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The New York Legislative Campaign Speaking of Governor Charles Evans Hughes, 1907-1910.

Mary Margaret Roberts

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THE NEW YORK LEGISLATIVE CAMPAIGN SPEAKING

OF GOVERNOR CHARLES EVANS HUGHES,

1907-1910

A Dissertation

Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

in

The Department of Speech

by

Mary Margaret Roberts
B. A., Luther College, 1944
M. A., Northwestern University, 1949
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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>ACKNOWLEDGMENT</th>
<th>11</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT</td>
<td>v</td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>CHAPTER</td>
<td></td>
</tr>
<tr>
<td>I. HUGHES' QUALIFICATIONS FOR</td>
<td></td>
</tr>
<tr>
<td>GUBERNATORIAL SPEAKING</td>
<td>25</td>
</tr>
<tr>
<td>Speech training</td>
<td>25</td>
</tr>
<tr>
<td>Reputation</td>
<td>69</td>
</tr>
<tr>
<td>Speech theory and practice</td>
<td>79</td>
</tr>
<tr>
<td>II. THE CLIMATE OF THE TIMES</td>
<td>106</td>
</tr>
<tr>
<td>Antecedent trends and happenings</td>
<td>107</td>
</tr>
<tr>
<td>The hearers—voters and politicians</td>
<td>119</td>
</tr>
<tr>
<td>III. THE HUGHES IDEA OF GOVERNMENT</td>
<td>132</td>
</tr>
<tr>
<td>His values</td>
<td>133</td>
</tr>
<tr>
<td>His conservative proposition</td>
<td>136</td>
</tr>
<tr>
<td>His premises</td>
<td>137</td>
</tr>
<tr>
<td>IV. THE PUBLIC SERVICE CORPORATIONS</td>
<td></td>
</tr>
<tr>
<td>COMMISSIONS CAMPAIGN</td>
<td>162</td>
</tr>
<tr>
<td>The problem</td>
<td>162</td>
</tr>
<tr>
<td>The bill</td>
<td>173</td>
</tr>
<tr>
<td>The occasions</td>
<td>176</td>
</tr>
<tr>
<td>The speeches</td>
<td>181</td>
</tr>
<tr>
<td>CHAPTER</td>
<td>PAGE</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>V. THE ANTI-RACETRACK GAMBLING BILLS</td>
<td></td>
</tr>
<tr>
<td>CAMPAIGN</td>
<td>218</td>
</tr>
<tr>
<td>The problem.</td>
<td>219</td>
</tr>
<tr>
<td>The bills.</td>
<td>234</td>
</tr>
<tr>
<td>The occasions.</td>
<td>240</td>
</tr>
<tr>
<td>The speeches</td>
<td>246</td>
</tr>
<tr>
<td>VI. THE DIRECT NOMINATIONS CAMPAIGN.</td>
<td>283</td>
</tr>
<tr>
<td>The problem.</td>
<td>285</td>
</tr>
<tr>
<td>The bills.</td>
<td>292</td>
</tr>
<tr>
<td>The occasions.</td>
<td>296</td>
</tr>
<tr>
<td>The speeches</td>
<td>301</td>
</tr>
<tr>
<td>VII. APPRAISAL.</td>
<td>340</td>
</tr>
<tr>
<td>BIBLIOGRAPHY.</td>
<td>349</td>
</tr>
<tr>
<td>AUTOBIOGRAPHY</td>
<td>357</td>
</tr>
</tbody>
</table>
This study is a rhetorical analysis of Charles Evans Hughes' three major legislative campaigns as governor of New York from 1907 to 1910. Elected as the people's champion against special interests after his successful gas and life insurance investigations of 1905 and 1906, he sought to effect the Progressive reforms he felt the citizens demanded. When he found the political leaders opposed to change, he appealed to the people for support.

This study analyzes Hughes' rhetorical enterprise as exemplified by the campaigns to obtain legislation for three purposes: (1) to establish State public utilities regulation, (2) to implement anti-racetrack gambling laws, and (3) to institute direct primaries. Chapter One considers his qualifications for leadership through speech. Chapter Two develops the climate of the times in which he spoke. Chapter Three discusses his philosophy of government, comparing and contrasting his approach with that of other Progressives. Chapters Four, Five, and Six analyze his speech methods in the respective appeals. Chapter Seven appraises his influence as a speaker.
Fifteen speeches selected for their special rhetorical and political importance form the basis for detailed analysis of the campaigns. The following factors receive special attention: the nature of the political-rhetorical problem, the provisions of the bills, the characteristics of the occasions, the arguments and evidence, the emotional and ethical appeals, organization, style, and effect.

A principal source of material for the study was the Hughes Papers deposited in the Manuscripts Division of the Library of Congress. This collection consists of Hughes' Biographical Notes, memoranda summaries of important events in Hughes' career prepared by Henry C. Beerits, documents, correspondence, yearbooks, scrapbooks, newspaper and magazine articles, and an address file. Another principal source was the New York City Public Library, which furnished the following: (1) the private papers of George C. Agnew, a sponsor of the anti-racetrack gambling bills; (2) the Hughes collection which contains what apparently constitutes the largest and most authentic file of the Governor's speeches, and correspondence and printed material on campaign issues; and (3) the Fuller collection of several hundred scrapbooks filled with newspaper clippings of the Chief Executive's accomplishments.
Ethical proof was important in Hughes' persuasion. His antecedent reputation contributed to the confidence the people felt in him, and skillful ethical appeals in his speeches helped to reinforce his authority. His reputation repelled the party leaders, and his public repudiation of their power completed the alienation.

Combining his strong ethical appeal with powerful logical and worthy emotional appeals, he obtained passage of the public utilities and anti-racetrack gambling bills; he contributed to eventual acceptance of the principle of direct nominations. He won so much support for his political philosophy of efficient, responsible, "unbossed" government carried on through enlightened public opinion that several subsequent governors in New York and outside the State found it expedient to promise to follow his example. Particularly through measures like the Moreland Act which supplied a legal basis for increased efficiency and enlarged executive responsibility, he is credited with achieving a long-range effect upon State government.

While he did not produce speeches of great individual artistic merit, he did contribute a body of speeches which presented an impressive case for his idea of government. He did help to reveal the significant role speechmaking can play in the historical process. He did so by demonstrating that public opinion can influence State government when an able governor, skilled in speaking, chooses to enlighten and to appeal to the voters.
INTRODUCTION

Charles Evans Hughes made significant use of public address in carrying out his functions as governor of New York State from 1907 until 1910. Like many governors, he made speeches during his political campaigns for election and re-election in order to establish his qualification for office. Unlike many governors, he used speechmaking constantly and designedly to develop support for specific legislative reform bills and to develop appreciation for his ideals of representative government.

Before he took office, Hughes announced that his speeches would constitute the chief medium for the presentation of his programs. Once in office, he customarily referred reporters to forthcoming speeches for announcements of new policies and used his frequent press conferences primarily to interpret programs already instituted. He refused to write for publication, confining what he had to say "to his public addresses or to his official communications."¹

Hughes announced further that his speeches and his ideas were to be his own. He surprised and annoyed the politicians when he actually did prepare his Inaugural Address and his First Message without consulting them. He surprised and pleased the voters by

¹Letter from Robert Fuller, Hughes' Secretary, to E. J. Ridgway, New York City, March 2, 1908.
refusing to let any portion of the speeches "leak out" ahead of time, and by including only his own carefully-formulated recommendations rather than any boss-inspired declarations. He emphasized that no political boss, government official, or newspaper reporter would be authorized to speak for him.

