seventh District comprised LaCrosse, Buffalo, Monroe, Eau Claire, Jackson, Pepin and Trempealeau Counties. By 1912, however, it included LaCrosse, Vernon, Monroe, Juneau, Sauk, Adams, Jackson and Clark Counties. With the exception of the latter three, these counties are now in the Third District.

of the Wisconsin Congressional delegation. For the first two decades of the twentieth century, Robert Marion LaFollette dominated the state's political scene to the extent that Wisconsin was considered to be "LaFollette's State." LaFollette's position towards the war and America's involvement in it helped to pin the label of "pro-German" on him and the entire state. The Senator's so-called pacifism, along with the state's large German population and the successes of the anti-war Socialists helped mark Wisconsin in the national mind as the seat of disloyalty and "pro-Germanism." Badger votes on the war resolution helped bring almost the entire delegation under suspicion. Wisconsin politics, both at the state and national level, pivoted around LaFollette. One was either for the Senator or against him. There was little room for straddling the issue.

Much has been written on Robert M. LaFollette and his progressive organization in Wisconsin and about his stand on America's involvement in the war. Few accounts have appeared, however, of the attitudes and actions of the other Wisconsin Congressmen during this period. Although the delegation was, for the most part, composed of LaFollette progressives, not all of them chose to follow his course once war was declared. Most prominent of these non-conformists was Congressman Irvine L. Lenroot, a LaFollette lieutenant, who broke with his leader over the declaration of war and later became the state's Junior

Senator and a bitter opponent of LaFollette.

Unlike Lenroot and most of the other Wisconsin Congressmen, John Esch was not and had never been a rigid LaFollette man. Although a liberal Republican, he never joined the ranks of the progressives, but remained within the regular party fold. His votes in Congress were either the results of his own convictions or based on the will of his constituents. When the United States began to abandon its long-standing tradition of isolationism and gradually moved towards war with Germany, Esch joined with LaFollette in opposing the administration's course. While standing with LaFollette on the neutrality issue and the war resolution, once war was declared he followed his own course. Not strictly aligning himself with either the super-patriots or the LaFollette-pacifist faction, Esch was criticized and often attacked by both.

The experience of war affected Esch's position on other important issues which were not in themselves directly connected with the conflict. Conditions brought about by World War I indirectly caused him to shift his position on the immigration issue, prohibition and the women's suffrage question. The chaotic condition of America's railroads caused by the war led to federal control of the nation's transportation systems. Always an advocate of strict regulation of the railroads, Esch opposed government ownership. He recognized federal control

as a necessity to win the war and aided in the framing and enactment of both the Car Service Act and the Railroad Control Act. When the war ended, Esch was one of the co-authors of the Transportation Act of 1920 which returned the railroads to the former owners.

John J. Esch successfully weathered the elections of 1916 and 1918 when the pressures, due to the war, were greatest on Wisconsin Congressmen. While general state elections revolved around the issues of neutrality and loyalty, the immigration bill and the Suffrage and Prohibition Amendments were issues in Seventh District elections. Heavy "wet" sentiment, the large foreign-born citizenry and hostility towards the war were important factors in Wisconsin's elections. In the contest following the war (1920) Esch suffered overwhelming defeat in the Republican primaries. His votes on many issues during the war years had brought him many enemies. Chief of these was LaFollette who emerged from the war as strong as ever in the state.

By 1920, Robert LaFollette regained control of the state's political machinery. Esch's course during the war certainly must have widened the breach that had occurred between him and the Senator in 1912. Esch's part in the Transportation Act of 1920 had alienated both organized labor and many farm organizations--particularly the four Railroad Brotherhoods and the Non-Partisan League. LaFollette emerged

as the chief Congressional exponent of public ownership of the railroads and the severest critic of the Esch-Cummins Act. That law became the principal issue of the 1920 primaries in the Seventh District. With the active support of LaFollette and his progressive machine, combined with the endorsement of the Non-Partisan League and organized labor, Joseph Beck overwhelmingly received the Seventh District Congressional nomination. After twenty-two years of following a middle course between the stalwart and progressive factions of the state, John Esch was finally unseated.

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CHAPTER I

JOHN JACOB ESCH

1. YOUNG JOHN ESCH

In the summer of 1887 a budding attorney arrived in the Western Wisconsin city of LaCrosse to practice in the firm of Winter, Esch, and Winter. A tireless worker and a gifted public speaker, John Jacob Esch soon became one of the more successful trial lawyers in the area. Although only twenty-six years of age on his arrival, he became active in Republican politics and gradually became a prominent figure on the local political scene. Eleven years later, John Esch was elected to the United States House of Representatives--a position he was to retain for twenty-two consecutive years.¹

John Jacob Esch was born in 1861 near the village of Norwalk, Monroe County, Wisconsin. His father, a native of Westphalia, Germany, was a pioneer clergyman of the German Evangelical Church in Western Wisconsin. The elder Esch retired from the ministry in the early sixties and moved his family to Milwaukee. At the age of ten, John returned with his family to the city of Sparta. He graduated from Sparta High School and then entered the University of Wisconsin.

¹C. A. Miller, The Lives of the Interstate Commerce Commissioners and the Commission's Secretaries, reprint from the I.C.C. Practitioner's Journal, 1946, p. 105; LaCrosse Tribune, April 28, 1941, p. 2, col. 3.

After obtaining his degree in 1882, John returned to Sparta and began to prepare himself for a legal career. After studying law for a year, he took a teaching position at Sparta High School to obtain funds for additional formal education. In 1886, he entered law school at the State University and completed the two-year course in one year. He was admitted to the bar in 1887 and moved to LaCrosse to embark on his new career.²

Shortly after arriving in LaCrosse, John Esch gained recognition as a leader through his interest in local military affairs. While at Sparta he had organized and served as Captain of the Sparta Rifles which became Company I, 3rd Regiment of the Wisconsin National Guard. In LaCrosse he helped establish the Gateway City Guards which later became Company M, 3rd Regiment of the State Militia. In 1894, Governor Upham appointed him to the gubernatorial staff as Acting Judge Advocate General of the State Militia with the rank of Colonel. In 1896, Governor Schofield offered Esch the same position on his staff but he declined it.³

Although he had served as City Treasurer of Sparta in 1885, Esch did not become involved in party political activities until he settled in LaCrosse. In 1892 he was the

²Ibid.

³Ibid.

Republican Party's nominee for the office of District Attorney but was narrowly defeated in the election which saw the GOP lose throughout the state. In 1894 and 1896 he was a delegate to the Republican state convention, serving as chairman during the latter session. In 1894 he became a candidate for the Seventh District Congressional seat. He lost the convention's nomination to the machine candidate, General Michael Griffin, department commander of the GAR, by three or four votes.⁴

Wisconsin in 1898 "was a tightly held Republican bailiwick controlled by a group of politicians and industrialists who ran the party with a strong hand." The "old crowd" controlled the Seventh District convention machinery. Early in 1898, a group of "young lawyers", ably led by Tom Morris, John McConnell, Otto Bosshard and Frank Winter, organized to push Esch's Congressional candidacy. Their efforts did not go unrewarded. At convention time, Esch carried the city and county of LaCrosse by an overwhelming majority. With added support from the Monroe, Buffalo and Jackson County delegations, he was able to secure the nomination. After a brief campaign, on a platform pledging support to McKinley and the

⁴Miller, loc. cit.; LaCrosse Tribune, April 28, 1941, p. 2, col. 3; Andrew J. Aikens and Lewis A. Proctor, (eds.) Men of Progress; Wisconsin (Milwaukee: The Evening Wisconsin Co., 1897), p. 347.

traditional Republican policies of protection and sound money, Esch was easily elected in November, defeating his Democratic opponent, John F. Doherty, by a two to one margin. On March 4, 1899, at the age of thirty-seven, John J. Esch began his new career.⁵

2. A LaFOLLETTE PROGRESSIVE OR A REGULAR REPUBLICAN?

Esch's Congressional career coincided with the period when Wisconsin's political scene was dominated by Robert Marion LaFollette and his Progressive organization. Since Esch represented Wisconsin's Seventh District in Congress for twenty years while LaFollette controlled the state Republican organization, the question arises of whether or not he was a LaFollette partisan. As far as can be determined, Esch owed allegiance to neither the progressive nor the stalwart faction of the party. He seems to have steered an independent course somewhere between the two extremes, leaning toward the progressives but answering only to his constituency.

Esch took his seat in Congress two years before LaFollette won the governorship. He entered Congress as a Republican in the traditional sense, a staunch supporter of McKinley, protection and sound money. Wisconsin at the time was

⁵LaCrosse Tribune, April 28, 1941, p. 2, col. 3; LaCrosse Republican and Leader Press, August 11, 1898, p. 1, col. 4.

controlled by the stalwarts and the Congressional delegation was largely of their choosing. Although Esch had progressive leanings, the only real progressive in the delegation was Henry Allen Cooper.⁶

Once Esch entered Congress, he remained for the most part, aloof from state politics. He took no conspicuous part in the early progressive battles in Wisconsin. In 1900, Ellis B. Usher, a LaCrosse newspaperman, urged Esch to join forces with Representative Joseph W. Babcock of the Third District to form a Congressional bloc to seize the state party machinery. Babcock, however, threw his support behind LaFollette's candidacy for the gubernatorial nomination. Esch, on the other hand, supported Ira B. Bradford's candidacy for the governorship.⁷

LaFollette's first four years as governor were marked by a life and death struggle between the progressive and stalwart factions of the Republican Party. The struggle came to a head in 1904 when the stalwart members bolted the "Gymnasium Convention" and held their own convention in the Madison Opera House. The state in 1904 was thus represented by two Republican platforms, two central committees, two lists of

⁶Robert S. Maxwell, LaFollette and the Rise of the Progressives in Wisconsin (Madison: The State Historical Society of Wisconsin, 1956), pp. 41-2.

⁷Ibid., pp. 11, 14.

candidates and two groups of delegates to the national convention. Although the Republican National Convention recognized the "Opera House" delegation, the Secretary of State resolved the situation by recognizing the LaFollette group as the official Republican ticket. The State Supreme Court upheld this decision, and the National Republican Committee recognized the LaFollette ticket and the State Central Committee.⁸

During this battle within the state Republican ranks, Esch remained discreetly silent. He lent no active support to either of the contending factions although he appeared to be in sympathy with the progressives. Once the Supreme Court handed down its decision, Esch urged his constituents to support the entire state platform headed by LaFollette. He almost apologetically told his constituents; "As a law abiding citizen and a loyal Republican, I could not do otherwise than to give the ticket declared to be regular by the Supreme Court my support." The action of the national committee in recognizing the LaFollette ticket was further reason why all Republicans should support the regular ticket headed by Governor LaFollette.⁹

⁸William Francis Raney, Wisconsin: A Story of Progress (New York: Prentice-Hall, Inc., 1940) p. 288-92.

⁹John J. Esch, Campaign Pamphlet, 1904, ME/ 63, The John J. Esch Papers.

Esch ventured into the state political arena twice in attempts to secure election to the United States Senate. As early as 1900 the LaCrosse Republican and Leader-Press deemed him "the most acceptable man in the state after Senator Spooner" for the senate seat. When late in 1904 it became evident that the incumbent, Joseph V. Quarles, could not be reelected, a movement began in the Seventh District in support of Esch's candidacy. The Congressman somewhat reluctantly entered the Senatorial contest only to be defeated on the first ballot by Governor LaFollette. His supporters believed Esch would have had the position and LaFollette not accepted it. Therefore, when Senator Spooner resigned his seat in 1907 they immediately launched a drive to secure it for Esch. State Senator Tom Morris of LaCrosse canvassed the Senatorial situation and declared that Esch could have the seat "if he declares himself."¹⁰

The Senatorial election of 1907 hinged on LaFollette's choice. Several candidates, besides Esch, entered the contest with the result that no one was able to secure a majority. The Republican caucus was unable to break the deadlock. Senator LaFollette went into conference with his forces and suggested

¹⁰LaCrosse Republican and Leader-Press, August 8, 1900, p. 1, col. 1; Dorothy Ganfield Fowler, John Coit Spooner; Defender of Presidents (New York: University Publishers, 1961), pp. 316-17; LaCrosse Tribune, March 5, 1907, p. 4, col. 1, 2.

a plan which called for the election of Isaac Stephenson for the short term, Henry Cooper for the long term with John Esch as second choice, leaving Irvine Lenroot to be the next Governor. LaFollette's proposal was rejected by the supporters of Esch, William Hatton and Governor James O. Davidson. The stand-still continued for several weeks. Finally Lenroot, on the urging of LaFollette, withdrew and released his votes to Isaac Stephenson. Esch at the last minute, released his supporters to Hatton, another independent, but failed to block Stephenson's election. Apparently LaFollette did not favor Esch's election and, according to Esch's supporters, tried especially hard to head off his candidacy. They felt that LaFollette was willing to sacrifice Lenroot to secure a combination to defeat Esch, even though many of his supporters were active LaFollette men.¹¹

While not participating in the early progressive battles in the state, Esch promptly joined the liberal ranks in Congress. Upon entering the House he joined with Representatives Cooper and Stafford of Wisconsin in fighting for the principles of progressivism on the floor of Congress, but he never belonged to the central core of hard-line progressives that

¹¹ LaCrosse Tribune, March 5, 1907, p. 4, col. 1, 2; March 18, 1907, p. 1, col. 3; March 20, 1907, p. 1, col. 2; April 12, 1907, p. 1, col. 7; May 8, 1907, p. 1, col. 1; August 20, 1907, p. 1, col. 5.

later emerged in the House. Although he voted with the "insurgents" from time to time, he never really became recognized as one of them.

The insurgent movement in Congress began to crystallize around 1908. The original insurgent was Senator Robert LaFollette. After two years of fighting the gag rule policies and bulldozer tactics of the Aldrich-controlled Senate*, LaFollette began to gain reinforcements. Just as the Senate movement was directed against Aldrich a similar revolt occurred in the House in opposition to the autocratic powers wielded by Speaker Joseph Cannon in forcing through legislation.¹²

The vast powers bestowed upon the Speaker by the House rules combined with Cannon's skill in parliamentary procedure, enabled him to dominate the House. The House revolt was precipitated by the high-handed methods employed by the Speaker in passing the Payne tariff bill by the adoption of "gag" resolutions limiting amendment and debate on all but a few items. A movement began under the leadership of Cooper, Nelson and Morse of Wisconsin and Norris of Nebraska to alter the House

*Nelson Aldrich (Rhode Island) was the Chairman of the Senate Finance Committee. From his Senate position he "controlled committee appointments, passed or killed bills with a nod, held the party purse strings, and controlled a good share of the patronage"; Russel B. Nye, Midwestern Progressive Politics (New York: Harper and Row, 1959) pp. 226-7.

¹²Stanley D. Solvich, "William Howard Taft and Cannonism", Wisconsin Magazine of History, 48, (Autumn, 1964), p. 52.

rules and reduce the power of the Speaker. In January, 1909, twenty-eight Republicans met in the committee rooms of John J. Esch to draw up a plan of action. Esch himself presided over the meetings which resulted in the adoption of the Norris resolution shearing Cannon of his appointive powers, expanding and making elective the rules committee, and excluding the Speaker from its membership.¹³

Congressional discontent with "Cannonism" came to a head during the special tariff session in 1909. Twelve Republican members voted against Cannon for the Speakership and a still larger number voted to change the House rules which gave him his power. The regular Republicans headed off the Norris Resolution with a compromise measure that left Cannon almost as strong as before. John Esch was one of those who voted for the new rules. Although he thought Cannon "a dangerous man in oligarchy", Esch voted for him for the Speakership, believing that under the new rules he would be powerless. On March 19 of the following year, the House passed the Norris resolution. Although ill at the time, Esch telegraphed Congressman James Davidson to have him paired in favor of the bill.¹⁴

¹³LaCrosse Tribune, August 20, 1912, p. 7, col. 1-7; Solvick, loc. cit.; Albert O. Barton, LaFollette's Winning of Wisconsin, 1894-1904 (Des Moines: The Homestead Co., 1922), pp. 17-24, Nye, op. cit., pp. 245-53.

¹⁴Ibid.

From 1900 to 1910 Esch encountered very little Republican opposition for his Congressional seat. He never received the active endorsement of LaFollette although he did have the support of many staunch LaFollette men. For ten years he maintained a fairly cordial political relationship with LaFollette. In 1912, however, the situation changed when LaFollette came out in support of Esch's opponent in the Republican primaries. The attempt by Governor Francis McGovern and part of the Wisconsin delegation to the Republican National Convention in 1912 to swing the LaFollette delegates to Roosevelt had caused a split in the state progressive ranks. LaFollette, defeated in his bid for the Presidential nomination, focused his energies on the state elections. He urged his followers to concentrate on sending men with "true" progressive principles to Congress. He opposed Esch in favor of his own lieutenant, State Treasurer Andrew C. Dahl, claiming the incumbent was not a true progressive because he had refused to take an active part in the progressives fight within the state and had not always lined up with the progressives in his votes in the House.¹⁵

Although he had progressive tendencies and voted with

¹⁵Maxwell, LaFollette and the Rise of the Progressives in Wisconsin, p. 181; LaCrosse Tribune, July 29, 1912, p. 1, col. 3.

the insurgents in Congress on most issues, Esch did not blindly follow LaFollette's leadership. Certain basic differences existed between the two men. LaFollette's progressivism was largely an offshoot of the earlier agrarian movements, an "extension of the Anti-Monopoly-Greenback-Granger struggle." His political program was regional, and largely local in application. His thinking was typically Midwestern, reflecting the "prejudices and traditions" of his state and region. Esch's progressivism, on the other hand, appeared to be as much Eastern and urban as it was rural Midwestern.* Esch more closely fits the description of Hofstadter's "mugwump" or "liberal" than he does Nye's "Midwestern progressive". His ideas were as much urban as rural and more national than regional. Esch was not a Wisconsin progressive as much as he was a progressive Republican with emphasis on the Republican.¹⁶

Furthermore, Esch's progressivism was most conspicuous in the area of socio-economic legislation. He was an advocate of increased federal powers in social and some economic areas. For the most part, his policies towards private property, the

*Esch was residing in Washington D.C. during the early years of the progressive movement. Consequently his progressivism was probably influenced as much by the Eastern aspect as it was by the LaFollette movement.

¹⁶Nye, op. cit., pp. 183-4, 206-8, 223; Richard Hofstadter, The Age of Reform, From Bryan to F.D.R. (New York: Alfred A. Knopf, 1955), passim.

trusts and the tariff were not those of a hard core Midwestern progressive of Granger heritage. In these matters he followed a course somewhere between the Midwest progressives and the regular Republicans. His proposals were never as radical as LaFollette's.

Esch entered Congress as a firm believer in McKinley prosperity, sound money and protection. He always retained this belief that Republicanism was responsible for American prosperity and consequently in matters concerning currency regulation, protection and business he remained more Republican than Progressive. He considered the Aldrich-Vreeland Currency Act--which LaFollette bitterly opposed--a "great piece of work" despite its many "imperfections," and voted for it. He held that all tariff measures should be "for protection first and revenue last." The lowering of the tariff, he was convinced, would drive every small manufacturer out of business and increase the power of the large trusts.¹⁷

He opposed the Payne bill in the House and later opposed the revised Payne-Aldrich measure. He favored and fought for much lower duties on woolens, cotton and steel schedules and supported a much enlarged free list. He constantly endeavored to secure changes that he thought were in accord with the Republican platform, favoring rates which would

¹⁷LaCrosse Tribune, October 30, 1908, p. 9, col. 5, 6.

"equalize the difference" in cost of production here and abroad. But in the end, when the revised bill came up for final passage, Esch broke with the insurgents and voted for it, believing it an improvement over the former law.¹⁸

Esch also adhered to the party's policy toward the trusts. He was not as antagonistic towards big business as LaFollette. He believed that trusts were necessary to conduct big business. The best solution to the problem was to strengthen the Sherman Anti-Trust Act. He believed that Roosevelt's "legalized monopoly" plan to differentiate between good and bad trusts was unjustifiable and illegal and that the Democrat's plan of state regulation was impractical. The only way to control big business was the Republican way; when a company proved to be in restraint of trade, dissolve it.¹⁹

Hence, unlike LaFollette, Esch was first and foremost a Republican. His first loyalty was to the party and he usually voted along party lines. He tended as much as possible to fight for his progressive policies within the party framework and often found it difficult to break the bonds of Republican regularity. Consequently, Esch did not always agree with or support LaFollette and the House insurgents. In

¹⁸LaCrosse Tribune, August 20, 1912, p. 7, col. 1-7.

¹⁹LaCrosse Tribune, November 2, 1912, p. 2, col. 3; November 3, 1912, p. 8, col. 5, 6, 7.

the same respect, Esch was always concerned with supporting the regular Republican candidate for any public office. When a progressive ran for office on the Republican ticket Esch gladly gave his endorsement. If a progressive ran as an independent, however, he was reluctant to commit himself and generally remained silent or mildly supported the regular candidate. In 1904 he refrained from supporting the LaFollette ticket until the courts ruled on its regularity. In 1912 he was the only Wisconsin Congressman to openly support Taft and the Seventh was the only district to give him a plurality.²⁰

LaFollette on the other hand, while nominally a Republican, followed an independent course. He felt no obligation to adhere strictly to the policies of the Republican Party. He never hesitated to oppose his party if he thought it was wrong. He often sided with the Democrats in the Senate to defeat Republican legislation. He joined with the Democrats in a filibuster against the Aldrich-Vreeland bill and was the only Republican Senator to vote for the Underwood-Simmons Tariff bill. His vote on the Underwood tariff caused one Republican newspaper to remark; "LaFollette, of Wisconsin, who, though, elected as a Republican has departed so far from the Republican Party that he is no longer counted among

²⁰Esch to G. W. Hazelton, August 10, 1915, ME/34; John Esch, campaign Pamphlet, 1904, ME/63, Esch Papers.

its members."²¹

LaFollette, furthermore, had no qualms about supporting and even promoting independent hopefuls for public offices when he disapproved of the regularly nominated candidates. He even went so far as to endorse Democrats in certain situations. He threw his support to Wilson in 1912 and endorsed Paul O. Husting for the Senate in 1914. He himself ran as an independent candidate for the Presidency in 1924. The Republican Party to him was only a framework in which he worked for his ideals. Whenever the party attempted to thwart these ideals he turned against it or those controlling it.

John J. Esch was willing to accept compromise. He approved of the Hepburn bill even though it fell short of what he had proposed. He voted for the Vreeland bill although it contained many "imperfections" and the Aldrich Tariff with its "indefensible" schedules because he believed them to be improvements over the old laws. LaFollette, on the other hand, refused to compromise. According to House insurgent leader John Nelson, there was "no such word as compromise or expediency" to LaFollette. To him temporary defeat was preferable to "permanent compromise". He was guided by the maxim that "half a loaf" was fatal when accepted at the

²¹Belle Case and Fola LaFollette, Robert M. LaFollette, Vol. I (New York, The Macmillan Co., 1953), p. 482.

sacrifice of the principles sought to be attained, because it dulled the "appetite" and the desire to secure the whole loaf disappeared. Feeling as he did that a compromise measure "never fairly tests the principle and may utterly discredit it", LaFollette could not accept the Hepburn bill and violently opposed the Vreeland and Payne bills.²²

By 1912 LaFollette was firmly entrenched as master of the Wisconsin Republican Party and leader of the national insurgent movement. The stronger he became the less independence and opposition he tolerated within the state party organization. He began to demand unswerving loyalty to his leadership, provoking him to breaks with old friends and allies who dared to disagree with him on various issues. Ex-Governor Davidson and Governor McGovern were both read out of the party by LaFollette. Esch had never shown blind fealty to LaFollette's leadership. No close relationship--either political or personal--existed between the two. Esch was too regular and too much of a compromiser to suit the Senior Senator. It is not surprising, therefore, that LaFollette attempted to replace him with one of his own lieutenants.

