Feature Article

Progressivism Triumphant: The 1911 Wisconsin Legislature

Portrait of Robert M. La Follette, Sr.

Senate Reception Room of the U.S. Capitol (Lauren Victoria Burke)

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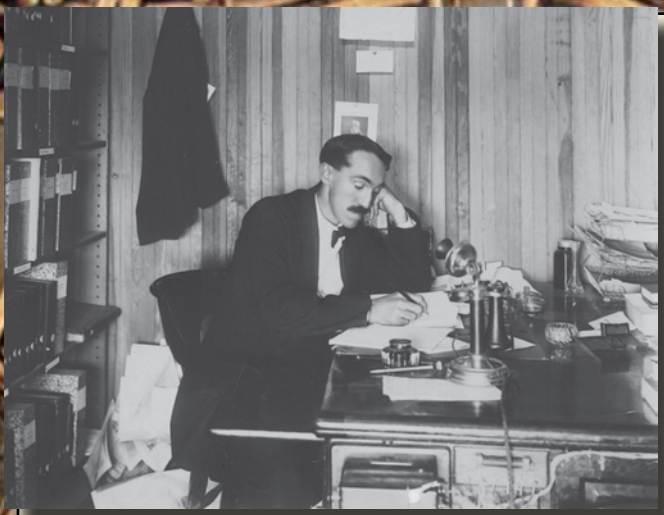
The year 2011 marks the centennial of what was almost certainly the greatest legislature in Wisconsin history, quite possibly in any state. The totality of its achievements in such disparate areas as labor legislation, taxation, conservation, education, democratization, government reorganization, transportation, and economic regulation was unprecedented and remains unequalled.

Former President Theodore Roosevelt exulted that Wisconsin "has become literally a laboratory for wise experimental legislation to secure the social and political betterment of the people as a whole" and a model of "scientific popular self help and of patient care in radical legislation." Elaborating on that theme, prominent intellectual and activist Fredric C. Howe was inspired to write *Wisconsin: An Experiment In Democracy,* in which he proclaimed that the state was "an experiment station in politics, in social and industrial legislation, in the democratization of science and higher education" and a "state-wide laboratory in which popular government is being tested in its reaction on people, on the distribution of wealth, on social well-being." Famed historian Frederick Jackson Turner, who had just recently left the University of Wisconsin for Harvard, congratulated Charles McCarthy, director of the state's Legislative Reference Library (LRL), on a "great step forward," adding that Wisconsin's "sons in other sections ought to be proud of her initiative in tackling such fundamental problems." The Socialist New York *Call* editorialized that "it is in Wisconsin more than anywhere else progressivism has worked itself out in a manner to give us a definite idea of what it represents and what results it can secure." Reviewers of *The Wisconsin Idea,* which McCarthy dashed off to publicize the triumphs of 1911 – and to improve the chances of election for progressive Republicans in 1912 – asserted that Wisconsin "has done something unique in making a living place for her citizens," is "a state that is teaching the whole country," and is "the first commonwealth to make good as a commonwealth in fact as well as in name." Writing from the perspective of nearly six decades and 30 subsequent legislatures, historian Roger Wyman still celebrated "the immense accomplishments of the 1911 legislature, a landmark of the progressive movement in the entire United States."

Progressivism in State and Nation

The 1911 Legislature met during high noon of the Progressive Era in the state and nation. The electorate's growing perception that regular Republican policies aggrandized the rich and powerful prompted a decisive shift toward candidates who advocated government intervention on behalf of other segments of society. The 1909 "Insurgent" revolt against the administration of President William Howard Taft, and the "Standpat" Republican leadership of Congress, that would ultimately result in the National Progressive Republican League and the Progressive Party, was led by Wisconsin Senator Robert



Charles McCarthy at work in the Legislative Reference Library. (Wisconsin Historical Society WHi (X3) 44686)

M. La Follette, Sr. The 1910 elections produced an upheaval in the Northeast and Midwest so sweeping that the *New York Times* proclaimed it a "political revolution." The Republicans lost nearly a quarter of their Congressional seats in New England and the Middle Atlantic states, while Democrats gained 56 seats in the House of Representatives, achieving a solid majority of 228 to 161. Membership in the national Socialist Party rose to 118,000 by 1912; more than 12,000 Socialists won office in 340 municipalities, including 79 mayors in 24 states. Their presidential candidate, Eugene V. Debs, garnered an all time high 6 percent of the popular vote in 1912, while the number of Socialist state legislators increased to a total of 33 in 14 states by 1914.

Most observers attributed this revolt to voter dissatisfaction with the high cost of living, due largely to conservative Republican tariff and tax policies. Numerous state legislatures began their 1911 sessions with progressive majorities composed of some combination of Democrats, insurgent Republicans, and revisionist Socialists. The election of 1912 would further the uprising as Woodrow Wilson, Roosevelt, and Debs received nearly 80 percent of the presidential popular vote, while a mixture of Democrats, Insurgent Republicans, and Progressives gained control of Congress. Over the next four years, Congress enacted such landmark legislation as the federal income tax, the direct election of U.S. Senators, the Clayton Antitrust Act, the Federal Reserve, and the Federal Trade Commission.

In Wisconsin, the results of the 1910 elections matched or surpassed the progressive surge that swept most of the country. The April elections in Milwaukee saw the Social Democratic Party (SDP) win a plurality of 47 percent, catapulting Emil Seidel into the mayor's office, along with the rest of the party's citywide ticket. In addition, Socialist candidates secured 23 of the 30 aldermanic positions, one-quarter of the school board, and a majority of the seats on the county board of supervisors. That November, Socialist leader Victor Berger was elected to Congress; 12 of his party's candidates were elected to the state assembly and two to the state senate, where they later played a vital role in the 1911 Legislature. Perhaps even more significant, the overall success of the Social Democrats in 1910 convinced many progressive Republicans and Democrats that they needed

to step up their appeals to urban working and middle class voters. As McCarthy so bluntly put it, "the only way to beat the Socialists is to beat them to it."

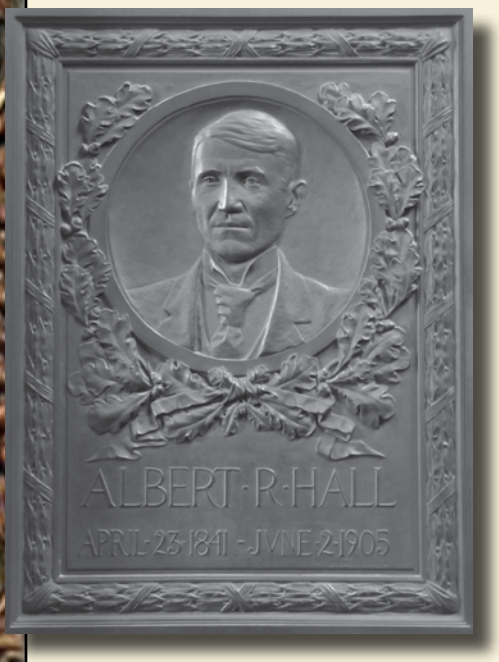
At the same time, the progressive Republicans were also being pushed further to the left by two other forces. The first was a proliferation of lobbying groups, some of whom directly espoused the philosophy of intervention by state government into a growing variety of arenas. Chief among these were the Wisconsin State Federation of Labor (WSFL) and the Wisconsin Society of Equity (WSE), both of which were working-class in membership and orientation. The WSFL was the socioeconomic arm of the SDP, while the WSE represented less affluent, more militant farmers in northern and western Wisconsin. The second kind of lobbying groups generally saw government intervention as a valuable supplement to their own efforts in the private sector. They were broadly middle-class in composition and outlook, and motivated by a complex mixture of ideology, altruism, social class, and anxiety. Among them were the Consumer's League, the Child Labor Committee, the Women's Trade Union League, the Conference of Charities and Corrections, the Federation of Women's Clubs, the American Association for Labor Legislation, the Municipal League of Milwaukee, and the League of Wisconsin Municipalities, to name only the most active and visible. These diverse organizations had widely varying agendas, but most of their proposals required some measure of government intervention, allegedly on behalf of the less affluent and powerful.

The election of Emil Seidel (left) as Milwaukee's first Socialist mayor in April 1910 was a harbinger of electoral success for reform-oriented candidates in the fall elections. Seidel is pictured with Victor Berger, the leader of Milwaukee's Socialist movement, who was elected to Congress in November. (Wisconsin Historical Society 56202)

The second impetus toward greater government involvement came from two groups of state public servants. The first consisted of the directors and staff members of state agencies, bureaus, and commissions: the Bureau of Labor and Industrial Statistics, the Department of Public Instruction, the Free Library Commission, the Board of Control, the Tax Commission, the Railroad Commission, the Dairy Food Commission, the State Historical Society, the Insurance Commission, the Board of Health, the Board of Agriculture, and others. Progressive Republican governors had appointed most of their directors and staff members, who usually shared the chief executive's activist, expansionist outlook. At the

university end of State Street, calls for even more radical departures in government intervention emanated from President Charles R. Van Hise and many of the faculty in the social sciences, humanities, agricultural extension, and engineering. Many were charter members of the Saturday Lunch Club, an informal discussion group headed by La Follette and his successors, and advised or served in government agencies.

Standing with a foot in both of these camps, and serving as the chief liaison between them and the progressive Republican political establishment, was McCarthy. As an adjunct member of the University's political science department, valued advisor to the executive branch, and chief bill drafter for the legislature, he was a conduit for progressive ideas and actions – and perhaps the most influential person in state government by 1910. While forever asserting the apolitical, technical nature of his role in legislation and administration, McCarthy was clearly a progressive activist and strategist, who intentionally and passionately steered the Republicans on a leftward course. He discoursed candidly about his areas of agreement and disagreement with Socialists and other radicals; he openly embraced the WSFL and the WSE. Moreover, he possessed sufficient political savvy to translate the convictions of public servants and academics into law and public policy.



Albert R. Hall, lauded by Governor Robert La Follette as a "pioneer" of the progressive movement, is honored with a plaque in the Assembly Chamber. Hall served in the assembly during the 1891-1901 sessions. (Kathleen Sitter, LRB)

The roots of Wisconsin progressivism reach back into the 1890s, when several very disparate groups, almost totally independent of one another, mounted campaigns to break the virtual stranglehold that lumbering, transportation, and manufacturing interests had on the state's economy and polity. One faction consisted of rural and small town legislators from the western half of the state, led by Assemblyman Albert R. Hall of Dunn County, who pressed for tax relief, railroad regulation, and direct primary elections, among other measures. La Follette, who was usually not prone to praise other politicians, lauded Hall as "one of the pioneers of the Wisconsin movement." He is the only legislator in state history to be memorialized with a bronze plaque in the assembly chamber. These agrarians frequently collaborated with former governor William Dempster Hoard and the Wisconsin Dairyman's Association (WDA). A second cohort included the

Republican Club of Milwaukee County, the Milwaukee Municipal League, and other urban, middle-class organizations, whose platform of electoral reform and business regulation was sometimes compatible with that of the agrarian reformers. Its most prominent member was Francis E. McGovern, future Milwaukee district attorney and the governor who later provided the executive leadership for the 1911 Legislature. A third loose aggregation of insurgents was composed of La Follette's burgeoning political "machine" whose members were determined to wrest control of the Republican Party from the business-oriented "triumvirate" of Philetus Sawyer, John Coit Spooner, and Henry Clay Payne. The La Follette organization gradually embraced some key issues, such as the direct primary, tax reform, and the abolition of free railroad passes for politicians, that had achieved prominence through the efforts of the first two "Half-Breed" factions. Last, but certainly not least, were the various urban, working-class political movements that eventually coalesced into the SDP and its "interlocking directorate" with the Milwaukee Federated Trades Council (MFTC) and the WSFL.

In 1900, the first three factions joined in a fragile and contentious coalition that elected La Follette governor. In doing so, they provided Wisconsin progressivism with its one necessary – even though not sufficient – ingredient: a charismatic leader capable of attracting a large following by powerful oratory, extraordinary organizational skills, and the sheer force of his personality. Over the next quarter-century, this aggregation maintained La Follette in political office and enacted a body of forward-looking laws and programs sufficient to earn Wisconsin its enduring reputation as one of – if not the most – progressive states. It was able to do so despite the fact that its composition was almost constantly in a state of flux, as "Fighting Bob" frequently alienated significant numbers of its adherents, but somehow usually managed to attract enough recruits to replace them. Throughout all of these reconfigurations, however, there was one reform group that the progressives failed to incorporate: the Social Democrats. Although the two movements were frequently able to collaborate on legislation, the SDP steadfastly insisted upon retaining its independent identity, running its own slate of candidates, and drafting platforms that embodied its own unique principles and programs.

During his two and one-half terms as governor (1901-1906), La Follette succeeded in enacting his three signature programs: the direct primary, the *ad valorem* taxation of railroads, and the creation of a railroad regulatory commission. In addition, he persuaded the legislature to establish a permanent tax commission with the authority to assess the property values of several public utilities, a reasonably comprehensive system of civil service, an inheritance tax, the regulation of lobbyists, and a state department of forestry, as well as to submit to the voters a proposed constitutional amendment authorizing a state income tax. He also set in motion the steps leading to the construction of a new state capitol. Even more significantly, La Follette transformed the office of governor from a largely ceremonial role to a highly activist one, in which the chief executive prepared a detailed budget and legislative agenda and pressed to achieve their adoption. In brief, he did for the governor's office what Theodore Roosevelt did for the presidency.

When La Follette left to take up his seat in the U.S. Senate in January 1906, he was succeeded by Lieutenant Governor James O. Davidson, who was subsequently reelected to two full terms. Although not nearly as dynamic or progressive as La Follette, Davidson managed to preside over the enactment of several reform measures, and to lay the groundwork for many of the accomplishments of 1911 and 1913. Under his aegis, the legislatures of 1907 and 1909 transformed the railroad commission into an agency empowered to regulate nearly all public utilities, enacted one of the country's first and most comprehensive codes for regulating insurance companies, and contributed to the public's growing desire for state intervention and responsibility, especially in the protection of industrial workers, the conservation of natural resources, and education. The 1907 Legislature alone proposed four constitutional amendments that were eventually approved by an almost three-to-one margin: state aid for highway construction, an income tax, stronger gubernatorial veto power, and significant alterations to voting requirements. Perhaps even more importantly, Davidson-era legislatures appointed several investigative committees whose findings later paved the way for landmark legislation in conservation, income taxation, factory safety, and an integrated fiscal and budgetary system.

The 1910 Election

The driving force behind the election that produced the 1911 Legislature was La Follette's determination to be reelected to the U.S. Senate. Since the popular vote for senator was "only preferential," it was crucial not only to win by a substantial margin but also to effect the triumph of a kindred governor and legislative majority, because the latter would ultimately cast the "official" ballot. That task was made all the more difficult for several reasons. One was the defection of many "moderates" who were increasingly alienated by the burgeoning size and scope of state government, and by its intrusion into such formerly "private" or "local" matters as labor and industrial relations, business operations, the distribution of income and wealth, the disposition of natural resources, construction and housing codes, and education. Another was the revival of the Stalwart wing of the Wisconsin G.O.P. that was being given strong political and financial support by the Taft administration and its congressional allies, for whom La Follette had become their ultimate *bete noire*. A third threat was the advent of a nascent reform movement within the state and national Democratic Party that would soon nominate Woodrow Wilson for president. Finally, there was the growing popularity of the SDP, as evidenced by its startling victory in Milwaukee's April elections.

This situation dictated nomination of a predominantly progressive Republican ticket capable of augmenting La Follette's strength where it had previously been weakest: the lakeshore counties. The gubernatorial candidate who best fit that profile was McGovern, who had gained a national reputation in progressive circles for his prosecution of the Milwaukee graft trials, and who practiced a brand of urban progressivism with a socioeconomic, working-class emphasis,

La Follette's 77% of the preference vote for U.S. Senator led all Republicans on the statewide ticket. (Wisconsin Historical Society 3646)

owing largely to his collaboration with intellectuals, activists, social workers, and labor leaders, and to his experience of trying to beat the Socialists at their own game. Despite this apparent convergence, however, La Follette and McGovern saw each other more as rivals than as potential partners. Privately, the former's intimates expressed suspicion of the "Milwaukee crowd," while the latter's advisors believed that La Follette often sacrificed reform for political expediency and personal ambition. Their mutual wariness sometimes prevented effective collaboration on elections and legislation, making the chances of a long-term progressive alliance extremely unlikely.

So successful was La Follette's strategy that he captured an astounding 77.7 percent of the vote, winning all but one of the state's 71 counties. His landslide victory transferred itself to the entire progressive Republican ticket, albeit in significantly different proportions. At the other end of the scale, McGovern gained the party nomination with a plurality of 46 percent and carried only 52 counties. He won a majority in only 16 counties, all along the western shore of Lake Michigan. In their "Faustian bargain," La Follette had obviously benefited significantly, while McGovern had gained just enough to secure a nomination that he would otherwise almost certainly have been denied. The Milwaukeean ran far behind in traditionally progressive strongholds of the west and northwest, faring well only in those counties where La Follette polled more than 85 percent. In addition to the normal mistrust that any candidate espousing McGovern's brand of urban progressivism would elicit in rural and small town Wisconsin, he was also an avowed "wet" from the wettest city in the state, challenged by an outspoken "dry" candidate. The remainder of La Follette-backed candidates for statewide office and the legislature ran somewhere between the Senator's high and McGovern's low, but most managed to secure the Republican nomination.

The results of the primary election on the Democratic side also frequently resulted in victories for candidates campaigning as "progressives," except in the preferential vote for U.S. Senator, which was won by avowed conservative Charles H. Weisse. Ironically, Weisse's candidacy proved to be a blessing for La Follette in an age when self-identified conservatives stood little chance of suc-

cess. Beyond that, nearly every Democrat running under the progressive label, headed by gubernatorial candidate Adolph H. Schmitz, secured his party's nomination. That, of course, made the chances of McGovern and most other progressive Republicans in the general election somewhat more problematic. It also all but guaranteed that the 1911 Legislature would have more than its usual share of reform-minded lawmakers. Statewide, Democratic candidates polled only about one-third of the total primary vote, while the party suffered a major disaster in Milwaukee County where its candidates failed to capture the 20 percent necessary to merit a spot on the general election ballot. This left just Republicans and Social Democrats, each trying to outdo the other in proclaiming their devotion to progressive principles and programs.