During his 1906 campaign against William Randolph Hearst, Hughes promised the people "good government, free from taint of bossism." When machine-controlled legislators obstructed his reform program, he initiated direct rhetorical appeal to the people to force legislative acquiescence. He spoke often and at all kinds of occasions, explaining the merits of particular bills and his view of the responsibilities of the Executive, the legislators, and the voters. Often he appeared at as many as three meetings in a single evening; occasionally he addressed even more.

The Governor's audiences responded so favorably that his self-styled "appeal under his retainer of the people" soon achieved general support. His first two major legislative speaking campaign appeals, in support of two new State Public Service Corporations Commissions and of effective prohibition of racetrack gambling, resulted in favorable legislative action during his terms. His third appeal resulted in party endorsement of the direct nominations principle by both Republicans and Democrats. Hughes!

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3The New York Times of April 1, 1907, quoted him as indicating that "any statement of his views or intentions would be made by himself."
public speaking efforts in behalf of these three constructive measures offer an unusually good opportunity for an examination of the union of ethics, politics, and rhetoric by a leader in a free society.4

When Hughes left the governorship, editors of newspapers in New York and throughout the country praised him for his accomplishment in mobilizing popular opinion behind his programs. The New York Daily Tribune extolled "the skill with which he made his position clear to the public and inspired it with the vision of efficiency in administration and devotion to the service of the people...."5 The Springfield Republican declared that "he has powerfully supported and...strengthened self-government, as a principle by his simple democratic method of appealing directly to the people when sharp and irreconcilable differences have arisen between him and the party organization...."6 The Evening Post summed up his accomplishment as follows:

4"Speechmaking is a natural and wholesome consequent of the form of polity under which we live...the oral transmission of ideas is a rightful prerogative of the man who enjoys the estate of free discussion..." Lester Thonssen and A. Craig Baird, Speech Criticism: The Development of Standards for Rhetorical Appraisal (New York: The Ronald Press Company, 1948), p. 4.

5New York Daily Tribune, October 6, 1910.

6The Springfield Daily Republican, October 7, 1910.
No public man ever treated a democracy more consistently as a fair-minded court that could be prevailed upon to see where the weight of argument lies and what is the right thing to do. He was, of course, greatly aided in this by his remarkable power of lucid statement; but behind that was his unflagging faith in free discussion as a means of hammering out the truth, and his conviction that the people would cleave to that truth when once they had been brought to perceive it.

Woodrow Wilson is today promising to do in New Jersey what Hughes did in New York—that is, to insist upon State-wide discussion of State-wide interests, and when necessary to go behind the Legislature to the people.

Hughes' gubernatorial public address is particularly worthy of contemporary rhetorical study because Hughes spoke as the leader of the Empire State during a period of great national importance. It is additionally worthy of study as the early speaking of a man who enjoyed a long career as a prominent orator-statesman.

As the Chief Executive of New York State, Hughes occupied a significant post which offers a respected rostrum. The speech-making and statecraft of any New York governor are of general interest, and the accomplishments of an outstanding Empire State governor command particular attention. Hughes was such a successful governor that writers of New York political history customarily rank him with Grover Cleveland, Theodore Roosevelt, Alfred

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7 The Evening Post, October 6, 1910.

E. Smith, Franklin D. Roosevelt, Herbert Lehman, and Thomas Dewey.  

As governor in the early 1900's, Hughes served during the Progressive era and introduced Progressivism to New York State. He functioned with sufficient distinction to be ranked by many writers with such outstanding Progressive reformers as Mayor Tom Johnson of Cleveland, Mayor Samuel M. Jones of Toledo, Governor Robert M. La Follette of Wisconsin, Governor Joseph Folk of Missouri, Governor Woodrow Wilson of New Jersey, and President Theodore Roosevelt.

As an outstanding American, Hughes filled many other responsible positions of public service besides the governorship. Leaving his office three months before the end of his second term, he served as an Associate Justice of the United States Supreme Court from 1910 until 1916. He was Secretary of State from 1921

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Hughes' present reputation as a statesman is based largely upon his contributions on the national level,¹¹ and his present reputation as a speaker is based largely upon the speaking of his later years. This study seeks to provide perspective on Hughes' public career by focusing attention upon the vigorous speech-making which helped to make his governorship note-worthy both politically and rhetorically.

So far as this writer can ascertain, no one has made an extensive rhetorical study of Hughes' legislative campaigns or other governorship speaking. Cyril F. Hager¹² considered his 1916 speechmaking as an element of persuasion in the presidential campaign of that year. Philip Schupler¹³ gave some attention to Hughes' general political ideas during his governorship period, but he did not attempt a rhetorical analysis; he gave major


emphasis to Hughes' political liberalism as revealed in his Supreme Court decisions.

Thonssen and Baird write that a purpose of rhetorical criticism is "to help reveal the significant role of speechmaking in the historical process." They state further that "...the communicative intent of a speaker may have consequential influence upon the behavior of listeners." It is the purpose of this study "to help reveal the significant role of speechmaking in the historical process" by examining Charles Evans Hughes' use of public address as the governor of an important state during the Progressive period.

Sources

Several manuscript collections provided the most significant materials for the study. The Hughes private papers in the Library of Congress at Washington, D.C., furnished forty-six containers dealing with Hughes' life before and during the governorship period. These materials consisted of documents, yearbooks, correspondence, scrapbooks, articles about Hughes found in pamphlets and magazines and newspapers, and an address file containing a few manuscript and typescript copies of speeches in addition to quotations from many addresses. Hughes' Biographical Notes, observations upon various aspects of his work designed to give

\(^{14}\) Thonssen and Baird, op. cit., p. vii.

\(^{15}\) Ibid., pp. 10-11.
his biographer a better understanding of his own interpretations of events, furnished valuable insights. Especially useful historical material appeared in the memoranda summaries prepared under Hughes' direction by Henry C. Beerits and intended originally to serve as the basis for a biography by Mr. Beerits.

The New York City Public Library furnished three groups of materials. The private papers of George C. Agnew, co-sponsor of the anti-racetrack gambling bills with Assemblyman Merwin K. Hart, supplied helpful correspondence, printed matter, and scrapbooks pertaining to bills. The collection of Hughes' manuscript material made by Robert C. Fuller, secretary to the Governor, contained correspondence and printed material on the direct nominations and other issues and what is apparently the largest and most authentic collection of the Governor's speeches. The Fuller collection of several hundred scrapbooks filled with newspaper accounts of the Governor's work constituted the third valuable source. Approximately three dozen of the scrapbooks deal with accounts of the three campaigns selected from newspapers of the entire country.

The most valuable secondary source concerning Hughes' background and the events of his gubernatorial terms was Merlo J. Pusey's Charles Evans Hughes, a Pulitzer prize-winning biography. Dexter Perkins' Charles Evans Hughes and Democratic Statesmanship was helpful in providing perspective for the governorship period of Hughes' career.

Several volumes included biographical sketches of varying lengths. General histories considered his contributions briefly. Many books and magazine articles recorded the opinions of his
contemporaries, while the New York Times and other newspapers afforded especially helpful information concerning the day-by-day progress of the political and rhetorical struggle.