²²Robert M. LaFollette, LaFollette's Autobiography: A Personal Narrative of Political Experiences (Madison; The Robert M. LaFollette Co., 1913), p. 288; Memorial Addresses Delivered in the Senate and the House of Representatives of the United States in Memory of Robert M. LaFollette (Washington: United States Government Printing Office, 1927), p. 99.

In the Summer of 1912, shortly after the Chicago Convention, State Treasurer, Andrew C. Dahl called a meeting of 200 Seventh District progressives "to decide on a Progressive candidate for Congress against John J. Esch." If endorsed by the meeting, Dahl declared, he would enter the Congressional race and defeat Esch. At the conference Dahl presented charges against Esch, claiming his record in Congress was not that of a true progressive. The conferees were evidently not convinced by his arguments because they refused to endorse any candidate in opposition to John J. Esch. Dahl then entered the race as an unendorsed candidate.²³

In mid-July Dahl had printed in LaFollette's Weekly Magazine the charges he had made against Esch at Camp Douglas. The roll call article characterized Esch as a thorough reactionary. It was unmarred by a single concession favorable to Esch and even questioned the sincerity of his measures dealing with the conservation of human life to which he had devoted himself for years. The article charged that Esch was not a progressive because he took no part in the progressive fight in the state and had not always lined up with the progressives in the House.²⁴

²³LaCrosse Tribune, August 20, 1912, p. 7, col. 1-7.

²⁴LaCrosse Tribune, July 20, 1912, p. 1, col. 3; July 29, 1912, p. 1, col. 1.

Although Dahl was endorsed by LaFollette he did not receive the full support of his organization in the district. The progressive leadership in the district split between the two candidates. Lieutenant Governor Tom Morris, State Representative John McConnell and James Thompson, all LaFollette progressives, worked for Esch's renomination. The progressive leaders in LaCrosse and Monroe Counties signed statements declaring their faith in him. Similar declarations were forthcoming from Jackson, Clark and other counties. Esch also had the support of most of the press in the district including the two LaCrosse papers. Shortly before the primary the LaCrosse Tribune remarked that Esch, as a progressive "judged by his votes, . . . ranks higher than the average progressive in good standing." The majority of the voters evidently felt the same way for Esch won the district by 2000 votes. He carried six counties, including LaCrosse, while Dahl carried only Vernon (his home) and Adams County. In November, Esch, endorsing Taft and the entire Republican ticket, defeated his Democrat opponent W. N. Coffland by 7000 votes.²⁵

The split that occurred within the progressive ranks carried over to the elections of 1914. The seriousness of

²⁵LaCrosse Tribune, August 17, 1912, p. 1, col. 3, 5; August 26, 1912, p. 3, col. 1; November 6, 1912, p. 1, col. 3; LaCrosse Leader-Press, July 20, 1912, p. 1, col. 3, p. 3, col. 1, 2; September 4, 1912, p. 1, col. 3.

the cleavage was evidenced in the primaries of 1914. Five progressives announced their candidacy for the governorship and six sought the Senatorial nomination. The results were predictable. The LaFollette forces failed to defeat McGovern's bid for the Senatorial nomination and were unable to unite on a gubernatorial nominee. In November the LaFollette forces threw their support to the Democrat, Paul O. Husting, for the Senatorship and the independent candidacy of John J. Blaine for the governorship. Consequently, the election produced a Democratic Senator and a stalwart Republican governor--Emanuel L. Philipp.²⁶

While LaFollette had endorsed his opponent in 1912, John Esch ran unopposed in 1914. Possibly between 1912 and 1914 relations between Esch and LaFollette had improved. More likely, however, the split within the progressive ranks and the possibility that the state might be lost to the conservatives were of more immediate concern to LaFollette than the defeat of Esch who, if not a "true" progressive, had progressive leanings.

Unopposed, Esch devoted most of his campaign to national issues, particularly the Underwood tariff which he vigorously condemned. Although he characteristically took little part in state elections other than his own, Esch took special

²⁶LaFollette, Robert M. LaFollette, I, p. 506.

interest in the Senatorial race. He actively supported the candidacy of Tom Morris, his good friend and law partner. Morris, who had served progressivism in the state since 1904 as a State Senator, President of the Normal School Board and Lieutenant Governor, also received the endorsement of LaFollette. It was a great disappointment to Esch when he lost the nomination. In the November election Esch was easily re-elected to his ninth term in Congress.²⁷

3. THE RAILROAD LEGISLATOR; 1903-1914

Although overshadowed by the figure of "Battling Bob" LaFollette, John Esch achieved prominence in his own right as a national legislator. As a member of the House Committee on Military Affairs from 1899 to 1905, Esch became identified with the military legislation passed during the post-Spanish-American War era. As a member of this committee he introduced and secured passage of a law abolishing the use of irons as a form of punishment in the United States Navy. He was the author of the Army Transportation Act of 1900 which modernized and equalized the system of allotting travel allowances for discharged military personnel, overturning the old law which had been in effect since 1812. He was influential

²⁷LaFollette, loc. cit.; LaCrosse Leader-Press, November 4, 1914, p. 1, col. 4; Esch to Emil Baensch, June 15, 1914, ME/ 30, Esch Papers.

in the securing of funds for the establishment of the Sparta Military Reservation, later known as Camp McCoy.²⁸

At the beginning of his third term he was appointed to the House Committee on Interstate and Foreign Commerce. As a member of this committee, Esch participated in the enactment of most of the transportation legislation passed by Congress from 1903 to 1920. Throughout his career he championed the cause of a stronger Interstate Commerce Commission and constantly advocated railroad safety legislation.

Congressman Esch took his committee seat at a time when public indignation over the excesses of the nation's railroads was crystallizing into a movement to force national legislation curbing their abuses. All prior attempts to regulate railroads effectively had failed. The state Granger laws and the Interstate Commerce Act of 1887 were rendered impotent by court decisions. Shippers were compelled to rely on the common law to secure reasonable rates for the shipment of their goods, a slow and cumbersome process. By the early 1900's public sentiment towards railroad regulation was growing and many Southern and Midwestern members of Congress began to direct their efforts towards the enactment of such

²⁸LaCrosse Tribune, April 28, 1941, p. 1, col. 3; LaCrosse Republican and Leader-Press, May 4, 1900, p. 8, col. 4.

legislation.²⁹

Esch joined the committee in time to participate in the deliberations on the Elkins bill which forbade the granting of rebates. The bill outlawed the granting of lower rates to favored shippers but did not eliminate the evils of excessive rates. As a result clamor for a commission with power to assure "just and reasonable" rates continued to mount. Ever since the Supreme Court had stripped the I.C.C. of its rate fixing power in 1897, the Commission had urged Congress to restore its authority over rates. Convinced that a stronger I.C.C. was necessary to regulate interstate commerce, Esch set out to remedy the situation.³⁰

In January 1904, John Esch offered a resolution in the committee to hold hearings seeking to amend the Interstate Commerce Act. His proposal was bitterly opposed by the "Old Guard" Republican members on the committee. The resolution was passed, however, when Esch and two other Republicans voted with the Democratic members for passage. The subsequent hearings, resulted, as the Wisconsin Congressman had foreseen, in a general demand for remedying the evils disclosed by the hearings. Shortly thereafter, President Roosevelt, in his

²⁹Walter J. Lord, "A Brief Review on the Subject of Federal Railroad Legislation," North American Review, 181 (November, 1905), p. 755; Maxwell, LaFollette, p. 79.

³⁰LaFollette, Robert M. LaFollette, I, p. 202.

annual message to Congress, recommended a much stronger I.C.C. Roosevelt's message incited newspaper comment throughout the country and resulted in the introduction of numerous bills in both houses of the ensuing session of Congress.³¹

Shortly after his annual message Roosevelt summoned Esch and Senator Charles Townsend of Michigan to the White House for a conference on the railroad situation. He suggested that the two men frame a railroad bill. Subsequently, Esch introduced a bill giving the I.C.C. extensive powers and Townsend a bill providing for separate courts to decide questions on interstate commerce. The Esch-Townsend bill embodied the ideas expressed by Roosevelt and had his unqualified endorsement. The measure was steamrolled through the House practically without consideration. The Esch bill, however, was too stringent a measure to receive serious consideration in the conservative-controlled Senate and was deliberately set aside by that body.³²

The Esch-Townsend bill was designed to give the I.C.C. almost absolute power over "rates, regulations and practices" of the nation's railroads. It would have given the Commission

³¹unknown author, Manuscript, ME/63, Esch Papers; Fowler, John Coit Spooner, pp. 340-1.

³²unknown author, Manuscript, ME/63, Esch Papers; William Henry Harbaugh, Power and Responsibility, The Life and Times of Theodore Roosevelt (New York: Farrar, Straus and Cuhady, 1961), p. 240.

power to set fixed and inflexible rates from which the carriers could not deviate. The measure would also have granted the I.C.C., which was to be enlarged to eleven members, the power to initiate rates and to fix not only maximum rates but minimum ones also.³³

In December 1905, Roosevelt again repeated his demand for railroad legislation. Esch, meanwhile, reintroduced his bill in the House. The Esch bill, however, was replaced in committee by a milder measure introduced by Chairman William Hepburn. The Hepburn bill embodied much of the Esch proposal but greatly restricted the power of the I.C.C. over rates. The bill easily passed the House but was amended by the Senate to further reduce the authority of the I.C.C. Roosevelt's endorsement of the amended bill ensured its passage. While the measure did not grant the Commission the broad powers Esch had advocated, he was nonetheless pleased with its passage.³⁴

Throughout his Congressional career John Esch was looked upon by his fellow committee members as the original "safety first" propogandist because of his persistent advocacy of laws to safeguard human life, especially in the area of interstate

³³"Railway Rate Legislation," Outlook, 82 (February 3, 1906), p. 238; "President Roosevelt's Railway Policy," Atlantic Monthly, 96 (October 1905), p. 487.

³⁴Fowler, op. cit., pp. 342-9; Harbaugh, op. cit., pp. 237-49; "Railway Rate Legislation," p. 238; LaCrosse Tribune, November 3, 1908, p. 6, col. 3.

commerce. He spent much of his spare time going over accident reports, particularly those dealing with train wrecks. His interest in safety legislation developed as early as 1904 when he set forth a program of necessary legislation concerning passenger and employee safety on the railroads that he was to advocate and largely implement during his career.³⁵

In an article in the North American Review he advocated a stronger and larger government safety inspection force, construction of steel railroad cars, compulsory installation of the most improved block signal system and laws preventing the employment of youthful, incompetent and unexperienced men as railroad operators. Of particular necessity were federal and state measures to prohibit railroad companies from forcing operating personnel "to work continuously for an excessive number of hours". He believed that no demand of traffic, however urgent, "should deprive passengers of the service of alert, wakeful and attentive operatives."³⁶

John Esch set out to enact these proposals into law. In 1906 he introduced a bill "to lessen accidents and render travel safer "by limiting the continuous hours of service of

³⁵LaCrosse Sunday Chronicle, November 12, 1916, p. 6, col. 1.

³⁶John J. Esch, "Should the Safety of Employees and Travelers on Railroads be Prompted by Legislation," North American Review, 181 (November, 1904), pp. 671-84.

railway employees, many of whom were forced to work as many as thirty-six hours without rest. A similar bill was introduced in the Senate by LaFollette. The LaFollette bill, which Representative Hepburn called "crude, inefficient and imperfect", was replaced by the Esch bill in the House by a vote of 279 to 0. The two bills were then sent to conference for consideration. The Esch bill was broader in its application, applying to dispatchers, telegraph operators and tower and signal men as well as operators. According to one of the conferees, "Every word of the LaFollett [sic] bill was stricken out" and the Esch bill "inserted in its place". The Hours of Service Act passed both houses of Congress with virtually no opposition. The measure provided for ten hours rest after sixteen consecutive hours of service for all operating employees and a nine hour day for dispatchers on all interstate railroads.³⁷

John J. Esch was a leading Congressional proponent of legislation dealing with the conservation of life and property. He introduced and secured passage of the Accident Reports Act which gave the I.C.C. power to investigate all accidents resulting in serious injury to life and property on interstate

³⁷LaCrosse Tribune, August 20, 1912, p. 7, col. 1-7; February 23, 1907, p. 4, col. 1; January 28, 1907, p. 6, col. 1; William P. Hepburn to Esch, March 13, 1907, ME/63, Esch Papers; LaFollette, op. cit., pp. 208-9, 220; Joseph C. Raybeck, A History of American Labor (New York: The Macmillan Co., 1959), p. 269.

railroads and required the carriers to make a full report of such accidents to the Commission. He introduced the Standardization law requiring common carriers to equip their cars with safety appliances according to the standards set by the I.C.C. As a member of the House Commerce Committee Esch helped to frame and secure passage of the Pure Food and Drug Act, the Boiler Inspection Act and the Quarantine Act. He was the author of the law prohibiting the use of poisonous white and yellow phosphorus in the manufacture of matches. He supported in committee and on the House floor the act regulating the transportation of explosives, the Employer's Liability Law and the Workmen's Compensation Act. Moreover, he consistently introduced bills providing for the construction of steel railroad cars for baggage, mail and passenger purposes. He repeatedly introduced his Block Signal bill requiring the compulsory installation of block signal systems on all interstate railroads.³⁸

The Wisconsin Congressman also proposed legislation seeking to regulate the financing of the nation's railroads. In 1908 he proposed legislation to prevent the watering of stocks of interstate roads. In 1912 he introduced a bill calling for the physical valuation of railroad properties similar to the one introduced in the Senate by LaFollette. It also

³⁸John Esch, Campaign Pamphlet, 1910?, ME/63, Esch Papers; LaCrosse Tribune, October 31, 1908, p. 7, col. 4; August 17, 1912, p. 1, col. 1-7.

proposed to give the I.C.C. power to investigate overcapitalization and to regulate the issuance of stocks and bonds. The measure, minus the stocks and bonds provision, was reported favorably from committee as the Adamson bill. The bill was subsequently enacted as the Adamson-LaFollette Physical Valuation Act in 1913.³⁹

³⁹Ibid.

CHAPTER II

NEUTRALITY AND WAR

1. JOHN J. ESCH THE NEUTRAL

The attitude that John J. Esch assumed toward the European war during the three years prior to America's entry into it was similar to that of Robert M. LaFollette. Both men firmly believed that a policy of strict neutrality was essential to keep America out of the conflict. Both were strongly opposed to American involvement and advocated legislation to enforce the neutrality laws to prevent any incident that might lead the country into war. Esch, like LaFollette, favored a warning resolution and an arms embargo and opposed the Declaration of War. While LaFollette opposed most of the preparedness measures and the arming of American merchant ships, Esch believed in reasonable preparedness and favored the arming of merchant ships not carrying munitions. Esch, moreover, was never as active in his opposition or as loud in his demands as LaFollette. Compared to LaFollette, Esch therefore played a relatively passive role in the neutrality controversy.

John Esch had begun his Congressional career three months after the formal conclusion of the Spanish-American War. Despite limited American involvements in the Far East and Latin America, the years following were marked by relative peace

and domestic tranquility. Being a Midwesterner and something of an isolationist, John Esch had devoted most of his time to domestic reform and had taken little active interest in foreign affairs. By 1914, however, events were to occur which caused Esch and others like him to take a more active interest in the nation's foreign policy.

By the spring of 1914, many Congressmen were becoming increasingly concerned with the Wilson administration's policy towards Mexico. American relations with Mexico following the downfall of Porfirio Diaz had deteriorated to such an extent that war appeared inevitable. Wilson's refusal to recognize the Huerta regime in that country ultimately led to the seizure of the port of Vera Cruz by American marines in April of 1914. War was averted when Wilson accepted mediation by the A.B.C. powers.

Problems with Mexico assumed a position of secondary importance after the outbreak of war in Europe in the Summer of 1914. The early effects of the war were disturbing to say the least, but there was little indication that it would involve our diplomacy in new and perplexing problems connected with neutrality and ultimately draw the nation into war. Although the majority of Americans were probably in sympathy with one side or the other, few seemed to desire involvement.¹

¹Arthur S. Link, Woodrow Wilson and the Progressive Era,

Most Americans had little doubt as to the course the administration should follow in regard to the European war. Neutrality had been America's traditional attitude towards Europe since the days of Washington and Jefferson. On August 4, 1914, the day England and Germany exchanged declarations of war, President Wilson officially proclaimed America's neutrality, cautioning Americans to commit no act in aid of either side. Two weeks later the President urged American citizens to be "neutral in fact as well as in name" and "impartial in thought as well as in action" in order to insure strict American neutrality?

John Esch followed with interest the newspaper accounts of the affairs in Europe following the assassination of the Archduke Franz Ferdinand at Sarajevo. Like most Americans in 1914, he felt that his country had no vital interest at stake in the conflict and should adhere to its traditional policy of neutrality. He was inclined to agree with the President that observance of strict neutrality was essential to keep the United States from becoming involved in the conflict. While not an absolute pacifist, he did believe that war was

1910-1917 (The New American Nation Series, edited by Henry S. Commager and Richard B. Morris. New York: Harper and Bros., 1954), p. 148.

²Belle and Fola LaFollette, Robert M. LaFollette, vol. I (New York: The Macmillan Co., 1953), p. 549.

senseless folly and that disputes between nations should be settled by mediation or arbitration rather than by force.³

As the war in Europe continued it became increasingly evident that the maintenance of American neutrality would entail many difficulties, and ultimately prove impossible. The United States was to suffer the fate of most neutrals in any war, the violation of her commercial rights by both sides. At the beginning of the conflict American goods were very much in demand by the belligerent nations. England, however, controlled the seas and refused to allow American war supplies to be shipped to the Central Powers. Taking full advantage of her naval supremacy, Britain began to write her own interpretations of international law.

Early in the war the British Admiralty proclaimed the North Sea a "military area" and unsafe for neutral ships entering without specific instructions. Subsequently she inaugurated a blockade, of doubtful legality, on all German ports. She devised her own rules governing contraband, extending the list to include almost everything the Germans wished to import. As Britain's economic warfare was intensified, trade between neutrals was no longer presumed to be innocent. The final destination of a cargo came to determine

³Esch to John Schuyette, December 10, 1914, ME/31, The John J. Esch Papers.

its status. American ships bound for the Allied nations were not interfered with, but those bound for Germany or neutral ports were seized on the high seas and detained in British ports. The arbitrary actions of the British Prize Courts angered many American shippers. American protests proved ineffectual and by early 1915 relations between the two countries were strained.⁴

The situation became more complicated for the United States when on February 4, 1915, in retaliation to the British policy of starvation, Germany announced the establishment of a "war zone" around the British Isles, including the English Channel. All enemy merchant ships were to be sunk without regard for the lives of crews and passengers. Germany's submarine policy presented a difficult challenge to American neutrality. The nature of submarine warfare made it virtually impossible to abide by the traditional policy of visit and search to determine the nationality and character of the vessel and cargo or to assure the safety of the crew and passengers before sinking a ship. Germany warned the United States to keep her ships out of the war zone. On February 10, 1915, Wilson replied with a stern note of protest,

⁴John S. Bassett, Our War With Germany (New York: Alfred A. Knopf, 1919), pp. 20-8; John Bach McMaster, The United States in the World War, 1914-1918 (New York: D. Appleton and Co., 1929), p. 52.

informing Germany that she would be held to "strict accountability" if any American ships were destroyed or American lives lost.⁵

Although taking an active interest in the events in Europe, Esch appeared to show little fear of the danger of the United States becoming involved. He expressed concern over Japan's entry into the war but could see no reason why American neutrality should be threatened. He viewed the war as a "nuisance" to America's economy and was convinced that the quicker it ended the sooner business would revive. While a few factories were growing prosperous from war orders, Esch did not think they were sufficient to overcome the general stagnation.⁶

By early 1915 Esch began to become more concerned over the possibilities of American involvement in the war. The war in Europe began to develop into a battle for survival. Impartiality was becoming increasingly difficult for the United States. Any American action in favor of one belligerent was bound to harm the other and incur its anger. Thus the Congressman watched with anxiety the growing American arms shipments to the Allies and the increasingly anti-German

⁵Bassett, op. cit., pp. 24-40; LaFollette, op. cit., p. 538.

⁶LaCrosse Tribune, August 17, 1914, p. 1, col. 6; Esch to John S. Owen, March 3, 1915, ME/33, Esch Papers.

position of the administration. Concern over the European conflict began to a certain extent to push domestic issues into the background. Although he was to take no active part in the ensuing foreign policy debate, Esch heartily favored all attempts to keep America free of involvement.

Almost from the beginning of the war a sizable group of Congressmen, mainly from the Midwest, shared Esch's belief that a policy of strict neutrality was absolutely essential to prevent American involvement and began to urge legislation to enforce the existing laws. Many asserted that the shipment of arms, especially to the Allies and not Germany, would surely draw the United States into the war. Several Senators and Congressmen offered resolutions and presented bills prohibiting the sale of munitions for export during the war and forbidding the furnishing of war materials to the belligerents. The nation's legislators received thousands of letters and petitions from their constituents asking them to support these measures. President Wilson, however, was opposed to legislation of this nature. Attempts to get embargo bills reported out of committee were largely frustrated by the administration.⁷

⁷McMaster, *op. cit.*, p. 36; *New York Times*, December 8, 1914, p. 6, col. 3, 4; January 5, 1916, p. 4, col. 1; January 14, 1916, p. 4, col. 2; January 28, 1916, p. 20, col. 3; Esch to Emil Mueller, February 28, 1916, ME/36, Esch Papers.

For several reasons, Esch favored an arms embargo from the very beginning. The high prices paid by the nations at war had stimulated the exportation of food products with the result that the home supply was greatly depleted and the cost of living had risen higher. In the "mad rush for high profits" little attention had been given to home demands or the needs of the American consumer. Esch realized that the exportation of arms to the belligerent nations merely enabled them to continue the war and "everybody who is a friend of peace is praying for its speedy conclusion." He had reservations about placing an embargo on foodstuffs as food prevented starvation among noncombatants. Such an embargo would have been a drastic measure, but if peace could be hastened Esch thought "it might be justified".⁸

Most important, Esch was convinced that export by the United States to the Allies and not to the Central Powers practically amounted to a breach of neutrality. Had munitions manufacturers contented themselves with normal exportations of their products, Esch would not have objected either on grounds of "morals or international law", but when manufacturers "double, treble and even quadruple their plants and

⁸Esch to George Whitefield, August 11, 1915, ME/34; Esch to Emil Mueller, February 28, 1916, ME/36; Esch to J. Theiman, December 23, 1914, ME/32; Esch to G. W. Nagle, December 11, 1916, ME/40, Esch Papers.

output, and even build new plants, and other manufacturers change their industries and equipment to enable them to manufacture munitions of war, we go beyond what a nation which desires to act with strict neutrality, ought to go."

Our feverish activity in the matter of manufacture and exportation of munitions of war, gives added ground to the charge so often made by Europeans, that the United States is after the almighty dollar. I sincerely believe that the great majority of our people are actuated by a much higher motive and that on the grounds of justice and genuine Christianity would gladly see an embargo enforced.⁹

The Germans' announcement that they would sink all belligerent merchant ships found in the war zone presented a grave threat to American neutrality. The possibility of the destruction of American lives or property on a belligerent ship became a reality on March 3, 1915 with the death of an American citizen when the Germans sank the British ship Fabala. On May 1, 1915, the day the Lusitania sailed for England, the American tanker Gulflight was torpedoed by a German submarine. Three days later the Lusitania went down off the Irish coast, resulting in the death of 1,198 people, including 128 Americans.¹⁰

The sinking of the Lusitania became the subject of widespread comment and almost unanimous condemnation. For

⁹Esch to Whitefield, August 11, 1915, ME/34; Esch to Otto Engel, January 7, 1916, ME/35, Esch Papers.