With progressives dominant in their party's apparatus and councils – and with the Socialists pushing them from the left – the Republicans drafted what was undoubtedly the most staunchly progressive platform in the entire nation. It began by effusively praising La Follette as the "pioneer" of the national progressive movement, and pledging that every single one of the party's 1911 legislators would vote for his reelection. The platform also commended progressive Republicans for their many legislative contributions and proclaimed that "experience has abundantly demonstrated the wisdom of all these laws." It also harshly condemned the Taft administration, and the regular Republicans in Congress, for their opposition to tariff reform, antitrust enforcement, conservation of national resources, and corrupt practice measures. The platform proudly hailed the Wisconsin Republican Party as the champion of the people against all special interests, vowed its determination to fight for the proposed federal income tax amendment, the direct election of U.S. Senators, a second-choice primary, initiative, referendum, and recall, open political meetings, home rule for cities, state aid for high-

The stage for the legislation of 1911 had been set by a series of reform legislatures in the early 1900s. (Wisconsin Historical Society 5586)

way construction, and a state income tax. It also promised conservation legislation, public health measures, investigation of ways to combat the rising cost of living, employer liability and workmen's compensation laws, maximum work hours for women and children, improved factory health and safety legislation, and *ad valorem* taxation of all public service corporations. Finally, this remarkable document lauded the University as "the people's servant, carrying knowledge and assistance to homes, farms and workshops."

For its part, the SDP platform put forth 21 specific legislative proposals, many of which closely resembled those on the Republican manifesto: labor and factory legislation, conservation measures, home rule, recall, federal and state income and inheritance taxes, and agricultural education. But it also went beyond the Republican document by calling for nationalization of all "trusts" and public utilities, abolition of the U.S. Senate, restriction of "Asiatic coolie labor," municipal ownership of local public utilities, free textbooks and equipment for schoolchildren, and referenda on all state and federal laws. Charging that both major political parties stood for capitalism and the present economic system, the SDP proclaimed itself to be "the American political expression of the international movement of the modern working class for better food, better houses, sufficient sleep, more leisure, more education, and more culture."

The Democratic platform read like a pale imitation of the Republican. It condemned nearly all things and persons Republican, making no distinctions between progressives and Stalwarts. The Democrats echoed the Republicans on income taxation, direct election of Senators, conservation legislation, corrupt practices measures, industrial insurance, good roads, home rule, and initiative, referendum, and recall. They joined the Socialists in opposing Prohibition – an issue on which the Republican platform was deliberately silent. The Democrats were especially critical of the progressive Republicans for fiscal extravagance, as well as for the passage of the 20 percent ballot requirement law that had undone them in Milwaukee County. An objective reader of the 1910 platforms of Wisconsin's three political parties would be hard pressed to see the Democrats as anything other than a "me-too" aggregation.

Faced with this apparent progressive monolith, stalwart Republicans and conservative Democrats had to either hastily organize a boycott of the general election or superficially support the primary victors, in a show of party loyalty that might pay future dividends. The former strategy became less desirable when the state supreme court ruled that one of the leading Stalwarts – Levi Bancroft – was the official Republican candidate for attorney general, forcing the Stalwarts to cast themselves as defenders of party loyalty in order to salvage at least one statewide office. Although the Stalwart press generally denounced the party platform as tantamount to socialism, it urged voters to cast their ballots for the entire ticket in order to keep the state's congressional delegation safely Republican, and to protect Taft's prospects for reelection in 1912.

As a result, there was little evidence of a Stalwart boycott, except perhaps in Marathon and one or two other counties. Voter turnout was lower than it had been in any election since 1890, but only about 700 below that in 1906, the last

nonpresidential contest. Still, the Republican vote for governor slipped by more than 20,000 between 1906 and 1910; the Democratic vote increased by more than 7,000, and the Social Democratic by more than 15,000. Running at the head of the statewide Republican ticket, McGovern won by a plurality of 50,000 votes and captured 52 percent of the vote, while progressive Democrat Adolph Schmitz took 35 percent and Social Democrat William A. Jacobs tallied 13 percent. Those same general proportions prevailed in all statewide contests, except for attorney general.

Whatever qualms Stalwart voters had about cutting their party's statewide ticket clearly did not carry over into legislative elections. A shift of one senate seat in Milwaukee to the Social Democrats still left the incoming McGovern administration with 27 potential supporters out of a possible 33. In the assembly, however, the Republican delegation declined from 76 to 59, while the Democratic contingent jumped from 19 to 29 and the Social Democratic from five to 12, largely at the expense of Milwaukee Stalwarts. Although Republicans still numbered nearly 60 percent of the assembly membership, it was not at all certain how many of those McGovern could count upon for his highly progressive agenda. The open ideological split in his party's ranks would almost certainly require substantial collaboration with Social Democrats and insurgent Democrats, especially on path-breaking socioeconomic and labor legislation.

The Membership of the 1911 Legislature

The composition of the 1911 Legislature was remarkable in several ways. To begin with, 43 percent of its members had at least some college education, in an age when a high school diploma was just becoming the norm. This meant that a sizeable number of legislators probably were attuned to the progressive mindset, and more likely to defer to university-trained experts. All told, 53 of the legislators had attended four year colleges, normal schools, or business schools. Twenty-eight were graduates of law schools, mostly from the University of Wisconsin, but also from Chicago, Yale, Harvard, Notre Dame, Duke, Georgetown, and Catholic universities. In addition, there were three graduates of medical schools, two of dental schools, and one of the Chicago School of Pharmacy. The membership of the senate included 15 law school graduates, the assembly 14. With the exception of one Democratic senator and four assemblymen, the rest were all Republicans. Of the 14 Social Democrats, only Senator Gaylord S. Winfield was a college graduate, while two assemblymen were products of business colleges, and one was a normal school graduate. The remaining 10, however, were all skilled workers with extensive experience in labor organizing and negotiations, as well as local politics. After serving with several Social Democrats on the Milwaukee Efficiency and Economy Commission in 1910, renowned UW economist John R. Commons concluded that "not even in England, had I met such a capable and rational body of men in charge of a city government. I soon discovered that their goal was Efficiency coupled with Service to the poor and working classes of the city."

Comparison of 1911 and 2011 Legislators

1911 Senate

BIRTHPLACE

Foreign

Switzerland	1
Wales	1

United States

Wisconsin	23
New Hampshire	2
Illinois	1
Kansas	1
Michigan	1
Mississippi	1
Ohio	1
Vermont	1

AGE

Oldest	73
Youngest	26
Average	48.5

POLITICAL MAKEUP

Republican	27
Democrat	4
Social Democrat	2

OCCUPATION

Lawyer	15
Farmer	5
Druggist	2
Carpenter	1
Furniture manufacturer	1
Lumberman	1
Manufacturer	1
Merchant	1
Minister	1
Physician	1
Purchasing agent	1
Tinner	1
Transportation rep.	1
None listed	1

PRIOR SERVICE

Most senate sessions	7
Average senate sessions	1.2
Number with assembly experience	7

MILITARY

Civil War veteran	3

2011 Senate

BIRTHPLACE

Wisconsin	22
Illinois	3
Alabama	1
California	1
Indiana	1
Kansas	1
Massachusetts	1
Minnesota	1
Montana	1
New York	1

AGE

Oldest	83
Youngest	30
Average	55.7

POLITICAL MAKEUP

Republican	19
Democrat	14

OCCUPATION

Full time legislator	13
Lawyer	3
Farmer	2
Business owner	2
Baseball team owner	1
Farm manager	1
Farm supply dealer	1
Registered nurse	1
Surgeon	1
None listed	8

PRIOR SERVICE

Most senate sessions	25
Average senate sessions	5.2
Number with assembly experience	23

MILITARY

Vietnam	1
WWII	1
Peacetime service	5

1911 Assembly

BIRTHPLACE

Foreign

Germany	11
Denmark	4
England	3
Norway	3
Canada	2
Bohemia	1
Ireland	1
Scotland	1

United States

Wisconsin	58
Pennsylvania	4
Illinois	2
New York	2
Connecticut	1
Delaware	1
Indiana	1
Iowa	1
Maine	1
Missouri	1
New Hampshire	1
Vermont	1

AGE

Oldest	74
Youngest	27
Average	46.9

POLITICAL MAKEUP

Republican	59
Democrat	29
Social Democrat	12

SESSIONS SERVED

Longest	3
Average	0.5

OCCUPATION

Farmer	34
Lawyer	19
Merchant	5
Insurance	4
Real estate	4
Teacher	4
Union official	4
Lumberman	2
Machinist	2
Manufacturer	2
Physician	2
Retired	2
Architect	1
Banker	1
Bookkeeper	1
Brewer	1
Cigar maker	1
Core moulder	1
Dairyman	1
Dentist	1
Editor	1
Furniture manufacturer	1
Glass blower	1
Logger	1
Miller	1
Painter	1
Zoologist	1
None listed	1

MILITARY

Civil War veteran	2
Spanish-American War veteran	1
Wis. National Guard (peacetime)	1

2011 Assembly

BIRTHPLACE

Wisconsin	77
Illinois	5
Minnesota	3
Michigan	3
Ohio	2
California	1
Iowa	1
Kansas	1
Missouri	1
Mississippi	1
New York	1
North Dakota	1
Washington	1
Unknown	1

AGE

Oldest	72
Youngest	25
Average	49.4

POLITICAL MAKEUP

Republican	60
Democrat	38
Independent	1

SESSIONS SERVED

Most sessions	14
Average sessions	3.1

OCCUPATION

Full time legislator	32
Business owner	15
Lawyer	8
Farmer	6
Accountant	2
Business president	1
Certified financial planner	1
Dairy producer	1
Employment & training specialist	1
Excursion boat owner	1
Health club manager	1
Insurance & financial representative	1
Investment property owner	1
Municipal consultant	1
Physician	1
Real estate developer	1
Real estate manager	1
Regional manager	1
Restaurant owner	1
Veterinarian	1
None listed	21

MILITARY

Vietnam	7
Persian Gulf War	3
Iraq War	3
Peacetime service	4

The new legislature also represented a polar shift in behavior from its predecessors of the 1890s. In a June 1910 article in *La Follette's Weekly Magazine*, former Milwaukee journalist Rodney A. Elward marveled at the changes that had occurred in the atmosphere of the legislature during his 10 year absence from Madison, which he attributed to "the political sanitary measures adopted . . . during the past decade." Men "of limited knowledge of public affairs, often astonishingly ignorant," and managed by political bosses and lobbyists, had been largely replaced by "bright, intellectually active, and apparently independent men, largely graduates of the University." From that perspective, at least, the prospects for collaboration among reformers of all three stripes seemed bright.

Determining the probable boundaries for an inter-party coalition, however, was a complex problem. Geography, socioeconomic interests, and ethnocultural proclivities all constituted potential fault lines within the two major parties. Rural progressives of both major parties often hesitated to support advanced labor and welfare measures, while the prohibition issue continued to threaten progressive solidarity, especially among Republicans. Only the Social Democrats – Milwaukee-based, labor union affiliated, heavily Germanic, and dripping wet – were largely immune to internal fracturing. On virtually every issue involving partisan advantage – legislative apportionment, home rule, voting qualifications, and election mechanics – party discipline usually trumped ideological convictions. Ethnocultural issues, on the other hand, cut cleanly across party lines, frequently pitting allies on political and socioeconomic measures against one another. Progressives, whether Republicans or Democrats, frequently cooperated with Socialists, but rarely so on matters that were too "socialistic," or too obviously in the interest of labor unions.

To provide the best forum for tripartisan progressive collaboration, Senate Majority Leader Albert W. Sanborn of Ashland and Assembly Speaker Charles A. Ingram of Durand agreed that all major legislative proposals should first be considered by joint committees of the whole. At the conclusion of each joint committee hearing, the bills would be referred to the proper committees of each house, together with suggestions for amendments and recommendations for action. Administration forces also defeated a resolution to have the assembly members make committee assignments instead of the speaker. These actions did much to keep the progressive Republicans in control, although other members were often able to exert substantial influence, especially on matters of political reform. The 14 Social Democrats frequently managed to play the two major parties against one another.

The 1911 Wisconsin Legislature consisted of 27 Republicans, four Democrats, and two Socialists in the senate, and 59 Republicans, 29 Democrats, and 12 Socialists in the assembly. Although there was at least one Republican lawmaker from every county except Dodge, Jefferson, Manitowoc, and Marathon, the Socialists and, to a lesser extent, the Democrats had been elected from fairly clearly defined geographical areas. The 14 Social Democrats all represented Milwaukee, while 18 of the 33 Democrats emanated from 11 nearly contiguous counties along or nearby the Lake Michigan shoreline: Brown, Calumet, Dodge, Fond du

Lac, Jefferson, Kewaunee, Manitowoc, Outagamie, Ozaukee, Sheboygan, and Washington. Five others came from the Wisconsin River Valley counties of Lincoln, Marathon, and Wood, while another eight represented six counties in the southwest corner of the state: Crawford, Green, Iowa, La Crosse, Lafayette, Sauk, and Trempealeau. All of these counties contained some of the highest concentrations of German-Americans outside of Milwaukee. Only Assemblymen Mathias Scholey, the mayor of Kenosha, and Andrew Kealey, the mayor of Hudson in St. Croix County, represented districts outside these three geographical concentrations.

Seventy-five of the 133 legislators had been elected to their first term in 1910, suggesting strongly that a great many of them had ridden the progressive crest that swept the state in that year. This was especially true in the assembly, where 64 of the 100 members were newcomers. In the senate, where only 17 of the 33 members had to stand for election in 1910, 11 had been elected for the first time and three had been reelected. Five Republican senators had been elected after serving previously in the assembly. Eleven of the 14 Social Democrats were newcomers to the legislature, as were 21 of the 29 Democrats and 43 of the 57 Republicans.

The 1911 Wisconsin Senate. (Wisconsin Historical Society 46797)

As far as occupations were concerned, attorneys and farmers each accounted for 35 legislators, although most of the latter combined agriculture with some type of business endeavor, such as real estate, insurance, banking, or storekeeping. Another 31 listed some form of business as their primary occupation. Ten Social Democrats earned their living as skilled workers: two cigar makers, a carpenter,

a glass blower, a machinist, a baker, an iron molder, a painter, and a seaman. Five members were school teachers, two were physicians, and one each was a minister, an architect, a book keeper, a dentist, a ship captain, a railroad worker, a newspaper printer/editor, and a pharmacist. Of the 29 Democrats in the assembly, 17 were primarily farmers, 11 were businessmen, and only five were attorneys. Of the 86 Republican lawmakers, on the other hand, 30 were attorneys, 20 were businessmen, and 18 were farmers. In addition, three were teachers, two were physicians, two were dentists, and one a surveyor, giving them a grand total of 43 professionals.

Several assemblymen had especially distinguished backgrounds. Democrat C.F. Viebahn of Jefferson County was former president of the Wisconsin Teachers Association and a member of the University Board of Visitors. Republican

The 1911 Wisconsin Assembly. (Wisconsin Historical Society 46799)

Carl Herman Dorner of Milwaukee had been scientific secretary of the Hamburg (Germany) Zoological Society, created the Cincinnati Zoological Gardens, managed the New York Aquarium, and written science textbooks in both English and German. Republican Erich Stern of Milwaukee had graduated *summa cum laude* from Harvard College, used his fluency in French and German to study at the Sorbonne and the University of Berlin, and returned to Harvard to earn his law de-

gree. Republican Merlin Hull of Black River Falls was a graduate of the George Washington University Law School and was admitted to practice before the U.S. Supreme Court in 1894. He was the founding publisher of the *Jackson County Journal*, as well as district attorney of Jackson County from 1907 to 1909. He later served as Wisconsin Secretary of State and was elected to 11 terms in the U.S. House of Representatives – five as a Republican and six as a member of the Progressive Party.

Regardless of their educational level, party affiliation, or occupation, the vast majority of lawmakers had or still held one or more local public offices. At least 45 had served on village or town boards, city councils, or county boards of supervisors. Fifteen had been members of school boards, and there were 14 city or county attorneys, 11 city or county clerks, eight city or county treasurers, eight city mayors, eight city or county assessors, six justices of the peace or municipal judges, and six county sheriffs. Several Republicans even held state or national offices. Senator Edward R. Browne of Portage was a UW Regent. Assemblyman Grant Fisher of Janesville was a member of the state Board of Agriculture, while Assemblyman C.A. Harper of Madison was on the state Board of Health and Assemblyman Lewis Gettle of Edgerton had been appointed to the Wisconsin Dairy and Food Commission by La Follette. Senator John W. Thomas of Chippewa Falls had been a member of the Wisconsin Railroad Commission, while Senator David R. James of Richland and Assemblymen O.W. Crowell of Portage and Chris Monson of Richland had been postmasters. Assemblymen Roy E. Reed of Fond du Lac and S. Clayton Goff of Elkhorn were members of the Republican State Central Committee.

In each of the three party contingents, a handful of lawmakers clearly assumed leadership roles and exerted significant influence on legislation. Among the Social Democrats, the most prominent were Winfield S. Gaylord in the senate and Frederick Brockhausen and Frank J. Weber in the assembly. Gaylord was a Mississippi-born Methodist minister with degrees from both his home state university and Northwestern, who was very active in party activities. Brockhausen was a Danish immigrant cigar maker and secretary/treasurer of the WSFL, who was serving his fourth term in the assembly, and who had introduced several unsuccessful pro-labor measures in 1904, 1906, and 1908. Weber was a 40-year member of the seamen's union, had helped organize the WSFL in 1893, and was a general organizer for the American Federation of Labor. First elected to the assembly in 1906, he had worked closely with Brockhausen in pushing for labor legislation. Among Democrats, the leader in the senate was Paul O. Husting, the district attorney of Dodge County and a member of the senate since 1906. A descendant of Solomon Juneau, founder of Milwaukee, Husting was one of the leaders of the insurgent movement within his party and would be elected to the U.S. Senate in 1914. Of the 21 Democratic newcomers in the assembly, only W.R. Wheelan, the city attorney of Wisconsin Rapids, and Albert Long, the district attorney of Crawford County, exerted significant influence.

By way of contrast, the huge Republican contingent included numerous influential and effective lawmakers, beginning with Senate Majority Leader Sanborn,

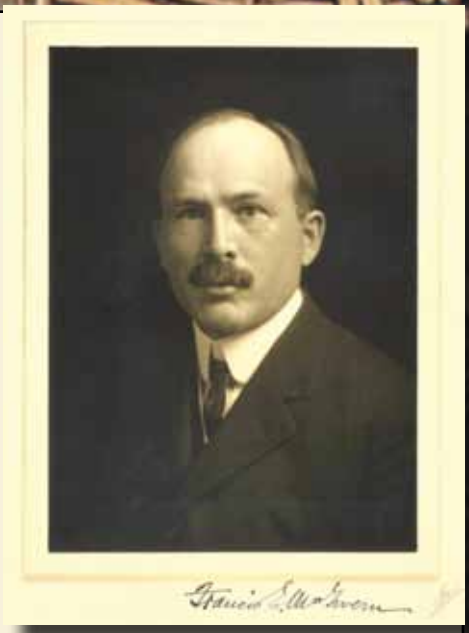
the district attorney of Ashland, and Assembly Speaker Ingram, the district attorney of Pepin County. Their senate lineup included La Follette protégé and future governor and U.S. Senator John J. Blaine of Darlington; John S. Donald of Mt. Horeb, another La Follette insider; Henry H. Bodenstab, a McGovern ally from Milwaukee; George F. Scott of Pepin County, who was elected to the upper house after three terms in the assembly; Otto Bosshard, former district attorney of La Crosse; and Howard Teasdale of Sparta, who had been appointed district attorney by La Follette. Heading up the Republican assembly contingent, in addition to Ingram, were floor leader John E. McConnell, another former district attorney of La Crosse; Thomas J. Mahon of Shawano County, secretary of the Wisconsin chapter of the National Progressive Republican League; Clayton Goff, who was also mayor of Elkhorn; Clinton B. Ballard chairman of the Outagamie County Board of Supervisors; and Merlin Hull. Among the most active and effective members of the assembly was the four man contingent from Milwaukee: Erich Stern, who was also alderman from the first ward; Chauncey Yockey, a graduate of Notre Dame law school and seventh ward alderman; Charles B. Perry, a graduate of UW law school and mayor of Wauwatosa; and John C. Kleczka, a graduate of Marquette and Catholic University law school, who was deputy clerk of county courts.