Procedure

The divisions of this study are the following: the personal qualifications which led Governor Hughes to utilize public address in the manner that he did; the climate of opinion in which he exercised his skill; the ideas he tried to establish; the methods by which he achieved persuasion; and the effects his speaking produced.

Accordingly, Chapter One deals with the factors in Hughes' background which predisposed him toward utilization of speechmaking. It discusses the qualifications which he brought to his task, seeking to identify and evaluate the elements of his training and experience which contributed to his proficiency as a speaker and to the formulation of his ideas on speaking. It deals with his methods of preparation and delivery.

Chapter Two discusses the historical forces and the population characteristics which contributed to the climate of opinion prevailing in the audiences he addressed.

Chapter Three discusses his political philosophy, the "Hughes idea of government," which served as the basis for his speech content.

Chapters Four, Five, and Six analyze the speech methods he used in the three legislative campaigns. They give attention to
arguments and evidence, emotional and ethical proof, organization, style, and effect.

Chapter Seven includes an over-all evaluation and appraisal.

The three legislative campaigns provide appropriate groups of speeches for study. Hughes wrote that his work as governor "...was largely concerned with legislative measures—in promoting those which I had recommended and in dealing with the host of bills passed by the Legislature..." The legislative measures which became the subject matter of the three campaigns are the ones which both Hughes and historians have considered the most important of his administration. Hughes called the program of State corporation control which his Public Service Corporations Commissions bill inaugurated, an aspect "of the extraordinary development which for the past 25 years has been the most important feature of the political history of the Nation and the states." He regarded the anti-racetrack gambling bills issue as such a vital one that he called a special session of the legislature for the specific purpose of passing the bills. He

16Charles Evans Hughes, Biographical Notes, p. 189a.

17Ibid., p. 190. This evaluation has been confirmed by many historians. The following passage is illustrative: "The greatest achievement of Governor Hughes was the passage of the public service commissions law." De Witt, op. cit., p. 62.
expressed his view of the primacy of the direct nominations reform by writing, "In my second term, I stressed the importance of reform in the nominating system."18

The three measures have additional significance because their reform nature identified Hughes as a Progressive.19

The three campaigns are thus important because they dealt with bills of significance in State and national history and in the career of Hughes as governor. The speeches of the campaigns meet the subject matter requirements for worthwhile oratory: that it must be predicated upon a recognition of the problems of the day, and that it must deal with worthy ideas. The speeches make especially appropriate material for this study because Hughes gave them rhetorical prominence. During an administration

18Ibid., p. 198. Further evidence may be found in the statement of a letter from Judge William H. Wadhams to Commissioner of Public Works Frederick C. Stevens, dated June 24, 1909, that "The Governor considers the reform of the nominating system of the state the chief political issue before the people..." Henry C. Beerits added his testimony on page two of his Memorandum entitled "Second Term as Governor": "The most important episode during Mr. Hughes' second term as governor was his fight for the direct nominations bill."

19"Governor Hughes properly is classed among progressive Republican governors because of the three great reforms for which he contended during his two terms in office. These three reforms were: first, provision for a commission to control public utilities in the state; second, the passage of a law prohibiting racetrack gambling; and, third, the enactment of a thorough-going direct primary law." De Witt, op. cit., pp. 61-62.
which generally emphasized speechmaking, he concentrated his major efforts as a speaker upon these three campaigns.

Speeches Selected for Study

Hughes delivered thousands of speeches during his governorship. Of these, the writer has read several hundred found in two manuscript collections in the Library of Congress and the New York City Library, in newspapers, and in books. Data for conclusions concerning Hughes' general ideas of government, speech concepts, preparation, and delivery are drawn from all of these; however, detailed consideration of arguments, supporting materials, organization, and style are limited to speeches of the three series. Hughes gave dozens of speeches on these issues. Because of the resulting similarities among them, the number of speeches selected for detailed scrutiny is limited to fifteen.

Four are studied from the first campaign, which lasted from March until May, 1907, and culminated in passage of the Public Service Corporations law. Since these are the only speeches included in the section entitled "Regulation of Public-Service Corporations" in the volume *Addresses of Charles Evans Hughes*, the conclusion seems justified that Hughes considered them the best choices on the subject. The four outline the major issues of the campaign and include refutation of opposing arguments; the titles given typescript copies in the New York City Public

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Library Collection indicate the content as follows: "Court Review," "Power of Removal," "Necessity for the Law," and "Reply to Attacks on the Bill."

The speeches have the following special significance. The one at the banquet of the Utica Chamber of Commerce on April 1 was the first of the series, given to an audience of businessmen undecided about the proposal but willing to be convinced. The speech at the Glens Falls Club on April 5 was delivered to a highly favorable audience of hometown businessmen. The Buffalo speech was presented on April 18 to a hostile Chamber of Commerce group, while the Elmira talk, given to a slightly favorable Chamber of Commerce audience on May 3, was the last major address before the vote in the legislature. The latter contained the famous phrase: "...the Constitution is what the judges say it is" and is probably the best-known speech of Hughes' governorship period.

The five speeches selected for special study from the six-month-long anti-racetrack-gambling campaign have similar distinctive historical-rhetorical interest. The campaign began in January, 1908, gained momentum in March and continued, after an initial defeat in the regular session, through a special session before the bills became laws in June. Hughes' speeches were given on the following occasions: the dinner of the Northside Board of Trade at Ebling's Casino in the Bronx on the evening of Thursday, March 5;

21The headings on these typescripts appear to be in the handwriting of Secretary Robert Fuller.
the dinner of the Brooklyn League at the Clarendon Hotel on the evening of Monday, April 6; the mass meeting at the Bedford Branch Y.M.C.A. in Brooklyn on Sunday afternoon, April 19; and the mass meetings at Albany and Troy on Sunday, April 26. Evidence that the Governor's secretary felt these to be important speeches comes from the fact that all of these are included in the New York City Public Library Collection. The speeches represent different phases of the campaign, with the first two occurring prior to the negative Senate vote, the other three after it. The Albany and Troy speeches were delivered after Hughes announced on April 23 that a special legislative session would be convened on May 11 to reconsider the measure.

The occasions of this campaign combine speeches to three New York City audiences, in the Bronx and Brooklyn, and the two upstate audiences at Albany and Troy. The first two exemplify after-dinner speeches of the type that Hughes had already been giving frequently during his incumbency, and the other three typify speeches to popular mass meetings which were a particular feature of the anti-racetrack-gambling campaign.

The direct nominations campaign lasted from January, 1909, until April, when the bill was defeated; it was resumed during the upstate county fair and other personal appearances in August and September of the same year, and it was advocated again in

\[\text{22During his first term, Hughes recommended a bill providing for a permissive system of direct nominations. He spoke in favor of the principle of direct nominations many times but did not embark upon a full-scale campaign for acceptance of a mandatory system until his second term.}\]
the spring of 1910 throughout the regular session and the special
session of June and July. The six speeches selected from this
series were given on the following occasions: the Hughes Alliance
dinner at Hotel Astor, New York City, January 22, 1909; the dinner
of the Young Republican Club of Brooklyn, February 20, 1909; the
Brooklyn meeting at the Academy of Music, April 15, 1909; the popu-
lar mass meeting at the Alhambra Theater, Syracuse, August 24,
1909, the Merchants' Exchange Banquet at New Rochelle, March 29,
1910; and the dinner of the Board of Trade at Batavia, June 10,
1910. All of these speeches except the one at the Alhambra in
Syracuse are included in the New York City collection. The
Alhambra speech was printed in full on the front page of several
papers including the Syracuse Herald and received extensive cover-
age in others including the New York Daily Tribune and the New
York Times.