¹⁰LaFollette, Robert M. LaFollette, p. 540.

days stories of the ship's survivors filled the nation's newspapers. There was much speculation as to what course the administration would take. Many prominent officials were of the opinion that the Lusitania had been carrying munitions and those who sailed on her had voluntarily assumed the risks involved. Others asserted that the incident demanded immediate action, but few thought the country should become involved in the war. Few men who had previously advocated neutrality believed that the situation warranted American involvement.¹¹

Esch was convinced that the Lusitania had sailed illegally. He understood the vessel had been carrying 4500 cases of cartridges, 150 cases of other military stores of unknown content and a quantity of chemicals used in the manufacture of explosives. The administration did not consider the statute enacted in 1882, prohibiting the transport of war munitions on passenger ships, applicable to the case. But Esch held that the cargo violated both the "spirit and the letter" of the act and was sufficient basis for refusal of clearance papers by the New York port officials. He believed that if the statute was not sufficient to prevent passenger ships from carrying munitions, it ought to be amended.¹²

¹¹Ibid., pp. 540-1.

¹²Esch to Oscar W. Schoengarth, May 22, 1915, ME/33, Esch Papers.

The Lusitania affair provoked a severe crisis between the United States and Germany. Wilson sent a sharp note of protest--almost an ultimatum--to the German government. Fearing that the note would lead to war, William Jennings Bryan, resigned his position as Secretary of State. Esch was not surprised by Bryan's resignation for he had heard rumors of it for some time. He was very much in accord with Bryan's foreign policy views and had applauded his efforts in behalf of peace. He agreed that there should be "further diplomatic exchanges with a view of first ascertaining the exact facts and then submitting these facts, if necessary to arbitration." Esch held, somewhat ironically, that the best man to fill Bryan's vacancy was Elihu Root. Three months of Root would have put our foreign policy in "splendid shape" and would have given the entire country confidence. Root, thought Esch, was "ideal in every respect" but the President was "too partisan to consider a Republican".¹³

2. THE WARNING CONTROVERSY

The seriousness of the Lusitania incident led John Esch to believe that American citizens should be warned not to take passage on belligerent ships carrying munitions. In fact they

¹³LaFollette, op. cit., pp. 540-3; Esch to Schoengarth, June 11, 1915, ME/34; Esch to George Esch, May 17, 1915, ME/33, Esch Papers.

should not take passage "on any but American boats" in order to keep "us out of a foreign war". He maintained that since the administration had been warning Americans to get out of Mexico and not go in, and England had seen fit to warn her people against travelling on belligerent ships in the Russo-Japanese War, the administration ought to be willing to give like warning in the present emergency. He believed it would be "no sign of weakness and no surrender of American rights on the high seas to pass a resolution warning our citizens to keep off armed belligerent ships." Agitation for such legislation was to come to a head in February 1916.¹⁴

The demand for a resolution warning Americans off belligerent ships was a direct result of the Lusitania crisis and the armed ship controversy that followed. During the first year of the war the status of defensively armed merchant ships remained unquestioned. After the Lusitania crisis, however, the issue emerged when the Allies began arming merchant and passenger ships bound for America. The arming of merchant ships made it virtually impossible for submarines to adhere to the rules of cruiser warfare and therefore threatened the safety of American passengers and cargoes on the high seas.¹⁵

¹⁴Esch to Schoengarth, June 11, 1915, ME/34; Esch to George Esch, May 17, 1915, ME/33; Esch to Lins and Hood, February 28, 1916, ME/36, Esch Papers.

¹⁵Link, Woodrow Wilson, pp. 206-8.

To avert this new threat to American neutrality, the State Department, on January 18, 1916, presented to the Allied governments a proposed new modus vivendi to govern naval warfare. Secretary Lansing warned the Allies that in view of "the character of submarine warfare" the United States was "seriously considering" classifying armed merchant ships as "auxillary cruisers" and treating them as such. This new government proposal would have acted in the most preemptory way to keep Americans off armed belligerent ships.¹⁶

America's position became more difficult when on February 10, in response to the Lansing note, the German government announced it would begin to treat all armed merchant vessels as warships and attack them without warning. The American press and public seemed convinced that the administration would warn all Americans against travelling on armed ships. Suddenly, on February 15, the administration reversed its position stating that the United States would not insist on the enforcement of the new modus vivendi, nor would it warn its citizens off defensively armed ships.¹⁷

Many Congressmen, meanwhile, adopted the attitude assumed by the administration in the January 18 memorandum.

¹⁶"Armed Ships as an Issue" American Review of Reviews, 53 (April 1916), pp. 397-8.

¹⁷Link, op. cit., pp. 209-10.

Congressional sentiment had been gradually mounting in favor of the adoption of a resolution governing the travel of American citizens on belligerent ships. Two days after the administration reversed its policy, Representative Jeff McLemore of Texas introduced a resolution warning Americans off belligerent ships. The Democrats on the House Rules Committee, apparently doubting the wisdom of the administration's policy, met and unanimously agreed to demand prompt action on the McLemore resolution. On February 25, 1916, Democratic House leaders Clark, Kitchen and Flood met with Wilson and informed him, that if brought before the House for a vote, the resolution would carry by two to one. The Democratic leaders were able to block consideration of the bill until enough members could be brought back into line to insure a favorable vote. Once certain of its defeat, Wilson urged Congress to bring the measure up with "immediate opportunity for full discussion and action" upon it.¹⁸

The warning issue came to a vote first in the Senate on a bill similar to the McLemore resolution, presented by Senator Thomas Gore of Oklahoma. By a vote of 68 to 14, the Gore resolution was tabled without opportunity for discussion or amendment. On March 7, 1916, the McLemore resolution came

¹⁸"Armed Ships as an Issue", p. 400; Link, *op. cit.*, pp. 211-12; LaFollette, Robert M. LaFollette, p. 556.

before the House. The House debated the warning issues for seven hours. Esch while taking no part in the discussion was in full agreement with Representatives Lenroot and Cooper of the Wisconsin delegation. Lenroot expressed Esch's views on the subject when he told the House that the right to travel on armed ships was "not so clear; . . . not so unquestioned as to justify this country in going to war for a violation of that sort of right." The resolution, however, did not come up for a vote on the issue itself. The final vote came upon a question of whether the resolution would be voted on or whether it would be tabled.¹⁹

The motion to table prevented members from voting on the issue itself or offering amendments to it. Esch, not wanting to be "thus gagged" voted against the rule in the hope that a proper resolution could be presented. When the rule was adopted Esch voted against the motion to table with every other member from the state, including the three Democrats. LaFollette had previously cast his vote against the Gore resolution in the Senate. The McLemore resolution, however, was tabled by a vote of 276 to 142.²⁰

¹⁹LaFollette, op. cit., pp. 556-7; "Armed Ships as an Issue", p. 401; LaCrosse Leader-Press, March 8, 1916, p. 10, col. 5.

²⁰Esch to Henry N. Winchester, March 8, 1916, ME/36, Esch Papers.

What Esch wanted by so voting was an opportunity to amend the resolution, which he would not have supported in its unamended form. He was in favor of a simple declaration that "in the opinion of Congress it was unwise for American citizens to take passage" on "armed merchant men belonging to belligerent powers." He favored, in effect, a policy somewhere between the one advocated by the hard core isolationists like LaFollette and Bryan and the course adopted by the administration. He favored the policy adopted by the United States in regard to Mexico when the administration repeatedly warned Americans to get out and even provided them with transportation to do so.²¹

When the warning resolutions were up for consideration, both the press and the public rallied behind the administration and urged Congress to "stand behind the President." Those who voted against tabling the resolutions received sharp criticism from much of the press for voting against the defense of American rights. Esch received letters from constituents criticizing him for his failure to back the President. He explained to one of his critics that those who voted against tabling "were inspired by just as high a degree of patriotism" as those who voted for it. Esch was willing

²¹Esch to Joseph Newsome, April 3, 1916, ME/36, Esch Papers.

to "stand behind the President" if he stood in one place long enough.²²

It was significant to Esch that the affirmative votes on the McLemore resolution, outside of those cast from the South, came from New England, New York, New Jersey, Pennsylvania, Michigan and Ohio; all those states where munitions were manufactured and where the Anglo-French loan was being subscribed. This demonstrated that "where a man's money is, there is his heart also." Esch considered his position somewhat justified when on the day following his vote the State Department issued instructions to all consular and customs officials to make more rigid inspections of belligerent ships and to consider as vessels of war those judged to be offensively armed.²³

From the beginning of the war, Esch doubted the Democrats' capacity to conduct foreign relations. He believed that Wilson had made "many mistakes" and had acted "without too much wisdom" in handling the Mexican affair. He held that the administration had not maintained a course of "just neutrality" toward the European belligerents. On more than one occasion he felt that the administration was "leaning to the

²²Esch to Winchester, March 18, 1916, ME/36, Esch Papers.

²³Esch to L. W. Wood, March 10, 1916, ME/36; Esch to Winchester, March 18, 1916, ME/36, Esch Papers.

side of the Allies" while discriminating against Germany. The United States had put naval officers in charge of the German wireless station at Sayville, Long Island, the only means of communication between the United States and Germany, while the English and French cable companies were under no censorship or control. The government-sanctioned loan to France and England was unjustifiable, and was certainly not the act of a neutral.²⁴

Neither did he believe the State Department was "standing up as it ought to" in behalf of "American interests and rights." He was of the opinion that the "writing of notes" would not make Britain respect American rights. Instead of asserting our rights to do business on the seas with neutrals, Americans were compelled to do business by consent of the Allies. He held that the English interference with the United States mails was unjustifiable and constituted a "clear violation of international law" which should have been stopped but was not. He was convinced that in order for America to remain neutral the administration should treat all belligerents on equal terms. Demands to England should be just as sharp and direct for violations of international law as those made to Germany. "Germany", he stated, "has been a constant

²⁴Esch to Henry T. Dittmann, March 1, 1916; ME/36; Esch to E. H. Townsend, May 2, 1916, ME/ 37; Esch to Josephine Jones, June 27, 1916, ME/37, Esch Papers.

friend of the United States which is more than can be said of some of the Allied powers." Esch could not help but believe that a change of administration would bring a change of policy and an assertion of American rights "that would remind us of our earlier history".²⁵

After experiencing the administration's tactics in regard to the McLemore resolution, Esch became increasingly critical of the course pursued by Wilson. During the debate in the House many Congressmen predicted that Wilson's policy would lead the country into war. The demand by the President that Congress vote down the warning resolution led many to fear the absolute power of the chief executive in conducting the nation's foreign policy. The tabling of the McLemore resolution without debate on the issue caused Esch and others to doubt the wisdom of allowing the President a free hand in conducting foreign affairs. On March 10, 1916, LaFollette cautioned the Senate that if Wilson was clothed with "such unlimited power, if in directing foreign policy" he can go unhindered by Congress "to the limit of making war inevitable" leaving Congress no alternative but to sanction his course, he has the authority to make war "as absolutely as though he were the Czar of Russia".²⁶

²⁵Esch to Emil T. Mueller, August 14, 1916, ME/38, Esch Papers.

²⁶LaFollette, Robert M. LaFollette, pp. 559.

Esch expressed similar sentiments on the subject to Judge Emil Baensch of Manitowoc, Wisconsin. He feared the President "could involve us in a war or lead us to the very brink of war without action by Congress." As that danger seemed possible, Esch believed some check should be placed on that power. He held that the executive power could be lessened and the danger largely avoided if the Committee on Foreign Affairs in both the Senate and the House were "required to be consulted before final and definite action" was taken by the President. Esch could not forget that during the Mexican Crisis of 1914, American battleships had reached Vera Cruz and hostilities had begun before Wilson read his message to Congress asking for support of his undertaking. This policy might be repeated and involve the country in a much greater war.²⁷

3. PREPAREDNESS BECOMES AN ISSUE

Early in 1916 preparedness became an issue of supreme importance. Since the beginning of the European war a small but active minority had been advocating stronger preparedness measures. The events of 1915 made many people acutely aware of the military impotence of America in comparison with the

²⁷Esch to Emil Baensch, April 20, 1916, ME/36; Esch to S. C. Munson, April 29, 1916, ME/36, Esch Papers.

European powers. The movement began to gain impetus in 1915, especially after the Lusitania crisis. Wilson, who had previously been opposed to large military expenditures, became a convert to the movement in 1915. On July 21, 1915, the President requested Secretaries Garrison and Daniels to recommend programs to provide adequately for the nation's security.²⁸

Secretary Daniels drew up a scheme to achieve naval equality with Great Britain by 1925. On October 19, 1915 Daniels announced his five-year plan which involved the construction of ten dreadnaughts, sixteen cruisers and approximately two-hundred other craft at the cost of \$502,482,214. The Garrison-War College Army plan called for a substantial increase in the regular army and the creation of a national reserve force--the Continental Army--of 400,000 men. In his annual message in December, 1915, Wilson recommended the enactment of these preparedness measures.²⁹

While the preparedness advocates rallied around the President, the opposing forces fell in behind Robert LaFollette and William Jennings Bryan. Opposition was heaviest in the Midwest, especially in those areas where progressivism was

²⁸Link, Woodrow Wilson, pp. 174-9.

²⁹Ibid., pp. 179-80; Bassett, Our War With Germany, pp. 76-9.

strongest. Congress was flooded with petitions of protest against preparedness legislation. Spokesmen for the Midwestern farmers and organized labor were in almost unanimous opposition. The Continental Army Plan bore the brunt of the opposition. Opponents of the plan supported James Hay's compromise bill, substituting "federalization" of the National Guard for the Continental Army Plan.³⁰

In an attempt to secure popular support for the administration's program, Wilson took his case to the people. On a speaking tour he defended the Army plan and told his audiences that the United States should have "incomparably the greatest navy in the world," and that preparedness was a "national necessity." His efforts on behalf of the Army plan failed, however, and in the end he accepted the Hay bill in its stead. The Hay bill passed the House on March 26, 1916. Two days prior to the bill's passage, the French ship Sussex was sunk without warning, bringing about another crisis between the United States and Germany. Wilson threatened to sever relations with Germany if she persisted in maintaining her submarine policy. On the day the President sent his ultimatum, the Senate adopted the Chamberlain bill increasing the Army to 250,000 men. The Hay-Chamberlain bills went to

³⁰Link, op. cit., pp. 182-4.

conference where a compromise was effected.³¹

John Esch pursued a middle course on the preparedness issue. He did not agree with LaFollette and the anti-preparedness forces that preparedness was an extravagant waste of money, nor was he as militant in his views as the proponents. He was an advocate of adequate preparedness for defense. He was aware of the inadequacies of the American military stance and believed that some improvements were necessary. The United States, he argued, ought always be in a state of reasonable readiness. He supported both the Hay bill and the conference bill, but opposed the Continental Army plan on the ground that the people of the country would never tolerate a large standing Army.³²

At the beginning of the European War the United States had a smaller regular army than any of the major powers. Although its authorized strength was 100,000 men, its mobile strength in 1916--at a time when a large force was on the Mexican border--was not much larger than that of the New York City police force. Realizing the extent of the country, the distance of American island possessions from its borders and

³¹Ibid., pp. 185-8; The conference bill increased the army to 220,000 men and federalized and increased the size of the National Guard.

³²Esch to Oscar W. Schoengarth, January 11, 1915, ME/34, Esch Papers.

the danger of conflict with other nations, no matter how peaceful our intentions, Esch insisted that the nation must be prepared to defend itself. Since America's population was 100,000,000, he opined that the 140,000 man army in the Hay bill was not extravagant.³³

Esch, however, was particularly opposed to the Continental Army concept. The Congressman, doubting the "practicality and availability" of a reserve army, argued it would be wiser to increase the size and efficiency of the National Guard. Having served for seven years in the Wisconsin Militia, he was convinced that a federalized National Guard constituted the most effective reserve force. Had not everyone of America's wars been fought and won by volunteers? He insisted that through effective administration and adequate federal support all state militias could be made as effective and efficient as Wisconsin's.³⁴

In case of call to service, the Guards would respond already organized, and retaining the "esprit [sic] de corps which locality, neighborhood or state gives." Esch was proud of Wisconsin's militia heritage, especially of the record of its three regiments of the "Iron Brigade". Similarly

³³Esch to Jacob Wohld, January 28, 1916, ME/35; Esch to Daniel North, April 21, 1916, ME/36, Esch Papers.

³⁴Esch to E. J. Eschenbach, January 22, 1916, ME/35; Esch to Miles M. Dawson, April 26, 1916, ME/37, Esch Papers.

Pennsylvania was proud of her "Bucktails" and Louisiana of her "Tigers". All of this, Esch feared, would be lost in a reserve army.³⁵

Moreover, Esch was skeptical about the practicability of the large army plans. He realized that under existing conditions it would have been next to impossible to enlist 250,000 regulars. Early in 1916, Congress had in fact passed a resolution increasing the regular army by 20,000 men. During the two months that followed only 6000 were enlisted. At that rate, he calculated it would take all summer to fill the quota. A recruiting station opened in LaCrosse on March 1, 1916 and closed in Mid-April after securing but one enlistment. In St. Paul-Minneapolis fewer than 100 men were recruited in two months. If this was the situation when the regular army was employed in active service and the possibility of war existed, Esch wondered what the situation would be when peace was restored and the Mexican question settled.³⁶

Subsequently, when the bills came before the House Esch voted against all amendments to increase the standing army to 220,000 men. Realizing that he would meet much criticism back home regardless of how he voted "owing to the

³⁵Esch to Dawson, April 26, 1916, ME/37, Esch Papers.

³⁶Esch to William F. Esch, May 17, 1916, ME/36, Esch Papers.

ultrapreparedness crowd and pacifist crowd", Esch supported both the Hay bill and the conference bill.³⁷

Esch's policy towards Army increases was influenced to a certain extent by his belief that the Navy, not the Army, was America's chief source of strength during time of war. Esch had always been a strong navy advocate. While not wholly agreeing with the President that America should possess the largest navy in the world, he did believe that the nation should possess one capable of defending its possessions. Consequently he was willing to go almost the whole length in regard to naval preparedness.³⁸

Because of the United States construction and control of the Panama Canal, "one of the greatest highways of ocean commerce", its possession of Alaska, Puerto Rico and Hawaii--which Esch did not care to lose to any foreign power--and its insistence on the Monroe Doctrine, Esch felt that there was no reasonable doubt "as to the advisability and necessity of a Navy sufficiently complete in all its parts to maintain all these interests." Adhering to this belief, he voted for the entire Naval program, one which LaFollette considered "unjust; . . . a great wrong" and "the beginning of a greater

³⁷ Ibid.

³⁸ LaGrosse Tribune, October 30, 1908, p. 9, col. 5, 6; Esch to John S. Owen, July 31, 1916, ME/38, Esch Papers.

wrong".³⁹

4. THE ROAD TO WAR

After the Sussex crisis passed Esch became increasingly pessimistic about America's chances of remaining out of the conflict. He watched with anxiety the growing anti-German feeling in the nation. He began to feel that a break with Germany was almost inevitable although he hoped that it would be avoided. Early in 1917, Esch's apprehensions were realized. On February 1, 1917 Germany announced the resumption of its policy of unrestricted submarine warfare. After February 1, all sea traffic--belligerent and neutral--would be stopped "with every available weapon and without further notice". Consequently on February 3, the German ambassador was handed his passports and diplomatic relations between the United States and Germany were officially broken.⁴⁰

Although the break with Germany made war appear to be inevitable, Esch still retained faint hopes that Germany would commit no overt act that would compel American action. The days following the break were tense ones, as Esch confessed

³⁹LaFollette, Robert M. LaFollette, p. 576; Esch to A. C. Hall, February 3, 1916, ME/35, Esch Papers.

⁴⁰McMaster, The United States in the World War, pp. 323-4; Esch to S. G. Schwarz, April 22, 1916, ME/36; Esch to L. Olson Ellis, April 24, 1916, ME/36, Esch Papers.

Congressmen Cooper and Lenroot of Wisconsin led the fight to amend the bill. After failing in all prior attempts to alter the bill, Cooper offered an amendment prohibiting the arming of American ships carrying arms "consigned to a belligerent country or a citizen thereof." Esch joined with all but two of the Wisconsin delegation in voting for the proposal. The Cooper amendment, however, was defeated.⁴⁴

Esch also held that the powers granted the President should be "clearly specified and limited" and therefore voted with the majority against granting Wilson the power to employ other instrumentalities". Although he had supported the Cooper Amendment, Congressman Esch could not bring himself to oppose "a proposition which was essential to the honor and safety of the American people" and thus voted for the bill in its unamended form. Only Congressmen Cary, Cooper, Nelson and Stafford of the state delegation voted against it. After passing the House, the Armed Ship bill went to the Senate where "a little group of willful men" led by LaFollette, rendered the American government "helpless and contemptible" by conducting a filibuster which prevented the bills passage before adjournment. The President, nevertheless, promptly

⁴⁴LaFollette, Robert M. LaFollette, p. 603; "How Congress Divided" New Republic, 10 (March 24, 1917), p. 219; Esch to Joseph L. Panslaw, March 25, 1917, ME/41, Esch Papers.

ordered the arming of American merchant vessels without Congressional approval.⁴⁵

Shortly after the armed ship controversy ended, Esch found himself in a new dilemma. On March 18, 1917 any hopes of avoiding war were dashed when German submarines sank three American ships without warning. Wilson immediately called a special session of Congress which convened on April 2. On that day, the President appeared before a joint meeting of the houses and assert that Germany's recent course was "nothing less than war against the government and the people of the United States." Claiming that armed neutrality had proven a failure, he asked Congress for a declaration of war. LaFollette secured a twenty-four hour delay of consideration of the war resolution. The following day, over the objections of LaFollette and Senator Norris of Nebraska, the Senate cast its vote for war.⁴⁶

On the morning of April 5, a sixteen hour debate began in the House on the war resolution. John Esch took no part in the deliberation, but he privately agreed with many of those who spoke against entering the war. Esch was slow to

⁴⁵New York Times, March 2, 1917, p. 1, col. 5; Esch to W. F. Esch, March 8, 1917, ME/41, Esch Papers.

⁴⁶Lillian Schlissel, (ed.), The World of Randolph Bourne (New York: E. P. Dutton and Co., 1965), pp. 94-6; LaFollette, op. cit., pp. 650-67.

believe that armed neutrality had proven a failure "before it had been tried, before any but a few ships had been armed." Considering that Wilson had in the past shown "great patience and forbearance" in dealing with the belligerents, Esch felt that under the present circumstances he should further delay war "pending a fair trial of armed neutrality". When the resolution came up for passage, the Congressman, knowing that his action would be "misconstrued by many people" and that he would be "charged with cowardice" by others, joined with all but two of the Wisconsin membership and voted against it, "not merely because my conscience so dictated, but because I believed a majority of our constituents were averse to entering into a European war".⁴⁷

John Esch's attitude towards the European war during the three years prior to America's entry into it had been in many respects similar to that of Robert M. LaFollette. Both Esch and LaFollette believed that they expressed the will of their constituents in regard to American neutrality. Isolationist sentiment was strong in Wisconsin and many of its citizens opposed any action which might lead the country into war. Whether opposition to the war was stronger in Wisconsin than other states is impossible to say, but that it existed

⁴⁷LaFollette, *op. cit.*, p. 667; Esch to John Schuette, April 9, 1917, ME/41; Esch to William Crawford, April 9, 1917, ME/41, Esch Papers.

is unquestionable. The fact remains that once the war began no other state was so frequently accused of lack of patriotism and even disloyalty as Wisconsin.