Opposing the impressive majority of Progressives within the Republican legislative contingent was a far smaller group of Stalwarts who, along with a number of conservative Democrats, strove to undermine as much of the administration's agenda as possible. Leading that effort in the senate was a long-time, bitter foe of La Follette, who had unsuccessfully challenged his gubernatorial renomination in the 1902 Republican primary: John M. Whitehead of Janesville, a graduate of Yale law school and member of the Rock County board of supervisors, who had served continuously in the upper house since 1896. Frequently allied with him in the assembly were John R. Jones of Monroe County, the chairman of both the county board and the Republican county committee, and Ove Byrd of Ashland, a member of the state Republican Party Committee.

Governor McGovern's Address to the 1911 Legislature

When the newly elected legislature convened on January 12, 1911, McGovern delivered what remains even today one of the most remarkable inaugural messages ever given to an American legislature. His theme was the need for strong government action as the only counterweight against corporations and other special interests. "Few legislatures," he challenged the lawmakers, "have convened in Wisconsin with equal opportunity for doing good," even though "from the first our state has been a leader in the Progressive movement and in carrying forward the work of constructive reform legislation." He acknowledged that the new giant corporations had produced some social benefits, but said that they had all too frequently "put arbitrary power in the hands of a few who have used this power to oppress the people and debauch their government." As a remedy, government "must be made representative of all the people, and economic forces must be so regulated as to secure a fair chance

for all in every walk of life." Protecting property, rewarding industry, encouraging thrift, and stimulating enterprise were important, he said, but were justified only if pursuing them would "afford to the weak, the unselfish and the defenseless, as well as to the man of average ability and means, a fair start and an equal chance in the race of life." McGovern minced no words in warning that the people of Wisconsin demanded action and results, "without unnecessary delay."



Governor Francis E. McGovern outlined the agenda for the 1911 Legislature in his address of January 12, 1911. (Wisconsin Historical Society 62290)

His proposals began with suggested reforms in the primary election and corrupt practices laws. Stipulating that the weakness in the primary law lay in its requirement that it only took a plurality to gain nomination, he called for a "second choice" provision that would guarantee that "a compact, cohesive and well-drilled minority" could not carry the day, because a multiplicity of progressive candidates divided the majority vote." He denounced the influence of campaign contributions as "sinister," and called for tax-supported publication of candidate qualifications, limits on campaign spending, cost accounting of all expenditures, and prohibition of all political activity on election days. To compel compliance, he proposed penalties including imprisonment and disqualification from public office. "The influence of money in political campaigns in Wisconsin," he insisted, "must be removed."

"To make and keep government really representative of the people," he proposed adoption of that popular triad of political reforms that marked the Progressive Era: initiative, referendum, and recall. Of the three, McGovern regarded the initiative as the most important, because it enabled the electorate to propose legislation directly. Although he expressed some reservations about the actual operation of referendum and recall, he urged the legislature to begin the process of amending the constitution, in order to enable all three, in concert, "to bring the government closer to the people." Following the same line of reasoning, McGovern endorsed home rule for the state's largest cities on matters of "purely local affairs," stressed the need for increased cooperation between state and local governments, and urged the legislature to follow through on a recently enacted constitutional amendment by providing state aid for road construction.

In addition to making state government representative of all the people, McGovern continued, the legislature should also give Wisconsinites more control

over the economic conditions under which they earned their living. Political reforms and representative government were vital, primarily because they paved "the way for laws, social adjustments and civil institutions which are calculated to secure and maintain desirable conditions in the daily life and occupations of men." In brief, political democracy was desirable because it was essential to achieving economic democracy. This philosophy distinguished McGovern's brand of urban progressivism from that of many of La Follette's earliest followers, who were generally satisfied with achieving a decent amount of political democracy. It also differentiated McGovern's vision from that of the Social Democrats, because he accepted the essentials of private property and the profit-and-wage systems, and held that just government could and should represent all socioeconomic classes.

McGovern's concept of economic democracy forthrightly embraced "a more humane system of compensating workmen injured in the course of their employment." The existing employer liability system entailed perpetual and expensive litigation that benefited neither employee nor employer. McGovern wanted it replaced by "a system of just, prompt and certain compensation" that complied with Wisconsin's constitutional requirement that such a process be optional and elective. Since managing such a system would undoubtedly require another administrative agency, McGovern boldly acknowledged that this reform would increase expenses, and expand the scope of state authority over the workplace, but insisted that the gains in efficiency, economy, and social justice would more than justify the innovation.

In the area of public welfare, the governor recommended expansion of the boards of public health and hygiene, and of public libraries, in order to improve sanitation and prevent disease. He also requested an appropriation of $15,000 to initiate a program to care for indigent and handicapped children. Acknowledging that a recent supreme court decision had restrained the ability of the Railroad Commission to enforce the 1907 law concerning stocks and bonds, McGovern called for amendments to broaden the commission's investigative and enforcement authority over securities issued by public utilities, and to curb stock-watering (issuing stocks at an inflated value far in excess of the assets that support it). Characterizing public education as a social investment that had already paid Wisconsin substantial dividends, McGovern outlined a wide-ranging program involving consolidation of country schools, a minimum wage for teachers, elected county boards of education, and, especially, ambitious undertakings in industrial, agricultural, and continuing education.

Characterizing the state's natural resources as "a question of vital public interest," he advocated state intervention in forest fire prevention; reforestation, especially of lands at the headwaters of principal rivers and streams; the designation of waterpowers as public utilities subject to regulation by the Railroad Commission; the continuation of the ongoing soil survey; and the eradication of noxious weeds. Praising the income tax as "theoretically . . . the most just and equitable of all taxes" because it was based upon "the ability to pay," McGovern also urged both the ratification of the proposed Sixteenth Amendment to the U.S. Constitution and the enactment of a graduated state income tax. To raise additional rev-

enue and to increase the scope of state regulation, he recommended a license fee tax on automobiles, a levy on mineral extraction, and the *ad valorem* taxation of telephone companies.

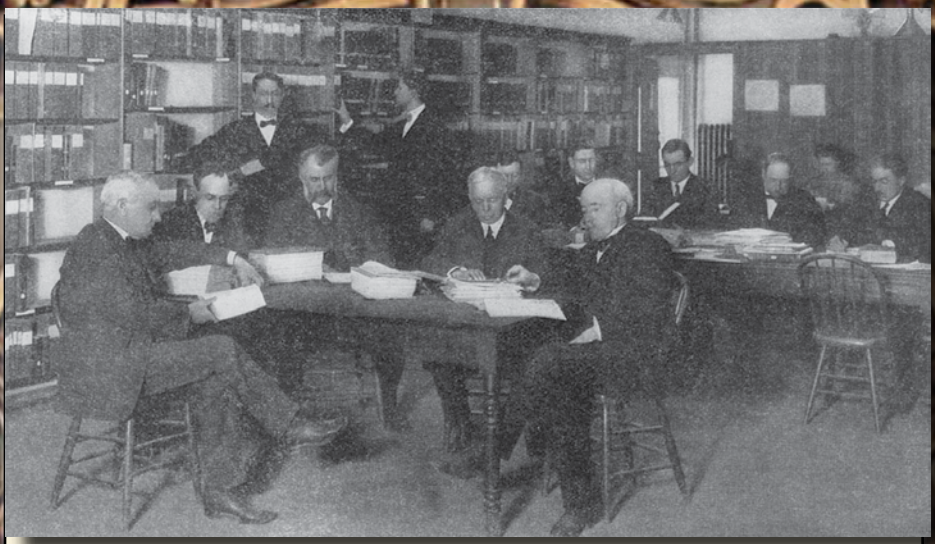
In just four brief pages, McGovern outlined the boldest strategy for government economic planning ever envisioned in any state. Grounding his plan in such undeniably American values as private ownership of property, representative government, democracy, equality of opportunity, and faith in progress, he challenged the legislature to establish an *ex officio* commission of public officials and representatives of labor, business, and agriculture to "coordinate the statistical and economic investigations of the state in all of its departments," and to recommend legislation "in public interest." Such a board, he argued, would improve the efficiency and economy of state agencies, investigate the causes of the recent increase in the cost of living, and study methods for marketing farm products cooperatively. It would also study ways to foster settlement of the state's uncultivated lands, and reduce the increasing incidence of farm tenancy.

In conclusion, McGovern stated that most of his key proposals had already received popular approval, either through referenda or in the recommendations of commissions and committees. As such, they were "made in response to a strong, insistent demand which comes to us from the people as a whole, rather from any party or faction." That demand was "for an increasingly enlightened appreciation of the rights of the common man," and for a "return to the ideal of equality before the law in both business and politics." Proclaiming that representative government and industrial democracy were interdependent, and under attack "by the arrogance of wealth," McGovern insisted that the most vital task of modern government was to "make legislation keep pace with rapidly developing social and commercial conditions." Acknowledging that the ground broken and the seeds planted by their predecessors had produced "the abundant legislative harvest which now awaits to be garnered by you," McGovern insisted that the men of 1911 were "indeed fortunate in our opportunities; may we be fortunate also in the use we make of them."

Commenting on McGovern's address, *La Follette's Weekly Magazine* exulted that "no message thus far submitted to a 1911 state legislature expresses the will of the people more vigorously, more clearly, more intelligently or more fearlessly than the message of Governor Francis E. McGovern of Wisconsin." It also reported that progressive leaders were determined to enact into law the Republican platform, McGovern's message, and commission reports on everything from industrial accidents to vocational education, and from conservation to taxation.

The 1911 Legislative Session

The 1911 Legislature sprang into action in mid-January, as all three parties introduced a flurry of legislation. The administration Republicans sponsored bills for urban home rule, nonpartisan local elections, a state highway commission, an industrial accident law, corrupt practices legislation, and a limit on the number of hours that women could work. The Social Democrats



Charles McCarthy's Legislative Reference Library was already known as a clearinghouse for progressive legislation by the time the 1911 Legislature convened. (Wisconsin Historical Society 46756)

introduced a plethora of pro-labor and public ownership measures. Weber even sponsored a resolution calling for a state constitutional convention. Less ambitiously, the Democrats pushed measures designed to protect their party's second place status. On January 16, McCarthy waxed ecstatic that the Legislative Reference Library had already drafted more than 100 administration-backed measures, and that the final total might reach as high as 1,500. By mid-February, according to the Stalwart Milwaukee *Sentinel*, over 900 bills had been placed in the hopper of the assembly, and 375 in that of the senate. The paper complained that the lower house had handled 400 measures on Valentine's Day alone, and that McCarthy's "bill factory" had drafted more than 1,000 bills, with more soon to come. By April 6, the assembly passed the 1,000 mark in bills introduced. Efforts to set a deadline for introducing new bills sparked prolonged, and frequently heated, debate.

This deluge of bills frequently tested the ability of legislative clerks to keep up. Several times in February and March, the legislature marked time while waiting for the state printer to return enough copies of proposed legislation. On April 6, however, the *Sentinel* exulted that not a single one of the progressive Republicans' 24 major platform pledges had so far been enacted, and that, with two exceptions, "all are in the embryonic stage." Only the resolution ratifying the federal income tax amendment had been adopted. Workmen's compensation and the good roads bill had passed the senate, while the assembly was on the verge of passing the corrupt practices and second-choice primary measures. Some legislative leaders pushed for night sessions, since most of the remaining administration bills were bottled up in committee, where hearings ate up the bulk of daytime hours. Progressives grew increasingly frustrated over this state of affairs,

while the *Sentinel* attributed much of the delay to legislators retaliating against the leadership plan to postpone consideration of "unimportant," special-interest bills "until planting time." Naturally enough, the two houses blamed each other, as did the three party contingents. When the Social Democrats announced their intention to force a roll-call vote on every single one of their measures reported unfavorably in committee, the *Sentinel* opined that "the legislature may spend the summer in Madison."

As late as April 11, the progressively Democratic Milwaukee *Journal* lamented that the legislature was running significantly behind the pace of its 1909 predecessor, in terms of laws passed and signed by the governor. From mid-May to early July, however, a veritable deluge of laws were enacted and, on May 23, the leadership appointed a joint committee to explore a possible adjournment date. The next day, the assembly celebrated the passage of a compromise apportionment bill by marching *en masse* to the senate chamber. By that time, however, the senate had virtually completed its calendar and took to recessing from day to day, while waiting for the assembly to catch up. In the end, the 1911 Legislature managed to sustain its energy and fulfill its promise over six long months. Its 185 working days fell just three short of the record established by

The Milwaukee Journal *cartoon illustrated the gratitude of the state for the achievements of the recently adjourned legislature on June 29, 1911. (Milwaukee* Journal *Archives)*

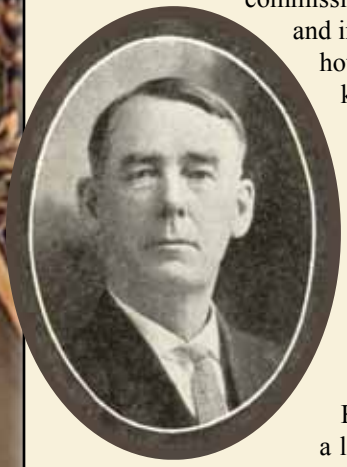
the "Long Parliament" of 1907. On June 29, the *Journal* ran a political cartoon in which an older woman captioned "Wisconsin," and a younger one dubbed "Progressive Legislature of 1911" exchanged mutual thanks and congratulations. At noon on July 14, the 1911 Legislature adjourned, *sine die*.

The Income Tax and Workmen's Compensation

Of all the landmark legislation enacted in 1911, there are two measures that stand out because they had to be meticulously crafted in order to avoid the pitfalls that had doomed similar efforts in other states. Thus carefully constructed, these two laws added powerful new dimensions to the ability of state governments to generate sufficient operating revenue and to promote the welfare of its citizens. The former was the state income tax; the latter was workmen's compensation for those suffering industrial injuries.

Although a constitutional amendment providing for a state income tax had been approved by the 1903 Legislature, it was not officially ratified by the voters until the 1908 election. The 1909 Legislature charged a committee, headed by Assemblyman Kleczka, with drafting a bill to be considered by the 1911 Legislature. Meanwhile, a coalition of insurgent Republicans and Democrats, of whom La Follette was the most influential leader, shepherded through Congress a proposed income tax amendment to the U.S. Constitution, thereby guaranteeing that the 1911 Wisconsin Legislature would have to deliberate both measures. Opponents of an income tax in several states tried to use the impending federal tax as a threat to defeat a proposed state income tax, or vice versa, but this did not occur in Wisconsin. The assembly unanimously ratified the Sixteenth Amendment to the U.S. Constitution on February 9. The senate followed – also unanimously – on May 26.

The bill prepared by the interim tax committee was drafted largely by tax commissioner Nils Haugen, as a substitute for the ineffective and inequitable personal property tax. Chairman Kleczka, however, was dissatisfied with both Haugen's technical knowledge and his attitude. Accordingly, he invited McCarthy to draft a substitute measure, in collaboration with Delos R. Kinsman, an economics professor at the Whitewater Normal School and author of *The Income Tax in the Commonwealth of the United States*. Although Kinsman's book had all but concluded that the difficulties of administering an income tax were impossible to overcome, he was eventually converted to the idea by McCarthy's enthusiasm and storehouse of information. As a result, Kinsman took a three-month leave of absence to draft a law that would be effective, equitable, immune to judicial veto, and productive of sufficient revenue. However,



*Nils Haugen, Tax Commissioner and former legislator, was involved in drafting income tax legislation. (*Wisconsin Blue Book *1911)*

While Congress and the states argued about the merits of the income tax, Wisconsin moved forward. (Library of Congress, Prints and Photographs Division)

Haugen and economist Thomas S. Adams, future chair of the Tax Commission, denounced Kinsman's bill as "impractical, unworkable, and in violation of justice," even though they supported its general goals. McCarthy flatly dismissed Adams' comments as "critical rather than constructive and at present probably will have the effect of killing the whole matter."

Under Kinsman's guidance, pro-tax lawmakers were able to avoid several pitfalls that had doomed similar ventures in other states. By vesting administration in the Tax Commission, they protected the levy from the caprices of local assessors. By providing a formula that returned 70 percent of the revenue to cities, villages, and towns, and 20 percent to counties, they deflected charges that the state would bleed local jurisdictions. By allowing people to use their personal property tax payments as offsets, they capitalized on the unpopularity of that levy and reinforced their commitment to equity. By treating individuals and corporations substantially alike, they undercut claims that the income tax represented an antibusiness vendetta. By crafting a graduated scale based upon "ability to pay," and by granting relatively high personal exemptions, they remained true to the progressive ideal of economic democracy.

Even so, the bill introduced on January 27 encountered strong opposition in both houses, especially from those legislators, mostly Democrats, who were particularly attuned to the arguments of the Wisconsin and Milwaukee manufacturers' associations. Wealthy industrialists and merchants from the lakeshore counties and the Fox Valley clearly had the greatest stake in preventing income taxation, since their personal property was largely untouched by the existing tax system. They sought to recruit allies among those who feared even slightly higher taxes, such as wage earners and small businessmen. They stigmatized state tax investigators as "ferrets," and tried to raise the limit on the dollar amount they could claim as services rendered to others, thus making it difficult to discover real income. Led by Senator Teasdale, they unsuccessfully attempted to push

the effective date ahead to 1912, probably in the hope of mounting a later legal challenge. More importantly, they backed Teasdale's amendment providing for a referendum on the tax, despite the overwhelming support demonstrated during the 1908 election. Although it is difficult to discern consistent partisan, socioeconomic, or geographical patterns in the several votes taken on proposed amendments, there can be little doubt that the most consistent proponents were those Republicans closely associated with La Follette or McGovern, solidly aided by Social Democrats. Nor can there be much doubt that the primary motives of the measure's supporters were the desire for equitable taxation, and increased revenue for the evolving social service state.

Given the complexity and controversy surrounding the idea of an income tax, it is not surprising that even pro-tax experts frequently disagreed on the effect and wisdom of the various amendments. Also not surprisingly, the assembly was generally more enthusiastic about the measure than was the senate. The latter significantly weakened the proposed enforcement machinery, postponed the effective date, and mandated the submission of the finished product to yet another referendum, before approving it on a 20-6 vote. By the time the assembly passed a strengthened version, 58-26, its Democratic members constituted the only organized opposition. The senate finally concurred in the assembly version, 15-14, but only after more sharp debate. Even before McGovern signed the law on July 14, both the Wisconsin and Milwaukee manufacturer's associations announced their intention to test the law in the courts.