The speeches are drawn from the various important phases of
the direct nominations appeal. The first three represent the
approach of the first legislative campaign, the Alhambra one the
summer circuit, the New Rochelle speech the 1910 appeal during
the regular session, and the Batavia one the climactic effort
before the special session. These speeches, like the anti-race-
track-gambling ones, exemplify appearances before popular mass
meetings and select audiences, before New York City and upstate
groups.

The writer recognizes that the historical constituent
"...constitutes the core of any satisfactory method of rhetorical
This is true because "The critic must, in effect, put on the garment of the past if he would understand fully the forces that shaped a speaker's thinking, the circumstances that prompted a particular speech, and the conditions that modified or determined the outcome of the address." These statements indicate both the pervasiveness of historical data throughout this study and their function as a means of establishing perspective rather than as ends in themselves. One of the constant difficulties in each chapter is to interpret Hughes' thinking and speaking in terms of his own time, but the purpose throughout is rhetorical evaluation rather than interpretation of the Governor as a political thinker, an administrator, or any other kind of historical figure per se. Tests for the effectiveness of his speaking are not confined simply to the matter of success or failure with the legislature, but involve larger questions of the appropriateness of his total adaptation and the degree of more subtle response that he obtained from his audiences. The ultimate question to be considered is this rhetorically-oriented one: did Hughes make sufficient and appropriate use of the best possible means of persuasion to establish his particular ideas of government in New York State during the last four years of the first decade of the twentieth century?

\(^{23}\text{Thonso}n\text{sen and }^{24}\text{Aird, op. cit., p. 11.}\)

\(^{24}\text{Ibid., p. 20.}\)
Speech Texts

It is the critic's obligation to determine textual authenticity—to establish the best possible text through such processes of investigation and collation as may be open to him. At best, his research may produce a copy not wholly faithful to the original. However, it will at least reveal the degree of fidelity achieved in a given text, and thus indicate the limitations imposed upon critical effort.25

It is impossible to establish definitely that a given speech text represents Hughes' precise phraseology in actual delivery. It is, however, reasonable to assert that the texts chosen for the fifteen speeches to be examined in this study are acceptable approximations of the originals.

Hughes seldom prepared word-for-word advance copies of speeches, and he frequently departed from his manuscripts when he did write them. He arranged for stenographic reporting of his important speeches, and he was more interested in revision of recorded versions for accuracy of wording in delivery than for stylistic improvement. He indicated that he regarded the bound volumes of his speeches as most authoritative.

Secretary Fuller contributed a major service by making an extensive collection of the Governor's speeches and attempting systematic revision of them under Hughes' direction to conform to his presentation.

25Thonssen and Baird, op. cit., p. 311.
The following letters reveal Hughes' interest in obtaining accurate copies of his utterances by engaging stenographers to take them down:

...arrangement should be made for two first rate stenographers to work in relays at the various places where literary exercises are to be had...I think the Commissioners should make arrangements for expert stenographic and typewriting work.26

Better write Senator Wilcox at Seattle that he should arrange for expert stenographers to take my speeches--arranging for two and a typewriter, so that they can work in relays and get them out immediately after I have finished. Say that it will be impossible for me to have any speech prepared in advance. And as it is likely that I shall be reported, I desire to be reported promptly and accurately.27

Hughes often replied to requests for texts that his remarks had been extemporaneous and that if no one had recorded his words, it would be impossible to reproduce them. Even in the case of his important Phi Beta Kappa address at Harvard on June 30, 1919, he was unable to furnish a complete text though he did have an advance one.28 An instance in which Hughes did satisfy

26Letter from Hughes to Robert Fuller, July 2, 1909.
27Letter from Hughes to Robert Fuller, July 18, 1909.
28His secretary responded to a request for the text as follows: "In accordance with your request I enclose you herewith two copies of the Phi Beta Kappa address as he prepared it in advance. I think that in delivery he amplified it in some respects but if no stenographer was present of course it will be impossible to reproduce these departures." Letter from Robert Fuller to William R. Thayer, Magnolia, Mass., June 30, 1910.

A letter from Hughes to H. M. MacCracken of New York, dated June 25, 1907, stated that Hughes was unsure whether his address had been taken stenographically and that he had not adhered to his previously-dictated copy.
such a request occurred with his speech to the Vermont Fish and
Game League Banquet at Hotel Champlain, Plattsburgh, N. Y.,
September 6, 1907:

I highly appreciate your letter...My remarks
at the dinner of the Fish and Game League were
extemporaneous; that is to say, I had not written
a speech or prepared an abstract. I must therefore
depend upon the published reports. A stenographer
was present and a condensed report was published.
I have not seen a complete report; and while the
published report was, in the main, correct, I
noticed a number of errors.

...I shall ask him [my Secretary] to obtain
the most complete report available, for my
examination and correction....

Although Hughes valued accuracy, he recognized that he
might not always achieve it himself and that his ideas would not
always receive precise treatment in the hands of others. He
expresses his resignation to the inevitable in a letter to a
man who criticised him for a grammatical error that had appeared
in a report of a speech:

I do not think that I am responsible for the
'different than' which I abhor. I rarely have an
opportunity to prepare a speech and get it out in
advance, and most of my speeches are extemporaneous
and are reported without revision. I presume that
I make slips from time to time and occasionally
reporters, even good reporters, will make them.
The notes are almost always transcribed in a great
rush and go to press without anyone looking over
the report. This is not as it should be and I am
occasionally made responsible for monstrosities
of construction which grieve me deeply when I see
them in type, but in the circumstances—our life
is so crowded—I cannot prevent them.

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29 Letter from Hughes to Mason S. Stone, September 4, 1907.

30 Letter from Hughes to Atty. Henry Winthrop Harden,
New York City, September 2, 1908.
Hughes showed greater concern about being represented accurately when Ida Tarbell and William Allen White requested copies of speeches, as the following letter of his secretary testified:

In Governor Hughes's absence several days ago I forwarded to you by express on the request of Miss Tarbell, a mass of material that had accumulated during and since the first presidential campaign. When I informed the Governor of what I had done in the matter, he was apprehensive that you might not understand the nature of the material that had been sent. He has looked at comparatively a small portion of it, and no doubt the quotations appearing in the newspaper clippings and in the stenographer's minutes of his speeches are full of inaccuracies. He did not wish you to make use of them under the supposition that they were certainly accurate. I told the Governor that my understanding was that you did not wish to use the documents for the purpose of quoting him, or in any case where absolute accuracy would be necessary, but rather to obtain a general view of his activities during the last year. In case you should desire, however, an accurate statement of the more important speeches, he directs me to send you the enclosed copies of speeches and papers...31

Hughes regarded the bound volumes of his speeches as most authoritative. Evidence comes from the fact that he cited the 1908 Putnam volume of his speeches for a quotation in his Biographical Notes from his Elmira speech.32 The four speeches of the public service campaign which are to be used for analysis in this study have been taken from the 1916 edition which consists of the 1908 volume plus further biographical information

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31Letter from Robert Fuller to William Allen White, Emporia, Kansas, September 25, 1909.

32Hughes, Biographical Notes, p. 194.
and the acceptance speech for the 1916 presidential campaign. The versions in this volume vary from contemporary newspaper accounts only in a very rare word or phrase.