More than half of Wisconsin's two and one-third million people were of first or second generation foreign-stock. The majority of these were of German extraction and tended to support their own fatherland as long as the war remained a conflict between Germany and England. They strongly opposed American aid to the Allies while the United States proclaimed neutrality. The second largest ethnic group were the Scandinavians who tended to be largely neutral or pacifistic.⁴⁸

Proponents of American neutrality in Wisconsin included many state conservatives as well as the progressives. Governor Emanuel Philipp, the head of the Wisconsin stalwarts, was a staunch advocate of neutrality and had the distinction of receiving an invitation to sail on Henry Ford's peace ship Oscar II for his efforts on behalf of peace. Much of the state's press was opposed to involvement. Even after the break several Wisconsin papers continued to speak out against the pending war. The progressive press of the state by no means monopolized the neutrality issue. The conservative Milwaukee Sentinel stated during the McLemore controversy, that

⁴⁸Robert S. Maxwell, Emanuel L. Philipp, Wisconsin Stalwart (Madison: The State Historical Society of Wisconsin, 1959), p. 111.

Congress was:

. . . perfectly well aware that 999 out of every 1000 of sane and pro-American Americans are distinctly opposed to any madhouse policy of plunging this country into a distinctively European and unprecedentedly irrational and unjustifiable war for any legal punctilio whatsoever.⁴⁹

The Wisconsin legislature also took a similar position during these years. With the approval of the governor, the state's legislators passed a joint resolution requesting the President to continue to pursue a policy of true neutrality, affirming that the citizens of Wisconsin "abhorred war" and were in sympathy with the people of the belligerent nations. The resolution expressed confidence that the administration would continue to avoid a conflict with any of the belligerents. A second resolution urged the President to call a conference of neutral nations to mediate the war and restore peace to the world. After the breaking of relations, the legislature passed a third resolution declaring that the citizens of Wisconsin had faith that the government would do "everything possible and consistent with the dignity of our nation to prevent war". The Wisconsin legislature, moreover, was one of the few that did not pass a resolution endorsing the President's action.⁵⁰

⁴⁹Ibid., pp. 113, 132; "The President and Congress" Outlook, 112 (March 8, 1916), p. 550.

⁵⁰Maxwell, op. cit., pp. 113, 130-1.

5. JOHN ESCH SUPPORTS THE WAR

Although he had advocated neutrality since 1914 and had cast his vote against entering the war, once war was declared Esch realized the time for debate had passed. Only hours after the House passed the war resolution, John Esch set down his future course:

While I voted at three o'clock this morning against the war resolution, our differences should now be submerged and we must present a united front and sustain the government in whatever action it deems advisable.⁵¹

This did not mean, however, that Esch believed he had been wrong or that he believed the course chosen by the government was right. The Congressman went to war somewhat reluctantly, anticipating the hardships that were to follow as the war proceeded. Once people began to realize the taxes they would have to bear and when sometime in the future the government began to conscript men, he predicted, many of those who had shouted for war and condemned him would feel less bitter against those who had voted to "prevent war or delay its declaration until the country was prepared for war."⁵²

During the special session called by the President most of the administration's war program was formulated and

⁵¹Esch to J. C. Eaton, April 6, 1917, ME/41, Esch Papers.

⁵²Esch to W. F. Esch, May 2, 1917, ME/42, Esch Papers.

enacted into law. Much hastily framed legislation was rushed through Congress with a minimum of debate, giving the administration authority to finance the war, organize an army and put the country in general on a war footing. Congress considered only those measures that the administration proposed or indicated were necessary for the conduct of the war. The administration directed the business of Congress. As a minority member, John Esch was for the most part, relegated to the position of either supporting or opposing administration proposals. The Congressman supported amendments proposing to repeal the most distasteful parts of several war measures, but never opposed final passage of any, either in their amended or unamended form. While he did not assume a leading role in the initiation of war legislation, his support of the war program was not wholly prefatory. As ranking Republican member of the House Committee on Interstate and Foreign Commerce he took an active part in the framing and enactment of various war measures. On two occasions he was called to the White House to confer with the President.⁵³

One of the first war measures deliberated in the House was the Espionage bill. America's entry into the war had not met with the unanimous approval of the American people.

⁵³Esch to J. B. Thomas, April 21, 1917, ME/41; Esch to Frank Winter, September 18, 1917, ME/43, Esch Papers.

Because of the opposition to the administration which had manifested itself during the three years of neutrality, the administration proposed to Congress sweeping legislation dealing with espionage and sedition. The proposed bill was an omnibus measure, granting the President extraordinary powers over freedom of speech, press and assembly. The powers delegated to the President were tremendous and believed by many to be in direct conflict with the first amendment of the Constitution. Especially distasteful was the provision granting the President power of censorship over the press.⁵⁴

Feeling as he did that "there should be full freedom for the expression of opinion and even of criticism of the action of government officials" combined with his high regard for the Constitution, Esch had grave doubts as to the wisdom and legality of the bill. He was particularly apprehensive over the censorship clause. When the bill came up for a vote. Esch joined with the majority in voting out the provision and supported one of less severity. Feeling that the most repulsive part of the measure had been removed, he voted for the bill in its final form. The Espionage bill even without the censorship clause--LaFollette considered it "the worst legislative crime during the war"--left the President with

⁵⁴LaFollette, Robert M. LaFollette, II, p. 732.

almost absolute power in dealing with criticism of the administration.⁵⁵

While the Espionage bill was before the House, the Army Organization bill was presented following the President's suggestion that the Army should be "chosen upon the principle of universal liability to service." The idea of raising an army by conscription was repugnant to many people, especially in the Midwest. Opposition to conscription was strong in Wisconsin. In the Seventh District Esch had found "a decided hostility" to anything in the nature of compulsory military training. He was convinced that "a campaign of education of most intensive character" would be necessary before it could be attempted with success.⁵⁶

The conscription issue met with heavy opposition throughout the entire state of Wisconsin. Esch received an appeal from the Governor of Wisconsin asking him to oppose the conscription plan. Governor Philipp held that Wisconsin could recruit volunteers as fast as supplies could be obtained; thus conscription should be deferred until it became necessary, for public sentiment in the state was not ready for it. At the Congressional level Wisconsin's delegation formed the

⁵⁵LaFollette, loc. cit.; Esch to A. Sauer, May 7, 1917, ME/42, Esch Papers.

⁵⁶Esch to Charles King, December 13, 1916, ME/40, Esch Papers; Schlissel, The World of Randolph Bourne, p. 94.

nucleus of the opposition to the draft plan. Senator LaFollette led the resistance in the Upper House declaring the measure to be "unconstitutional, undemocratic and un-American." Representatives Browne, Cary, Cooper, Davidson, Frear, Nelson and Stafford all expressed opposition to conscription in varying degrees and all voted against the measure. Enough Democratic leaders in Congress opposed the bill to make it appear for a time that a volunteer plan would be reported out of committee in defiance of the administration's wishes.⁵⁷

Esch himself had always held that in a Republic such as the United States "volunteer service comported with democracy." But after the experience of calling for volunteers during the Mexican crisis he began to doubt the efficacy of the system. In view of the tremendous demands which were to be made on the nation for manpower--they were to be gigantic compared to 1916--Esch felt the volunteer system would not meet the situation. Thinking that conscription would be the most effective way to recruit an army he joined with Classon and Lenroot of Wisconsin in voting for the bill.⁵⁸

In the meantime the problem of financing the war had

⁵⁷Emanuel Philipp to Esch, April 10, 1917, ME/41, Esch Papers; Maxwell, Emanuel L. Philipp, p. 134; LaFollette, op. cit., p. 733.

⁵⁸Esch to William H. McPetridge, April 26, 1917, ME/41; Esch to J. C. Eaton, April 6, 1917, ME/41, Esch Papers.

come to the attention of Congress. The revenue bill that came before the House in May, 1917 was the largest tax measure ever considered by an American Congress. The issue of taxation was of concern to almost everyone. Many Americans believed the war should be financed on a pay-as-you-go basis, shifting much of the burden of taxation on "accumulated wealth and surplus incomes" resulting from the conflict. Esch received many letters and petitions to this effect. Labor groups and farm organizations appealed for Congressional support. LaFollette assumed the lead in the Senate, denouncing the inequities of the revenue bill and presenting numerous amendments to it, calling for excess profits taxes similar to those employed by England and France. Although not as extreme in his views as LaFollette, Esch held that the war should be financed as it proceeded instead of by heavy bond issues. He also felt that excess profits should be taxed, but not "so excessively . . . that business will be discouraged and put out of business." He favored an excess profits tax of 50% but not of 80% as proposed by LaFollette; otherwise we would "kill the goose that lays the golden egg."⁵⁹

As a member of the House Commerce Committee, Esch assisted in reporting to the House a bill giving the President

⁵⁹LaFollette, *op. cit.*, pp. 740-4; George P. Hampton to Esch, June 1, 1917, ME/42; Esch to William B. Tscharner, June 15, 1917, ME/42, Esch Papers.

the power to place an embargo on all commodities which would directly or indirectly be of aid to the enemy. The bill, modelled after the British Trading-With-the-Enemy act, rendered it impossible for any American citizen or enemy alien or ally of the enemy resident in the United States to do business with Germany or her allies. Reflecting the sentiment expressed by ex-President Roosevelt that "our most dangerous foe is the foreign-language press," the King amendment was added to the bill in the Senate, requiring all foreign language publications to print English translations of all comments respecting the governments of the United States or its allies with respect to "its policies, international relations, the state or conduct of the war, or of any matter relating thereto."⁶⁰

The King amendment was very distasteful to Esch. He was indignant over the unjust criticism directed at the German-American citizens--he himself was one--who he considered just as loyal and patriotic as any part of the American population. There were many foreign-language newspapers in his state and district. He received four or five German newspapers published in his district and read them carefully and

⁶⁰H. C. Peterson and Gilbert C. Fite, Opponents of War, 1917-1918 (Madison: University of Wisconsin Press, 1957), p. 97; Esch to George Brunder, September 17, 1917, ME/43, Esch Papers.

had found nothing unpatriotic in any of them. To suppress German publications because they happened to be printed in the language of the enemy would have been, in his opinion, "shortsighted" as well as unjust. "Suppression", he told one proponent of the amendment, "sometimes is worse than liberty or even license. It is difficult oftentimes to draw the line." As a conferee on the bill he supported attempts to have the King proposal removed from the bill. Unable to have it stricken from the conference bill, Esch opposed the amendment in the House. Meeting defeat again, Esch reluctantly voted for the bill in its final form with the King amendment included.⁶¹

Esch also had a hand in the enactment of other bills introduced as war measures. He supported in committee and on the floor the bill providing for nation-wide daylight savings time as a fuel conservation measure. He assisted in introducing the Lever Food Control bill, giving the President sweeping powers over food control and transportation. He managed the Soldier's and Sailor's Insurance bill providing insurance, compensation and family allowances to members of the armed forces, before the House for the minority. By the end of 1917 he became increasingly engrossed in problems of

⁶¹Esch to Brunder, September 17, 1917, ME/43; Esch to John S. Owen, August 20, 1917, ME/43, Esch Papers.

legislation resulting from the breakdown of the nation's transportation system.⁶²

⁶²LaCrosse Tribune and Leader-Press, June 14, 1917, p. 4, col. 2; Esch to Frank Winter, September 18, 1917, ME/43, Esch Papers.

CHAPTER III

THE TRANSPORTATION CRISIS

I. THE WAR AND THE RAILROAD CRISIS

The growing concern over the events in Europe and the problems involved with American neutrality quickly eased many domestic issues into the background. But certain problems on the homefront continued to press for attention. John Esch, for example, devoted much of his time and energy to the task of keeping the nation's railroads running. While Esch played a significant role in alleviating the transportation difficulties, his experiences in solving these problems foreshadowed his role as a railroad planner after the World War.

The Wisconsin Congressman had long advocated automatic train control and had been the first member of Congress to introduce a bill proposing the compulsory installation of block signal and train control devices. Early in 1916 he was appointed to the House subcommittee which investigated this entire subject and recommended to the House a bill giving the I.C.C. authority to require the compulsory installation of various control devices. Esch was also a member of the Newlands joint committee, created to study the efficiency of the existing system of railroad operation and to determine the "wisdom and feasibility" of government ownership as compared to regulation. The work of this committee occupied much of

his time from November, 1916 until January, 1919, when the hearings were indefinitely postponed due to the death of Senator Newlands and the resignation of Chairman Adamson. From 1916 onward, Esch became increasingly occupied with the problems resulting from the systematic breakdown of the nation's transportation system.¹

The year 1914 saw the United States in the throes of a mild depression which affected the business of the nation's railroads. Shipment of equipment and manufactured goods had decreased to such an extent that by April 1, 1915 the American Railway Association reported an all time high of 327,084 idle railroad cars in the country. By the year 1916 all this was to change. With the enormous orders by the Allies for American manufactured goods, the nation's railroads soon began to receive more traffic than they could handle. By the Spring of 1916 the railroads reported a shortage of over 19,000 cars. The number steadily increased throughout the year and by 1917 the car situation was more aggravated than at any period in history.²

¹Esch to Henry Hancock, December 20, 1916, ME/40; Esch to Frank Winter, January 2, 1916, ME/35, Esch to J. B. Thomas, January 5, 1918, ME/44, The John J. Esch Papers; LaCrosse Republican and Leader-Press, November 16, 1916, p. 1, col. 6.

²John J. Esch, "The Regulation of Car Service Under Government Control of Operation", Annals of the American Academy of Political Science, 76 (March, 1918), pp. 34-5.

The car shortage situation was due in many respects to the "underequipment of the roads". The regulatory control of the I.C.C. and various state commissions had made it impossible for many railroads to secure funds to meet the increasing demands for cars and equipment. The huge shipments to Europe brought an unprecedented movement of cars from West to East. The tremendous increase in exports without an increase in imports tended to fill Eastern yards with empty cars waiting for westbound freight. The lack of adequate storage space and ocean carrying space added to the congestion at the Eastern terminals. Consequently, thousands of cars were held for months on terminal tracks waiting to be unloaded.³

In the winter of 1916-17, the traffic congestion became worse and the car shortage increased. Cities in the Midwest and Northwest were threatened with coal famines and food shortages. The Federal Trade Commission declared that the coal industry was paralyzing the nation's economy and was itself hampered by the disruption of transportation. The Commission concluded that the coal situation could not be worked out until the railroad problem was solved. They recommended that the railroads be pooled under government control. The situation had deteriorated to such a point by the spring

³ Esch, *op. cit.*, pp. 35-6; John Dos Passos, Mr. Wilson's War (Mainstream of America Series edited by Lewis Gannett. Garden City: Doubleday and Co., 1962), p. 297.

of 1917 that one Midwestern shipper informed Esch:

Commercial interests of this country are practically paralyzed on account of the inability of the railroads to furnish necessary equipment to load out orders which they now have accumulated. The War Department has taken a survey of the commercial resources for use of the National Defense, which will not be available unless the railroads can furnish the necessary equipment, to ship out products which our manufacturers can produce.⁴

2. THE ESCH CAR SERVICE BILL

Under the existing system, car service* rules had been formulated by the roads themselves and subscribed to voluntarily. For years these rules had regulated the exchange, interchange and return of cars. The carriers had prescribed per diem charges and had levied stiff fines for the violation of these rules. During the "mad rush for profits" during the war boom, these rules were openly violated and the penalties were not enforced for fears of loss of traffic. During these years the carriers had neither the "inclination or power of enforcement" of these regulations. The I.C.C. repeatedly pressed the American Railway Association, through its car

⁴Esch to O. H. Williams, December 1, 1916, ME/40; Kraetzer-Cured Lumber Co. to Esch, April 18, 1917, ME/41, Esch Papers; John S. Bassett, Our War With Germany (New York: Alfred A. Knopf, 1919), p. 144.

*Car service refers primarily to the movement, distribution, exchange, interchange and return of railroad cars from one line to another. It also pertains to the use of freight cars for storage purposes, and to the hoarding of cars by one line when needed by another.

service commission, to enforce its own rules but to no avail. The I.C.C., to alleviate the situation, issued an order in January, 1917 which modified the railroad's own car service regulations by compelling carriers to return specified types of cars to their original owners without delay. This order was to become effective on April 15, 1917.⁵

The I.C.C., however, was not unanimous in its order of January 18th--due to doubts as to its "authority to prescribe general rules relative to the interchange of cars". On the recommendation by the commission that the force of law was necessary to insure prompt adherence, John Esch began working on legislation to remedy the car situation. In February, 1917 he introduced the car service bill--with the endorsement of the I.C.C.--to the House of Representatives.⁶

Esch contended that the car shortage problem could not be rectified by voluntary actions of the carriers themselves, even through a fully authorized car service commission. The acts and recommendations of such a commission would lack "the punch of law". He also doubted the "feasibility" of a car pooling system. A federal car pooling system, he feared, would provide an entering wedge" for government ownership.

⁵ Esch, op. cit., pp. 36-7.

⁶ Ibid., p. 37; LaCrosse Tribune and Leader-Press, January 29, 1917, p. 6, col. 1.

Moreover, he argued that if the present supply of cars was "sufficiently and economically handled" a normal increase would fill the current need. There was not so much a shortage as there was a misuse of cars. Hence, the situation could be relieved by giving the I.C.C. authority to direct the movement and distribution of the nation's car supply.⁷

The Esch Car Service bill defined car service as including "the movement, distribution, exchange, interchange and return of cars used in the transportation of property by a carrier subject to the Act to Regulate Commerce." In a language broad enough to enable the I.C.C. to meet most of the difficulties of the situation, the bill empowered the Commission to make "just and reasonable directions with respect to car service" during the crisis which in its opinion would "best meet the emergency and promote operation of car service in the interest of the public and to the advantage and convenience and commerce of the people." The act passed Congress and was signed into law by President Wilson on May 29, 1917. Subsequently the I.C.C. created the bureau of Car Service to carry out the powers granted by the bill. Administration of the law was to be carried out by the War Board, a subsidiary of the Council of National Defense. However, the enactment

⁷Esch to W. H. Dick, April 23, 1917, ME/41; Esch to George W. Andrews, February 19, 1917, ME/41, Esch to C. B. Millis, June 30, 1917, ME/42, Esch Papers.

of the measure was too late to remedy the collapse of the nations transportation system.⁸

On April 5, 1917, the day the House passed the war declaration, the Council of National Defense adopted a resolution calling on the nation's railroads to "so organize their business as to lead to the greatest expedition in the movement of freight." Accordingly, the principal railroad executives met in Washington D. C. on April 11 and resolved to "coordinate their operations in a continental railway system, merging during the war, . . . in an effort to produce maximum efficiency." To supervise this task a cooperative committee on transportation was created as an agency under the Council of Defense Advisory Committee. A number of subcommittees and boards were created to conduct specific duties of the board. The committee promptly modified the car service rules to obtain a more fluid movement of cars and equipment.⁹

Once the United States entered the war the plight of the railroads became more critical. The Lever Food Control

⁸Esch, op. cit., pp. 37-8; Esch to C. B. Millis, June 30, 1917, ME/42; Esch to Morton, Irvine, Turner and Blanchard, February 22, 1917, ME/41, Esch Papers; LaCrosse Tribune and Leader-Press, January 29, 1917, p, 6, col., 1.

⁹Max Thelen, "Federal Control of the Railroads in War Time", Annals of the American Academy of Political Science, 76, (March, 1918), p. 17; Charles Merz, "Priority in Shipment", New Republic, 11 (June 23, 1917), pp. 209-10; Esch, op. cit., p. 37; Bassett, Our War With Germany, p. 148.

bill was enacted granting the President broad powers over the shipment of fuel and food products. In the summer of 1917, Esch was forced to remain at the Capitol as a conferee on both the act to increase the I.C.C. to nine members and the Priority of Shipments bill.¹⁰

The Priority of Shipments bill was an administration measure introduced by Representative Adamson to supplement the Esch and Lever Acts by giving the government broader powers over the movement of freight. The President was empowered, during the war, to direct that commodities, which in his judgement were "essential to the National Defense and Security", be given "preference or priority" in shipment. The provisions of the act were to be carried out by the President or his appointed representative. The bill was signed into law in August, 1917 and Wilson promptly assigned Judge Robert S. Lovett Administrator of Priority of Shipments.¹¹

Notwithstanding the valiant efforts of the government and the railroad board, the nation's transportation situation grew worse daily. Once America entered the war, the demand for freight service increased steadily. Men, materials and

¹⁰LaCrosse Tribune and Leader-Press, July 21, 1917, p. 5, col. 6.

¹¹James Langlan, (ed.), The Chicago Daily News Almanac and Year Book for 1918 (Chicago: The Chicago Daily News Co., 1918), p. 425; Esch to William F. Esch, July 5, 1917, ME/43; Esch Papers; Bassett, op. cit., p. 149.

equipment had to be transported without delay. The Railroad War Board could not cope with the problems created by the enlarged military needs of the government. The railroads under separate managements failed to operate as a single unit. The railroads routed shipments over their own tracks, through their own terminals and hoarded cars needed on other lines in the interest of their own profits. The movement of supplies was impeded by terminal congestions and a shortage of cars. It appeared as if the breakdown of transportation would prevent the successful prosecution of the war.¹²

Despite the enactment of the Esch bill, the car shortage continued to plague the nation. By mid-1917 a serious shortage of cars existed. The carriers found it almost impossible to secure funds for much needed equipment. Furthermore, the railroads had orders in for rolling stock that could not be filled owing to the demands on the steel industry for structural steel and munitions. To make matters worse, six separate authorities assumed jurisdiction over car service.* The result was confusion and the subsequent demand that jurisdiction be relegated to one authority. By November 1, 1917

¹²Clair Wilcox, Public Policies Towards Business (Homewood, Ill: Richard D. Irwin Co., 1960), p. 652.

*Jurisdiction over car service was assumed by the Railroad War Board, the War and Navy Departments, the National Food and Fuel Administrators and the Shipping board.

the shortage had reached 140,000, and by December it was worse than at the beginning of the war.¹³

The situation deteriorated as cold weather approached. The Winter of 1917-18 was one of the harshest ever. Blizzards raged throughout the West and sub-zero temperatures chilled the Eastern seaboard. The severe conditions disrupted the nation's railroad traffic already disorganized by car shortages and conflicting priorities. Priorities were issued by almost every commission, purchasing bureau and government agency in Washington and the thirty-two training camps. Consequently, "priorities lost all meaning". The prolonged cold spell froze up locomotives and trapped barges in the rivers and canals. The nationwide demand for coal increased. Plants daily closed down from lack of fuel while war supplies and other necessities were left stranded in storage. Ships were unable to sail for lack of fuel. New York and other Eastern cities were confronted with a coal famine. Criticism of the conduct of war production was mounting in Congress. The War Board tried to untangle the situation by voluntary cooperation but was unsuccessful.¹⁴

On December 1, 1917, the I.C.C. presented to Congress

¹³Esch to C. B. Millis, June 3, 1917, ME/42, Esch Papers; Thelen, "Federal Control of the Railroads", pp. 16-20.