In its final form, Wisconsin's pioneer income tax levied a 1 percent rate on incomes of more than $1,000 a year, thereby exempting the vast majority of the state's citizens. It further advantaged lower-income persons by providing for exemptions of $800 for single individuals and $1,200 for married couples. It was graduated to a high of 6 percent on incomes of over $12,000 a year, but the personal property tax offset moderated the impact on those who had considerable investment income. Although it raised the bill of anyone who was already paying taxes, it generally did so equitably. Over all, the new tax improved significantly upon the deeply flawed personal property tax, while substantially increasing government revenues at all levels. On average, farmers, merchants, and clerks were probably the biggest beneficiaries. The greatest losers were generally persons with relatively high incomes derived primarily from wages, salaries, or fees, as distinct from investment income. Although the tax was subjected to brutal attacks even before it went into effect, it survived every court test. By 1917, it had become a model for four other states; by 1933 another 19 had followed suit.

Equally convoluted and contentious were the negotiations that ultimately led to the enactment of a "judge-proof" system of workmen's compensation for industrial injuries, another measure that had failed in several other states. Under the prevailing common law doctrine, injured workers had to sue their employers for compensation, an unequal contest given the vast chasm in financial and legal resources between the litigants. Traditionally, judges had rejected worker claims under the rubric of three employer defenses: assumed risk or contributory negligence on the part of the injured worker, and shifting the blame to the worker's "fellow servants." By 1905, however, state courts began to challenge those de-

fenses, rendering an increasing percentage of verdicts in favor of the plaintiff. Alarmed at the escalating costs of litigation, more pragmatic and thoughtful employers also began to see that it might be more cost effective in the long run to pay into a system that would automatically compensate workers a "reasonable" amount, regardless of who was at fault. Included in that number were many of the leaders of the Merchants' and Manufacturers' Association of Milwaukee (MMAM) and the Wisconsin Manufacturers' Association (WMA).

At the same time, evidence gathered and analyzed by the Legislative Reference Library, the Bureau of Labor and Industrial Statistics, and the American Association for Labor Legislation revealed countless flaws in the existing system, as well as the superiority of workmen's compensation programs in other countries. Even so conservative a jurist as Chief Justice Roujet D. Marshall of the Wisconsin Supreme Court proclaimed that the existing system "is all wrong in its basic features . . . (and) illogical and wholly inadaptable to our complex industrial life."

Of course, the loudest voices demanding a workmen's compensation system were those of the WSFL and the SDP, especially the latter's 14 members in the 1911 Legislature for whom the measure was a vital segment of a comprehensive labor and welfare agenda that included even the prohibition of strikebreakers and private detectives in labor disputes. Scarcely less committed, for reasons already

Before Workers' Compensation

At the turn of the 20th century, industrial work was brutally difficult. Injury and disability were far more threatening to workers than today. Many people knew families living in destitution because the breadwinner was killed or handicapped by injury. Following is a 1911 commentary on the havoc this created every day for Americans:

> *It is safe to say that the greatest calamity that can befall the family of the wage-earner is to have the father and breadwinner carried lifeless into his home, and the shock of this calamity comes with added force when the death is due to an industrial accident. And yet we are informed on the very best of authority that this tragedy is enacted in the United States more than 100 times each day, more than 35,000 times each year. (Walter Smith, Present Status of Workmen's Compensation Law, Annals of the American Academy of Political and Social Science, 1911, p. 128)*

The above death toll may be high because very few systematic attempts were made to record accidents. Two rare tallies of accidents dealt with mining and railroad work, which were large industries with extraordinarily high death rates. Almost 1,500 workers were killed in coal mine accidents in 1900, compared with 47 in 2006. For railroads, there were 2,550 railroad workers killed in 1900, compared with 16 in 2008. Looking back, the National Safety Council estimated that in 1912, 18,000 to 21,000 workers died from work-related injuries. The U.S. Bureau of Labor Statistics data shows that in 1913 there were 23,000 industrial deaths among a workforce of 38 million, equivalent to a rate of 61 deaths per 100,000 workers. The rate in 2008 was 3.6 deaths per 100,000 workers.

By 1890, logging was the leading industry in Wisconsin. Historical documents describe 10 hour work days with no safety equipment, coupled with very hard physical labor and constant threat of being struck by heavy objects. Injury and death rates were astonishing by today's standards. Death and dismemberment were also very common in railroad work, construction, and heavy manufacturing.

Why so many injuries? It is hard for us today to grasp, but the typical employer of that era felt little obligation – moral or legal – to deliberately control working conditions to reduce injuries, despite the great expense to everyone involved.

Logging was one of Wisconsin's largest – and most dangerous industries in the early 1900s when Workmen's Compensation legislation was first drafted. (Wisconsin Historical Society 57239)

People got hurt when they worked. This was a sad reality of life. The fact that no one bothered to collect work injury and death statistics prior to the advent of workers' compensation is a testament to how little people thought this was an issue that could be managed by employers or government.

Greg Krohm

discussed, were the majority of progressive Republicans, especially those with strong ties to the McGovern administration. A number of progressive Republicans from rural areas in the northern and western regions of the state, however, while generally committed to their party's agenda, were uneasy about measures that smacked of socialism and labor unions. Some of those losses had to be offset by the support of urban Democrats. For their part, SDP lawmakers generally conceded the initiative on labor and welfare bills to administration Republicans, because they had compatible views, controlled the legislative machinery, and would receive the credit or blame, regardless of the eventual outcome.

Responding to this changing climate, the 1909 Legislature had created the Industrial Insurance Committee, headed by Sanborn and Blaine, along with Stal-

wart Republican Senator Edward T. Fairchild of Milwaukee, who would be La Follette's opponent in the 1910 primary. Representing the assembly on the committee were four moderate progressives, including Wallace Ingalls of Racine, who was a serious student of European systems of workmen's compensation, and the self-proclaimed spokesman for his district's "enlightened" industrialists. During the committee's hearings, representatives of International Harvester, Allis Chalmers, the Pabst Brewing Company, and the vice president for Wisconsin of the National Association of Manufacturers, among others, testified in favor of the general principle of payments to injured workers regardless of fault, although they differed among themselves over the best system. Throughout its deliberations, the committee was advised by McCarthy and his staff, who were in constant touch with Commons and his team of researchers. Sanborn pronounced the existing system "absolutely intolerable," and predicted that the committee would produce one based upon the "hearty cooperation of both the laboring man and the employer," although he also cautioned that "haste should be made slowly."

Although the SDP-WSFL partnership had long advocated compulsory workmen's compensation, the committee ignored that option because of the adamant

Before Workers' Compensation

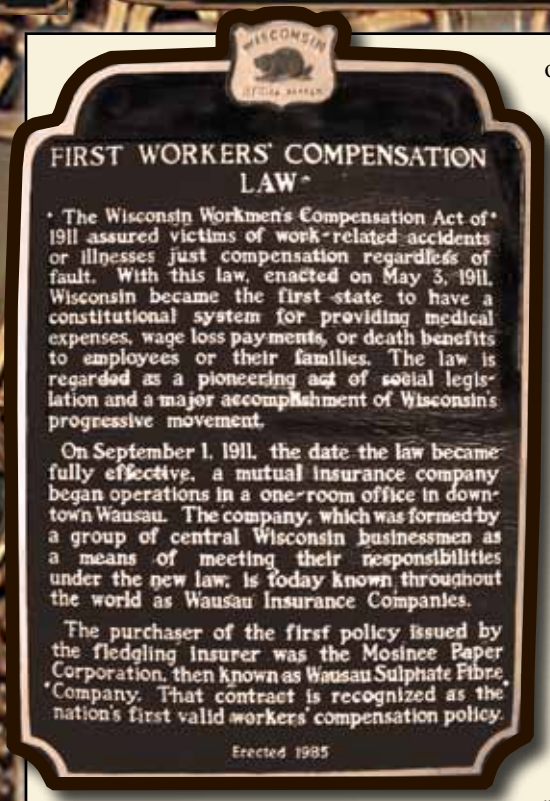
The greatest economic sting employers felt from high injury rates was the need to increase the wages for high risk jobs in order to hire employees. The risk of death and dismemberment in these jobs was well understood by workers. Hence, a reasonable man would not seek to be a lumberjack or iron erector without higher wages to compensate for the considerable danger of such work.

Work injury was just one of many deprivations suffered by the average laborer in 1900. In Milwaukee, most workers routinely put in 10 to 12 hours a day, six days a week, for only a dollar or two a day. The work environment was often crowded and unsanitary.

Before workers' compensation, a worker with a disabling injury faced a two-part crisis: getting medical treatment and maintaining the household. Both required cash. Making matters worse was the fact that the vast majority of households had only one wage earner. At the turn of the century, women made up less than 20% of the formal workforce. Coming up with the funds to pay for housing and food required a patchwork of solutions, among them: family, charity, and selling property. Before the advent of social insurance, private charitable organizations provided the most visible social response to impoverished households.

As inconceivable as it may seem to us today, our forebears had no clear sense of an entitlement for help from the employer after a work-related injury. The disabled worker had to make a hard decision: Was it worth the cost and months or years of delay to sue the employer in whose service the injury occurred? Suing would probably discourage reemployment with that boss and maybe others in the neighborhood. Just as troubling was the slim chance of winning the lawsuit and receiving adequate compensation. Workers faced a huge burden proving to a court that their employer alone caused their injury and was legally responsible for paying for damages.

Greg Krohm



This historical marker near Wausau commemorates the first workmen's compensation policy issued following passage of Wisconsin's pioneering legislation. (Wisconsin Department of Workforce Development)

opposition of both employers and courts. On the advice of McCarthy, Sanborn, and the attorney for the WSFL, the committee also rejected the idea of worker contributions to help fund the system. It eventually agreed on a plan that would pay workers 65 percent of their wages for the duration of their incapacity, up to a maximum equal to a death benefit of $3,000. Determined upon a voluntary program, the committee declared its abhorrence of insurance by existing casualty companies, because of their "excessive rate," and because, in the words of one employer, such companies used "every subterfuge to withhold the payment of just compensation." The majority of the committee favored insurance by employer mutual associations, under the supervision of a newly created Industrial Accident Board, because such quasi-independent, expert, public bodies were "the ones the laboring man has to depend upon for a square deal." To persuade employers to "elect" such a course, the committee recommended removing nearly all of the existing common law defenses in liability cases for those companies refusing to join. Despite employer protests, the committee stipulated that owners had to explicitly choose to join in order to participate. Despite the objection of the WSFL, the committee decided that every employee would be covered automatically by the insurance, unless he or she specifically declined, in writing, at the time of initial employment. That was the essence of the report delivered to the legislature on January 10, 1911.

The next day, Sanborn successfully moved for the creation of a joint legislative committee on industrial insurance. The following day, McGovern strongly endorsed the committee's recommendations in his inaugural address, and called for the speedy enactment of the forthcoming bill, which Sanborn introduced on January 17. Despite this initial momentum, disagreements over specifics delayed passage for more than three months. On January 27, several Democratic legislators announced their opposition because of the expense and centralization

of authority in the establishment of the Industrial Accident Board. Although employers generally favored passage, they attempted to restore the three common law defenses for those companies that elected not to provide workmen's compensation. The WSFL-SDP coalition lobbied for the rights of workers to choose between litigation and mandated compensation after being injured. When, on March 23, the New York Court of Appeals declared a compulsory workmen's compensation law unconstitutional, Milwaukee City Attorney Daniel Hoan, a Social Democrat, former counsel to the WSFL, and future mayor of Milwaukee, unsuccessfully petitioned the Wisconsin Legislature to adopt the elective provision favored by organized labor. The senate denied Hoan's proposal and restored the three common law defenses for employers who chose not to participate. Progressive Republicans also had to contend with desertions in their own ranks, as several rural members fought to exempt farmers and small agricultural processors. By deft cajoling and compromising, Sanborn finally achieved adoption by the senate, on March 30, by a vote of 22-3.

Upset by the senate's restoration of the common law defenses, and concerned about the New York court decision, a coalition of progressive Republicans

50th Anniversary

In September 1961, President John F. Kennedy, Vice President Lyndon B. Johnson, and Wisconsin Governor Gaylord Nelson joined the U.S. Postmaster General to memorialize the 50th anniversary of the workmen's compensation system by unveiling a commemorative postage stamp. The Rose Garden ceremony was the culmination of a collaborative campaign initiated by Wisconsin citizens to persuade the U.S. Postal Service to create a commemorative 4-cent stamp.

(White House photo, courtesy of Wausau Insurance)

and Social Democrats strove to separate the defenses section of the bill from the rest, so that the courts could approve the law, even if they objected to the provisions governing employee participation. The MMAM voiced objections to the possible loss of the fellow servant and assumed risk defenses, but eventually acquiesced. After rejecting a series of proposed amendments, the assembly voted, 69-13, in favor of passage on April 21. Twelve Democrats, who objected to the $5,000 salaries to be paid to the commissioners, formed the only organized opposition. Fulfilling another major platform pledge, McGovern signed the nation's first constitutional workmen's compensation law on May 4.

In its final form, the law allowed any employer with more than four workers – farmers exempted – three options: stay out of the system and take their chances in court on a "contributory negligence" defense; self insure; or form "mutual companies" to share risks and costs. The Industrial Accident Board was empowered to administer the entire system and to rule on individual settlements. Workers starting at companies covered by either compensation alternative had to agree in writing whether or not to participate. Despite the basically voluntary nature of the program, and the negative consequences of refusal, the great majority of Wisconsin employers chose not to participate during the first two years. On May 12, 1911, the MMAM announced its intention to file a "friendly" test case in the state courts, supposedly to establish the law's constitutionality. Whatever the association's intention, a large number of employers, especially those with relatively few employees, decided to wait until the court ruled. In the end, the Wisconsin Supreme Court upheld the law's legality, giving the state and the 1911 Legislature the prize in the contest to enact the nation's first constitutional system of workmen's compensation.

Other Labor/Welfare Measures

In addition, the progressive Republican-SDP coalition enacted measures mandating substantial improvements for children and women in industry. In late February, Assemblyman Ballard introduced legislation to strengthen existing child labor laws by requiring the Bureau of Labor and Industrial Statistics to issue a work permit before anyone under 16 could be employed. The bill also prohibited the hiring of children between the ages of 14 and 16 in a number of dangerous occupations, and mandated an eight-hour day and a 48-hour work week for males under 16 and females under 18. The Welfare of Women and Children Committee favored passing the bill as written, but the assembly as a whole amended it to exempt agricultural occupations, and to allow municipal, county, and juvenile court justices, as well as factory inspectors, to issue work permits. The assembly approved the amended bill in early June, and the senate concurred, with only minor changes, on June 20.

In mid-May, Goff, chairman of the assembly Welfare of Women and Children Committee, introduced a bill to limit working women to an eight-hour day and a 55-hour work week. It also restricted their nighttime employment to eight and 48 hours, respectively. A week later, a coalition of progressive Republicans

"I don't never git no rest," – says 6 year-old Henry with his 3 year-old sister, Hilda, working on a beet farm in Wisconsin. Necessity and custom drove children into the workplace in the 1900s. The 1911 Legislature strictly curtailed the practice. (Library of Congress #142366)

and Social Democrats beat back attempts to exempt specific industries, while more conservative members rejected, 49-34, an amendment proposed by Milwaukee Socialist Frank B. Metcalfe to limit female employment to an eight-hour day and a 50-hour week. Progressives and Socialists then combined to defeat a motion to kill the entire bill, 42-47. Early the next month, the assembly approved the original Goff bill, 44-28. In the senate, however, Henry Krumrey of Plymouth, a livestock dealer prominent in Sheboygan County and national Republican politics, led the movement to exempt industries in cities with populations under 10,000. Although the senate first approved the Krumrey amendment, it eventually acceded to the assembly version. On July 3, McGovern signed the new law, to the applause of organized labor, women's groups, and social reformers.

Labor Clash

Milwaukee was a stronghold of the Eight-Hour League agitation that swept the nation in 1886. One commentator describes the bloodiest labor rights clash in Wisconsin history:

> *A general strike was called in early May to force companies to adopt the new eight hour work day. Using persuasion and intimidation, the strikers soon shut down every major employer in the city, with a lone exception: the North Chicago Rolling Mills, a massive steel plant in suburban Bay View.*

On May 4, 1886, a group of laborers, many of them Polish immigrants, resolved to bring the mill's leaders to heel. Nearly 700 of them gathered at St. Stanislaus Church, on the corner of 5th and Mitchell Streets, for a brisk morning walk to Bay View. When a conference with mill executives there proved fruitless, the laborers served notice that they would return.

"Uncle Jerry" Rusk [Wisconsin Governor Jeremiah Rusk] called out the militia in the meantime, and the troops spent an uneasy night inside the plant gates. On the morning of May 5, they faced a phalanx of marching workers that had swelled to at least 1,500.

The militia thwarted a march on Bay View's rolling mill in 1886. (Wisconsin Historical Society 1990)

As the crowd surged down Bay Street toward the mill, the militia commander ordered them to disperse. At a distance of 200 yards, it is doubtful that the marchers heard him above their own noise. When they continued to advance, the commander ordered his troops to open fire. At least seven people fell dead or dying, including a 12-year-old schoolboy and a retired mill worker who was watching the commotion from his backyard. The rest of the crowd beat a hasty retreat to the city.

Reflecting the social fissures of that era, accounts of the incident and reactions varied wildly. The mayor of Milwaukee at the time, Emil Wallber, portrayed the confrontation differently and took comfort that a person tending his chickens was the only person "to stop a fatal bullet." Many citizens seemed to lament the deaths, but also had respect for the right of the militia to maintain order. Of course, those in the labor movement saw the shootings as evidence that industrial property was valued more highly than industrial workers. This incident was vivid proof of the visceral hostility between employers and industrial workers.

Greg Krohm

The Industrial Commission

Capping their achievements in labor and welfare legislation, and fulfilling yet another pledge in the Republican Party platform, the 1911 Legislature created a comprehensive Industrial Commission. The legislation placed the state's increasing number of labor and welfare programs under the single administration of a quasi-independent commission of experts appointed by the governor. For progressive Republicans and Democrats, as well as Social Democrats, the measure represented the culmination of a 20-year effort to consolidate administration of all the various pieces of specific labor and welfare programs. It would also function as a permanent, powerful advocate for the working people

J.R. Commons

The legislation that framed this new social institution required bright minds and skillful legislative craftsmen. One of the framers was an academic at the University of Wisconsin, J.R. Commons. Commons joined the faculty in the Department of Economics in 1902, and served there until his retirement in 1932. He brought distinction to the university as an author and teacher of a large number of prominent graduates of his department, including Edwin Witte, the "Father of Social Security."