The tremendous effort which Robert Fuller made to gather a complete and authoritative compilation of the Governor's speeches would seem to establish the collection in the New York City Public Library as the second most authoritative source. Secretary Fuller tried to accumulate copies of speeches during the Governor's terms. He presented the collection and his newspaper clippings to the Library in 1913, three years after the Governor left office. The collection includes copies of some speech drafts designed for advance distribution to the press with directions for delayed release, some copies typed and signed by stenographers, and many other typescripts.

Corrections may be found in a number of typescript versions in the hand-writing of both Hughes and Fuller. From correspondence already cited, it seems reasonable that Hughes suggested the changes when he had time and left such changes to his secretary when he did not have time or felt that the particular

33A letter from James C. Marriott, Official Stenographer, dated June 5, 1908, and addressed to Hughes' Military Secretary, Col. George C. Treadwell, recorded evidence on this point as follows: "I enclose copies of the speeches at Nanuet, and the different places in Brooklyn and New York which you wish to have for Mr. Fuller's collection. I also enclose bill for services and disbursements in relation to the above."
speeches were relatively unimportant. In most of the texts, such changes—written in ink or in red or black pencil—are small. Occasionally, however, a page or a major portion of a page has been crossed out.

The Elmira speech appears both in the press release version and in the delivered version as recorded by "Theodore Rose, Stenographer." The latter copy is practically identical with the one in the Putnam Company volume. It is also interesting to note that, although Hughes was reported to have discarded his prepared speeches to engage in extemporaneous refutation at both Buffalo and Elmira, the delivered version actually utilized most of the press release material in substantially the same words but with some changes in arrangement. In each case, the Governor modified his opening and used more direct refutative language. No significant differences were found among the various copies of the Utica and Glens Falls speeches in the collection.

With one exception, texts for speeches of the second and third campaigns are taken from Fuller's Hughes Collection. The text for the speech on the direct nominations issue presented at the Alhambra Theater in Syracuse is the one printed

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34"... At Buffalo] he put aside his prepared speech and ripped into the contention that the reforms he was championing would wreck legitimate business...."

"... [At Elmira] Hughes discarded his prepared speech...." Pusey, op. cit., p. 205.
in full in the *Syracuse Herald* for August 26, 1909. Reliance upon newspaper accounts was the practice of Hughes and Fuller when they had no stenographic reports. Texts used for the other direct primaries speeches were typescript or press release copies from the Fuller Collection. These conform closely in each case to the reports of the speeches in the *New York Times*, which quoted them extensively but not completely.

Two speech introductions not included in the collection versions are regarded as valid for inclusion in the speaking on the anti-racetrack-gambling issue. These are reported in the *New York Times* publication of the speech in the Bronx and the *Buffalo Express* printing of the speech to the Brooklyn League. The *Times* report is otherwise identical with the one in the Hughes collection. The same is true of the speeches to the Brooklyn League and at Albany. The *Times* shortened the speech to the Brooklyn Y. M. C. A., summarizing some of the historical portions, and printed only a few sentences of the speech at Troy.

In summary, the following conclusions seem justified with regard to questions of textual accuracy. Hughes regarded prompt

35A letter from Fuller to O. K. Davis of the Washington Bureau of the *New York Times*, dated January 3, 1908, stated, "The speeches delivered by Governor Hughes in August and September at the county fairs were extemporaneous. I have only such accounts of them as were printed in the newspapers...I intend as soon as possible to place them in order for the Governor's papers and revise them."

36*New York Times*, March 6, 1908.

37*Buffalo Express*, April 7, 1908.
and accurate reporting of major speeches as important. He requested that expert stenographers should record his words, whenever possible, but he recognized that the work of stenographers and reporters was subject to error. He and his secretary tried to eliminate as many stenographic and proof-reading errors as time and other circumstances would permit. The two were much more interested in having the content of the actual speech presentation reproduced faithfully than in working for niceties of style after delivery; they made little effort, if any, to change phraseology before publication in order to make the speeches "read better." Hughes regarded the versions which appeared in book publications as most authoritative. The collection in the New York City Public Library which received attention from both Hughes and Fuller is the next best source, and newspapers are the third. These three sources furnish the texts for this study.
CHAPTER ONE

HUGHES' QUALIFICATIONS FOR Gubernatorial Speaking

Hughes was well qualified for gubernatorial leadership through public address. His early speech training, his reputation, his concepts of speech theory, and his practices in speech preparation and delivery contributed to his effectiveness as a campaigning governor.

Speech Training

Hughes' parents provided the distinctive features of his speech training. Both were highly intellectual and interested in speech training as preparation for their son's projected ministerial vocation. They gave Charles a remarkably complete speech education at home and continued their influence after he went away to college. They trained him for Christian scholarship, provided a strong moral basis for his thinking and conduct, and stressed development of character-personality traits essential in religious leadership. Coincidentally, they gave him ideal preparation for the governorship role Hughes eventually played as a high-minded, eloquent leader of public opinion on Progressive issues.
Hughes' formal university-and-law education was not unique, but he undertook it more seriously than most young men. When still a youngster, he told his parents that he felt a college education was more important for him than the companionship of an adopted brother or sister.¹ He persuaded them to send him to Madison University at Hamilton, N. Y., for two years and to Brown University at Providence, R. I., for three more years. One year after graduation from Brown, he entered Columbia Law School, a noteworthy course of action when the typical poor prospective young lawyer prepared for bar examinations simply through private reading in a lawyer's office.² Fortified by the intellectual and moral training of his home and university influences, Hughes made the most of the opportunities for speech experiences which his teaching and his law practice provided.

Home Background

David Hughes, Charles' father, was born in South Wales as the son of Nathan Hughes, a schoolteacher and a printer who was "naturally gifted and had literary tastes, and...prepared in Wales a short biography of Howell Harris,"³ the Welsh


²Recognizing the value of obtaining the best law training available, he wrote to his parents: "If you could possibly see me through two years at Columbia, I am sure it would pay in the end." Charles Evans Hughes, Biographical Notes, p. 81.

³Ibid., p. 1.
Galvinistic Methodist leader. David entered the printing trade but, "brought up in a religious atmosphere, and fond of public speaking,...became a licensed preacher of the Wesleyan connection." He emigrated to America, against family opposition, in 1857.

In America, the young minister acquired more formal education, resumed his preaching, and continued to study privately. He studied and taught at West River Collegiate Institute in Maryland for about a year and a half and spent a year at Wesleyan University. He received the A. M. degree from Madison University and the D. D. from Temple University, and he was a frequent contributor to the Homiletic Review. He was reported to have combined his keen intellect with an impulsive, emotional Celtic temperament to which his congregations responded warmly.

4 Ibid., p. 7.

Hughes described his father's motivation as follows: "...my father...happened upon the Autobiography of Benjamin Franklin and was so impressed that he determined to leave his native land and make this country his permanent home...He was a republican by conviction and he wanted to identify himself with the country which he had come to love as he studied its history in the little printing shops across the sea. He sought here neither fame nor fortune but the privilege of participation in the efforts of a free people..." Ibid., p. 8.