¹⁴Dos Passos, Mr. Wilson's War, pp. 292-7.

a special report on transportation conditions affecting and affected by the war. The majority opinion, delivered by Chairman Henry Clay Hall, asserted that the present method of regulation was inadequate to meet the emergency. The Commission warned that unless radical steps were taken the breakdown would become more serious as the war progressed. Hall declared that "unification in the operation of our railroads" during the war was "indispensable to their fullest utilization". Moreover, only two courses were open to the government. It could either revise the existing system of regulation or assume control of the nation's railroads. Commissioner McChord, in the minority report, concurred with Hall's statement of the problem and the alternatives, but insisted that the only solution to the problem was government control and operation of the carriers.¹⁵

The I.C.C.'s report, for a time, left the whole transportation problem in the hands of Congress, where strong sentiment prevailed in favor of the President's taking control of the railroads. Esch, however, still hoped that some remedial legislation could be enacted to relieve Wilson of this responsibility. Representative Lenroot introduced a bill of this nature in the House, providing for the creation of a

¹⁵"The Government and the Railways", Outlook, 117, (December 26, 1917), pp. 674-5; Thelen, op. cit., pp. 21-3.

federal corporation with authority to acquire railroad equipment and lease it to the roads. This would have fallen short of government control, but the House decided to delay action until the President submitted his views.¹⁶

Finally, on December 26, 1917, under the powers granted to him by the Army Appropriations Act of 1916, President Wilson, by proclamation, assumed control of the nation's railroads. Federal control was to begin at 12:00 Noon, December 28, 1917. The following day, Wilson appointed William Gibbs McAdoo Director-General of the railroads with complete jurisdiction over wages, rates, routing and finances. On the same day he asked Congress for authority to continue government operation for the duration of the war. Federal control became a fact on December 29 when the Director-General ordered the carriers to be operated as a national system, directing "all terminals, ports, locomotives, rolling stock, and other transportation facilities" to be utilized without regard to ownership.¹⁷

3. JOHN ESCH AND THE RAILROAD CONTROL BILL

On January 4, 1918, President Wilson appeared before

¹⁶New York Times, December 19, 1917, p. 2, col. 5; Esch to Miles M. Dawson, December 11, 1917, ME/43, Esch Papers.

¹⁷Bassett, op. cit., p. 150; Dos Passos, op. cit., p. 297; Thelen, op. cit., p. 23; Esch, op. cit., p. 41.

a joint session of Congress and presented his recommendations for further legislation concerning federal intervention. After explaining his reasons for taking control of the transportation networks, the President suggested that immediate guarantees be given the roads by appropriate legislation. He proposed that they be maintained in as good repair and in as complete equipment as when taken over. He advised that the railroads be equitably compensated and asserted that the government must assume the expense of maintaining the roads at their highest level of efficiency. He submitted that sufficient funds be appropriated to carry out the task. A bill embodying these suggestions was introduced in the House on the same day by Representative Sims.¹⁸

John Esch lent his endorsement to the President's message and the accompanying bill. He avowed that the time had come when federal control of the roads was "absolutely essential to the proper handling of the traffic situation". He asserted that the President had acted wisely under the circumstances. He held that the only real problem Congress had to face was the question of fixing the rate of compensation which the roads would receive for the use of their property. This, he believed, would be the only controversial feature.

¹⁸New York Times, January 5, 1918, p. 1, col. 1; Esch to J. B. Thomas, January 5, 1918, ME/44, Esch Papers.

of the pending bill.¹⁹

During the months that followed, John Esch spent most of the session attending hearings, interviews and meetings concerning the matter. As ranking Republican member on the House Commerce Committee, the Wisconsin lawmaker received complaints daily from those who opposed the proposed legislation. Early in February Esch's secretary wrote:

Mr. Esch has been working night and day since the holiday recess on the railroad bill and problems connected with government control of railroads. Every night he stays in his office until ten o'clock reading and working on these questions. He is considered as an authority by men of both parties and many Congressmen and others have written him and consulted him personally regarding the pending bill and the questions it raises. This bill is to be considered in the House the latter part of this week, . . . and Mr. Esch will handle the time for the Republican side.²⁰

If John Esch believed the question of compensation was the only controversial aspect of the railroad bill, he soon changed his mind. He and other Republicans on the committee, while not opposed to the measure, became disturbed over some of its provisions. As the bill was introduced, there was no indication of a definite time for termination of government control. The carriers demanded that there should be an explicit date inserted. The government's spokesmen, Commissioner

¹⁹New York Times, January 5, 1918, p. 3, col. 5.

²⁰Clarence Weber to Frank Winter, February 12, 1918, ME/44, Esch Papers.

Anderson of the I.C.C. and Judge John Barton Payne, insisted the date be left indefinite. Esch and his party colleagues maintained that this date should be fixed to avoid taking a long and possibly "inevitable step" towards public ownership. Another dispute unfolded over who would initiate rates. The Senate committee delegated the rate making power to the President, leaving the I.C.C. with final jurisdiction over the "reasonableness" of rate changes. The majority of the House committee accepted this principle, but Esch and the minority advocated leaving complete control over rates in the hands of the I.C.C.²¹

When the Railroad Control bill came before the House, John Esch presented the minority report in behalf of the eleven Republicans on the committee. The minority refuted the provision giving the rate-making power to the President. It had taken the I.C.C. twenty years to accrue its powers over railroad rates. Esch feared that this provision in the bill would work to destroy the Commission. He held that the I.C.C. should retain full jurisdiction over the matter of rates, fares and charges.²²

²¹Clarence Weber to Frank Winter, February 12, 1918, ME/44; Esch to Miles M. Dawson, January 26, 1918, ME/44, Esch Papers; Clifford Thorne, "Government Operation of American Railways", Annals of the American Academy of Political Science, 76 (March, 1918), pp. 99-100.

²²New York Times, February 16, 1918, p. 10, col. 8; Esch

Esch contended it would be a grave blunder to give the President the rate-making power even though the I.C.C. was left with the power to pass upon the "justness and reasonableness" of rates. He also questioned the constitutionality of the provision. But even if it were constitutional, he argued before the House, it would be unwise to give any one man the authority to fix rates on the traffic of the United States. Rate fixing, he asserted, was a form of taxation and "no single person should be endowed with that power."²³

There was also the question concerning the duration of federal control. The House bill would have compelled the carriers at the end of the two-year period to fight to regain their property. Esch, along with the other Republican committee members, feared that the time limit clause might possibly lead to government ownership of the railroads. Hence, Esch cautioned the House:

If control by the Government should prove more efficient and economical than private control, the Government might be inclined to hold on and do nothing, leaving to the carriers the burden of restoring the status quo long after peace had been declared. This cannot be justified in law or morals. As we, by this bill, fix the compensation, so we should fix the time or length of tenure. Otherwise Government ownership is near at hand.

to A. A. Jones, February 18, 1918, ME/44; Esch to L.B. Boswell, February 21, 1918, ME/44, Esch Papers.

²³U. S. Congressional Record, 65th Congress, 2nd Session, pp. 2472-3; Esch to L. B. Boswell, February 21, 1918, ME/44, Esch Papers.

Esch then offered an amendment to the bill, limiting the extension of federal control to one year after the war. If no definite time limit was set, he told his colleagues, they would leave the question in the form of a "football of politics". The House rejected the amendment.²⁴

John Esch was also not satisfied with the compensation provision of the House measure. Consequently, he proposed another amendment to the bill. The Wisconsin Congressman suggested that half of the excess profits of the railroads should be returned to the companies and the other half placed into the revolving fund.* He asserted that if Congress would give the carriers a part of the surplus, they would give them "the prod of efficiency". As the bill stood there was no incentive to efficiency, which he argued was necessary for their successful operation in wartime. The amendment also included a provision that all property constructed or purchased out of the revolving fund should be held in trust for the public and "no return to any railway company shall ever be paid on it."

²⁴U. S. Congressional Record, 65th Congress, 2nd Session, p. 2827; Esch to Miles M. Dawson, January 26, 1918, ME/44; Esch Papers; New York Times, February 16, 1918, p. 10, col. 8.

*The revolving fund was a fund created to finance the maintenance of the roads and the purchase of additional equipment while the roads were under government control.

This amendment, however, was also rejected.²⁵

Esch succeeded, however, in having an amendment for the protection of the shortline railroads adopted without a roll call vote. This provision declared that every railroad not under government control or operated by a railroad under government control that had previously "competed for traffic" with carriers now under federal operation, shall be "held as within government control" and "entitled to the benefits of all the provisions of this act."²⁶

After assuming control of the railroads, the Director-General insisted that he need not take over any one or all of the short-line railroads, but only those that served a needful purpose in the prosecution of the war. The short-line representatives contended that if they were not taken over, the bulk of the freight would be routed over trunk lines and they would be destroyed. The House bill gave the short-lines protection to the extent that their routing instructions and their traffic arrangements would continue to be recognized, subject to the "superior rights" of the government in the shipment of war supplies. Esch concluded that the House

²⁵U. S. Congressional Record, 65th Congress, 2nd Session, p. 2470.

²⁶New York Times, February 29, 1918, Sec. I, p. 3, col. 6; U. S. Congressional Record, 65th Congress, 2nd Session, p. 2539.

measure did not grant adequate protection to the short-lines which could not survive under war control since they would be deprived of much of their freight. Believing this, he introduced an amendment to the bill bringing the short-lines under government operation. The amendment was subsequently adopted by Congress.²⁷

Another controversy developed over the bill regarding the taxation of railroad properties. Many states, including Wisconsin, became somewhat concerned over the status of the state's important right to levy taxes on the railroads under government control. Wisconsin received more than \$5,000,000 annually from such taxation. Governor Philipp feared that his state would be "barred from assessing the taxes against these properties in the interest of the revenues of the federal government." He urged Esch to secure the enactment of positive legislation that would guarantee the state's right to tax the railroads, even when under the control of the federal government.²⁸

Esch, shortly after receiving Philipp's letter, brought the subject to the attention of the House committee.

²⁷Esch to M. J. Wallrich, January 28, 1918, ME/44, Esch Papers; U. S. Congressional Record, 65th Congress, 2nd Session, p. 2539.

²⁸LaCrosse Tribune and Leader-Press, January 24, 1918, p. 1, col. 1; Emanuel Philipp to Esch, January 11, 1918, ME/44, Esch Papers.

Commissioner Anderson of the I.C.C. and Director-General McAdoo both appeared at the hearings and declared that the government had no intentions to interfere with the states' right to tax the railroads within their respective jurisdictions as long as such taxation did not "burden interstate commerce, to the detriment of the government in the prosecution of the war."²⁹

Federal verbal guarantees satisfied the fears of many Congressmen and consequently the issue of taxation was passed over in both the House and Senate bills. Some, however, still had misgivings. When the bill went to conference Esch secured an amendment preserving the states' right to tax railroad property at the same ratio as all other property in the state the year preceding federal control. When the conference bill came up for consideration, an objection was made in the Senate that the conferees had exceeded their jurisdiction by inserting the taxation clause. The bill was returned to conference and the controversial provision was removed.³⁰

The railroad Control bill passed the Senate on March 13, 1918. Two days later the House passed the measure. While the bill was not all that Esch had hoped for, he considered it the best that could be obtained after a long fight. He

²⁹Esch to Emanuel Philipp, January 17, 1918, ME/44; Esch to Medill McCormick, January 26, 1918, ME/44; Esch Papers.

³⁰Esch to Carl D. Jackson, March 9, 1918, ME/44; Esch to Paul Shoup, March 14, 1918, ME/44, Esch Papers.

believed the bill as finally approved was an improvement over the original House bill. The House measure had given no finality to the orders of the I.C.C. in the fixing of rates. In the conference bill the final rate-making power remained in the hands of the Commission, even though the right to initiate rates belonged to the President. The new law placed the government in the position the railroads themselves had been in prior to federal control as far as the matter of rate initiation was concerned. The final bill, Esch believed, did not as seriously undermine the power of the I.C.C. as the original bill would have had it passed.³¹

John Esch realized that the unification of the country's railroads under federal control would be a "most salutary kind of revolution", one which would largely determine whether or not the roads were returned to private ownership after the war. Personally, he believed the United States was not ready for government ownership. While control and ownership were "separate and distinct propositions", he realized that the people would judge the "expediency of the latter by the success or failure of the former." He understood that once peace was restored the situation would never be the same as before the war. Before the railroads were turned back to their owners

³¹Esch to A. L. Sommers, March 8, 1918, ME/44; Esch to Paul Shoup, March 14, 1918, ME/44, Esch Papers; New York Times, March 15, 1918, p. 4, col. 1.

"some radical legislation may be necessary". Congressman Esch was to play a significant role in the enactment of the "radical" legislation he predicted would be necessary.³²

³² Esch to W. B. Barr, January 12, 1918, ME/44; Esch to Miles M. Dawson, January 26, 1918, ME/44, Esch Papers; Esch, "Regulation of Car Service under Government Control," p. 41.

CHAPTER IV

IMMIGRATION, PROHIBITION AND WOMEN'S SUFFRAGE

During the period from 1914 to 1917, three issues not directly related to the war assumed national importance: immigration regulation, prohibition and women's suffrage. Each of these issues had been before the people in varying degrees for over half a century. If World War I was not responsible for these movements, it did provide impetus to them and in many respects aided in their enactment. Moreover, the war seems to have influenced Esch's position, to a certain extent, on each of these issues. Prior to 1914 he opposed immigration restriction and the prohibition and women's suffrage amendments. By 1917 he had voted for the enactment of all three. These issues assume further significance in that each, particularly the prohibition issue, became campaign topics during the election years from 1916 to 1920.

1. ESCH AND IMMIGRATION

Agitation for restriction of immigration had flared up from time to time from the colonial period onward, but not until the 1880's did it take the shape of a concerted national movement. In the period between the Civil War and World War I, the rise of American industry and the lack of restriction laws drew a steadily increasing flow of immigration which reached its peak in 1907 when 1,285,000 newcomers entered.

The period from 1903 to 1914 saw the greatest migration ever to occur in America. In these eleven years nearly 11,000,000 people entered the United States. By 1910 one-third of the American population was of either first or second generation immigrant stock.¹

The decade from 1880 to 1890 marked the turning point in the character of American immigration. Up to that time Northern Europe had furnished two-thirds of the immigrants. During the decade from 1901 to 1910, however, 71.9% of the Europeans entering the United States came from southern or eastern Europe. Americans had long been accustomed to heavy immigration but they were not prepared for the shift from the familiar English, Germans and Scandinavians to the peasantry of Southern Europe. The increasing immigration caused labor to join in the agitation for restriction in the 1880's. It was the adverse influence of the newcomers upon working conditions rather than opposition based on race that accounted for labor's attitude towards immigration. American laborers, many of whom themselves were recent arrivals, opposed unrestricted immigration because they felt it was keeping down

¹ Philip Taft, Organized Labor in American History (New York: Harper and Row, 1964), p. 299; Richard Hofstadter, The Age of Reform, From Bryan to F. D. R. (New York: Alfred A. Knopf, 1955), p. 176; Lescohier, Donald D., Working Conditions, III (History of Labor in the United States edited by John R. Commons. New York: The Macmillan Co., 1935), p. 6.

wages and depressing their standard of living.²

By 1890 a definite movement was underway to restrict immigration. The device most favored by the exclusionists was the literacy test, which would reduce immigration and especially keep out immigrants from those countries where education was less common. Seven restriction measures with literacy test provisions had passed at least one house of Congress between 1893 and 1903. Presidents Cleveland and Taft vetoed bills of this nature in 1896 and 1909 respectively, declaring they were contrary to the nation's traditional policy of immigration.³

By 1914 the demand for restriction and exclusion had gained widespread support throughout the nation, especially from the South, the rural Midwest and organized labor. When the Burnett bill came before the House in 1914, with a provision to exclude all aliens over age sixteen "physically capable of reading, who cannot read", it secured passage by a sizable majority. The Burnett bill also passed the Senate but was vetoed by President Wilson because of the literacy provision which he denounced as an "unfair test of prospective

²Taft, op. cit., pp. 300-6; Hofstadter, op. cit., p. 176.

³Edward G. Hartman, The Movement to Americanize the Immigrant (New York: Columbia University Press, 1948), p. 21; William S. Bernard American Immigration Policy--a Reappraisal, (New York: Harper and Bros., 1950 p. 14.

citizenship." An attempt to pass the bill over the President's veto came within five votes of securing the necessary two-thirds majority in the House.⁴

When the Burnett bill came before the House in 1914 and 1915, Esch opposed it. The fact that he himself was the son of a German immigrant greatly influenced his feelings on the subject of exclusion. Many of his friends and constituents were of immigrant stock. While the Burnett bill was before the House he received protests from hundreds of his constituents protesting the inclusion of the literacy clause. He appeared at times to be vexed with the conflicting desires to allow free immigration and at the same time keep out undesirables and protect the American wage earner. Esch was a staunch friend of labor and had in the past secured the enactment of several laws in its interest, but he could not bring himself to support the bill, "notwithstanding the appeals of organized labor."⁵

Esch objected to a provision in the bill excluding "all members of the African or black race." If enacted the bill would have excluded all Negroes not excepting those who were

⁴New York Times, January 9, 1914, p. 17, col. 1; January 29, 1915, p. 4, col. 3; LaCrosse Leader-Press February 5, 1915, p. 1, col. 7.

⁵Esch to Clarence C. Keach, January 7, 1915, ME/32; Esch to J. H. Rogers, February 4, 1915, ME/33, Esch Papers.

"students, merchants or visitors or those who were subjects of foreign nations." Besides operating against "Christianity and civilization", he believed the provision violated many of our foreign treaties. The clause would have humiliated the "just pride" of ten million patriotic Americans. There were no Negroes in Congress and they were practically barred from the polls in every Southern state; consequently the Negro had to rely on "the fair play and justice" of Congress and the American people.⁶

His opposition to the Burnett bill centered on the literacy test provision which, he held, ran counter to American traditional immigration policy. While the bill contained several excellent provisions which he approved and would have been glad to see enacted into law, he felt that the literacy test was unjust and an unfair measurement of prospective American citizenship. He thought that the bill, minus the literacy clause, had adequate provisions for excluding undesirable elements. Under the existing laws immigrants who were physically, mentally, morally and politically undesirable would be excluded. In 1914 alone, 40,000 had been turned back because they could not meet the requirements of the existing laws. A literacy test would not exclude the criminal classes, for the

⁶Esch to C. C. Keach, January 7, 1915, ME/ 32, Esch Papers.

average criminal could both read and write. Illiteracy he held, was not a voluntary condition, but was due to the poverty of the country or the bigotry and intolerance of the government. The first generation, he argued, might be too old to learn more than the language, but the second generation would make good citizens and the third would become thoroughly assimilated.⁷

Esch also challenged the argument that the immigrant undermined the American political system. Most states had amended their constitutions to deny the right of suffrage to all immigrants until they had been examined as to their fitness and qualifications. These restrictions, he asserted, had the effect of stimulating immigrants to qualify themselves for citizenship. The same arguments, he recalled, had been used against the Germans and the Irish, many of whom were illiterate, and no one could deny that they had proven a valuable element "in the development of our country and in the maintenance of our institutions and of the union itself". As a large percentage of the population were immigrants or the children of immigrants, he could not believe that anyone "seeing what wonders the immigrants have accomplished in

⁷ Esch to J. H. Rogers, February 4, 1915, ME/33; Esch to C. B. Hesselgrave, February 18, 1915, ME/33; Esch to C. C. Keach, January 7, 1915, ME/32; January 30, 1915, ME/32, Esch Papers.

developing a state like our own would think they should be excluded."⁸

While the exclusion movement was well underway by 1914, the war in Europe lent it added strength. By mid-1915 it became increasingly evident that the conflict would be of some duration. Throughout the continent thousands of people had been uprooted and left homeless by the war. American labor came to fear that with the close of the war there would be a huge influx of aliens fleeing the poverty that would engulf Europe and the wars of revenge that were expected to follow.⁹

The A F of L expressed the fears of organized labor in a resolution passed at its 1914 annual convention. Organized labor believed that after the war the European governments would "offer inducements and assistance to the migration of the unfit" to relieve themselves of the burden of supporting them while at the same time offering inducements to all fit people to remain and aid in the industrial and commercial restoration of the countries. American labor, the resolution urged, must be protected from competition with "these bits of wreckage tossed on our shores" when the war ended. Esch received numerous petitions from various state and national

⁸Esch to C. C. Keach, January 30, 1915, ME/32; Esch to C. B. Hesselgrave, February 8, 1915, ME/33; Esch Papers.

⁹"The Control of Immigration", New Republic, 6, (April 8, 1916), p. 254.

labor unions and federations expressing opposition to America's being made "a dumping ground" for cheap labor from Europe and urging him to support the Burnett bill.¹⁰

The war affected Esch's views on the subject. He gradually came to believe that such a test might be necessary for the protection of American interests. By 1916 he concluded that if after peace was declared, there was the likelihood of a large migration to this country from the "impoverished and war stricken countries of Europe" it would be his duty to vote to "first protect our own people". He would consider it his duty "to vote for some reasonable and sane restriction of immigration, preferably the literacy test." Esch, still not reconciled to the idea that the literacy test was just, cast his vote against inclusion of the provision. However, when the bill came up for final passage with the test provision included, he voted for it.¹¹

2. PROHIBITION AND THE WAR

Like the immigration issue, agitation for national prohibition was not a sudden product of the war. Behind it was more than a century of "controversy and local legislation."

¹⁰Samuel Gompers to Esch, January 22, 1915, ME/32; Frank Duffey to Esch, January 29, 1915, ME/32, Esch Papers.

¹¹Esch to C. B. Wright, January 15, 1916, ME/35; Esch to A. Hersheimer, February 2, 1917, ME/40, Esch Papers.

The demand for liquor legislation began to quicken after the turn of the century. Final victory was achieved after years of heightened agitation aided by war-fed emotions of America at war. By the turn of the century only three states were completely "dry". One by one the states began to adopt dry legislation so that by the end of 1914 fourteen had written prohibition into their laws. Together with the territory in other states dry by "local option" almost one-half of the nations people and three-fourths of its area was "dry". In many parts of the country only the larger cities remained "wet".¹²

The issue of prohibition came into national focus in December of 1914 when the Hobson resolution came before the House providing for a prohibition amendment to the federal Constitution. Congressional delegations from forty-two states gave the bill a majority vote. The Wisconsin delegation was one of the few to voice almost unanimous opposition to it. John Esch was one of those who opposed the measure.¹³

Esch personally was a firm believer in temperance. He

¹²Hofstadter, The Age of Reform, p. 288; Preston W. Slosson, The Great Crusade and After. 1914-1928 XI (The History of American Life Series, edited by Arthur M. Schlesinger and Dixon R. Fox. New York: The Maxmillan Co., 1930), p. 105.

¹³William Francis Raney, Wisconsin, A Story of Progress (New York: Prentice-Hall Inc., 1940), p. 319; LaCrosse Leader-Press, December 23, 1914, p. 1, col. 6.

had no sympathy with the saloon business. As far as he was concerned "liquor selling could be entirely eliminated." Until 1914 he had always advocated and voted for measures seeking to promote temperance. As a member of the House Committee on Military Affairs he had helped to frame provisions abolishing the Army canteens and had repeatedly fought attempts for their repeal. He had voted for a provision in an appropriation bill prohibiting the sale of intoxicating liquors in all government buildings. In 1913 he voted for the Jones-Works bill limiting the sale of liquor in the District of Columbia. The only control measure prior to the Hobson resolution for which he did not vote was the Webb-Kenyon Act prohibiting the shipment in interstate commerce of liquor from wet to dry territory. Esch opposed this act because it apparently violated the interstate commerce clause of the Constitution. President Taft vetoed the bill for the same reason.¹⁴

Esch believed that there was too much of a tendency to "legislate morals" for the people while casting the "load of moral regeneration" upon the government. He did not think a federal amendment would provide an effective remedy for the liquor problem. Early in 1914 Esch clarified his position on prohibition:

¹⁴Esch to James O'Neill, January 5, 1917, ME/40; Esch to C. F. Hack, March 5, 1914, ME/30, Esch Papers.

. . . I have not believed that prohibition was the wisest or most effective way of dealing with the liquor problem. When it comes to the matter of federal Constitutional amendment, I believe it would be better and more effective to handle the problem through the several states, as the regulation of the liquor traffic is clearly one¹⁵ coming under the police powers of the several states.