Commons had an interesting blend of traditional, innovative, and odd beliefs that earned him the label "conservative progressive." He cut against the grain of the economics profession by rejecting reliance on studying and promoting free market solutions to economic development and capitalism as the organizing principle for the economy. Instead, his thought focused on what is called institutional economics, the study of collective action to construct social institutions that constrained markets and to order the economic systems and economic development of a nation. He engaged in a good deal of writing that was far removed from mainstream economics, and in what today would be regarded as scandalously odd and moralistic judgments about immigrants and races. Commons' quirks did not stop him from zeroing in on how the state of working conditions could be improved by new institutions such as employment insurance, safety regulation, and workers' compensation.

Commons' specific contributions to workers' compensation was his tireless advocacy of working for reasoned solutions to differences between labor and employers. His lucid outline of a pragmatic solutions to workers' compensation before the leadership of the Merchants and Manufacturers Association of Milwaukee in 1908 won new converts among employers to this controversial proposal circulating among labor advocates.

John R. Commons
(Wisconsin Historical Society WHi-39217)

Greg Krohm

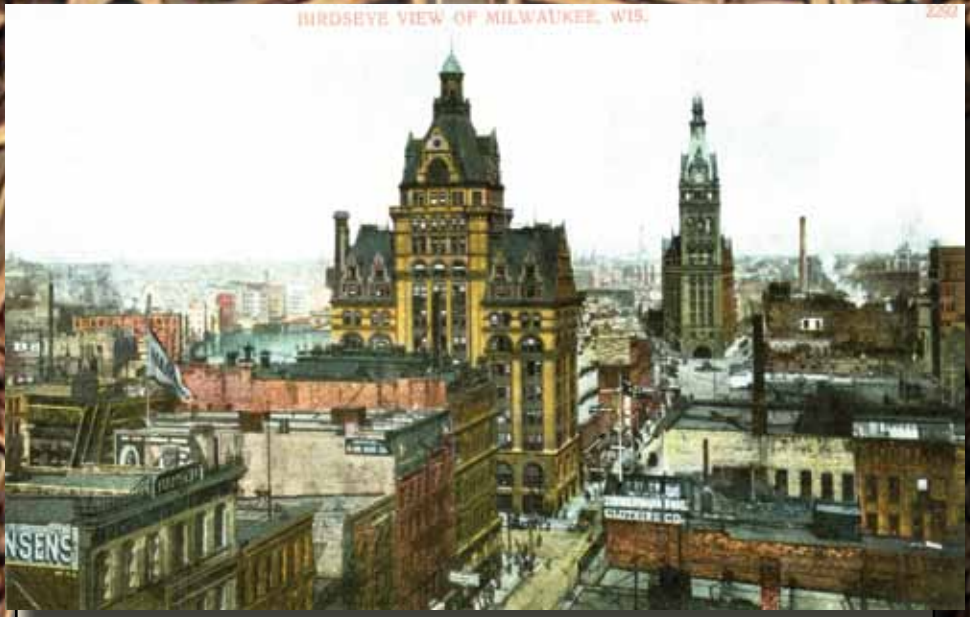
of Wisconsin, becoming in Common's view, a fourth branch of government. The administration measure introduced by Mahon met surprisingly little opposition from conservative Democrats and Stalwarts because they recognized its potential benefits in economy and efficiency. Astute employers also comprehended the potential advantage of focusing their lobbying efforts on a single board.

The commission was designed to administer existing labor and welfare programs, as well as the newly enacted workmen's compensation and child and women's labor laws. It would enforce their provisions, conduct investigations, compel the attendance of witnesses at hearings, and levy penalties for violations of the state's labor laws. It would also subsume all existing labor and welfare agencies, including the Board of Arbitration, the Bureau of Labor and Industrial Statistics, and the newly established Industrial Accident Board. On June 27, the assembly passed the bill, 53-13, and the senate quickly followed suit, 17-8. Three days later, McGovern signed the new act and appointed the members of the Industrial Commission.

The genius of the new law lay in its simplicity and clarity. Instead of trying to enumerate, in easily circumvented detail, the machines, devices, and specifications involved, the measure established just two absolute standards. The first made it every employer's duty to provide employees and "frequenters" of the establishment with a safe work place and conditions of labor, and to "do every other thing reasonably necessary to protect the[ir] life, health, safety, and welfare." The second vested the commission with whatever powers and jurisdiction "as may be necessary adequately to enforce and administer all laws and lawful orders." Such a generic approach was intended to avoid endless nit-picking over details, and to place absolute responsibility for safety and health upon employers and commissioners. Although much of the credit for this inspired line of reasoning was due McCarthy and Commons, its translation into law was accomplished by a coalition of Progressives and Socialists in the 1911 Legislature.

Political Restructuring

While labor and welfare measures divided lawmakers largely along ideological and class lines, proposals to restructure the electoral system generally produced more partisan alignments, even though the combatants were usually anxious to cloak their efforts in the mantle of reform. The opening shots were fired on January 12, when administration Republicans introduced bills for home rule, nonpartisan elections, and a 20 percent minimum for ballot qualification, all of which favored Milwaukee Republicans against both Democrats and Social Democrats. The Democrats responded by trying to remove the power to appoint committees from Speaker Ingram. Social Democrats combined with most Republicans to defeat the maneuver, but three measures introduced by Senator Henry Bodenstab continued to fuel partisan warfare for the remainder of the session, with legislative and congressional reapportionment the most bitterly fought. When a coalition of Socialists, Stalwarts, and Democrats apparently succeeded in passing a reapportionment bill on June 23, it



Birdseye view of Milwaukee in the early 1900s with City Hall on the right. Municipal home rule afforded greater powers of self-governance to municipalities. (Wisconsin Historical Society 54787)

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was vetoed by McGovern. Progressive Republicans and Social Democrats then cooperated on a compromise measure that passed the assembly, 58-7, on July 13. Anxious to avoid a special session, the senate concurred the next day.

Scarcely less heated and partisan was the contest over the percentage of primary votes necessary to qualify for a place on the general election ballot in Milwaukee County. The SDP's strong showing in 1910 had left the Democrats with less than the exacting 20 percent; the Socialists moved quickly to protect their position by lowering the necessary percentage. Milwaukee Republicans supported the 20 percent requirement, hoping that a sizeable majority of normally Democratic voters would prefer Republicans over Socialists. To persuade Democrats to vote for their second-choice primary election bill, many Republicans eventually agreed to lower the requirement to 10 percent. Democrats vainly attempted to abolish the percentage requirement altogether, then succeeded with an amendment that dropped the minimum to 5 percent. For their part, Socialists favored any plan that would keep the Democrats on the ballot, in order to prevent the two major parties from combining against them in general elections.

To the Socialists' ultimate detriment, however, most Democrats and Republicans united on a measure that married partisan self-interest and anti-Socialist passions to progressive convictions about democracy and local autonomy. To buttress their argument, they cited the model city charter of the National Municipal League, which contended that local government nonpartisan elections would eliminate patronage, corruption, and escalating expenditures and taxes. More to

The reform legislature of 1911 met as the construction of the capitol continued around them. (Wisconsin Historical Society WHi (X3) 2062)

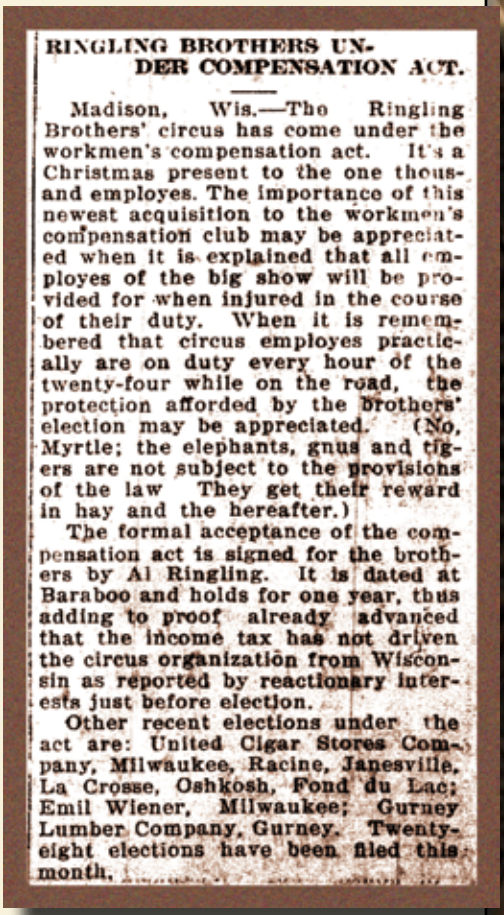
the point, they would facilitate the fusion of both major parties behind single non-Socialist candidates. Even so, both McGovern and La Follette were concerned that such a course might undermine the Republicans' partisan advantage in state and local elections. Their opposition forced the advocates of nonpartisan local elections to devise a two-stage strategy: mandate them for judicial and school board contests in time for the spring elections in Milwaukee, while delaying action on a more comprehensive measure. Spearheaded by Bodenstab in the senate and Stern in the assembly, the judiciary and school board election bill sailed through both houses over the objections of Social Democrats and some progressives, including Ingram and Blaine. Stern's proposal for nonpartisan school board elections in Milwaukee cleared the assembly by a 45-31 vote and had no trouble in the senate. Despite his personal qualms, McGovern signed both measures into law, just in time for the spring primaries.

A comprehensive nonpartisan election proposal sponsored by Stern, Bodenstab, and Mahon, however, encountered greater opposition. It passed the senate on April 11, with only Blaine and the two Milwaukee Social Democrats dissenting, but it ran into serious opposition in the assembly where a coalition of administration Republicans and Social Democrats succeeded in defeating it, 52-21. However, pressure for the measure from the Milwaukee City Club and other "good government" organizations, as well as from the Milwaukee *Journal*, caused several legislators to change their positions. When Milwaukee Republicans and Democrats united behind "fusion" candidates to oust most of the So-

cialist administration in the 1912 spring elections, the bill gathered irresistible momentum. It was enacted during a special session and signed by a still reluctant McGovern on May 6, 1912.

Much of the same mixture of partisanship and ideology infused, and confused, the battle over municipal home rule. Responding to increasing pressure from Populists, Social Democrats, and progressives of both major parties, the 1907 legislature allowed Milwaukee to hold a convention in order to draft a comprehensive home rule charter for submission to the next legislature. Although the 1909 senate approved the charter, drafted largely by progressive Republican and Socialist delegates, it was defeated in the more Stalwart-influenced assembly. In the 1911 Legislature, Bodenstab, Stern, and the two Social Democratic senators proposed another two-stage strategy: first, a new statute; second, a constitutional amendment. The statute permitted cities more control over tax rates and bonded indebtedness for public improvements, while the amendment allowed municipalities to amend their charters and to adopt new ones.

Despite the seemingly widespread consensus among Socialists and progressives of both major parties, conflict arose over the applicability of the home rule statute to smaller cities, and over its impact on existing utility franchises. Ironically, Stern and Bodenstab hurt the measure's chances by insisting upon nonpartisan elections with a mandatory majority vote, but it still passed by the end of June. A compromise worked out by Stern and Gaylord, adding the phrase "subject to the constitution and general laws of the state," guaranteed the success of the amendment. Although the 1913 Legislature later endorsed the home rule amendment for the second time, as required by the constitution, it was defeated by the voters in 1914 as part of a general reaction against progressivism. It would take until 1924 before advocates of municipal home rule achieved success.



RINGLING BROTHERS UNDER COMPENSATION ACT.

Madison, Wis.—The Ringling Brothers' circus has come under the workmen's compensation act. It's a Christmas present to the one thousand employes. The importance of this newest acquisition to the workmen's compensation club may be appreciated when it is explained that all employes of the big show will be provided for when injured in the course of their duty. When it is remembered that circus employes practically are on duty every hour of the twenty-four while on the road, the protection afforded by the brothers' election may be appreciated. (No, Myrtle; the elephants, gnus and tigers are not subject to the provisions of the law They get their reward in hay and the hereafter.)

The formal acceptance of the compensation act is signed for the brothers by Al Ringling. It is dated at Baraboo and holds for one year, thus adding to proof already advanced that the income tax has not driven the circus organization from Wisconsin as reported by reactionary interests just before election.

Other recent elections under the act are: United Cigar Stores Company, Milwaukee, Racine, Janesville, La Crosse, Oshkosh, Fond du Lac; Emil Wiener, Milwaukee; Gurney Lumber Company, Gurney. Twenty-eight elections have been filed this month.

Even Ringling Brothers Circus, headquartered in Baraboo, came under the new Workmen's Compensation Law. (Brian Krueger, DWD; Eau Claire Leader Telegram*, December 27, 1912)*

Somewhat less convoluted in motive and maneuvering were the 1911 session's other major political reforms, such as a stringent corrupt election practices act. The 1910 Republican platform had pledged the enactment of a law to restrict campaign expenditures, keeping them to a stipulated amount and to specified purposes, while providing "rigorous penalties," including imprisonment and disqualification of candidates. The team of Stern and Bodenstab introduced bills to that effect that were supported by progressives of both parties, as well as by the Social Democrats. What little debate there was revolved around the effectiveness of the proposed enforcement machinery. The bill, which McGovern signed on July 12, provided for up to three years imprisonment and fines of up to $1,000, as well as disqualification from holding office.

To facilitate the future election of progressive Republican candidates, the legislature adopted what La Follette had long held to be the most serious omission of the 1903 primary law – the second-choice provision that would allow voters to pick both their first and second choices for each office, thus supposedly preventing Stalwarts being elected by plurality, if several progressive candidates split the majority vote. Although Stalwarts and other conservatives derided it as the "Mary Ann law," it passed the assembly in early April and the senate in early May, without serious opposition, probably because its opponents realized that the law's procedures would be too complicated to attract the great majority of voters. Their intuition was vindicated in the 1914 Republican gubernatorial primary, when Stalwart Emanuel Philipp was elected by a plurality over several progressive candidates, as voters virtually ignored the second choice option. Adding insult to injury, Governor Philipp quickly succeeded in having the provision repealed.

Of far more gravity was the 1911 Legislature's ratification of the proposed Seventeenth Amendment to the U.S. Constitution, mandating the direct popular election of senators. Even before Congress submitted the proposed amendment to the states for ratification, Husting (who was to be the Democratic candidate for the senate against McGovern in 1914) introduced a bill making the preferential vote for senator in the general election binding upon the legislature. Although a large number of legislators expressed a preference for waiting until Congress submitted the proposed amendment, both houses passed versions of Husting's bill, but they disagreed over the method of selection, thereby necessitating a conference committee. The committee agreed to achieve the goal of direct election by having individual legislators pledge themselves to a specific candidate, but the assembly refused, 35-39, to adopt the report. So divided were the progressive Republicans on the matter that Speaker Ingram favored passage, while McConnell, the nominal floor leader in the assembly, argued for waiting until the legislature officially received the proposed constitutional amendment. Led by Berg, the Stalwarts opposed Husting's bill as a denial of free choice to legislators. They were joined by most Social Democrats, because they wanted to abolish the U.S. Senate altogether. When the proposed amendment finally came before it, the legislature quickly ratified it.

Similarly complicated by side issues were attempts to adopt one of the signal innovations of the Progressive Era: initiative, referendum, and recall. The

entire package had been included in all three party platforms and, on January 19, Husting proposed a constitutional amendment to that effect. While all three measures were generally anathema to Stalwarts and other conservatives, recall drew the greatest fire, at least in public. In an attempt to enhance the chances of initiative and referendum, Assemblymen Yockey and Gettle introduced separate measures providing for each of the two. The issue generated serious differences of opinion among non-Socialists, but almost all agreed that the voting percentages required to initiate and approve legislation should be set high enough to prevent Social Democrats and "extreme" progressives from forcing "radical" socioeconomic policies on the state. To counter the opposition, McCarthy prepared a detailed exposition of all three measures, as well as of their nationwide popularity. It was not until early June, however, that the proposed constitutional amendments for initiative and referendum passed both houses, and not until the 29th that they concurred in the report of the conference committee.

In the meantime, Husting's proposed constitutional amendment for recall experienced an even rockier course. His original resolution included all officials, including judges, but, on April 19, that provision sparked a hot debate over the possibility that Social Democrats might use the device to remove anti-labor judges. After an exchange of mutual recriminations, the senate, by a 15-12 vote, accepted a substitute resolution, submitted by its judiciary committee, exempting judges. The amended resolution then passed 20-7, with only five Stalwarts and two conservative Democrats opposing. On May 16, the amended recall resolution passed the assembly, 64-1. For good measure, the legislature also mandated separate ballots for national, state, and local elections and instituted a presidential preference primary.

Completing the progressive agenda for political reform, the 1911 Legislature enacted four other measures. By far the most idealistic was the prohibition of logrolling and vote trading introduced by Merlin Hull. It passed the assembly on March 28 and the senate on April 27, with little committed opposition. More substantive was the proposed constitutional amendment to streamline the amendment process by eliminating the requirement that each proposal had to be approved by two consecutive legislatures, before it could be submitted to the people for ratification. The proposal outraged Stalwarts and conservative Democrats, but a coalition of progressives and Socialists had little difficulty in achieving passage. Ironically, the measure was eventually undone by the process it was designed to supplant, which delayed its submission to the voters until 1914, at which point it suffered the fate of all things progressive.

A more immediate backlash greeted the administration proposal to make the post of insurance commissioner appointive. Even some progressives attacked it as a blatant device for freezing La Follette loyalist Herman Ekern into the office to which he had been elected. Others derided it as an apparent contradiction to the progressive doctrine of popular control over government. The administration countered by invoking another cardinal progressive principle: administration by "apolitical experts." After signing the bill, McGovern quickly appointed Ekern to a four-year term, a move that he would later regret.

As its final foray into political reform, the 1911 Legislature made an ambivalent move in the direction of woman suffrage. The bill was introduced by Senator James, father of Ada L. James, president of the Political Equality League. It passed the senate on March 31, but ran into problems in the assembly. Its sponsors temporarily saved the day by accepting an amendment to submit the measure to a referendum during the next general election. Thus revised, the bill passed the lower house, 49-18, on May 16, and the senate on May 26. A reluctant McGovern signed the bill in early June, and suffragists celebrated by launching

One of the great issues of the day, women's suffrage, was also addressed by the 1911 Legislature. Wisconsin suffragette Ada James is in the center of this group. (Wisconsin Historical Society 1991)

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a statewide "Votes For Women" campaign. The measure's overwhelming defeat in November 1912 graphically demonstrated that much of the support uttered on behalf of woman suffrage was largely for public consumption. Many legislators obviously used the referendum strategy as a ploy to avoid having to go on record against a bill with so much popular support. McGovern's refusal to back another such bill in 1913 soon gave further proof of the ambivalence – if not outright duplicity – of many otherwise progressive politicians.