6 Irving Stone, They Also Ran (Garden City, N. Y.: Doubleday, Doran and Company, Inc., 1943), p. 100.

7 Hughes, Biographical Notes, p. 22.
Mary Connelly, Charles' mother, was descended from Scotch-Irish, German, and Dutch ancestors, one of whom had been especially prominent in the struggle for American independence. She obtained such an unusually extensive education for a young woman of the 1850's that Hughes later wrote of her: "My mother in her quiet way was as intellectually ambitious as my father." She studied at two of the outstanding institutions which admitted women. At Fort Edward Institute, she took courses in logic, history, natural history, United States Constitution, evidences of Christianity, Kames' *Elements of Criticism*, Cicero, French, and German. At the Hudson River Institute at Claverack, she specialized in French. After teaching in a district school at Esopus, she conducted her own school for girls at Kingston and engaged successfully in the speechmaking her position required.

It is interesting to note that Mrs. Hughes influenced her husband to change his religious affiliation from Methodist to Baptist. Along with the rest of her family, she herself had

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8Pusey, *op. cit.*, II, 809.

9Hughes, *Biographical Notes*, p. 18.

10Ibid., p. 18.

11Hughes recorded: "I have a book in my mother's handwriting, containing what appear to be exercises for her pupils. There is an introductory draft of an address to 'Respected parents and friends,' at the close of which she refers to 'my school.'" Ibid., p. 19.
earlier changed to the Baptist from the Dutch Reformed Church.  

The Hughes parents worked systematically to train their son for the ministry. They extended his knowledge, trained his memory, provided good speech models, developed his critical abilities, and furnished speaking experiences.

Mrs. Hughes taught Charles to read when he was three and one-half years old and later gave him lessons in French, German, and mathematics. When he began his formal education at the age of six, Charles found school routine boring and convinced his parents that he could learn more by continuing his study at home. Accordingly, he followed his own private study schedule until he was nine years old, with only one brief interruption for another attempt at routine schooling. He included Herodotus, Homer, and Virgil in his studies, but he omitted the review periods he had found so tedious at school.

Mr. Hughes tutored his son in Greek and supervised his reading, encouraging him to concentrate upon nonfiction. He reflected his taste in the books he gave Charles as birthday

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12 Ibid., p. 17. Hughes later served with John D. Rockefeller on the board of trustees of a New York Baptist church. Although this association aroused brief opposition from the Hearst papers at the beginning of Hughes' service as an investigator, it was accepted when Hughes established that it carried no business implications.

13 Ibid., p. 27.

gifts: Miss Corner's *England and Wales* at five, *The Wonders of Science* at six, a Greek *New Testament* with *Lexicon* at eight, and Coffin's *The Seat of Empire* at nine. Among other volumes, he had in his library *The Pilgrim's Progress*, Bunyan's *The Holy War*, a volume of Shakespeare's plays, Byron, Moore, and a book of anecdotes for ministers. In a household which could scarcely afford anything but physical necessities, he taught his son to appreciate the privilege of possessing books. He encouraged Charles to read broadly, to synthesize facts, and to read for insight.


16 Through letters like the following, he continued to guide his son's reading even after Charles became a college student:

"...You ought rigidly to pursue a systematic course of reading, to which every hour which can be conscientiously spared for that purpose may be given. You ought to be thoroughly informed on the great Eastern question. For this purpose, a careful study of the rise & progress & present condition of the Mohammedan power. What are the interests which influence Great Britain to protect Turkey from the power of Russia. What underlies the Bulgarian atrocities...Indeed every great Power in Europe should be intelligently understood by you. Then you should carefully study the present moral, intellectual and religious status of freedom. Then you rapidly review the history of the ancient nations...& how did the Feudal System arise, & how broken up,—these are questions which every educated young person should early be able to answer..."  Letter from Mr. Hughes to Charles, November 6, 1876.

"Study the Bible every day. Let it be systematic, punctual, and prayerful. —Learn all the Bible: 1. By classifying it. That is: (1) Become familiar with it, general content. a. By knowledge of its authors. b. By gaining a general view of the scope & circumstances of each book. 2. By studying the relation of the O. T. to N. T....3. By clarifying the topics.

"In your college studies, again let me reiterate your ma's remark last week: Be thorough. Study the history of chemistry. In a word learn all you can about every study you take up, in the history & nature of the study itself..."  Letter from Mr. Hughes to Charles, October 11, 1877."
The parents served as excellent models of good speech themselves. The elder Hughes took a justifiable pride in his clear articulation and freedom from the patterned intonation of many Welsh newcomers. Additionally, the Hugheses encouraged their son to hear religious speaking and nondenominational lectures, including the "Lost Arts" by Wendell Phillips and an address by Henry Ward Beecher. They taught Charles to evaluate the effectiveness of the speaking that he heard. They encouraged

17 Hughes recorded: "...I had often accompanied them to various meetings of church associations and other gatherings and I thus frequently listened to discourses on moral and religious subjects. I had early been encouraged to take notes and I had many well-filled note books. I remember that when we visited London in 1873, we went twice to hear Charles Spurgeon and I made my notes on his sermons...Then there was the family table where I listened not only to the talk of my father and mother but sat in silent appreciation of the words of wisdom of the visiting grownups, usually preachers." Hughes, Biographical Notes, pp. 41a, 42.

18 Ibid., p. 41a.

19 In the following letters Hughes described some of his experiences in speech criticism:

"...I went to hear Beecher the other evening on 'Amusements.' It was a fine lecture, in point of style & delivery, but a poor one in thought. It seemed...that H. W. B. must have sat down in his study & thus reasoned. 'I have a very fashionable & worldly congregation, & I must, especially at this period in my life, do all I can to maintain my popularity. To do so, I must no [sic] inveigh against dancing, theatres, games of chance, etc. But I am a minister & I must not incur the indignation of my brethren & the Christian world by a whole-sale endorsement of these amusements.' So, he adopts a middle & a politic course, sure to deceive a casual hearer. He commences with necessity for health & need for amusement. Then he says, he believes in dancing. Is a most proper means of amusement. It is just fitted to ministers & deacons, but young folks should not dance. He
believes in games of chance & parents should play with their children, but children should not play away from home. He encourages theatres, but only the highest effects of the drama. Oh! I think I never heard such shallow reasoning...

Letter of Charles to Mr. Hughes, November 17, 1879.

"I heard Dr. Behrends again last night. Now, I may not be able to give a correct definition of eloquence, still I know that he is eloquent. You ask for my standard of eloquence. Now I can't say I have any. But, when I hear a clear ringing sermon from the pulpit, stripped of all grammatical inaccuracies, & rhetorical blunders, glowing with a brilliant rhetoric, but still plain, out-spoken, concise & above all clear, ... something tells me that I am listening to true eloquence. Am I right? Now Dr. Taylor, is clear outspoken & preeminently a gospel preacher. But... he lacks that elegance in style which would make him a finished eloquent preacher. But, I will have more time to talk of such matters next week. I will be home either Saturday or Sunday morning..." Letter of Charles to Mr. Hughes, March 24, 1879.