Esch adhered to the conviction that prohibition should not be forced upon the states by a federal amendment. At the time only a few states had provided for prohibition; none of these were the most populous states. He thought it would be unwise to impose national prohibition on the country when so small a portion had adopted the policy because "no law can be much ahead of public sentiment required to sustain it." Prior to the passage of the Webb-Kenyon Act there was much force in the argument that state prohibition was ineffective, but with the passage of the act, he held, dry states were adequately protected.¹⁶

Most important, Esch believed that an amendment to the Constitution was no ordinary act. It was one that could be accomplished only after long consideration and preparation of public opinion. Unless public opinion was "abreast of legislation" or in "advance of it", it could not be enforced. As a lawyer, Esch realized that the degree of enforcement of all

¹⁵Esch to Hack, March 5, 1914, ME/30; Esch to Philip Schneider, April 13, 1914, ME/30, Esch Papers.

¹⁶Esch to H. P. Jordan, December 21, 1914, ME/32, Esch Papers.

sumptuary laws depended on the sentiment of the population of the various communities and the verdicts of the juries which rarely outran public opinion. The prohibition amendment, he realized, would be no stronger than the jury box. Many of Wisconsin's liquor laws were not being enforced or observed. LaCrosse's Sunday closing law was an example. All efforts to enforce this law had been frustrated. He argued that the failure to enforce these statutes would cast discredit upon all law and increase the tendency to violate other laws.¹⁷

Moreover, he held that the Hobson amendment did not prohibit individuals from manufacturing their own liquor. Distillation could be carried on by anyone at small expense. Somewhat prophetically, Esch declared that the amendment would in effect legalize the private still and promote, instead of retard, drunkenness. Under the existing system every distiller, brewer and retailer was licensed and subject to government inspection. Esch predicted that under the Hobson amendment the government would have to employ "an army of spies" to prevent individuals who distilled their own from selling their product.¹⁸

Prohibition probably received as much opposition in

¹⁷Esch to Howard Teasedale, December 23, 1914, ME/32; Esch to Philip Schneider, April 13, 1914, ME/30, Esch Papers.

¹⁸Esch to H. Teasedale, December 23, 1914, ME/32, Esch Papers.

Wisconsin as in any state in the Union. Anti-alcoholic agitation had existed in Wisconsin throughout its history, but the movement had met with little success. The large German element had been largely influential in forestalling liquor legislation in the state. The Wisconsin legislature passed a "local option" law in 1889 and a "resident district option" law in 1907, but by 1905 only 11% of the state's residents lived in areas that had voted "dry". In the area of prohibition, Wisconsin lagged well behind the nation as a whole.¹⁹

Moreover, the extent and influence of the brewing industry in Wisconsin made prohibition as much a political and economic question as it was a moral issue. By 1910 brewing was one of the four largest industries in the state. The 136 breweries in Wisconsin employed 5000 men. The brewing business was one of the chief sources of employment in Esch's district, especially in the city of LaCrosse where it was the largest single industry. By 1910 there were five breweries and 149 saloons in LaCrosse directly employing nearly 1500 men. Approximately 8,000 of the city's 30,000 people were dependent on the breweries for economic subsistence. Consequently, prohibition met with heavy resistance in the city.²⁰

¹⁹ LaCrosse Tribune, July 29, 1910, p. 10, col. 2; Raney, Wisconsin, p. 319.

²⁰ LaCrosse Tribune, July 29, 1910, p. 19, col. 1, 2; United States Bureau of the Census, Thirteenth Census of the

When prohibition was up for discussion, Esch received letters and petitions from "no less than 6000 constituents" protesting the Hobson amendment, while receiving only ten or twelve in favor of it. The State Federation of Labor and several local boards of trade voiced Wisconsin labor's opposition to the measure. Esch had been a candidate before the people of the district eight times for election and each time the Prohibition Party had run a candidate against him receiving an average of 900 votes out of a possible 35,000. The Republican Party, as far as Wisconsin was concerned, had never declared for prohibition, either statewide or national. He did not feel himself bound to support the "cardinal principle" of a party which at no time had more than 1000 advocates in his district. Furthermore, his opponent in the 1916 primary had run on a prohibition plank and had been defeated by 4100 votes--leading Esch to the conclusion that the people did not favor the plank.²¹

Esch was willing to be guided on the issue by the majority sentiment of his constituents. If the Wisconsin legislature passed a resolution providing for a state Constitutional

United States, 1910, Abstract (Washington: The United States Government Printing Office, 1910), p. 674.

²¹Esch to C. F. Hack, March 5, 1914, ME/30; Esch to J. O'Neill, January 15, 1917, ME/40; Esch to C. W. Crotty, February 14, 1916, ME/39, Esch Papers.

amendment or a resolution memorializing Congress to initiate a federal prohibition amendment, then too, would Esch vote for it, "even though a majority of Republicans in the legislature were not in favor of it." He also indicated that he was willing to support the amendment if two-thirds of the states by actions of their respective legislatures favored prohibition even though Wisconsin was not one of them.²²

If World War I was not responsible for bringing the prohibition issue to a head, it was instrumental in bringing about its final passage. Until 1914, the large German element in many states, including Wisconsin, had participated in the successful resistance to the movement. When the war broke out in Europe many of these German-Americans became actively involved in the neutrality controversy. As the German-American rift began to widen, the struggle between the "wets" and the "drys" increasingly became a battle between Americanism and pro-Germanism. The purpose of the "patriotic dry forces" became increasingly to abolish the "un-American, pro-German" liquor traffic.²³

The Anti-Saloon League and the Prohibition Party of America began to conduct a campaign to convince people that

²² Esch to H. P. Jordan, December 21, 1914, ME/32; Esch to C. F. Hack, March 5, 1914, ME/30, Esch Papers.

²³ Andrew Sinclair, Prohibition: The Era of Excess (Boston: Little, Brown and Co., 1962), pp. 112-21.

the brewing industry in America was largely financed by German capital. The fact that most American brewers were "unluckily" German by birth and in many instances connected with the "unpatriotic" German-American Alliance lent added weight to the assertions that they were tainted with German militarism. Once America entered the war, prohibition became first and foremost a patriotic program to 'win the war'." The "worst Kaiser of all was the liquor Kaiser; and . . . peace without victory and a land fit for heroes were only possible in an earth free from the jackboots of Hun brewers".²⁴

The dry forces began to make significant gains during the war. Dry propoganda pictured prohibition as necessary as a defense measure. It would save food for our starving Allies, conserve fuel for home use, add manpower to the nation's work force and make a more efficient military. Scores of articles appeared in national periodicals expounding the necessity of war-time prohibition. The Council of National Defense and similar patriotic organizations supported prohibition for defense. The dry forces concentrated their efforts towards enacting temperance legislation for the military and creating "dry zones" around military installations.²⁵

²⁴Ibid.

²⁵Edwin C. Dinwiddie to Esch, April 23, 1917, ME/41, Esch Papers.

Secretary of the Navy, Josephus Daniels, set a precedent for military prohibition in 1914 by outlawing intoxicating liquor in the United States Navy. Many states, including Wisconsin, followed by establishing "dry zones" around military installations within their boundaries. When the Army Organization bill came before Congress, John Esch supported an amendment authorizing the President to regulate the sale of liquor in or near federal military installations. Esch believed with many others that "if the exclusion of liquors from training camps and the Army itself works for efficiency", he was for it.²⁶

The Lever Food Control Act, supported by Esch, made it unlawful to use any grain in the production of alcoholic liquors for beverage purposes, with the exception of beer and wines under certain restrictions. In September of 1917, by government decree, the manufacture of whiskey was prohibited in the United States. In the following December, the President, by proclamation, reduced the permitted alcoholic content of beer and greatly limited the use of foodstuffs in the manufacture of malt liquors.²⁷

²⁶ Esch to A. A. Peterson, April 25, 1917, ME/41, Esch Papers.

²⁷ Esch to H. P. Jordan, July 13, 1917, ME/43, Esch Papers; Mark Sullivan; Our Times, The United States, 1900-1925, vol. IV (New York: Charles Scribner's sons, 1933) p. 640.

During the 1917 session of Congress Esch supported other prohibitory bills not directly related to the war program. In January, 1917 he voted for the Shepperd bill providing for prohibition in the District of Columbia. He sustained the bill to make Alaska "bone dry" in response to the results of a referendum from its people. He voted for the Puerto Rico prohibition bill providing for a referendum on the issue. He favored the Reed "bone dry" resolution prohibiting the use of the mails to advertise the liquor traffic in dry states.²⁸

By the time the Shepperd amendment providing for national prohibition came before the House in December, 1917, the spread of state and local restrictions supplemented by the federal wartime temperance measures had made prohibition almost national. It was only a short step to make the nation totally dry. Two-thirds (32) of the states were "dry" by state law. Although neither major party had adopted a prohibition plank, more than two-thirds of the members of Congress appeared to support the measure. It seemed to Esch that public opinion might be ready for prohibition.²⁹

Although still lagging behind the rest of the nation,

²⁸Esch to James O'Neill, January 15, 1917, ME/40; Esch to J. Baker, March 2, 1917, ME/41; Esch to G. M. Quimette, February 22, 1917, ME/41, Esch Papers.

²⁹Slosson, The Great Crusade and After, p. 105.

Wisconsin "drys" had made substantial gains during the war. The Anti-Saloon league had been busy organizing the state by counties. By the time national prohibition was enacted, 45% of the state's residents were living in dry territory. In March, 1917, the legislature passed the Evjue bill to prohibit traffic in intoxicating liquors for beverage purposes. The bill provided for a referendum, leaving it to the people whether or not the state would go "dry". The people, however, were denied the right to voice their sentiments when the bill was vetoed by Governor Philipp. By the end of 1917, Esch was confident that if a referendum were taken his district would vote to go "dry".³⁰

Congressman Esch would have preferred a referendum to an amendment. But when the Shepperd amendment came up for a vote, he joined with five other Wisconsin Representatives and the state's two Senators in voting for it, knowing full well that the liquor interests in the district would try to defeat him at the polls. Although the breweries would make a formidable showing in LaCrosse County, the Congressman was confident that he had "voiced the sentiment of the majority" of his constituents and that he had gained more votes than he had lost

³⁰Raney, Wisconsin, p. 322; Esch to Alex R. Major, January 8, 1918, ME/44; Esch to Frank Winter, January 29, 1918, ME/44, Esch Papers.

by his stand.³¹

3. ESCH SUPPORTS WOMEN'S SUFFRAGE

Like prohibition, women's suffrage had its roots deep in American history. The women's suffrage movement triumphed during the war after almost a century of agitation during which some states were yielding to the demands of their female citizens. After the turn of the century the movement accelerated. On January 12, 1915 the Mondell resolution proposing a Constitutional amendment came before the House, but fell seventy-eight votes shy of the necessary two-thirds. John J. Esch was one of those who cast a negative vote.³²

The women's suffrage question was not as hotly contested an issue as prohibition in the state of Wisconsin. Wisconsin, although assuming a place of leadership in the national Progressive Movement, remained unable to write an equal suffrage amendment into its Constitution. Robert M. LaFollette was an early and consistent advocate of equal suffrage legislation for the state, but heavy opposition thwarted his endeavors.³³

³¹LaCrosse Tribune and Leader, December 18, 1917, p. 1, col. 6; Esch to George Staudemayer, January 24, 1918, ME/44, Esch Papers.

³²New York Times, January 13, 1915, p. 1, col. 6.

³³Robert M. LaFollette, LaFollette's Autobiography: A Personal Narrative of Political Experiences (Madison: The Robert M. LaFollette Co., 1913), pp. 315-18.

In 1911 the progressive-dominated legislature resolved in favor of amending the state Constitution to enable women to vote. In the election of 1912 the voters defeated the proposal. The following year, Governor McGovern vetoed a measure to resubmit the question to the electorate. In 1914 the Wisconsin Assembly killed a bill calling for a statewide referendum and the state Senate blocked a similar resolution the following year.³⁴

Esch was not personally opposed to women's suffrage. In fact, he was prepared to support it whenever a referendum was taken in Wisconsin. He had cast his vote for it in 1912. However, he opposed women's suffrage by Constitutional amendment for much the same reasons that he resisted the prohibition amendment: that the suffrage question should be decided by the several states and not by the federal government.³⁵

Only recently had sentiment in favor of women's suffrage crystallized into a national movement. Only a few states at the time had suffrage laws on their books. Esch believed it was necessary to wait until more states had adopted them as an indication of major public sentiment before the practice

³⁴Raney, Wisconsin, p. 325; Robert S. Maxwell, LaFollette and the Rise of the Progressives in Wisconsin (Madison: The State Historical Society of Wisconsin, 1956), p. 201; New York Times, June 18, 1915, p. 5, col. 1.

³⁵Esch to Alice B. McDill, December 21, 1916, ME/40, Esch Papers.

was forced on the rest of the country. He also appeared to have some doubts as to the beneficence of women's suffrage. Mindful of the fact that less than 50% of the men entitled to vote in Wisconsin did so, he asked; "Would it be an improvement to add another large class of eligible voters who might go to the polls in an even smaller percentage?"³⁶

John Esch believed his constituency was opposed to women's suffrage. In 1912 the men of Wisconsin and the Seventh District had strongly declared against it. His district had opposed the issue by 7,000 votes and LaCrosse by 3,000. During the 1916 primaries, he defeated by a decisive majority an opponent who used women's suffrage as one of his chief planks. Moreover, he had not received a single petition from his constituents urging him to support this proposition.³⁷

By the end of 1917 there was a marked change in Esch's attitude towards women's suffrage. After 1916 the states rapidly began enfranchising women. Both the Republicans and Democrats had inserted planks in their platforms favoring the extension of suffrage to women "through the action of the several states." The Republican Presidential candidate in 1916, Charles Evans Hughes, publically declared that the

³⁶LaCrosse Leader-Press, October 7, 1915, p. 1, col. 4.

³⁷Esch to Alfred L. Devos, January 12, 1917, ME/40, Esch Papers.

"proposed amendment should be submitted and ratified, and the subject removed from political consideration."³⁸

When America went to war, women began to take an increasing part in carrying its burdens. Sentiment in favor of enfranchisement began to grow. In 1917 a suffrage resolution carried by a strong majority in the Wisconsin Senate and was beaten by only three votes in the Assembly, indicating to Esch, "a very strong and growing sentiment in favor of woman suffrage in our State." President Wilson, who had previously been opposed to the amendment, appeared before Congress and asserted that the "unusual circumstances" of the war justified women's suffrage. The President claimed it was "virtually essential to the successful prosecution of the great war." Appeals came from many advocates of the measure, claiming that "the exigencies of war" have made women's suffrage "a war measure of immediate and practical importance", also influenced Esch's thinking.³⁹

On January 10, 1918 the Susan B. Anthony amendment came up before the House. Esch declared that under the circumstances he no longer had the right to stand in the way "of

³⁸Esch to A. L. Devos, January 12, 1917, ME/41, Esch Papers; "Mr. Hughes New Suffrage Plank", Literary Digest, 53 (August 12, 1916), p. 337.

³⁹Jeanette Rankin to Esch, November 17, 1917, ME/43; Carrie Chapman Catt to Esch, January 7, 1918, ME/43, Esch Papers.

the submission of this question to the legislatures of the several states", and joined with Cooper, Classon, Davidson, Browne, Frear and Lenroot of Wisconsin in voting for it.⁴⁰

⁴⁰LaCrosse Tribune and Leader-Press, January 11, 1918, p. 1, col. 5; Esch to N. B. Hood, January 7, 1918, ME/44, Esch Papers.

CHAPTER V

THE LOCAL SCENE

The years from 1914 to 1918 constituted a period of relative instability and uncertainty on the Wisconsin political scene. A major factor in the creation of this extraordinary political climate was the split that occurred in the state's progressive organization in 1912 which resulted in a stinging defeat for the LaFollette forces in 1914. The outcome of the 1914 elections produced a spirit of optimism in the Conservative ranks. Many persons like John Owen believed LaFollette was losing his strength in the state. Owen, shortly after the 1914 primaries, informed Esch that it was "the determination of the people to root out the gang. They have got tired of the domination of one man and particularly tired of the results it has produced."¹

1. THE ELECTIONS OF 1916

The state elections of 1916 were an important test of the strength of the LaFollette forces in Wisconsin and they also brought the issues of neutrality and preparedness before the people of the state. In February of 1916 LaFollette announced his candidacy for the Presidential nomination, on a

¹John S. Owen to Esch, September 2, 1914, ME/31, John J. Esch Papers.

platform advocating nationalization of the munitions industry, an arms embargo and the establishment of a tribunal for the settlement of international disputes. The conservatives, meanwhile, were campaigning for an unrestricted delegation to the national convention. They predicted that the Wisconsin Presidential primary would be "Bob's Last Fight". When the returns were in, the stalwarts had managed to elect eleven of the states twenty-six delegates.²

The Wisconsin elections of 1916 were keynoted by the battle for the Senatorship. The Conservatives of both parties endeavored to unseat LaFollette. His opponent in the primaries, M. G. Jeffries, denounced his opposition to preparedness and his proposals for an arms embargo and a war referendum. LaFollette in turn, promised the people that he would continue to support American neutrality and do everything in his power to keep America out of the war. The Senior Senator was renominated by an overwhelming majority. His Democratic opponent in November attacked him on the same issues. He criticized LaFollette for failing to "stand behind the President" and accused him of "pulling for the German vote" by his stand on the arms embargo. On election day the results were also the same. LaFollette was reelected by a plurality of 115,000

²Belle Case and Fola LaFollette, Robert M. LaFollette, I (New York: The Macmillan Co., 1953), pp. 562-3.

votes, the largest ever polled by a candidate in the state up to that time. The split in the progressive fold, however, led to the reelection of Governor Emanuel Philipp.³

While the issues of neutrality and preparedness were the major topics in the Senatorial battles they were not the primary factors in the Seventh District Congressional race. In the Seventh District prohibition, immigration and women's suffrage assumed at least as much significance as neutrality.

Early in 1916 it appeared as if the LaFollette forces would make another attempt to oust Esch from his Congressional seat. In January, 1916, Esch received word that a LaFollette progressive, Merlin Hull of Black River Falls, would oppose him in the primary. His friends urged him to return early for his campaign as a hot fight was expected. Esch speculated that his opposition to the prohibition and women's suffrage amendments were responsible for Hull's determination to oppose him. In February unexpected opposition emerged from another quarter. State Assemblyman A. E. Frederick, a lawyer, preacher and ardent prohibitionist announced his candidacy for the Republican nomination. Esch, however, appeared to be more concerned over Hull's possible candidacy than Frederick's announcement. He thought that the Hull forces would talk Frederick into withdrawing from the race. He suspected that

³Ibid., pp. 579-80, 582-4.

Frederick would retire in favor of Hull as the latter was also an advocate of prohibition and women's suffrage. Frederick, however, showed no inclination to drop out of the contest. Hull's status remained questionable until the Summer of 1916. In June, Hull--receiving the endorsement of the state progressives; announced his candidacy for the office of Secretary of State, leaving Esch and Frederick as sole contenders for the Congressional nomination.⁴

With Hull out of the running, Esch had "no fear of the primary contest." His opponent, "the fighting Parson", had been active in many "no-license" campaigns throughout the district. He had gained a reputation as the man who forced the slot machines out of the Wilton saloons over the protests of the saloonkeepers, the village officials and many of its residents. In 1912 he had been appointed a "humane officer with police powers" by the governor and had since then:

. . . done more toward getting saloon keepers into trouble than any other official the county has ever had with the result that he has gotten himself cordially hated by some citizens.⁵

Frederick gained added notoriety in early 1916 when he

⁴Esch to H. H. Thomas, January 31, 1916, ME/35; Esch to W. A. Hedding, February 24, 1916, ME/35; Esch to C. W. Crotty, February 14, 1916, ME/35; Esch to Joseph Newsome, June 26, 1916, ME/37, Esch Papers; LaCrosse Tribune, February 10, 1916, p. 6, col. 6.

⁵Esch to Joseph Newsome, June 26, 1916, ME/37, Esch Papers; LaCrosse Leader-Press, July 19, 1912, p. 4, col. 3.

was hauled into court for improper conduct in the prosecution of men charged with the violation of liquor laws. In February, 1916 he was charged with extorting \$35.00 from a saloonkeeper. Although he was acquitted the trial judge handed down the opinion that his actions bordered "closely on a case of extortion and blackmail on one side and of bribery on the other." In March, "the fighting Parson" again made the front pages. After delivering a speech in West Salem on "fighting booze" he was assaulted on the street by an irrate bartender. The incident, according to witnesses, almost developed into a street brawl.⁶

As the campaign unfolded, Frederick began to attack Esch on almost every conceivable issue. He assailed Esch's stand on immigration and his votes on the prohibition amendment and the Webb bill. He charged Esch with voting favorably to the "big interests" and for "pork barrel" legislation. He criticized Esch's stand on the neutrality issue, particularly on the McLemore resolution. Frederick charged:

His record in many things is so far wrong that it is time, in the estimation of many, that a change be made. It would appear that his stand has been on the side of the 'big interests' as against the welfare of the common people . . . Mr. Esch has not sought to safeguard the welfare of America and its institutions and the honor of his government and flag. My platform is . . . America's

⁶LaCrosse Tribune, March 3, 1916, p. 8, col. 4; March 28, 1916, p. 1, col. 4; LaCrosse Leader-Press, March 31, 1916, p. 1, col. 1, 4.

Welfare First in Everything.⁷

Furthermore, Frederick attacked Esch's position on women's suffrage. He also assailed him for his vote on the immigration bill. Frederick obtained the support of the district Guardians of Liberty, an anti-Catholic organization, whose first doctrine was the exclusion of immigrants from Eastern Europe. Esch thought that Frederick was a member and easily secured its endorsement. Wherever the courts and lodges of the Guardians existed, Frederick received considerable support.⁸

There was little doubt that Frederick's chief plank was prohibition. The Parson evidently believed that the "dry" sentiment in the rural areas would offset the influence of LaCrosse and the smaller "wet" towns and villages. Considerable "dry" sentiment existed in Jackson, Monroe, Juneau and Vernon Counties. He apparently hoped to create enough disaffection towards Esch on other grounds to increase his vote. The LaCrosse Tribune expected an "interesting discussion of the liquor question" if Esch regarded Frederick's candidacy "serious enough to warrant attention from the stump."⁹

⁷LaCrosse Leader-Press, August 15, 1916, p. 1, col. 4; A. E. Frederick, Campaign Pamphlet, Esch Papers.

⁸Esch to William F. Esch, September 1, 1916, ME/39; Esch to A. E. Dudley, September 7, 1916, ME/39, Esch Papers.

⁹LaCrosse Tribune, February 10, 1916, p. 1, col. 7, p. 6, col. 6.

Frederick had constantly been campaigning throughout the district, especially in the areas where the "wet" and "dry" question was a point of contention. In the summer he embarked on an extensive automobile campaign of the district. Legislative duties had kept Esch in Washington most of the Summer. He returned home shortly before the primaries and immediately set out on a week's tour, covering every area where the Parson had been during his automobile campaign. On election day Esch scored a rather decisive victory over his opponent. He received a plurality of over 4000 votes while carrying every county in the district including Vernon--Frederick's home. His majorities in Clark, Jackson and Vernon Counties, he believed, were cut due to the activities of the Guardians of Liberty who were fairly strong in those areas.¹⁰

In November, Esch was opposed by his good friend Herman Grotoehorst of Baraboo. Compared to the Senatorial battle, the campaign in the Seventh District was a quiet one. Both Esch and his opponent conducted their campaigns of basic party issues. By election day, the LaCrosse Tribune considered Esch's victory "one of the most dependable election forecasts". And so it was. Esch was reelected by a majority approximating 12,000 votes, the largest he ever received in

¹⁰Esch to Oscar W. Schoengarth, April 6, 1916, ME/36; Esch to George Esch, October 3, 1916, ME/39, Esch Papers; LaCrosse Leader-Press, August 24, 1916, p. 2, col. 3.

the new district.¹¹

2. THE SENATORIAL ELECTION OF 1918; LOYALTY AN ISSUE

The years from 1916 to 1918 represent a critical period in Wisconsin's history. During this period Wisconsin was criticized by much of the nation's press as being disloyal and pro-German and was eventually labeled the "58 percent" American state. Prior to America's entry into the European conflict strong anti-war sentiment existed in the state. LaFollette's attitude towards American neutrality and his criticism of the administration, the strong German strain in the population and the strength of the anti-war Socialists in the state helped to mark Wisconsin in the nation's eyes as the center of disloyalty and pro-Germanism. The assertion that Wisconsin was not loyal to the American cause was, for the most part, a direct deduction from the attitude of LaFollette and a number of the state's Congressmen.¹²

LaFollette, early in the neutrality controversy, was singled out for special abuse from the nation's press. Articles

¹¹Esch to D. H. Norton, November 11, 1916, ME/39, Esch Papers; LaCrosse Tribune, November 4, 1916, p. 3, col. 4, 5.