Conservation and Historical Preservation

High on the legislatures' list of priorities was the conservation of natural resources. Although its pioneering achievements in this area were short-lived – due largely to actions of self-serving opponents – they laid the groundwork for what would later emerge as one of the nation's most stringent and comprehensive programs. Once again, the starting point for legislative deliberations was the report of an interim committee created in 1909 and chaired by Republican Senator Harlan P. Bird, a Marinette County lumberman, to examine waterpower, forestry, and drainage. When the committee submitted an 800-page report, complete with drafts of proposed legislation, its two most ardent members – Husting and Krumrey – filed a 60-page minority report that took sharp issue with their colleagues' views on waterpower and forestry. Meanwhile, the temporary state Conservation Commission, headed by Van Hise, a nationally recognized authority on conservation, produced a report that agreed substantially with Husting and Krumrey. It largely reflected the views of state forester Edward M. Griffith, who had been appointed by La Follette. For the most part, both the Husting-Krumrey and Conservation Commission reports urged government intervention to preserve the state's water and forest resources, a position that was embodied in a constitutional amendment approved by the voters in 1910, by a vote of 62,406 to 45,847. Moreover, the general outlines of that approach were endorsed by McGovern in his inaugural address.

That seemingly overwhelming consensus, however, was challenged in yet another minority report by two other commission members – paper manufacturer George A. Whiting of Neenah and lumberman William Irvine of Chippewa Falls – who argued that water rights were inherently private and that "the only way to preserve water power is to use it." Virtually everyone agreed that the state should issue indeterminate franchises for using waterpowers, and that franchise income should finance conservation efforts, but the Husting-Krumrey and Conservation Commission reports also declared that the use of water in navigable streams was a public trust, and that the state should regulate all energy derived for the general welfare. In his address, the governor had recommended authorizing the Railroad Commission to regulate waterpower in the interest of consumers, with the cost to be defrayed by a new franchise tax. Responsibility for drafting the actual legislation was entrusted to a special select committee consisting of Krumrey, Husting, Blaine, and Gaylord. They sponsored a bill that declared the issuance of a franchise equivalent to establishing a public utility for any other purpose, making the energy derived subject to government regulation. It also stipulated that waterpower franchise holders must conduct their business in the public interest, and gave the Railroad Commission power to issue 20-year franchises, subject to both a fee and a yearly rental. The state also would have the power to terminate the contract at any time, should the franchise holder violate either the letter or spirit of the law, or if the government decided to enter the public power field directly. Despite numerous objections voiced during hearings on the bill, the legislature finally passed it on June 22.

Dams like this made the Wisconsin "the hardest working river in the world." The 1911 Legislature enacted a law asserting public interest in regulating hydroelectric power, but the legislation was declared unconstitutional. A special session in 1912 failed to produce revised legislation. (Wisconsin Historical Society 46877)

Paper manufacturers and hydroelectric companies wasted no time in taking their case to court. In January 1912, the Wisconsin Supreme Court declared the act unconstitutional, because it deprived franchise holders of their private riparian rights and property without due process of law or just compensation. Aroused by the court's sweeping decision, McGovern called a special legislative session in the spring of 1912, and instructed McCarthy to draft a new bill that would pass judicial inspection. He responded with a measure that accepted the notion of private ownership of riparian lands and waters, charged the Railroad Commission with issuing indeterminate franchises to private owners and public utilities, and limited state regulation to overseeing dam construction specifications and issuing certificates to public utilities allowing them to overflow private lands. Husting protested that he had not been consulted, and that McCarthy's bill "promotes and legalizes the monopolization of the water power sources of the state." Fearful that his strong position on the matter might hurt his plans for reelection in 1912 – and elevation to the U.S. Senate in 1914 – McGovern waffled and the special session failed to produce any waterpower legislation whatsoever.

Similar problems plagued efforts to expand the reforestation program. Both the interim committee and the Conservation Commission had backed Griffith's forestry program, which envisioned a reserve of at least two million acres "to protect the headwaters of our most important rivers; to aid in retaining our wood-

using industries within the state by supplying them with timber . . . and to protect the beauty of our wonderful northern lake region that would ultimately bring millions of dollars into the state through tourists, campers, hunters and fishermen." Accordingly, Griffith proposed creating a conservation commission, an adequate forest patrol system, prohibition of slash and burning, and cooperation with neighboring states and the federal government. He estimated that the state could raise $600,000 a year to pay for the programs by imposing a tax of two-tenths a mill for every $1,000 of assessed valuation. McGovern responded with a recommendation that the legislature immediately develop a plan for fire protection and reforestation; he carefully excluded agricultural lands from forest reserves. During the public hearing and floor debates many Stalwarts and conservative Democrats attacked the cost of reforestation, prefiguring the "extravagance" theme of

A fire-fighting crew at Big Falls, 1910. The chronic problems of the "cutover" areas prompted the 1911 Legislature to examine the issue of reforestation. (Wisconsin Historical Society 25650)

their 1912 and 1914 campaigns. Proponents of settling and farming the Cutover also objected, arguing that the state's resources would be better served by clearing stump lands and promoting agricultural resettlement. Their contentions appealed to railroad, lumber, and land companies, which owned vast acres of cutover land – and yearned to sell it to homeowners. Unable to kill the forestry measure outright, its opponents succeeded in reducing the appropriation from $600,000 to $200,000 and the time limit to 10 years. The senate finally passed the revised bill, 20-7, on June 12. Ingram led the fight against reforestation in the assembly,

Conservation legislation fell short of what many reformers hoped for in 1911. (Wisconsin Historical Society 55798)

contending that it was a plot to allow the lumber companies to sell their worthless land to the state at a premium. As a result, the lower house slashed the appropriation to $5,000 and the time limit to five years. Thus emasculated, the bill passed the assembly on June 22 and was signed into law eight days later. Its most enthusiastic supporters could take some comfort from the fact that the Conservation Commission was established as a permanent body, part *ex officio* and part appointive, with the power to enforce the new laws and formulate new proposals. But the annual appropriation was woefully inadequate, and the Wisconsin Supreme Court struck down the entire law in 1914, on grounds that the expenditures served no "public purposes," and that reforestation did not constitute "works of internal improvement within the meaning of the constitution." About the only ray of light for conservationists in the 1911 Legislature was the hope that their abortive efforts might provide inspiration and precedent for the future.

Much less contested was the legislature's foray into the related field of historic preservation. Alarmed at the destruction of Native American burial mounds, archeologist and historian Charles E. Brown had founded the Wisconsin Archeological Society, on which he served as secretary and editor. At Brown's urging, the society developed the state's first historic preservation movement; it involved the conducting of surveys, public acquisition and stewardship, partnerships with compatible agencies, creation of landmarks, and relentless promotion and education. In collaboration with the landmarks committee of the Wisconsin Federation

of Women's Clubs, the Daughters of the American Revolution, and other public service organizations, the society placed historic markers on mound sites across the state to call public attention to their rapid disappearance. Recognizing the inadequacy of purely private sectors efforts, and seeing the momentum being generated by the conservation movement, the society and its cohorts decided that the time was ripe to push for state intervention. With relatively little publicity or fanfare, they persuaded the 1911 Legislature to enact Wisconsin's first historic preservation law. Few citizens or legislatures could imagine that they had inaugurated a movement that would eventually make Wisconsin a model in the field of historic preservation.

Education Matters

Meanwhile, the field of public education fared much better than that of conservation in 1911. Perhaps its greatest victory came in the establishment of what evolved into Wisconsin's system of locally based vocational, technical, and adult education, another brainchild of Charles McCarthy. His model was the German "continuation school," which emphasized vocational and technical training within a wider context that included ongoing instruction in selected academic subjects and responsible citizenship

Vocational and technical education were placed under an independent board in 1911. This photo of students learning woodworking was taken at the Winnebago County School of Agriculture and Domestic Economy in Winneconne. (Wisconsin Historical Society 60096)

in order to produce technically proficient, well-rounded, thinking human beings and involved citizens. In many ways, this concept logically complemented the celebrated University Extension program that McCarthy had helped to develop earlier. In 1910, he outlined his ideas on vocational education in a letter to Van Hise, in which he spelled it out as all of one piece with both Extension and the College of Agriculture outreach programs. He envisioned a plan in which local school districts, University Extension, and the UW's teacher training department would combine to develop schools most appropriate to the economic character of each community. Appointed to the *ad hoc* commission on industrial and agricultural training created by the 1909 Legislature, he assembled an unlikely coalition of supporters that included the brewery lobby, the WSFL, the WMA, and several

Science Hall on the University of Wisconsin-Madison campus as it appeared around 1910. (Wisconsin Historical Society 58318)

prominent educators and politicians. In addition, he studied at first hand the industrial education programs of Germany, Great Britain, Ireland, and Belgium, as well as those in New York, Pittsburgh, Boston, and Lowell, Massachusetts. He also delegated the preparation of the agricultural section of the report to a committee of noncommission members headed by College of Agriculture Dean Harry L. Russell.

The final report, presented to McGovern on January 10, 1911, consisted of a 12-page introduction, a 100-page discussion of industrial education, and a 21-page section on agricultural education. To achieve schooling of the greatest number at the lowest cost, the report recommended the creation of an independent

board, dominated by employers and laborers, to administer the program, with the Superintendent of Public Instruction, the dean of University Extension, and the dean of the College of Engineering as *ex officio* members. Assemblyman Perry introduced the bill, which moved through the legislature with little objection, and was signed by the governor on July 7. Racine quickly became the first city to comply with the law, while local manufacturer Herbert E. Miles became first president of the state board. Manitowoc organized the first evening continuation school during the 1911-1912 school year and, by the end of that year, more than 20 cities had established continuation schools.

As companion legislation to vocational and continuing education, the 1911 Legislature enacted an apprenticeship law overseen by the newly created Industrial Commission. Contracts of indenture were to be standardized and all aspects of apprenticeship were subject to review by the commission. The legislature also inaugurated a pension plan for some public school teachers, although it remained extremely limited until 1921. Building upon legislation first passed in 1901, and upon the recommendations of the commission on industrial and agricultural training, the legislature also provided incentives for using county school buildings as social centers.

Government solicitude for the University also reached a zenith in 1911, with Van Hise in the president's seat, McGovern in the governor's mansion, McCarthy and Commons at the height of their influence, and the legislature itself populated heavily by alumni. In his biennial report, Van Hise requested an increase in the mill tax awarded to the University, a raise in faculty salaries, some new departments, and a building program that ran to nearly $3 million. He argued that the outlay would pay rich dividends for the state, and McGovern echoed those sentiments in his inaugural address. For the most part, the legislature responded positively, even though some senators tried to substitute a fixed cash appropriation for the mill tax, and to raise tuition for out-of-state students. Because 1911 was the first year that the legislature drafted an appropriation bill that lumped the University together with other state agencies, it was easier for some lawmakers to make invidious comparisons. In the end, though, the legislature continued its generosity to the Extension Division and the College of Agriculture, agreed to increase the mill tax from 2/7 to 3/8, and raised the campus construction budget by 50 percent.

Van Hise did not get all that he asked for, however, as the legislature provided only a fraction of the request for new dormitories, and specifically barred faculty members from serving on the newly established Board of Public Affairs, despite the fact that several were uniquely qualified. The legislature also debated bills that would have abolished farmers' institutes, probed the University's purchasing system, and restricted the sale and consumption of alcoholic beverages on or near the campus. More ominously, it toyed with the notion of fixing admissions requirements, and even with replacing the Board of Regents with a statewide board of education. Although none of these bills came close to passing in 1911, they gave some evidence that the honeymoon between the campus and state government was winding down.

Good Roads, Agriculture, and Insurance

High on the list of those urging more comprehensive planning and registration of the economy was the inauguration of a system of modern state highways. Ever since its founding in 1897, the Wisconsin Geological and Natural History Survey had tested road materials, constructed model highways, and begun educating the public. Led by its director from 1901 to 1925, William Hotchkiss, the agency steadily pled the cause of a state-financed highway system before auto clubs, rural mail carriers, municipal organizations, "good roads" associations, and farmers. Frugal and skeptical of

The 1911 Legislature gave birth to the State Highway System, which would shortly lead to the nation's first network of systematically numbered highways. (Wisconsin Historical Society 40274)

government, the state's large rural and small town populations initially opposed highway expansion and improvement, but were gradually persuaded of the benefits of better roads, as well as their value in a modernizing agricultural economy. So well did Hotchkiss and his colleagues do their work that, in 1908, Wisconsin voters approved, 116,107 to 46,762, a constitutional amendment authorizing the legislature to establish such a program. The 1909 Legislature failed to enact a highway law, because of disagreements over the scope of authority to be granted

to the proposed highway commission. As a result, that body created a special joint committee on highways, chaired by Assemblyman Jones, the chief opponent of highway centralization.

The committee's majority report, written by Jones, argued that the state's diversity in local finances, population base, and road conditions required that control be left almost entirely in the hands of local governments. Senator Donald submitted a minority report proposing a strong state commission and strict financial controls. Endorsed by Hotchkiss, the state's county highway commissioners' association, and McGovern, Donald wrote a bill that encompassed the gist of the minority report, but acknowledged the concerns voiced in the majority report. It passed the senate with relative ease, but encountered vociferous objections concerning local prerogatives in the lower house. After an occasionally heated debate, the assembly eventually concurred, although 40 percent of the voting members objected to such a highly centralized program. Most of the dissenters were Democrats, who came either from the more established eastern counties where their constituents feared being taxed for the benefit of less-developed areas, or from regions where the topography would entail higher construction costs. The measure that McGovern signed on June 14 established a five-man State Highway Commission that included the state geologist and the dean of the University's College of Engineering as *ex officio* members.

The State Road Aid Act of 1911 enjoined county boards to submit to the Highway Commission a design for interconnected systems of prospective state highways, beyond the limits of municipalities. It also provided that county boards elect local commissioners from a list supplied by the state commission. If completed roads met the standards to be developed by the state commission, towns and counties could petition the state for reimbursement of up to one-third the cost of construction. In a compromise that would cause serious problems in the near future, the legislature appropriated only $350,000 to cover potential costs.

In response to petitions from the WSE, which represented generally less affluent farmers in the underdeveloped regions of the state's north and northwest, the 1911 Legislature also passed measures to promote greater agricultural prosperity. The WSE's lobbying efforts were occasionally buttressed by those of the state's railroad and lumbering interests, who were seeking to entice farmers to resettle in the Cutover. Although Cutover settlement theoretically conflicted with the conservation programs espoused by the progressive Republicans, a large number of lawmakers were eventually convinced that there was room in the northern half of the state for both endeavors, if state government planned and managed matters properly. To that end, the WSE and the Grange sought exemption of marketing cooperatives from the restrictions of state and federal antitrust laws. Many members of the two organizations were immigrants of Finnish, Czech, Scandinavian, or German ancestry, who looked to their countries of origin for models. So did such agrarian experts as McCarthy and his close confidant Sir Horace Plunkett, a highly esteemed Irish land reformer. Together, McCarthy and Plunkett were instrumental in laying plans for the Organization of American Agricultural Societies, whose purposes were to introduce economy and efficiency

in the production and distribution of farm products, and to promote agricultural cooperatives. With only food processors, wholesalers, and similar "middlemen" voicing serious opposition, the 1911 Legislature exempted marketing cooperatives from antitrust laws, and charged the newly created Board of Public Affairs with the task of investigating the pros and cons of agricultural marketing.

In additional efforts to aid less affluent farmers, the legislature empowered counties to lend them money for improving their lands, and authorized counties to borrow money and issue and sell bonds to establish schools of agricultural and

Agriculture was also on the agenda in 1911. An antitrust exemption for farm cooperatives was enacted, and a study of farm marketing was ordered. (Wisconsin Historical Society 8999)

domestic economy. The WSE was especially pleased with the law that arranged the completion of a state owned binder twine plant, whose "employees" were prison inmates.

In furtherance of its apparent belief in increased economic planning and regulation, the 1911 Legislature also strengthened the hands of municipalities in dealing with street railway companies, by permitting local governments to issue franchises of indeterminate length, and to revoke them if traction utilities failed to serve the public interest. Another measure established a modest system of minimal bank deposit guarantees. Building upon the state's landmark insurance code, the legislature also completed the dismemberment of assessment life insurance companies by ordering their final valuation and the distribution of credits among their policy holders.

Far more radical was the establishment of the State Life Insurance Fund, which built upon a program inaugurated during the La Follette administration in 1903. Although the capitol fire of 1904 had generated intense criticism because

Municipalities were given a stronger hand in dealing with street railway companies in 1911. Safety and service complaints against street railways had long been raised by Milwaukee's Socialist Party. (Wisconsin Historical Society WHi (X3) 17745)

it forced the government to borrow money from general revenue funds, the fund was nevertheless expanded to include employees of local governments, school districts, and library boards. Support for state expansion into life insurance originated with Social Democrats, but was greatly augmented by the findings of both the 1906 joint committee on life insurance and the interim committee investigating the possibility of workmen's compensation. The 1911 Legislature established the State Life Fund, which could issue policies to Wisconsin residents between the ages of 20 to 50, in increments of $500 to a maximum of $3,000. The law mandated medical examinations, established the loan and surrender values of policies, and permitted annuity policies. Although relatively few Wisconsinites actually availed themselves of the provisions of the fund, it served as a yardstick against which to measure, and possibly regulate, the services and costs of private insurance companies.

The Board of Public Affairs

By far the 1911 Legislature's most ambitious venture into the realm of economic regulation and planning was the creation of the Board of Public Affairs. Not until the New Deal Congress of 1933 enacted the National Industrial Recovery and Agricultural Adjustment Acts would any level of American government depart so dramatically from its traditional role.

Although La Follette had reportedly considered a similar idea, the actual model was the Milwaukee Social Democrat's Bureau of Economy and Efficiency of 1910, on which Commons had served as chief advisor. At Commons' invitation, McCarthy evaluated the bureau's staff and accomplishments, and found them useful, at least in a suggestive vein. Commons then proposed the general concept to McGovern, who convened a group of sympathetic people to discuss the possibilities, and directed McCarthy to draft the necessary legislation for consideration in 1911. Out of these collaborative efforts, the proposed bureau evolved from an agency designed to promote economy and efficiency in government to one that would also conduct "fundamental studies about Wisconsin's human and social welfare."

The bill to establish the Board of Public Affairs was introduced in the assembly by Lewis Gettle and made its way through two committees before passing, 61-3. After inserting some minor amendments, the senate approved the measure by a vote of 16-7, on June 28. What opposition there was in both houses apparently manifested itself only in abstentions. The new statute made the governor chairman of a board that consisted of a mix of appointive and *ex officio* members, with McCarthy as chief of staff.

In a 17-page memorandum dedicated to planning "betterment," McCarthy committed the board to devising constructive legislation and educating an informed citizenry. In its four years of existence, it completed nearly 20 surveys – some controversial and some mundane – of Wisconsin government and society, including agricultural conditions, public finance, land tenure and farm tenancy, immigration, prison labor, and public education. Its investigation of the University, conducted by a prominent New York city efficiency expert, aroused suspicion between the two pillars of the Wisconsin Idea at the opposite ends of State Street. Still, as a result of the survey, the board claimed to have saved taxpayers $500,000, by squeezing $100,000 out of the normal schools' budget, and another $200,000 out of the University's.