"I heard a magnificent sermon last night by Dr. Behrends on the general subject of the Physical & Moral Advantages of a Godly life... with striking illustrations from real life &... with the strongest & most forcible kind of pulpit oratory... he first told us in a wonderfully fresh manner of the advantages of a good name, then how wickedness was unsafe & ended up with a most remarkable denunciation of the social maelstroms which beset the man of the world.... so pointed his climaxes, so overwhelming his logic, & so grand & impressive his elocution that not one in his large audience could remain impassive & unconvinced... Oh! the power of eloquence. To be able to stand up & speak well, nobly, & impressively..." Letter of Charles to Mrs. Hughes, April 26, 1880.
him to criticise his own orations and those of his student competitors at Madison University, as he did in the following letter excerpt: "Temple, a Sophomore, had a most beautifully written one, but it sounded well at the time, but the impression vanished with the speaker, while the weight of my subject made I hope a lasting impression..."20

During a trip to Europe, Charles heard an impressive model for speech delivery in the preaching of his Welsh uncle, John Richard Hughes. The latter was a distinguished Calvinistic Methodist minister21 in Anglesey, North Wales, of whose speaking Charles wrote:

I have a vivid memory of his eloquence. It deeply affected me although I was but a boy and could not understand a word he said. He had what the Welsh call 'hwyl,' or what a recent writer has described as 'that mysterious power of the Celtic temperament which makes the orator say what he hardly knows he is saying, and excites his listeners without their knowing why they are excited.'22

Although the boy could not use this speaking in the Welsh language as a compositional model, he apparently did gain from

20Letter of Charles to Mr. Hughes, February 11, 1877.

21In a letter dated September 30, 1876, Mrs. Hughes compared him and a Welsh revivalist companion with the well-known English evangelists Moody and Sankey.

22Hughes, Biographical Notes, pp. 4, 5. The quotation is from Andre Maurois, The Edwardian Era, p. 261, referring to David Lloyd George. Hwyl is defined as "a Welsh preaching device for exciting the congregation to a religious frenzy by breaking into a wild chant" in William Sargant, Battle for the Mind (Garden City, N. Y.: Doubleday & Company, Inc.), 1957, p. 116.
it an admiration for spontaneous delivery and a high regard for speechmaking generally.

Charles began his own speaking career with religious and intellectual activities. By the age of five he was reading during family worship from his New Testament and Psalms, and he was reciting verses from memory.23 At Newark, he gave talks to a church boys' club which he organized, and he helped his father with classes for the Sunday School teachers.24 In recitations to his parents, he tried to achieve the conciseness and clearness they expected.25

The Hugheses continued to counsel their son when he went away to college, advising him not only on out-of-class reading but in curricular matters. They increased his motivation to

23Pusey, op. cit., I, 6.

24Hughes, Biographical Notes, p. 45.

25The pastor described his standards for the boy as follows: "'A straight line is the shortest distance between two points.' This rule I taught my son in infancy, and to the axiom, as he matured, I added this motto, 'Be concise; convey your thoughts in the fewest words, but plainly.'" The New York Times, November 8, 1907.
study and continued generally to command his respect in intellectual matters.

Charles requested suggestions for debate topics for fraternity use in a letter dated November 21, 1880. Since he had so much regard for his father's forensic knowledge and skill that he called him "the most terrible of all debaters..." the

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26 Hughes testified in this regard as follows: "...I was very glad to learn that you were so interested in my study of Astronomy. It will prove a new incentive to learn all I can about the stars so as to be able to point out to you all the constellations etc..." Letter of Charles to Mrs. Hughes, October 27, 1879.

27 On October 13, 1877, he inquired whether his mother thought it would be permissible to make an oration out of his old prize-winning "Self-Help" essay. On January 12, 1878, he asked for a "candid opinion" whether he should not give up the idea of participating in the current prize essay contest. On January 27, 1877, he wrote that he was sorry he lacked time to send an essay home for corrections. On March 4, 1879, he thanked his father for help with an essay, saying that the suggestions helped to "lead into an abstract division of the thought."

28 Letter of Charles to Mr. Hughes, November 21, 1880.
latter's advice on debate is especially significant. The following are representative quotations:

Your drill in ready debate is very important. Settle two or three general principles at once, however. 1. Never to speak unless you have 'something' to say. 2. To speak what you have to say in the clearest, briefest, & handsomest way possible. 3. To be utterly free from the slightest tinge of personality,— discourtesy, or egotism. 4. Let there ever be the utmost frankness, manliness, & complete freedom from everything that seems affected, bombastic, 'highfalutin', or bitter in repartee.29

In respect to your debates—let me say: I do not want you to take any side pro or con, which you cannot conscientiously maintain. It is a vicious habit. There are plenty of questions on which there are honest differences of opinion. Let such be selected. For... example: Sciences or Classics— which afford the best mental discipline; or which afford the best preparation for practical life. Alexander or Caesar; Wellington or Napoleon Bonaparte; Grant or Lee--best type of generalship or military genius-- or, in the world of Science: Galileo or Newton; Watts or Arkwright; Farraday or Humphrey Davy— which is entitled to the most grateful memory... Each of them affords an opportunity for the display of genius and of research and of the expression of honest opinion, whichever side is taken. But never for the sake of argument,— take a wrong side. And do not dodge a question by a false definition.30

The parents felt that a fully-developed Christian character was quite as important for their future minister as a well-stocked, disciplined mind and effective speech. Accordingly, they embarked upon a program of moral and religious training, with great effectiveness in the former and partial failure in

29Letter of Mr. Hughes to Charles, April 25, 1877.
30Letter of Mr. Hughes to Charles, October 16, 1876.
the latter. They inculcated acceptance of middle-class conceptions of thrift and success as important virtues. They instilled an enduring appreciation of sound moral values, a demanding conscience, a respect for work, and a perfectionist desire for excellence. They were less successful in developing interest in religious observances and concern for salvation, but they continued to exhort him on these subjects even after he had grown to adulthood. In their letters they illustrated their continuing effort to influence him religiously and morally:

Now, my dear boy, will you remember the counsel of your father and mother. I am so apprehensive that you may be turned from the path of rectitude, by the influence of your worldly associates, that I feel that I was under the shadow of great sorrow. I have committed you to God's care, praying daily that you may be kept from the evil...31

You are indeed, a highly favored boy...intellectually, from earliest childhood, every opportunity for knowledge. Parental discipline has been afforded you. And spiritually...But, my dear Charlie, you know as well as I, that 'to whom much is given, much will be required.' That is 'Responsibility is graduated by Opportunity.' May God help you to meet your responsibilities.32

...you seem anxious about your coming test—which precipitates so much self-denial. Well I deeply sympathize with you, but hope & pray that you may prove no tender sapling but that your [sic] may reveal the sturdy character of the oak. I have found that self denial is a blessing when practiced from pure motives. If duty demand a sacrifice then make it cheerfully.

31 Letter of Mrs. Hughes to Charles, January 6, 1877.

32 Letter from Mrs. Hughes to Charles, 1878, no month and day indicated, Hughes Papers.
Bow submissively to the requirements of Providence & then your mind will be peaceful & your duty performed without irksomeness & that task which was painful at first, becomes pleasant...33

Charles took his obligation to do justice to his abilities and opportunities so seriously that his parents felt further compelled to warn him constantly against overtaxing his mind and frail body. Since they obviously enjoyed his successes greatly, however, and since they set such a strong example of overwork themselves, he responded to their deeds rather than to their words and emulated their pattern of overwork.34

The Hugheses were effective in encouraging self control and calm foresightedness.35 Rev. Hughes successfully urged tolerance, viewing extreme religious and political bias as evidence...

33Letter of Mrs. Hughes to Charles, April 24, 1876.

34In his later years at school, Charles often returned their advice against overdoing. The following understated passage is typical: "...Please restrain yourself & Pa, too, as I am afraid you will never partake of my cheerful laziness. It is my opinion, however, Ma, that our family was never much noted for that kind of thing." Letter from Charles to Mrs. Hughes, January 18, 1881.