¹²Russell H. Austin, The Wisconsin Story (Milwaukee: The Milwaukee Journal Co., 1964), p. 297; Karen Falk, "Public Opinion in Wisconsin During World War I," The Wisconsin Magazine of History, 25 (1941-1942), p. 390; Raney, Wisconsin, p. 351.

impugning his motives and patriotism began to appear as early as 1916. During the Wisconsin primaries of 1916, the Chicago Tribune claimed; "LaFollette is acting like a German because there is a large German vote in the constituency." Before the fall election the New York Times remarked; "Wisconsin has one American Senator. She needs another." After the armed ship filibuster the campaign of villification increased. The LaCrosse Tribune noted that the abuse against him flourished:

. . . in newspapers whose big job for years has been to execute LaFollette, but in the inflamed state of mind produced by conditions bordering on war, it is emulated in some measure in newspapers of the more judicial type.¹³

Once America entered the war, LaFollette, unlike Esch, continued to be loud and unsparing in his opposition to the administration. Not only did he oppose the administration in the Senate, but he wrote editorials in his magazine criticizing Wilson and his war program. LaFollette's attacks on Wilson's policies caused the administration to unleash its forces against him. Newspapers began to brand him as a "traitor" trying to obstruct the war effort. The campaign against him reached its peak after his famous speech before the Non-Partisan League Convention in St. Paul. The St. Paul address--"one of the least read and most criticized speeches ever delivered by a United States Senator"--was misquoted and misinterpreted by the press

¹³Edward N. Doan, The LaFollettes and the Wisconsin Idea (New York: Rinehart and Co., 1947), pp. 81-2; LaCrosse Tribune, March 10, 1917, p. 3, col. 2, 3, editorial.

in "one of the most blatant offenses against truth in the history of American journalism". Following the press reports of the occasion, petitions began pouring in from all over the country, including Wisconsin, condemning him and demanding his expulsion from the Senate.¹⁴

Many attacks on LaFollette were also directed against Wisconsin. When America entered the war criticism of the state became more violent in the Eastern press. One paper asserted that "Wisconsin is as disloyal as her Senator." Wisconsin's "pacifist" Governor Philipp also became a target for attack. The University of Wisconsin was pictured as a thoroughly "Prussianized" institution responsible for producing a "bunch of pro-Germans". The administration also had its doubts as to Wisconsin's loyalty. When the time came to register for selective service, Provost Marshall, General Crowder offered the Governor the use of federal troops to put down the riots that were expected to occur.¹⁵

The World War had the effect of turning loose the forces of reaction throughout the country. Wisconsin was no exception. The opponents of LaFollette and his progressive organization seized the opportunity presented by the war to try to

¹⁴LaFollette, Robert M. LaFollette, pp. 732-47, 764; Russell B. Nye, Midwestern Progressive Politics (New York: Harper and Row, 1959), p. 294.

¹⁵Robert S. Maxwell, Emanuel L. Philipp: Wisconsin Stalwart (Madison: The State Historical Society of Wisconsin, 1959), pp. 137-40.

drive the Senator and his followers from office. Many Wisconsin voters were swayed by the argument that his actions were hindering the war effort. Many of his old supporters deserted him. Several former LaFollette newspapers now turned against him. His former supporters were forced to choose whether to stand with him or join in the attacks against him. Those who stood by the Senator were subjected to the criticism directed against him. In the super-charged atmosphere created by the war, many voters were apparently sincere in their belief that Wisconsin was represented by "a bunch of unpatriotic Congressmen."¹⁶

After America's entry into the war, several state organizations directed their efforts towards defeating those Congressmen who had opposed the administration's course. The chief target of these assaults was LaFollette. He was hung in effigy throughout the state and condemned by numerous civic groups and organizations. The State and County Councils of Defense blasted his course as "aiding and abetting the enemy" and demanded his resignation. The faculty of the University circulated a round robin letter of condemnation. The state legislature passed a resolution denouncing him "and all others who have failed . . . to support our government in matters vital to winning the war." The campaign against LaFollette

¹⁶Ibid.; Raney, Wisconsin, p. 351.

had reached such a point by the end of 1917 that Esch's brother wrote the Congressman; "I doubt whether he [LaFollette] has a ticket in the field next year. . . . The people are too bitter against him and no one would dare to run for office upon his platform."¹⁷

Many people who had previously applauded the efforts of the state's Congressional delegation in attempting to steer the country clear of war believed that with America's belligerency, the time for debate had ended. Shortly after America declared war, Esch received a letter of advice from his brother; "The people as a whole do not want war but they feel that you are not supporting the President in this time of trouble". He warned him that if he and the other members of the delegation continued to vote against the administration's course "a terrible reaction will occur and there will be many new members from Wisconsin."¹⁸

In the summer and fall of 1917 the Liberty League and the Loyalty Legion were organizing the various districts. These organizations, especially the Loyalty Legion, were hostile to every Congressman in the state except Husting, Lenroot and possibly Classon. Esch received warnings from home that

¹⁷LaFollette, Robert M. LaFollette, II, pp. 780, 793, 827, 844, 849, 860; W. F. Esch to Esch, October 2, 1917, ME/43, Esch Papers.

¹⁸W. F. Esch to Esch, April 21, 1917, ME/41, Esch Papers.

several aspiring politicians had taken an active interest in these organizations and would try to run against him a man active in the district in supporting the war. The anti-war group would probably unite on another candidate "for of course they will not support you with your record." The pro-war people, on the other hand, would probably oppose Esch because he had not "taken an active part in the State against the anti-war element." Esch's secretary was concerned enough to urge Esch to return home:

If you can possibly get away from Washington in the next two weeks, long enough to make a few speeches . . . , I think you could take the wind out of the sails of the opposition among the men in the pro-war movement, but if that opposition is allowed to grow a few more weeks, it will be a mighty hard job to meet it successfully.¹⁹

Esch was aware that the Loyalty League could have made the going rough for him if it entered the campaign of 1918 and ran a candidate against him. He noticed that several politically ambitious men were actively promoting war propaganda in the district. Esch was sufficiently concerned to write the Chairman of the State Council of Defense asking for the names of the officers of each of the County Councils so that he could correspond with them and offer his services in connection with the coming bond drive, the Red Cross campaign

¹⁹Esch to W. F. Esch, September 20, 1917, ME/43; Frank Winter to Esch, September 11, 1917, ME/43; September 13, 1917, ME/43; Clarence J. Weber to Esch, September 13, 1917, ME/43, Esch Papers.

and the war in general. In October, 1917 he returned home to aid in the Liberty Bond drive. From October 16th to the 25th he toured the district, delivering fifteen speeches in behalf of Liberty Bonds.²⁰

The loyalty issue in Wisconsin reached its peak during the special Senatorial election of 1918. On October 21, 1917, Wisconsin's Junior Senator, Paul O. Husting, was killed in a hunting accident. Husting, a Democrat, was an ardent supporter of the administration and a major figure in the promotion of the war effort. President Wilson had frequently sought his advice on matters concerning Wisconsin and the war. In comparison to LaFollette and the majority of the state delegation, Husting was considered to be "100% loyal" to the war and the administration.²¹

The death of Husting marked the climax of the anti-LaFollette campaign in Wisconsin. The New York Times declared the election would in effect "test the strength of the LaFollette anti-war propoganda in the State." Leaders of both parties declared the election would have "profound national importance". Several national magazines asserted that the results would indicate where Wisconsin stood in regard to the

²⁰Esch to Clarence Weber, September 17, 1917, ME/43; Esch to Frank Winter, January 29, 1918, ME/44, Esch Papers.

²¹Maxwell, Emanuel L. Philipp, p. 152.

nation's war policy. One Wisconsin Assemblyman exclaimed; "The State of Wisconsin is on trial before the bar of public opinion".²²

Shortly after Husting's death. Governor Philipp proclaimed a special primary for March 19, 1918 to be followed by a special election on April 2. Three men announced their candidacy for the Republican nomination; Irvine Lenroot, ex-Governor Francis E. McGovern and James Thompson, a LaCrosse lawyer and a staunch LaFollette progressive. Thompson came out on a ten-point platform which included the "vigorous prosecution of the war, a prompt statement of our war aims by Congress, and a heavy tax on war profits." Lenroot declared the sole issue of the campaign was "loyalty to the Government."²³

LaFollette, while not running for office, became the main issue of the campaign. McGovern was persuaded to withdraw in favor of Lenroot. Lenroot attacked Thompson, declaring he was the man about whom "the enemies of this war are rallying". Lenroot's supporters adopted the motto; "Lenroot stands for America; Thompson for LaFollette." Most of the state's press supported Lenroot, including many progressive

²²New York Times, October 23, 1917 "Wisconsin in the Balance", Outlook, 117 (November 14, 1917), p. 411; "The Wisconsin Situation", Outlook, 118 (March 13, 1918), p. 435.

²³LaFollette, Robert M. LaFollette, II, pp, 858-9; Maxwell, op. cit., pp. 154-61.

papers like the LaCrosse Tribune, whose editor warned his readers:

If Wisconsin nominates a LaFollette candidate the news will go forth to every place where German strategy knows it will help Germany and weaken and discourage her foes. Germany awaits not battle news . . . with the eagerness with which she awaits a disloyal message from Wisconsin."²⁴

Lenroot won the Republican primary by a slim margin of 2,414 votes out of 143,958 cast. Joseph Davies, ex-Chairman of the Federal Trade Commission, secured the Democrat nomination. The April election was marked by the direct intervention of President Wilson on behalf of Davies. Wilson, in a published letter praising Davies, cast reflections on the loyalty of Lenroot. The McLemore resolution, the embargo issue and the armed ship controversy, the President declared, presented the first opportunities to apply "the acid test" to disclose "true loyalty and genuine Americanism". He further stated that while the majority of Wisconsin was loyal, the election of Lenroot "would by no means demonstrate that loyalty". To further aid Davies, Wilson sent several prominent Democrats, including the Vice President, into the state to campaign for him. The contest resulted in one of the bitterest partisan struggles the state had ever known.²⁵

²⁴LaFollette, op. cit., pp. 863-6; LaCrosse Tribune, March 19, 1918, p. 3, col. 2, 3, editorial.

²⁵H. C. Peterson and Gilbert C. Fite, Opponents of War, 1917-1918 (Madison: The University of Wisconsin Press, 1957) p. 164; LaFollette, op. cit., pp. 869-72.

Thompson was a close acquaintance of Esch's. He had supported him in the 1912 primary against Dahl. He himself was supported by many who were active Esch men. The Congressman, as usual, did not become involved in the primary battle. He endorsed neither of the Republican candidates although he probably tended to favor Lenroot. Once the primaries were over, however, Esch announced that Lenroot would receive his "most cordial support."²⁶

As the campaign unfolded many Republicans became alarmed. The administration's heavy support of Davies and the growing support of Victor Berger's (Socialist) candidacy caused many Republicans to fear that they would lose both the pro-war and the German vote. Esch was urged to return home and campaign for Lenroot. Some, like Frank Winter, claimed that he could help "Loyalty and Lenroot" more than anyone else in the state.²⁷

Esch did not return home to support Lenroot but he did aid his campaign. As Chairman of the National Republican Congressional Committee, he had cooperated with the Senatorial Campaign Committee in an effort to promote Lenroot's candidacy by raising funds and securing speakers for his campaign. As Lenroot best knew the nature of the situation and which speakers

²⁶ Esch to Carl F. Michell, March 21, 1918, ME/45, Esch Papers.

²⁷ Frank Winter to Esch, March 25, 1918, ME/45, Esch Papers.

would "be most effective" and "help, not injure his cause", the selection of speakers had been left to him. He did not ask for any of his Wisconsin colleagues. Esch personally thought he was wise in this decision:

. . . due to the fact that all of us save himself and Classon voted against the war resolution, that if we went home and came out on the stump and supported him it would give Davies the very argument he was seeking, namely that Lenroot was not being supported by the loyal element.²⁸ I feel this way myself and so stated to the committee.

On April 2, Lenroot defeated Davies by a narrow margin. Esch was especially pleased with the outcome considering the "bitterness and unfairness" of the campaign by the Democrats. He was disturbed by the administration's assaults on Lenroot's loyalty since he had voted with him on most issues. He considered Lenroot's victory a rebuke to the administration's highly partisan methods in trying to influence the election and hoped it might check further attempts of this nature and that Lenroot's victory might be an indication that he himself would not have much trouble in securing renomination.²⁹

3. 1918: PROHIBITION AGAIN AN ISSUE

²⁸ Esch to Frank Winter, March 25, 1918, ME/ 45, Esch Papers.

²⁹ LaFollette, *op. cit.*, p. 873; Esch to Carl Robenstien, April 4, 1918, ME/45; Esch to William B. Tschanner, April 12, 1918, ME/45, Esch Papers.

Esch was optimistic about his coming campaign. The Loyalty Legion, the Liberty League and the National Security League were busy organizing against all Congressmen who had opposed the declaration of war and conscription. Well organized campaigns were under way to unseat Congressmen Cooper, Davidson, Nelson, Cary and Frear. By mid-May Cary, Davidson and Frear all had League candidates against them. Nelson had three opponents. In Coopers district, the patriots called for a convention for the purpose of putting a candidate up against him on a loyalty platform. Esch, meanwhile, had heard of no opposition to himself in the primaries. He did realize, however, that with the "rapidly changing political conditions due to the war", there was plenty of time for candidates to enter.³⁰

Throughout the spring and summer of 1918, Esch received favorable reports concerning his coming candidacy. Frank Winter wrote him from LaCrosse that men who swore they would never vote for him again signed his nomination papers. As some of the "outs" were endeavoring to get in under the claim of super-patriotism in other districts, Winter suggested that he return home and solidify his own position. In the same respect, his brother Will urged him to return home and make

³⁰ Maxwell, Emanuel L. Philipp, p. 175; Esch to Fred C. Stevens, May 20, 1918, ME/45, Esch Papers.

loyalty speeches, for he felt that if he let the matter "drift too long" he could expect trouble. He further stated:

The people don't care how busy you keep at Wash. [ington]. What they want is to be told about it and patted upon the back and right now is the time to do it.³¹

The partisan tactics employed by the administration in the Senatorial contest threatened to be a major factor in the fall elections. The exigency of war gave the Democrats a golden opportunity to carry the state. Esch realized that if the Democrats decided on the right man to oppose him he might have a hot fight on his hands. To make the situation more serious, Esch's vote on prohibition had brought another issue into the campaign. Early in 1918, he was informed that the liquor interests in the district had him slated for defeat in the coming elections. The district brewers, particularly those of LaCrosse, were financing a propaganda campaign against him. Esch was aware that a combination of the anti-prohibition and super-patriot forces behind a strong candidate could mean trouble for him in November.³²

Esch's fears were probably dispelled somewhat when the district Democrats endorsed Arthur A. Bentley, the Mayor of LaCrosse, to oppose Esch. Though Bentley opened his campaign

³¹ Frank Winter to Esch, July 23, 1918, ME/46; William F. Esch to Esch, July 2, 1918, ME/46, Esch Papers.

³² George Staudemayer to Esch, January 20, 1918, ME/44; Esch to Frank Winter, January 29, 1918, ME/44, Esch Papers.

on a platform of patriotism and loyalty, it soon became apparent to many that prohibition would be a principal factor in the contest. Although Bentley had the support of the liquor interests, Esch had little fear of his candidacy and doubted that he would even carry the city of LaCrosse.³³

The Democrats had chosen the wrong man for their standard bearer. The issues could not overcome Bentley's character. The mayor had made many enemies in the district. One LaCrosse man asserted that for the district "to be represented by a smooth tongue, . . . backed up by organized evil would be a public misfortune and disgrace." He went on to say that Bentley might make a strong fight "backed as he is right in this town, by those forces which have always made politics a rotten proposition." Frank Winter cynically expressed the possibility that Bentley would carry LaCrosse, declaring, "our local bunch would vote for the Kaiser if he would agree to have open saloons and an open town".

In the September primaries, the super-patriots secured the defeat of Congressmen Cooper, Cary and Nelson and had given Frear a good fight. Esch was renominated without

³³LaCrosse Tribune and Leader Press, July 12, 1918, p. 6, col. 1; July 25, 1918, p. 1, col. 2; Esch to William B. Tscharner, July 27, 1918, ME/46, Esch Papers.

³⁴Esch to W. B. Tscharner, July 27, 1918, ME/46; Leigh Toland to Esch, July 8, 1918, ME/46; Frank Winter to Esch, August 24, 1918, ME/46, Esch Papers.

opposition. On the first count of the primary ballots, Bentley did not secure the necessary number of votes--ten percent of those cast for the governor two years previously--to permit his name to be printed on the regular ballot. Esch collected 13, 506 votes to the Mayor's 1, 361--six shy of the necessary number. Bentley, however, was able to make up the deficit. Eleven scattered Democratic votes in the district were awarded to him by the Secretary of State, thus enabling his name to be printed on the official ballot.³⁵

Whatever fears Esch may have had of Bentley's candidacy must have been relieved when the Mayor's paper, the Weekly Review, came out in support of Governor Philipp for reelection. Bentley claimed that Philipp, a Republican, stood "squarely behind Wilson" in the prosecution of the war. By supporting Philipp, he declared he was proving his loyalty more than by fusing with the state Republicans who were bent more on destroying Philipp than on "the future place of Wisconsin's war record". He accused the State Committee of sacrificing Wilson support in Wisconsin for the election of Moehlenpah and his "dry" platform. One of the "greatest crimes committed in our political history" he claimed, was the "capitalizing on the misery of war to put over dry legislation."

³⁵Esch to H. A. Johnson, September 19, 1918, ME/47; William B. Naylor to Esch, September 26, 1918; September 27, 1918, ME/47, Esch Papers.

Bentley was promptly read out of the party by both the County Chairman and the State Central Committee.³⁶

In 1918 Congress had voted to send the prohibition amendment to the states for ratification. Thus the issue had ceased to be a Congressional question. Nevertheless, prohibition continued to be a much debated political issue. Bentley ran on a platform condemning prohibition and attacking Esch's stand on the question. But since the Mayor supported Philipp he refrained from assailing the "Americanism" of Esch's pre-war record which was similar to the governor's. Since the district was almost completely "dry", the LaCrosse Tribune doubted that Bentley expected to be elected. The Tribune speculated that the Mayor was more interested in securing a "home endorsement" for some "future aspiration".³⁷

The Seventh District Congressional contest was a relatively quiet one. In early October, Esch's secretary informed him; "It seems almost impossible . . . to get anyone interested in politics this year. It is all war, liberty loan, and influenza". The State Republican Committee announced that there would be no campaigning in the state by its members until the Liberty Loan drive ended on October 19. Committee and conference

³⁶LaCrosse Tribune and Leader-Press, November 3, 1918, p. 4, col. 1, 2; November 4, 1918, p. 2, col. 1, 2.

³⁷LaCrosse Tribune and Leader-Press, November 4, 1918, p. 4, col. 2, 3, editorial.

work kept Esch in Washington until late in October. Moreover, the influenza epidemic that was sweeping the nation reached Wisconsin. All schools, movies, theatres, churches and other places of public assembly were closed down in the district on the orders of the state health officials. Consequently, Esch's opponent was unable to conduct much of a campaign. Esch left Washington on October 27. In a few days tour of the district, he found little political activity there and in some places found no opposition to himself.³⁸

When the final results were in, Esch was overwhelmingly reelected. He received as big a plurality as he ever received. Esch secured 16,140 votes to Bentley's 6,109. He won every county in the district including LaCrosse, which he won by 545 votes. He carried every township and village in the county and ten of the city's twenty-one wards. He lost the city by only forty-five votes. His heaviest opposition came from the wards where the "liquor people" were strongly entrenched and where the breweries were located. The LaCrosse "wets" had proven to be strong and well organized in the city. Bentley and Philipp both ran strong while Esch's vote was significantly out. The Democrat's "dry" candidate for governor

³⁸ Esch to George J. Redman, October 9, 1918, ME/47; Clarence Weber to Esch, October 9, 1918, ME/47; October 11, 1918, ME/47; Esch to George A. West, November 4, 1918, ME/48, Esch Papers.

lost heavily in the city.³⁹

³⁹Esch to William Herbst, November 21, 1918, ME/48; Esch to George Esch, November 9, 1918, ME/48, Esch Papers; IaCrosse Tribune and Leader-Press, November 7, 1918, p. 3, col. 2, 3.

CHAPTER VI

RECONSTRUCTION AND DEFEAT

The election of 1918 marked the beginning of the end of John Esch's Congressional career. After straddling Wisconsin's political fence for almost two decades--withstanding opposition from both the conservatives and the progressives--Esch was finally defeated during the political upheaval that followed World War I. America's entry into the war shattered the progressive movement in the United States. Post-war disillusionment led to the resurgence of conservatism throughout the country. In contrast to the rest of the nation where progressivism was in retreat and the call was "back to normalcy", Wisconsin politics took a swing to the left. By 1920 the LaFollette forces were firmly entrenched in the state. Esch, nominally a liberal, came to be considered by many of his old supporters as a reactionary. His part in the framing of the Esch-Cummins Act, "the Crime of 1920", was largely responsible for creating this change of attitude towards him.¹

I. THE TRANSPORTATION ACT OF 1920

During the election of 1918, Esch based what there was of his campaign on the issue of reconstruction. If the next House was Republican, he claimed, his position as Chairman of

¹Robert S. Maxwell, Emanuel L. Philipp, Wisconsin Stalwart (Madison: The State Historical Society of Wisconsin, 1959), p. 208.

the House Committee on Interstate and Foreign Commerce would enable him to be of great service to the district, state, and nation:

Having been on the committee which helped to frame many of the war measures, I feel I can be of greater service to the country in framing and securing the passage of reconstruction laws than any novice no matter how able he may be.²

One week after John Esch was reelected to his eleventh term in Congress, the war in Europe ended. As Esch had foreseen, the newly elected Congress was to be saddled with the momentous task of post-war reconstruction. Of immediate concern to most after the conclusion of hostilities was the controversy that developed over the terms of the peace treaty and America's entry into the League of Nations. Although the debate over the Versailles Treaty assumed a position of supreme importance, the conclusion of the war brought forth several domestic problems which called for prompt attention. The most imperative of these was the disposition of the nation's railroads. As the newly appointed Chairman of the House Committee on Interstate and Foreign Commerce, John J. Esch was to become deeply involved in the controversy that followed.