Its report on agricultural marketing and cooperatives provided the basis for a controversial marketing commission bill sponsored by the McGovern administration in 1913. Promoted as the agricultural equivalent of the Industrial Commission, the debate over its adoption enkindled bitter conflict, and played a major role in the disintegration of the progressive movement itself. Even though the board proved to be short-lived, and its achievements short of expectations, its creation in 1911 proved the strength of progressivism in its heyday, as well as the vision of Wisconsin's future held by its leaders. As the midsummer heat closed in on Madison, and the members of the 1911 Legislature completed their labors, progressives throughout the United States, and the world, looked on with admiration and amazement at the accomplishments of the "Wisconsin Idea" and its "service state."

In addition to the already cited tributes to the achievements of the 1911 Legislature, two more – albeit self-congratulatory – were added during the summer of 1912. At the assembly's official ending ceremony on June 30, a delegation of Democrats and Socialists presented Speaker Ingram with a gold watch in recogni-

tion of his "fair treatment and adroit leadership." According to the last entry in the *Assembly Journal* on that day, he responded by congratulating the members of the minority parties "for their hearty cooperation in the work of this most notable session ever held in this state or in any other state." Just a few weeks later, the Wisconsin Republican Party adopted its platform for the upcoming fall elections, which boasted that "no greater progress has ever been made in any commonwealth in the same time than during the administration of Governor Francis E. McGovern for improvements in the governmental machinery, for the enactment of the public will into law, and for social and economic advancement." It went on to claim that "in scope, originality, practicality, courage, and broad, progressive humanitarianism, the republican [sic] state platform of 1910 was without precedent," and that "when the legislature of 1911 adjourned, every pledge was redeemed, every promise was performed, and every proposal was enacted into law."

The Disintegration of Progressivism

Unfortunately, as historians Roger Wyman and Herbert Margulies have demonstrated in near-exhaustive detail, that euphoric mood was short-lived. As Wyman so bluntly puts it, "the chief political harvest of the immense accomplishments of the 1911 legislature, a landmark of the progressive movement in the entire United States, was a net loss of political support." In brief, the leftward strategy that had produced the electoral landslide of 1910 and the legislative bonanza of 1911 failed to generate the partisan realignment that the progressive Republicans needed to sustain and expand their movement. On the one hand, the La Follette-McGovern alliance, the leftward surge of the 1910 platform, and the "radical" nature of much of the 1911 legislation accelerated the flight of "moderates" to the ranks of the Stalwarts, which were being steadily rebuilt under the skillful leadership of Emanuel Philipp. On the other, those achievements failed to shake progressive Democrats and Socialists loose from their partisan moorings. The former were revitalized by the success of the progressive faction headed by Woodrow Wilson within the national Democratic Party, while the latter were encouraged by the election of Socialist candidates in hundreds of locales across the country, and especially by the electoral support given their presidential candidate, Eugene V. Debs, in 1912. The triumph of partisanship over ideology was best illustrated in the 1914 Senatorial election, in which McGovern, the quintessential progressive Republican, lost by a paper-thin margin to Husting, the quintessential progressive Democrat. Any remote possibility of a merger between the Social Democrats and the progressive Republicans was destroyed, once and for all, by the latter's support for the nonpartisan election law for Milwaukee. As if that were not enough, the ideological political axis that the progressives had labored so hard to impose was skewed by the resurgence of ethnocultural divisions. Despite all the progressive rhetoric and the shift toward the "issues," ethnicity and religion continued to determine much of party allegiance and voting behavior.

Emanuel Philipp's drive to resurrect the Stalwart wing of the Wisconsin GOP would land him in the governor's office in 1915. Many mark this as the end of Wisconsin's first "progressive era." (Wisconsin Historical Society 32600)

Typical of the defecting "moderates" were U.S. Senator Isaac Stephenson and former Governor James O. Davidson. The former explained his defection by proclaiming that "the inner ring which controlled party affairs had been fairly routed and some good laws were placed upon the books . . . there the task ended for me." The latter asserted that "a very good portion of the people, at least, are willing to have a rest from the turbulence that has been with us in the past." They, and thousands of fellow "moderates," clearly believed that much of the 1911 legislation had been, at best, unnecessary and, at worst, dangerously "radical." Their dissatisfaction presented Philipp and the resurgent Stalwarts with plenty of weapons with which to exploit the cracks in the progressive façade, and to mount an effective propaganda campaign accusing progressives of a multitude of sins. Beginning in 1909, Philipp cleverly aligned himself with the conservative administration of President William Howard Taft, establishing himself as the state's foremost Republican loyalist, thereby gaining control over most of the federal patronage in Wisconsin. Taft and Philipp were ideological soul mates, and shared a hatred of La Follette and his National Progressive Republican League (NPRL), founded in 1911, which they feared might become a vehicle for their nemesis to wrest the Republican presidential nomination from the incumbent in 1912. Taft went so far as to delegate his vice president, James Sherman, to address Philipp's 1910 "Stalwart Convention," while the latter remained vocally loyal to his mentor, even after it became painfully obvious that Taft was about to receive the worst electoral rebuke ever dealt a sitting president. At the same time, Philipp effectively wooed defecting moderates by stressing their mutual antipathy toward La Follette and McGovern, as well as their common grievances about much of the legislation of 1911: fiscal extravagance, ideological radicalism, excessive state interventionism, and the elitist attitude that the two progressive giants supposedly manifested toward other Republicans.

These developments soon paled into relative insignificance, however, compared to the destructive battle between La Follette and McGovern that erupted in 1912. Although antagonism between the two had always been simmering just below the surface, it erupted over La Follette's passion to become president, and McGovern's desire to succeed Stephenson in the U.S. Senate in 1914. Backed by the NPRL, La Follette entered the lists early in 1912 as the putative champion of all those Republicans who yearned to unseat Taft. McGovern and his followers dutifully enlisted in the cause, even though few national observers gave the Wisconsin insurgent much of a chance. Once Theodore Roosevelt joined the fray, most of La Follette's backers jumped on the former president's bandwagon. In a dozen presidential preference primaries held in early 1912, Roosevelt captured a substantial majority of votes and convention delegates, while La Follette was successful only in Wisconsin and North and South Dakota. McGovern, whose primary concern was his own reelection as governor and the subsequent fulfillment of his progressive agenda, realized that his best chance was to run on a united party ticket, headed by a dynamic, electable, progressive candidate, i.e. Roosevelt.

Former President Theodore Roosevelt's failure to forge an alliance with Robert La Follette at the 1912 Republican National Convention led to the renomination of William Howard Taft, and ill-feelings among progressives. (Wisconsin Historical Society 23773)

Just prior to the start of the 1912 Republican convention, Roosevelt's representatives offered to promote McGovern for temporary chairman, seemingly because they regarded him as a distinguished and effective progressive, and as someone who could be the bridge to a Roosevelt-La Follette coalition. McGovern agreed, on the condition that he would do so only if his fellow Wisconsinite's chances of nomination were clearly hopeless. When McGovern's name was placed in nomination for the temporary chairmanship, however, La Follette's campaign manager, Walter Houser, shouted out that this arrangement had been made without his man's knowledge or consent. La Follette, he thundered, would make no deals – with Roosevelt or anyone else. Houser's outburst stopped the planned

progressive revolt dead in its tracks. Taft was nominated on the first ballot, with 561 delegate votes to 107 for Roosevelt and 41 for La Follette. Significantly, 344 mostly progressive delegates refused to participate; a few weeks later, they joined with fellow insurgents to found the Progressive Party as a vehicle for Roosevelt's presidential campaign. To attract reformers of all persuasions, the newly minted Progressives adopted one of the most advanced platforms ever espoused by a mainstream national party. As a result of the Republican-Progressive split, Woodrow Wilson became the first Democratic presidential candidate to carry Wisconsin in 20 years, and the last to do so for another 20. Although he captured only 41 percent of the state's popular vote, he bested Taft by 33,634 and Roosevelt by 101,782. Socialist Eugene Debs improved upon his 1908 showing, from 6.1 to 8.4 percent.

The 1912 Election

In the Badger State, the La Follette-McGovern split was even more disastrous, although it took somewhat longer for the entire drama to unfold. In an amazing feat of political sleight of hand, Wisconsin Republicans managed to prevent the formation of an independent Progressive Party. In every state where Roosevelt backers had succeeded in stitching together a reasonably complete slate of candidates for Congressional, statewide, and local offices, the result was significant gains for Democrats and damaging losses for Republicans. The Wisconsin Republican ballot featured Taft in the presidential slot, McGovern on the gubernatorial line, and supporters of either La Follette or McGovern in most of the other positions. Roosevelt stood alone as the presidential candidate of a national Progressive Party that had no other adherents. The Wisconsin Republican Party's 1912 platform was the complete antithesis of the one on which Taft ran. Indeed, it bore an uncanny resemblance to the agenda of the NPRL, La Follette's presidential campaign manifesto, and the recently promulgated platform of the national Progressive Party. Although both La Follette and McGovern urged their followers to vote a straight Republican ticket, progressives clearly understood that that injunction did not include Taft. For his part, McGovern was finally forced to announce, in late summer, that he intended to "support the Progressive candidate for President and not the reactionary one." Although no one can say with absolute certitude for whom La Follette voted in November 1912, it definitely was not for either Taft or Roosevelt.

Despite his "deep and lasting resentment" for McGovern's actions at the national Republican convention, La Follette reluctantly urged the Milwaukeean's reelection as "a vote for the progressive movement," adding that his record as governor had been one of "faithful cooperation with the legislature in carrying to fulfillment every pledge made in 1910." Progressives of all stripes agreed to campaign strictly on statewide issues, and to remain silent on the presidential contest. McGovern effusively praised the record of the 1911 Legislature and promised more of the same in 1913. He defended the state income tax and effectively countered charges of extravagance with statistical evidence. The Demo-

crats, with a few notable exceptions, campaigned as ardent foes of all things Republican, especially the income tax and increased government spending. Their gubernatorial candidate, former UW football star John Karel, promised a substantial reduction in state taxes, as well as a complete house cleaning in state government.

Theodore Roosevelt arrived in Milwaukee during his 1912 presidential campaign. He would later be shot by an assailant, but the wound was not fatal. Roosevelt's third-party candidacy ultimately proved divisive for Wisconsin progressives. The new legislature elected in November was decidedly less progressive than the 1911 body. (Wisconsin Historical Society 2096)

The Democratic candidate for lieutenant governor – Port Washington manufacturer and publisher Harry Bolens, who had organized the campaign of the Wisconsin Manufacturers Association against the 1911 income tax – assiduously linked increased taxes to concerns about government expenditures, the proliferation of appointive commissions, and bureaucratic intrusions into personal finances. Karel denounced the income tax as "obnoxious and inquisitorial" (although his party's national platform and candidate pledged to enact a federal income tax), and as "the most pernicious law that was ever put on the statute books of Wisconsin." Many Stalwarts worked openly for Karel's election, especially among rural Republicans, who had formed much of the core of progressive support since 1894, but who had grown suspicious of the 1911 labor legislation, and

of big government by commission. They had generally supported the proposed constitutional amendment for the tax in 1908, and the statute of 1911, but many developed second thoughts when their first income tax bills arrived in 1912.

Harry Bolens of Port Washington (center) was a leading organizer of the conservative movement within the Democratic Party. (Wisconsin Historical Society 41292)

Besieged on all sides, McGovern and the state Republican ticket still managed a somewhat ambiguous victory. He received almost 18,000 more votes than he had in 1910, an outcome that could be read as an endorsement of his leadership of the 1911 Legislature. The slight decline in the Social Democratic gubernatorial tally suggested that the leftward strategy of the previous two years had borne at least some fruit. McGovern's total, however, was 14,000 less than that of presidential candidates Taft and Roosevelt combined, while Karel ran 3,000 votes ahead of Wilson, a clear sign of Stalwart defections. Since McGovern's plurality over his Democratic opponent had shrunk from more than 51,000 in 1910 to just over 12,000, it seemed obvious that at least some La Follette people had "cut the head of the state ticket." On the other hand, several thousand Wilson backers had clearly split their ballots for McGovern, while nearly all Roosevelt voters had cast a straight Republican ballot for state offices. In a particularly astute analysis, the progressively Democratic Milwaukee *Journal* noted the irony of the incumbent governor's "extremely narrow" reelection victory, given that "his outstanding record in 1911" seemed to portend that he was "certain of winning any public office, excepting, of course, the seat of Senator La Follette himself."

More ominous for the future of progressive reform in Wisconsin were the results of the legislative elections. Wilson's coattails were long enough to increase the number of Democrats in the assembly from 29 to 34, although these

were clearly divided by ideology. Democratic candidates also captured 11 of the 19 Milwaukee County assembly seats, defeating such prominent progressive Republicans of 1911 as Erich Stern and Charles Perry, and dealing a severe blow to the Social Democrats. The latter delegation, which had been so instrumental in the passage of the historic legislation of 1911, had been reduced from 12 to five. All told, McGovern's Milwaukee support in the assembly had been seriously undermined. Although the Republican bloc in the lower house had risen to 60, these were almost evenly divided between La Follette and McGovern supporters. In the senate, 25 Republicans were opposed by only seven Democrats and one Socialist, but their ranks were loaded with La Follette men, a situation that would bedevil McGovern throughout a stormy 1913 session.

The 1913 Legislature

With both major parties suffering from factionalism and anticipating the next election, it is hardly surprising that the 1913 Legislature fell significantly short of its immediate predecessors in the enactment of progressive legislation. Still, it was a sorry outcome, considering that all three party platforms had pledged to expand upon the achievements of the previous decade. The Republican manifesto began by praising Wisconsin as the pioneer of "the great onward movement," which it attributed to "the leadership of our foremost public man, Senator Robert M. La Follette," and the progress made "during the administration of Governor Francis E. McGovern." It promised, among other things, to enact measures to improve rural education, defend the income tax against reactionary special interests, strengthen the Industrial Commission, give state financial aid to "mothers duly judged worthy by competent courts," and to work for the abolition of contract prison labor. The platform, however, made no reference to the agricultural marketing bill, and other state aid to marginal farmers, that were to be among the chief goals of the second McGovern administration.

The Social Democrats advocated home rule for cities, municipal ownership of public utilities and all natural resources, judicial recall, woman suffrage, and the abolition of prostitution. In addition to proposing industrial reforms to expand upon the legislation of 1911, the Socialists also planned to enact a broad agricultural program. They also condemned the "hypocrisy" of the mainstream political parties, "who still pretend that they differ in principle," and proclaimed that their party stands for "every radical change that will bring more wealth, more culture, and more security to the masses of the people," even though they considered such measures "mere palliatives, capable of being carried out even under the present conditions." Although urging the adoption of a federal income tax, the Democratic Party platform vociferously condemned the state income tax, demanding that it be submitted to a popular referendum in April 1913. It also denounced the "reckless and unjustified expenditure of public moneys" by the Republican administration, and endorsed the establishment of a state budget system. The platform was clearly a pragmatic compromise between the Wilsonian and reactionary factions of the state Democratic Party.

The Assembly Chamber during the 1913 session. (Wisconsin Historical Society 4895)

If anything, McGovern's message to the 1913 Legislature on January 9 was more ambitiously progressive than any of the party platforms. He lavishly praised the accomplishments of 1911, and enjoined the new legislature to "strengthen and perfect by amendment the principal measures enacted two years ago wherever experience may have shown that improvement is possible." Accordingly, he urged minor adjustments to the workmen's compensation and Industrial Commission statutes, a minimum wage for women, compensation for those stricken with industrially-related diseases, and the abolition of prison labor. He defended the 1911 income tax law, as well as the good roads and industrial and agricultural education initiatives. He urged endorsement of the initiative, referendum, and recall amendments, the adoption of a law to protect stock market investors, an "anti-price discrimination" statute, and making the Board of Public Affairs a permanent body. McGovern's major goals for 1913, he made abundantly clear, lay in conserving the state's natural resources, and providing state aid to marginal farmers. In a closing designed to motivate lawmakers to even greater efforts at reform, he exulted that Wisconsin had never been more prosperous or revered, and that its exalted status "was not the result of chance or magic," but rather "the product of three relatively simple things: popular rule, scientific methods of legislation, and centralized administration."

The uneasy La Follette-McGovern truce imploded almost as soon as the election returns were official and continued to escalate throughout the 1913 leg-

islative session. La Follette's loyalists consistently undermined the governor's legislative agenda, to the point of seeking to block or weaken measures with which they were in basic agreement. Exacerbating McGovern's problems was an unexpected rise in state expenditures, due, ironically, to the tremendously favorable response for state aid under the 1911 highway legislation. Although the original budget in 1911 had been limited to $350,000, requests for state subsidies quickly escalated to $800,000 by early 1912. Deluged by an ever growing demand, the legislature was forced to appropriate $450,000 for 1913, and to budget $1,200,000 annually for future years. In addition, the University's requested appropriation for 1913-14 increased to $2 million, seven times greater than it had been during La Follette's first term as governor. To keep the pot boiling, Democratic legislators consistently played McGovernites against La Follette supporters, partly because that was the only strategy on which they could agree. Even progressive Democrats had a stake in keeping McGovern's record of legislative achievements to a minimum, because they were anticipating Husting's 1914 race against the governor for the U.S. Senate.

In spite of factionalism and reaction, the 1913 Legislature still managed to cobble together a modest record of progressive achievements that is best characterized as a mixed bag. It managed to ratify the Seventeenth Amendment, endorse the 10 proposed amendments to the state constitution initiated by its illustrious predecessor, enact mothers' pension, minimum wage, and antiprice discrimination legislation, improve rural education, and establish land mortgage and rural credit associations. On the other hand, it failed to approve another woman suffrage amendment, enact sickness insurance, develop a comprehensive fire insurance code, or strengthen the industrial education system. More ominously, it retreated from the high ground on waterpowers and forest reserve legislation, waffled in support of higher education, made concessions to the protest movements against higher taxes and public expenditure, and, above all, failed to enact a cooperative marketing program on which progressives of all stripes agreed in principle. The 1913 Legislature clearly fell significantly short of the record of its immediate predecessor, as well as that of the promises made in the 1912 Republican platform and in McGovern's inaugural message. Both La Follette and McGovern supporters agreed that factionalism within the progressive Republican ranks was the chief culprit for the legislature's spotty record, with each group naturally blaming the other. Even while recognizing the tremendous opportunity that their continued feuding would afford Stalwarts and conservative Democrats in 1914, they proved unwilling or unable to close ranks as they had done in 1911.