The future status of the nation's railroads was left

²Esch to O. O. Munson, October 17, 1918, ME/48; Esch, clipping, ME/48, Esch Papers.

to Congress to determine. On December 2, 1919, two days before President Wilson embarked for the Paris peace conference, he addressed a joint session of Congress. In an address devoted to many domestic matters, the President informed the lawmakers that he had no "confident judgement" of his own concerning the future disposition of the country's railroads, but that it would be a disservice to the nation to return to "the old conditions unmodified." He recommended that Congress make a thorough and impartial study of the situation. Unless that body acted without delay, Wilson declared, he would return the roads to their owners by the spring of 1919.³

On January 2, 1919, the Senate Interstate Commerce Committee began hearings on the problem. Esch, deeply concerned over the future disposition of the roads, followed closely the different plans that were proposed for their operation. On January 4th and 5th, William Gibbs McAdoo, former Director-General of the Railroad Administration, appeared before the committee and urged the continuation of federal control for five years to test the method fairly under normal peacetime conditions. He predicted that if the roads were returned to their owners at this time without such a trial the country would have "the employees, something like 2,000,000

³New York Times, December 3, 1918, p. 1, col. 7, p. 3, col. 5, 6, 7, 8.

of them, in political ferment."⁴

On January 8, 1919, Commissioner Clark appeared before the committee and expressed the majority opinion of the I.C.C., that the roads should be returned to private management within a "reasonable" period under "broadened, extended and amplified government regulation." He outlined a plan for legislation which would have permitted the elimination of unnecessary competition, the pooling of facilities, government prescription of maximum and minimum rates and federal regulation of extensions and finances. One commissioner, Woolley, dissented from the majority opinion in favor of the McAdoo plan.⁵

Several other suggestions and proposals promptly followed. The Director-General, Walker D. Hines, urged an early solution so that the railroads return to private management could be effected "without unreasonable delay". The Railroad Executives and the State Railway Commissioners also offered alternatives. The most controversial proposal was submitted by Glenn E. Plumb on behalf of the four railroad brotherhoods. Under the Plumb plan the railroads would be purchased by the government, operated by a corporation formed by both the employees and management and run on a cooperative basis.

⁴Ibid., January 4, 1919, p. 1, col. 3; January 5, 1919, p. 1, col. 2.

⁵Ibid., January 8, 1919, p. 1, col. 3.

The four brotherhoods and the other railroad unions readily endorsed this proposal.⁶

John Esch was and always had been averse to government ownership of the railroads. He had favored federal intervention as a war measure and believed that it had demonstrated certain advantages that should be retained. After long and careful study of the problem, he concluded that "private ownership permitting initiative and competition in service under rigid and wise federal control "would be the best solution. While holding that the roads should be returned to private management, Esch felt that Congress should "seek to retain whatever of benefit and advantage government control has demonstrated."⁷

Immediately after the President's message of December 2, 1918, Esch began working on legislation to govern the return of the carriers to their former owners. He believed that a powerful I.C.C. would be essential to prevent chaos when the roads were turned back. Consequently, he rejected most of the features of the other plans and set about framing a bill that incorporated most of the suggestions made by the

⁶Ibid., February 7, 1919, p. 1, col. 3; May 9, 1919, p. 12, col. 1; Philip Taft, Organized Labor in American History (New York: Harper and Row, 1964), p. 393.

⁷Esch to W. W. Bosshard, December 20, 1918, ME/48; Esch to R. G. Knudson, December 9, 1918, ME/48, Esch Papers.

I.C.C. On June 2, 1919, Congressman Esch presented his railroad bill to the House. Senator Pomrene of Ohio presented an identical bill in the Upper House. The Esch-Pomrene bill provided for strict regulation of the railroads and other commercial carriers by the I.C.C. after their return to private control. The measure gave the Commission almost complete authority over rates, service, consolidation, extensions, security issues and virtually all physical operations of the roads.⁸

For a good part of the summer of 1919, the House Committee was engrossed in hearings on the Plumb Plan. After hearing proponents of this scheme the committee concluded that government ownership "was not and never can be the solution of the railroad problem". Once the hearings on the Plumb plan terminated, the committee went to work on its own railroad bill. The committee decided not to adopt new and untried measures but rather "to build on a structure already in existence, whose foundations were well laid."⁹

While the House committee was considering the Esch bill, Senator Lenroot introduced a measure in the Upper Chamber contemplating the unification of the country's lines into a

⁸New York Times, June 3, 1919, p. 4, col. 5; October 19, 1919, Sec. IX, p. 3, col. 1, 2, editorial.

⁹Ibid., November 12, 1919, p. 21, col. 2; November 17, 1919, p. 4, col. 1; August 27, 1919, p. 5, col. 3.

national system under private ownership. A week later, Senator Cummins of Iowa presented a bill proposing the return of the roads to private management under rigid government control. Cummins called for the division of the roads into several regional systems, each to be owned and operated by separate corporations under the direction of a transportation board. The I.C.C. would be given jurisdiction over the formation of the plan and retain its supervisory powers over rates. By this bill, the carriers were to be guaranteed a $5\frac{1}{2}$ to 6% return on the value of their property. The Cummins bill also included an anti-strike provision with heavy penalties for strikes and lockouts.¹⁰

Early in November, the House committee reported out the Esch bill which differed radically from the Cummins proposal. The House bill did not provide for a Transportation Board, but rather enlarged and greatly extended the powers of the I.C.C. It contained no provision for guaranteeing the railroads a fixed income. The measure did not include an anti-strike clause but rather provided for the creation of an arbitration board to settle labor disputes. It also prescribed penalties for damages resulting from lockouts and strikes in violation of contract. The House, however, eliminated this

¹⁰Ibid., August 28, 1919, p. 18, col. 3, September 3, 1919, p. 1, col. 8.

clause despite the protests of Chairman Esch. The Wisconsin Congressman urged its retention, protesting that without some way to prevent strikes, the country would find itself paralyzed someday by a nation-wide walk-out. The amended bill passed the House on November 18, 1919. A month later the Cummins bill passed the Senate by a vote of 46 to 30.¹¹

On Christmas Eve, 1919, President Wilson announced he would return the lines to their former owners on March 1, 1920. A month later the Esch-Cummins bill was filed in the House and the Senate. The conference bill embodied much of the original House measure. The Transportation Board was dropped and the I.C.C. was increased to eleven members with greatly enlarged powers. In the final bill consolidation and merger were permissible, but not compulsory as in the Cummin's proposal. The anti-strike clause was stricken out and replaced by an article creating an arbitration board with jurisdiction over wage disputes. The House members yielded on only one point--the guaranteed return on property value clause. The Esch-Cummins bill passed both houses in February and was signed into law in March, 1920. On March 1, 1920, the railroads of the country were restored to private control.¹²

¹¹New York Times, November 15, 1919, p. 1, col. 7, p. 2, col. 4, 5; November 18, 1919, p. 1, col. 4; December 21, 1919, p. 1, col. 3.

¹²"The Railway Bill", Outlook, 124 (March 3, 1920), p. 364; New York Times, February 5, 1920, p. 1, 4; February 22,

2. THE CRIME OF 1920

The disposition of the nation's railroads became one of the most hotly debated subjects in post-war America. By the elections of 1920, the Esch-Cummins Act had become an issue rivaling the League of Nations in political importance. While many Americans approved the return of the roads to private control, a large and well-organized minority advocated the adoption of the Plumb plan of government ownership. The principal opponents of the Esch-Cummins Act were organized labor and various farm organizations, particularly the Non-Partisan League.

America's entry into the war provided labor with an extraordinary opportunity for advancement of which it took full advantage. By the end of the war labor was in an optimistic mood. Organized labor was looking forward to a "favorable reconstruction program." The railroad brotherhoods were in a similar mood. Government operation of the carriers had greatly strengthened the railroad labor movement. The brotherhoods emerged from the war with perhaps the strongest labor organization in the country. Based upon their experiences under federal control, the unions were anxious for the government to retain possession of the roads. As one historian of the era observed; "The war gave the unions their first

taste of real power and their first opportunity to engage in experiments with the joint control of industry."¹³

When the government prepared to turn back the roads to their owners, the railway unions rallied their forces to prevent the return to the conditions that had prevailed before the war. The railroad unions attempted to secure the retention of federal control through the enactment of the Plumb Plan. The heads of the railroad unions and brotherhoods formed the Plumb Plan League to promote the plan before Congress and started the weekly journal Labor to publicize the scheme.¹⁴

In the summer of 1919, the brotherhoods joined with several other unions to form a national labor party. They embarked on a campaign to raise funds for a Plumb plan propaganda drive to educate the people on the advantages of government ownership. The newly formed organization laid plans to stage demonstrations throughout the country with the intention of carrying their fight into the next election if their demands were not met. They contemplated the election of a "Plumb plan Congress" if the present body refused to meet their requests. The party leaders declared that if the nation's

¹³Taft, op. cit., pp. 272-3; Kenneth Campbell MacKay, The Progressive Movement of 1924 (New York: Columbia University Press, 1947), pp. 29-30.

¹⁴Taft, op. cit., p. 373; MacKay, op. cit., p. 30.

lawmakers did not recognize the demands of labor they would "go out among their constituents and beat them" and elect a Congress that favored their program.¹⁵

When the Esch and Cummins bills were up for consideration, organized labor voiced its disapproval of both of them. At an A. F. of L. conference, Samuel Gompers proposed that the Plumb plan be substituted for the Esch and Cummins measures. The Esch bill was denounced by the brotherhoods and thirteen railway unions. They considered the labor provisions of this measure more "vicious" because they were more subtle than those in the Cummins bill. The Transportation Act passed both houses of Congress and was signed by the President notwithstanding the protests of organized labor. The labor leaders threatened to organize a campaign to defeat all Congressmen who had voted for the bill.¹⁶

Several farmers' organizations joined in the assault on the Esch-Cummins bill. Chief of these groups was the Non-Partisan League. Although discredited by the war, the League still had thousands of adherents in the Northwest in 1920. The organization was strongly in favor of government operation

¹⁵New York Times, July 10, 1919, p. 3, col. 3; August 6, 1919, p. 1, col. 5.

¹⁶Ibid., October 31, 1919, p. 3, col. 4; November 13, 1919, p. 1, col. 6, p. 4, col. 4; February 21, 1920, p. 1, col. 5.

of the railroads. The Farmer's National Council also favored the extension of federal control and joined the Non-Partisan League in denouncing the Esch-Cummins bill.¹⁷

While the Esch-Cummins act was up for consideration, Esch received word from LaCrosse that things were getting dangerous at home and that he might be defeated if he did not return soon. Strong opposition was forming against Esch in the state and district, much of which was the result of the Transportation Act. The most formidable opponent he had to reckon with was Robert LaFollette. The Senator had made no serious effort to oppose him since 1912. Charges of disloyalty had kept LaFollette on the defensive throughout the war years. The result of the special Senatorial primary in 1918 --Thompson's strong showing--would suggest that even during the war LaFollette had a sizable personal following in the state. Once the war ended, LaFollette again emerged as the dominant political force in the state.

While relations between Esch and the Senator may have warmed during the neutrality controversy, once the war began, the split between the two men widened considerably. Although Esch had stood with LaFollette on the neutrality issue, he did not actively participate in the debate. Subsequently, Esch

¹⁷New York Times, February 21, 1920, p. 1, col 5; Russell B. Nye, Midwestern Progressive Politics (New York: Harper and Row, 1959), pp. 293-5.

pursued a course more similar to that of Lenroot and Classon than of LaFollette and his lieutenants. While he never uttered a word against LaFollette during the war--when it was considered the patriotic thing to do--Esch did not particularly approve of his course. While not opposing Thompson in the primary of 1918 he eventually endorsed Lenroot whom LaFollette bitterly attacked. It was almost inevitable that once back in power, LaFollette would make another attempt to unseat the Congressman. Esch's part in the enactment of the Esch-Cummins Act insured LaFollette's opposition.

Robert M. LaFollette was the leading Congressional opponent of the Esch-Cummins Act. As a member of the Senate Committee on Interstate Commerce, LaFollette followed closely the hearings on the railroad situation and was impressed by McAdoo's argument for a five-year extension of government control. On November 10, 1919, the Senator submitted a seventeen-page minority report on the Cummins bill which he claimed contained "every vice which is supposed to adhere in Government ownership and none of its virtues." He warned the Senate that guaranteeing the railroads a net profit would "put a premium on extravagance" for which the public would pay in ever-increasing rates. When the debate on the Cummins bill began on December 9, he delivered five speeches on five successive days denouncing it. He unsuccessfully attempted to secure an amendment extending federal operation for two years. When

the proposed law came up for a vote, LaFollette was too ill to lead another fight against it but his opposition was recorded.¹⁸

3. The 1920 Primaries; The End of a Career

The state Presidential Primary of 1920 was the first test of strength for the LaFollette forces in Wisconsin since the war. The LaFollette progressive candidates were opposed by an unrestricted delegation headed by Governor Philipp. The progressives platform contained nineteen planks, one of which advocated the repeal of the Esch-Cummins law and the ultimate public ownership of the nation's railroads. The platform also recommended the gradual acquisition of the stockyard terminals, the large packing plants and other national resources. The Presidential primary resulted in an overwhelming victory for the LaFollette forces. The progressives elected twenty-two of the state's twenty-six delegates. Their four delegates-at-large carried the state by more than 50,000 votes.¹⁹

In Wisconsin the League of Nations and the Esch-Cummins Act were the most hotly debated issues throughout the elections of 1920. Early in the year the LaFollette forces began a

¹⁸Belle Case and Fola LaFollette, Robert M. LaFollette, II (New York: the Macmillan Co., 1953), pp. 986-8.

¹⁹Ibid., pp. 992-5.

statewide propoganda campaign denouncing the treaty and railroad law. LaFollette himself was especially severe in condemning these items. The Senator endorsed James Thompson for the Senatorship against Lenroot and John J. Blaine for the governorship on a platform advocating the repeal of the railroad act. He supported his own henchman, Joseph D. Beck, former State Industrial Commissioner and father of Wisconsin's Workmen's Compensation Act, against John Esch for the Seventh District Congressional nomination.²⁰

While disaffection over the Transportation Act was steadily mounting, other anti-Esch forces were at work in Wisconsin. Economic discontent was spreading throughout the state. The high cost of living--oppressive during the war--rose even higher after the war. Prices for farm commodities tumbled with the result that the purchasing power of the Wisconsin farmer fell to 82% of the 1910-14 level. High prices and attempts to lower wages antagonized organized labor. The enactment of the Esch-Cummins Act had angered the railroad brotherhoods. Conditions were such that the Non-Partisan League became stronger than ever in the state by 1920.²¹

²⁰Ibid., pp. 1014-15; New York Times, September 9, 1920, p. 3, col. 5; LaCrosse Tribune and Leader-Press, August 24, 1920, p. 10, col. 1, 2.

²¹Herbert F. Marquillies, "The Election of 1920 in Wisconsin; The Return To 'Normalcy' Reappraised", Wisconsin Magazine of History, 41 (Autumn, 1957), pp. 18-19; William F. Raney, Wisconsin: A Story of Progress (New York: Prentice-Hall Inc., 1940), p. 257.

The growing economic discontent in the state led to the formation of a farmer-labor coalition in the spring of 1920. Representatives of the mushrooming Non-Partisan League met with other farm leaders, members of the State Federation of Labor and the railroad brotherhoods and the leaders of various progressive organizations in Milwaukee in March, 1920 to discuss the coming elections. The Milwaukee meeting produced a full scale farmer-labor convention in Madison in June. The convention adopted a platform and endorsed candidates acceptable to the LaFollette forces. The farm-labor alliance subsequently put forth an "unprecedented political effort" throughout the summer of 1920.²²

Opposition to Esch began to mount in the district during the summer of 1920. Beck supporters were canvassing the district calling for the repeal of the "Crime of 1920" and denouncing its author as a "tool of special privilege". The railroad brotherhoods sent out letters to all their members urging the defeat of Esch and Lenroot. The brotherhood executives asked their members:

. . . in the name of that liberty which we hope to wrest again from the financial pirates of Wall Street, we urge with the force at our command that every railroad man within this state make every effort in his power to bring about the defeat of Congressman Esch and Senator Lenroot.

At a conference held in LaCrosse on August 14 under the auspices

²²Marquillies, op. cit., p. 20.

of the Non-Partisan League, Thompson and Beck received the unanimous endorsement of every trade union, railroad brotherhood and farm organization in the Seventh District.²³

John Esch returned home and toured the district from August 26 to September 6, 1920. He embarked on an aggressive speaking tour in defense of the Esch-Cummins Act, concentrating on the larger cities of the district. Governor Philipp spoke in LaCrosse in behalf of the renomination of Esch and the Transportation Act. Representative Sydney Anderson came over from his Minnesota district to campaign for the Wisconsin Congressman. Esch received the endorsement of the LaCrosse Tribune which declared that a vote against Esch "on the issue of the Esch-Cummins law is a vote against private ownership and in favor of public ownership of the railroads". But the opposition against him was too strong. Beck carried LaCrosse County by more than 2000 votes. The railroad and labor wards in the city rolled up overwhelming totals for the LaFollette candidate. Esch lost many votes in the rural counties and was unable to make up the deficit. John Esch fell, a casualty to the progressive onslaught that swept the entire state, resulting in the defeat of every non-LaFollette official except Lenroot and Classon.²⁴

²³LaCrosse Tribune and Leader-Press, August 15, 1920, p. 1, col. 3, p. 6, col. 4.

²⁴LaCrosse Tribune and Leader-Press, August 23, 1920,

3. JOHN J. ESCH, 1921-1941

The House of Representatives paid John J. Esch an unusual tribute when he retired on March 3, 1921, after twenty-two years of continuous service. Members from both parties stood and cheered as Representative Mann expressed the hope that he would continue his career in another area of government service. Eight days later, President Harding appointed him to the Interstate Commerce Commission for the term ending December 31, 1927, to succeed the retiring Commissioner Woolley.²⁵

Senator LaFollette succeeded in blocking Esch's confirmation until the end of the special session. He considered the selection of the ex-Congressman a violation of principles that should govern all appointments of a "judicial nature". If Esch's appointment was confirmed, LaFollette asserted, he would sit upon a semi-judicial body conducting an investigation and as commissioner would "pass upon the propriety of acts to which he had already given his consent as legislator." On March 21, 1921, President Harding, with the approval of

p. 6, col. 1; August 26, 1920, p. 1, col. 3; September 1, 1920, p. 2, col. 2, 3, editorial; September 3, 1920, p. 1, col. 7; September 8, 1920, p. 1, col. 4; Marquillies, op. cit., p. 20.

²⁵C. A. Miller, The Lives of the Interstate Commerce Commissioner's and the Commission's Secretaries, reprint from the I.C.C. Practitioners Journal, 1946, p. 106.

the Senate Interstate Commerce Committee, granted Esch a recess appointment to the Commission. LaFollette submitted a minority report protesting the appointee's qualifications for the position. The Senate confirmed Esch's selection by a vote of 52 to 3, LaFollette being the only Republican to vote against it.²⁶

John J. Esch sat on the I.C.C. from 1921 to 1928 and served as its Chairman in 1927. In December of that year he was reappointed by President Coolidge for the term ending December 31, 1934. The Senate took no action on the nomination and in January, 1928, he received a recess appointment. A bloc of Senators from the Southern coal states opposed his nomination because of his stand on the Cargo Coal Rate case, whereby railroads serving the Pennsylvania mines were permitted to reduce their rates to the Lake ports. The South charged that Esch's views gave Pennsylvania an undue competitive advantage. The Senate committee made an adverse report on Esch's appointment and his nomination was consequently rejected by the Upper House. Subsequently, John J. Esch retired from the Commission at the end of the session of Congress.²⁷

²⁶LaFollette, Robert M. LaFollette, pp. 1025-7; Miller, op. cit., p. 106.

²⁷LaCrosse Tribune, April 28, 1941, p. 2, col. 3; Miller, op. cit., p. 107; "Upsetting Esch Case", Literary Digest, 96 (March 31, 1928), pp. 8-9.

After retiring from the I.C.C., Esch resigned from the LaCrosse law firm of Winter, Morris, Esch and Holmes and joined the Washington D. C. establishment of Esch, Kerr, Woolley, Newton and Shipe. He became the organizer, and a charter member of the Association of Practitioners before the I.C.C., and served as its president in 1931. From 1930 to 1938 he was President of the American Peace Society. In 1938 he retired from his law practice and returned to LaCrosse. On Sunday morning, April 27, 1941, John Esch was fatally stricken shortly before leaving home to attend church services. He died at home a little more than one month after his eightieth birthday.²⁸

4. CONCLUSION

Congressman John Jacob Esch was one of Western Wisconsin's more distinguished public servants in the twentieth century. While the Congressman never attained the national importance of "Fighting Bob" LaFollette, he was an influential figure in Wisconsin politics during the first two decades of the century. Although largely overshadowed by the state's famous Senator, Esch achieved national prominence during his career through his congressional leadership in the field of

²⁸LaCrosse Tribune, April 28, 1941, p. 2, col. 3, p. 1, col. 3.

Interstate Commerce, particularly in areas of railroad safety and federal regulation of transportation.

It has long been assumed by many that the states Congressional delegation after 1910--excluding the Democrat members--was composed of LaFollette henchmen who automatically echoed the sentiments of the Senator. There is also a tendency among Wisconsin historians to classify en masse those Republicans not belonging to the LaFollette fold as stalwarts or conservatives. Congressman Esch has been categorized by various authors as both a LaFollette progressive and a Republican stalwart. John Esch was an independent Republican as far as Wisconsin was concerned. He was a progressive, but his progressivism was not that of LaFollette. He was first and foremost a Republican, but not of the conservative stamp. John Esch was his own progressive. He paid blind fealty to no one faction of the party and recognized no political boss, but did his own thinking on issues as they arose. He championed legislation he thought was right and fought those measures he believed to be detrimental to the welfare of his constituents and the nation generally.

Although the period from 1914 to 1920 comprised but a part of John Esch's political career it represented six of the most eventful--if not the most important--of his career. The advent of war forced the Wisconsin Congressman and many other Midwestern isolationists to take an active interest in

foreign affairs. During the subsequent controversy over neutral rights he became highly critical of the administration's course which he believed would lead the nation into a war in which it had no vital interest at stake. So when the cry became "Stand behind the President" John Esch chose to follow another maxim; "My Country; may she ever be right, but if wrong, help to set her right." In his attempt to "set her right" he opposed Wilson's "acid test" measures and the declaration of war which left him vulnerable to attacks on his loyalty and patriotism. Once America entered the conflict Esch faithfully supported the Administration's war program. Although he was subjected to abnormal pressures and criticism from the super-patriots in the state and district, Esch escaped the fate of Nelson, Cary and Cooper in the elections of 1918.²⁹

Three nonpartisan issues--immigration restriction, women's suffrage and prohibition--assumed positions of immediate importance during the war years. Each had a host of fanatical advocates. Regardless of the position he assumed, Esch's votes on these questions were sure to antagonize a portion of his constituency. Nevertheless, he cast his vote for all three by 1918. He also participated in the socialistic experiment with the nation's transportation system during the war. The

²⁹Esch to F. P. Ainsworth, May 20, 1916, ME/37, Esch Papers.

results of the experiment failed to convince the Congressman of its beneficence. Consequently, he took the lead in securing the return of the railroads to private management. A long-time advocate of a powerful I.C.C., Esch framed much of the Transportation Act which gave the Commission almost absolute powers over the regulation of the nation's transportation systems.

The Esch-Cummins Act represented, for the most part, the railroad legislation that progressives had been demanding for almost two decades. It is ironical that this Act spelled the defeat of its author--John Esch. While post-war American politics shifted to the right, Wisconsin made a decided swing to the left. By 1920, Wisconsin progressives were stronger than ever. Government ownership of the railroads had gained many proponents in the state. The growing agricultural organization and the large railroad labor force rallied behind the LaFollette machine. John Esch and his railroad law became principal targets of attack in 1920. That the Esch-Cummins Act was most responsible for his defeat in 1920 there is no doubt. But it is improbable that it was the sole cause.

The breach that occurred between LaFollette and Esch in 1912 widened during the war. Esch gradually came to be identified with the Lenroot-Philipp faction of the party and was ultimately labeled a reactionary by the LaFollette forces. His stand on the immigration, women's suffrage and