The 1914 Election

The tumultuous 1914 election season began with the gubernatorial candidacy of Emanuel Philipp at the head of an antiprogressive coalition that, as historian Herbert Margulies has skillfully demonstrated, conflated its two main arguments into an all-purpose indictment of 14 years of progressive government: undemocratic government by commission was the cause

of exorbitant spending and oppressive taxes. For good measure, they denounced the University as a nursery for bureaucrats, experts, and socialists, and vowed to abolish the "progressive bill factory" that was the LRL. Exacerbating their bitter feud, La Follette and his followers collaborated in the campaign to convict the McGovern administration of "extravagance," even demanding that the governor call a special legislative session for the purpose of cutting costs. Ironically, La Follette called for the abolition of the bill-drafting department of the LRL, while he was leading the movement to establish a similar agency in Congress. As if that were not bad enough, the senatorial candidacy of Lieutenant Governor Thomas Morris in the Republican primary touched off a virulent anti-Catholic diatribe that further divided the progressive forces.

The upshot of all this turmoil within Republican ranks was a chaotic gubernatorial primary that pitted Philipp against progressives William Hatton, Andrew Dahl, and Merlin Hull, all of whom trumpeted their impeccable progressive credentials, while simultaneously denouncing the movement's supposed sins. Incredibly, Philipp won the primary election with 35 percent of the vote, while progressive candidates captured all of the other positions on the statewide Republican ticket. Unable to swallow Philipp, a sizeable number of progressives hastily rallied behind the independent candidacy of La Follette loyalist John J. Blaine, a member of the state senate in 1911 and a future governor and U.S. Senator. In the senatorial primary, McGovern captured the party's nomination with only one-third of the tally, besting Morris and Stalwart Levi Bancroft each by 11,000 votes.

Meanwhile, conservative Democrats, led by Karel, echoed Philipp and put through an entire slate of reactionary candidates at the party convention in July, completely outflanking the pro-Wilson slate headed by Husting and gubernatorial hopeful John Aylward of Madison. Bowing to the prevailing climate, the latter vowed to repeal the income tax, reduce the number of state commissions by two-thirds, cut the state payroll by $1 million, and "depoliticize" the University. Against the advice of President Wilson, conservative Democrats backed Thomas Kearney of Racine against Husting in the senatorial primary. In a mirror image of the Republicans, the Democrats nominated Karel for governor and Husting for the Senate. Not surprisingly, the platforms of both major parties in the general election were riddled with internal contradictions. The Republicans praised the achievements of past progressive administrations, and affirmed the principle of government regulation of the economy in the public interest, while pledging economy in higher education, the elimination of "nonessential" commissions, and stricter local control over highway construction. On waterpowers and reforestation, the platform steered a middle course between development and conservation. Departing from the script, McGovern boldly sought to make his candidacy a referendum on progressivism itself, a difficult task given Husting's presence on the Democratic ticket, and La Follette's widely held image as the embodiment of progressivism.

For their part, the Social Democrats admonished their followers to vote for their own and to maintain their unique identity and program. They were well aware that the progressives rejected their ultimate goal of collective ownership of

La Follette with John J. Blaine (left), who would later succeed Philipp as Governor (1921-1927) and serve in the U.S. Senate (1927-1933). At right is Herman L. Ekern, another prominent progressive. (Wisconsin Historical Society WHi-85361)

the means of production, had "stolen their thunder" on ameliorative legislation, had participated in the antisocialist fusion movements of 1912 and 1914, and had voted for the nonpartisan local election law. Their leaders sneered at "the hypocrisy of the capitalist political parties," and declined to participate in "a mad scramble for public office and plutocratic favors."

On the surface, the 1914 election appeared to be a repudiation of the progressive Republicans and all their works. In the gubernatorial race, Philipp garnered 43 percent to Karel's 37, Blaine's 10, and Social Democrat Oscar Ameringer's 8 percent. The senatorial election was so close that it took several days to certify that McGovern had lost to Husting by a mere 966 votes. The inability of McGovern to lure any votes away from Emil Seidel, the Social Democratic candidate and former Milwaukee mayor, underscored the political failure of the leftward strategy, despite its spectacular legislative success. Husting was a strong progressive in his own right, and the Wilson administration, having engineered the most productive congressional session of the entire Progressive Era, worked hard for his election. There is little doubt, though, that Husting's margin of victory was provided by La Follette Republicans, who vented their wrath on McGovern by voting for the man who was undoubtedly the most progressive Democrat in Wisconsin. Husting ran 15,000 votes ahead of Karel, while McGovern trailed Philipp by about 7,000, and the total votes cast in the senatorial race numbered 17,500 fewer than those for the governorship. Of all the 1914 races, the most bitter loss

was undoubtedly McGovern's. To a friend, he sighed that "verily the whirligig of time brings many changes and politics makes strange bedfellows." To another correspondent, he identified the real villain: "the La Follette outfit made the most secret, insidious, and effective assault I have ever known in my political experience." The lost election marked a tragic watershed in the life of the man who had managed the most productive legislature in Wisconsin history. Although he was only 48 years old, Francis E. McGovern never again held public office.

Years of factionalism and bickering, of name-calling and backbiting, had undoubtedly soured many Wisconsinites on politics – left, right, and center. Perhaps the biggest indicator that the electorate had grown weary of "La Follette ideas" was the overwhelming defeat of the 10 proposed constitutional amendments that were also on the 1914 ballot. These had been proposed by the progressive legislature of 1911, and had survived the vicious bloodletting of its 1913 successor. Except for the measures designed to raise legislative salaries and to reorganize the circuit court system, the amendments were mostly logical extensions of clearly established progressive policies. Amazingly, none of the measures received as much as 40 percent of the votes cast, while the two amendments to expand the state's public insurance program received less than one-quarter approval from those who bothered to vote on them. Tens of thousands ignored the constitutional referenda altogether.

Beneath the surface, however, the elections returns were much more ambiguous. Philipp's 140,787 votes were the lowest received by any Republican candidate since the party's disastrous defeat in the 1890 Bennett Law election. Moreover, he ran behind the other Republican candidates for statewide office – progressives all – by anywhere from 14,000 to 17,000 votes. In addition, most of the 21 Republican senators and 62 assemblymen were considered progressives of some type. Nor was McGovern's defeat necessarily a repudiation of progressivism, in general, or the legislation of 1911, in particular. Husting, after all, had supported nearly all of the session's landmark legislation, and was almost universally regarded as the leading progressive Democrat in the state. Nor did the three Philipp administrations (1915-1921) fulfill either the fears of progressives or the aspirations of reactionaries. To quote historian Robert C. Nesbit, the "promised dismantling of the progressive ark turned into a minor shifting of the ballast." The University, the LRL, and nearly all of the quasi-independent commissions survived pretty much intact. In Nesbit's words, "Everywhere he looked for evidence of radicalism or an officious bureaucracy discharging useless functions, he seemed to discover well-qualified civil servants performing socially or economically useful functions." The worst that Philipp was willing or able to do was to reduce the Board of Public Affairs and the Tax Commission to mere administrative agencies, kill off the second-choice primary, prevent the adoption of the initiative, referendum, and recall, cut the budget, and sack many progressive officials who were unprotected by civil service. By the time that he surrendered the governor's office to La Follette protégé Blaine, the achievements wrought by the progressive Republicans between 1901 and 1913 were almost universally accepted as the status quo.

The Legacy of 1911

In the longer view, the election of 1914 marked the end of what historian Robert S. Maxwell has called "the first chapter of the history of the state's progressivism." But those later chapters were separated from the first by interludes of conservatism or reaction, and were often characterized by as many discontinuities as continuities. The persistent elements were provided by two interrelated phenomena: Wisconsinites' memories and personal recollections of the original Progressive Era, and their enduring attraction to politicians named La Follette. In both of these conditions, recollection of the achievements of the 1911 Legislature naturally loomed large. However much the participants and content of the various progressive chapters changed over time, they remained variations on themes enunciated in the "Wisconsin Idea" and that old battle cry, "the people against the interests." The more that factionalism and cross-cutting issues muddied the political waters, the more the majority of Wisconsin voters were inclined to view the La Follettes as an island in a sea of change. That phenomenon helped to reelect "Fighting Bob" to the U.S. Senate by overwhelming majorities in 1916 and 1922, and to give him almost 55 percent of the state's presidential vote in 1924. It also made the "Cubs of the Old Lion," Philip and Robert Jr., a three-term governor and a 20-year U.S. Senator, respectively.

More immediately, "Old Bob" and his cohorts wrote the second chapter of Wisconsin progressivism during the turmoil of the Great War. By portraying the war in the familiar context of a conspiracy against "the people" by war profiteers, "super patriots," and other "special interests," they cobbled together a coalition of labor unionists, farm organizations, consumers, oppressed German-Americans, and antiwar liberals. The glue that bound them together was resentment at economic disparities exacerbated by wartime inflation, and their perceived sacrifice of the interests of working and middle-class citizens to those of financiers, industrialists, and international elites. Just as it had earlier in the decade, this coalition excluded Social Democrats, even though they shared a similar perspective and suffered similar persecution. Once again, neither the Socialists nor the La Follette progressives were willing to risk the likely consequences of structural amalgamation. Tragically, this second chapter of Wisconsin progressivism also failed to attract many champions of the first chapter, including McGovern, McCarthy, Commons, Van Hise, the majority of University faculty, and Wilsonian Democrats, who prized loyalty to the nation at war over dedication to the movement. Although they often outdid conservatives in their denunciations of a La Follette coalition, most of the prewar progressives came back into the fold in time to elect Blaine in 1920 and reelect La Follette in 1922. Although Blaine's three administrations produced no noteworthy reform legislation, they managed to keep Wisconsin's progressivism alive during the era of Harding and Coolidge, and to provide La Follette with solid support in both 1922 and 1924. Although "Fighting Bob's" death on June 28, 1925, effectively ended chapter two of Wisconsin progressivism, the subsequent conservative reaction lasted less than five

Robert M. La Follette, Sr. died in 1925. Crowds of mourners lined the route of his funeral procession, pictured here on Main Street in Madison. (Wisconsin Historical Society 32417)

years. Then, galvanized by the Great Depression, the younger generation of La Follettes wrote a third chapter, and once more thrust Wisconsin into the national spotlight as a bulwark of progressivism.

The second, third, and subsequent chapters of Wisconsin progressivism have largely been extensions of the foundations laid down by the landmark legislation of 1911. The establishment of workmen's compensation and the Industrial Commission endowed the state with an abiding commitment to the well-being of working people. During the Great Depression of the 1930s, that commitment was expanded to include the nation's first unemployment compensation program and the "Little Wagner Act," which guaranteed the right of labor to organize and bargain collectively for wages, hours, and working conditions. The state's widely recognized experience and expertise in labor and welfare legislation caused Congress to rely heavily upon Wisconsinites Edwin Witte and Arthur Altmeyer to help draft the Social Security Act of 1935, probably the most important piece of social legislation of the 20th century. The adoption of the nation's first state income tax in 1911 committed Wisconsin to an enduring belief that taxation should be based upon the "ability to pay." It also established the machinery for raising the revenue necessary to manage and expand the "social service state" envisioned

by the men of 1911. In addition, the 1911 Legislature created the Joint Committee on Finance (JCF) to systematize the legislature's handling of revenue and appropriation issues. A century later JCF continues to serve this function. The Good Roads Act of 1911 evolved into the State Highway Commission, which has enabled Wisconsin to build and maintain one of the finest state highway systems in the country. The organization of locally-based vocational/technical schools under the supervision of a state regulatory board has provided educational opportunities at affordable cost for untold numbers of Wisconsinites; it continues to produce the skilled, knowledgeable, and disciplined workforce needed to keep the state competitive in a global economy. Even though the voters in 1914 rejected the proposed constitutional amendment for municipal home rule adopted by the 1911 Legislature, and endorsed by its successor in 1913, the effort came to fruition in 1924. The presidential primary, nonpartisan local elections, separate ballots for national, state, and local elections, the regulation of lobbyists, and stringent corrupt practices legislation have proven to be integral components of an electoral system with an enduring reputation for high levels of voter sophistication and involvement – and "squeaky clean" politics. Along the same lines, the proposed constitutional amendments for initiative, referendum, and recall, as well as that for simplification of the amendment process itself, were endorsed by its successor in 1913, only to be rejected by the voters in 1914. Although the 1911 measure granting women the right to vote failed in a referendum the following year, it helped pave the way for Wisconsin to become the first state in the Union to ratify the Nineteenth Amendment less than a decade later. The passage of the state's first historic preservation law in 1911 laid the groundwork for the extensive network

La Follette's progressive legacy was carried on by his sons, Robert Jr. (left), who succeeded his father in the U.S. Senate (1925-1947), and Philip, who founded a separate Progressive Party and served three terms as Governor (1931-1933, 1935-1939). (Wisconsin Historical Society 19103)

Aftermath

The merits of the new system were so obvious that a parade of states passed workers' compensation laws. Nine other states vied with Wisconsin for passage of the first workers' compensation act in 1911: Nevada, New Jersey, California, Washington, Kansas, New Hampshire, Ohio, Illinois, and Massachusetts. Twenty-five years later, Arkansas and Mississippi were the only states without such a law.

The original 10 states' workers' compensation acts were vastly different from current laws. Scores of clarifications and improvements were needed. One example is the original exclusion of occupational diseases from coverage; today all states cover a broad range of occupational diseases. Another major change was broadening the scope of mandatory coverage. Workers' compensation did not become compulsory for all employers in Wisconsin until 1932.

A final change worth noting occurred in 1970, which was the creation of the Federal Occupational Safety and Health Administration (OSHA). OSHA preempted state regulatory authority over most workplace safety matters. In 25 states, some regulatory and administrative authority is delegated to the state that has an approved "state OSHA plan." This is the most significant federal preemption of state authority in workers' safety and compensation issues, though there have been other more specific issues on which the federal government has overridden state laws.

Today, every state and territory has its own workers' compensation law.

State laws and administrative practices vary, but they all incorporate the following principles:

* *Rapid, fixed compensation for work injury regardless of whose fault caused the harm.*
* *No other remedy from the employer beside what is allowed under workers compensation.*
* *Full payment of all medical care necessary to cure or relieve the injury.*
* *Some form of compensation for permanent or residual consequences of an injury, such as the loss of a limb.*
* *A fixed amount for death benefits to be paid to the survivors of a fatally injured worker.*

Greg Krohm

of historic sites, roadside markers, and area research centers that enrich the lives of Wisconsinites and visitors. Although the Wisconsin Supreme Court declared the waterpower and reforestation acts of 1911 unconstitutional on largely technical grounds, those measures set the tone for what would later emerge as one of the nation's most stringent and comprehensive programs for the conservation of natural resources. In more recent times, that orientation has been expanded to include Wisconsin's fervent commitment to environmentalism.

In building upon the legacy of 1911, its benefactors have continued to rely upon the three great pillars of the Wisconsin Idea: the Legislative Reference

Library, the University, and the quasi-independent expert commission. Rechristened the Legislative Reference Bureau, the LRB has consistently provided lawmakers with the information and bill drafting skills necessary to produce legislation that can withstand the tests of time, backlash, and judicial scrutiny. Expanded to include multiple campuses, the University System has steadily produced generations of public servants, as well as the knowledge and expertise needed to govern wisely and well. Meanwhile, the commission form of administration has generally continued to prove uniquely suited to meeting the challenges of a rapidly changing and increasingly complex society, economy, and polity.

Probably the most astute and cogent assessment of the legacy of 1911 is that of Jack Stark, a long-time leading light of the LRB staff, legislative historian, and incisive interpreter of the Wisconsin Idea:

> *The legislature's influence is still felt in Wisconsin and has extended to other states. The 1911 lawmakers laid the foundation for Wisconsin's traditions of environmental stewardship and clean government. It built a structure for state government that is still visible. It is, by a considerable margin, the most impressive legislature in Wisconsin history, and I would be surprised if a legislature in any other state can match its achievements.*

Wisconsin Workers' Compensation Centennial

In 2011 the Worker's Compensation Division of the Wisconsin Department of Workforce Development designed a postage stamp to commemorate the 100th anniversary of the enactment of the nation's first constitutional workers' compensation law.

Brian Krueger

Special Articles in Prior Blue Books 1970 to 2009

For 1919 to 1933 *Blue Books:* see 1954 *Blue Book,* pp. 177-182.

For 1935 to 1962 *Blue Books:* see 1964 *Blue Book,* pp. 227-232.

For 1964 to 1968 *Blue Books:* see 2007-2008 *Blue Book,* pp. 192-193.

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Capitol Visitor's Guide

Hours:
Building open daily 8 a.m. - 6 p.m.
The Capitol closes at 4 p.m. weekends and holidays.

Information Desk
Located in the rotunda, ground floor.

Tours
Daily Monday - Saturday at 9, 10, and 11 a.m., 1, 2, and 3 p.m.; Sundays at 1, 2, and 3 p.m. A 4 p.m. tour is offered weekdays between Memorial Day and Labor Day. Tours start at the Information Desk in the rotunda and last 45 to 50 minutes. Reservations are required for groups of 10 or more. Call (608) 266-0382 7:30 a.m. - 4:30 p.m. Monday - Friday, or visit the Web site at http://tours.wisconsin.gov/pub/reservations.

Observation Deck
6th Floor, accessible from 4th floor via NW or W stairways. Open daily from Memorial Day to Labor Day. There is a small museum devoted to the Capitol at the entrance to the observation deck.

Souvenirs
Available at the Information Desk, include books, postcards, miniatures, and tour videos.

Capitol Police
Room B2 North.

Handicapped Entrances
At Martin Luther King Jr. Blvd., East Washington Avenue, Wisconsin Avenue, and West Washington Avenue.

Parking
Limited parking (meters) on the Capitol Square.
Several public ramps are located within two blocks of the Capitol.

Senate Chamber
South wing, 2nd floor; visitors gallery, 3rd floor.

Assembly Chamber
West wing, 2nd floor; visitors gallery, 3rd floor.

Supreme Court Hearing Room
East wing, 2nd floor.

Governor's Office & Conference Rm
East wing, 1st floor.

Lieutenant Governor's Office
East wing, ground floor.

Attorney General's Office
East wing, 1st floor.

Legislative Offices
To find a specific office, check one of the Capitol Directories located in the rotunda and on the ground floor of each wing.

Hearings
Information about the time and location of public hearings is posted at the entrance to each legislative chamber.

Hearing Rooms
North Hearing Room, North wing, 2nd floor.

Grand Army of the Republic Hall, Room 417 North.
Joint Committee on Finance, Room 412 East.
Senate Hearing Room, Room 411 South.
Additional hearing rooms are located on the 2nd and 3rd floors.

Capitol Facts & Figures

Construction Chronology

West wing: 1906 – 1909
East wing: 1908 – 1910
Central portion: 1910 – 1913
South wing: 1909 – 1913
North wing: 1914 – 1917
First meeting of legislature in building: 1909
Dedication: July 8, 1965
Renovation: 1990 – 2001

Statistics

Height of each wing: 61 feet
Height of observation deck: 92 feet
Height of dome mural: 184 feet, 3 inches
Height of dome (to top of statue): 284 feet, 9 inches
Length of building from N to S & E to W:
483 feet, 9 inches
Floor space: 448,297 square feet
Volume: 8,369,665 cubic feet
Original cost: $7,203,826.35
(including grounds, furnishings, and power plant)