35His father advised him to "foresee every contingency" in his "tug of war against Greek," (Letter of October 2, 1876), and his mother warned: "Don't allow yourself to get excited when so pressed with duties. Keep cool, keep cool, & don't infringe on the hours for sleep...If you feel hurried all the time (and do your work under such a pressure, with your nervous temperament) it will prove finally if not in a few years or months an effectual barrier to your usefulness...I desire to see you pull steadily with dignity—with quiet composure of soul, so that you may at all times realize what you do, why you do it—& that it is well & carefully done." Letter of Mrs. Hughes to Charles, November 22, 1876.
of vanity. He observed, "To be a Republican, leads one almost to think it is incompatible with... wisdom or even common decency to be a Democrat. And yet such men as Dr. Dodge & Prof. Andrews are fine men, intelligent even, & yet they are Democrats."  

Apparently as a result of his scholarly interests and his belief in free inquiry, he had become relatively liberal in his judgments. With his son, the liberalization process continued much farther, until Charles eventually applied to all parental advice and to all religious teaching the independently critical habits of thinking which had been an important part of his intellectual training.

Charles seldom rebelled against his parents' ideals of morality. One such incident occurred when he wrote several essays for less gifted friends at Brown as a lucrative method of earning money. After first defending his conduct through at least two letters, he yielded to parental scolding and stopped the practice. It is interesting to note that he never utilized the services of a ghost writer when he subsequently became a busy public speaker.  

Hughes did disagree with his parents when they minimized the importance of social qualities in a leader. They emphasized character rather than personality, reserve rather than

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36 Letter of Mr. Hughes to Charles, November 9, 1876.
37 Pusey, op. cit., II, 606.
They refused him permission to have a room-mate and to join a boarding club during his first semester at Madison, warned him against singing "worthless" college songs, and disparaged fraternity membership. In these matters, Hughes followed his own contrary judgment and developed his social as well as his intellectual powers during his college years.

He was equally sure of himself in his moral judgments concerning his fellows. The following example is prophetic.

\[38\text{Mr. Hughes advised Charles to be "dignified without stuffiness." (Letter of October 2, 1876) After congratulating him on being elected president of his class, he advised his son to "strive to serve by a modest but dignified and manly, & important bearing..." Letter of October 11, 1877.}\]

\[39\text{Mr. Hughes wrote, "...I have no doubt that those young men who are leaders in college societies fritter away much time that might be far better spent. Of course a young man, who has broader aims than those confined to immediate surroundings has no time to be lonesome...a young collegian ought to content himself with the fact, that he is now engaged in laying broad & deep the foundations of character, of intelligence & of culture..." Letter of November 6, 1876.}\]

\[40\text{Nevertheless, his parents' influence probably accounted for the greater-than-average measure of dignity and reserve which persisted in Hughes' personality throughout his life.}\]
of his future unwillingness to compromise his position when he felt that he was right:

The only classmate I ever had any trouble with here, C. H. Adams, came to me, to try a polite apology, ended a quarrel which, I am sorry to say lasted nearly two years. I was in the right—and merely took an honorable stand—that was all. I am glad it is all over, as I could hardly bear to be on bad terms with any one, whoever he may be...41

Although his parents exerted the greatest direct influence upon him in his youth, several other factors were important and contributed to the broadening of his experience. The trip to Europe at the age of 11 was one of these; Hughes credited it specifically with interesting him in European politics.42 The long summer vacations spent away from his parents at his grandfather's home on the Hudson River constituted another liberalizing element. In the country, he acquired the love of nature and particularly of mountains that later helped to ease the strains of public life. He developed an appreciation of rural living and an insight into the political attitudes of the State's farm population. He received his first taste of New York State politics through contact with his mother's two politician brothers. He was impressed by his Uncle Henry, a dignified gentleman who

41Letter of Charles to Mr. Hughes, January 9, 1881.
42Hughes, Biographical Notes, p. 53.
served as a State senator in 1874-1875 and again in 1886-1887, and by his Uncle Carey, who worked in the Custom House.\footnote{Ibid., p. 31.}

Even at home, Charles apparently enjoyed considerable freedom to roam at will, once his day's intellectual tasks were finished. In Newark he played baseball with the other boys and hiked through the meadows and swamps. When he was not eligible to begin school in New York until fall although the family moved to the City early in 1874, he utilized the intervening months to explore New York. Escaping from parental supervision, he occasionally hooked rides on the back of horse-drawn trucks. Observing election corruption, he recorded that he was repelled by the sight of "workers near the polling places on election day with greenbacks in their hands, marshalling the voters."\footnote{Ibid., p. 38.}

Nevertheless, he enjoyed roaming through the city and felt that "Any part of New York that had a bad reputation was particularly interesting."\footnote{Ibid., p. 37.}

\footnote{Of the latter, he wrote as follows: "I generally went on Saturday with my Uncle Simmie (whose family made their home with my grandfather.) I sat on deck with him and a number of cronies from the Custom House (who also had their cronies up the river) and I heard endless discussions on New York politics which seemed to me a world of extraordinary cunning." Ibid., p. 31.}
The fact that Pastor Hughes occupied pulpits in a number of different places was a further broadening factor. Successive locations in Glens Falls, Sandy Hill, and Oswego, as well as Newark, N. J., New York City, and Greenpoint, Brooklyn, permitted Charles to become familiar with both upstate New York and Metropolitan life—a distinct asset for a future Empire State politician.

Charles' eventual decision to begin legal training must have been surprising and disappointing to his parents. The decision, however, was quite understandable in terms of his character and training, and his parents accepted it as they had accepted his other important decisions.

Hughes explained his rejection of the ministry by writing, "What interested me was the dialectic, not the premises." He enjoyed the intellectual aspects of sermon construction but was not attracted by the challenge to win men's souls. He accepted his parents' admonitions to do justice to his talents and training and to succeed in his work, but he felt that his

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46 Hughes, Biographical Notes, pp. 44-45.

47 He told his parents that he felt "no call" to the ministry. Letter of December 7, 1880.

48 Hughes was an excellent example of the "inner-directed" person in whom "the source of direction for the individual is 'inner' in the sense that it is implanted early in life by the elders and directed toward generalized but nonetheless inescapably destined goals." Davis Riesman, The Lonely Crowd: A study of the changing American character (Garden City, N. Y.: Doubleday & Company, Inc., 1956), p. 30.
particular talents fitted him more for law than for the ministry; he thought also that law offered more opportunity for his ambition. 49

The correspondence between parents and son reveals abundant evidence that he had worried with them about difficult congregations 50 and suffered with them in their poverty sufficiently to feel justified in deciding against a pastoral career. A large proportion of his letters to his parents ended with an account of his financial expenditures and his need for more money. His father wrote him on September 18, 1876, that he was "pleased with the accuracy and succinctness of his monetary affairs" and that he should always "keep up the same habit." He wrote often of the necessity for economy, making clear at the same time that he felt Charles was being careful about expenditures. In stating on October 7, 1876, that he had been twice "remarkably heard" by God in regard to finances when he had unexpectedly received small sums of money, he accented the importance of small amounts to the straitened family budget. Charles recognized and appreciated the

49 "The more I think of the future, the more I incline toward the legal profession, as the one for which I am most fitted & the one most favorable to a high ambition..." Letter of Charles to Mrs. Hughes, March 6, 1881.

50 Mr. Hughes wrote frequently, although cheerfully, about church problems. He described difficulty with the congregation in a letter of October 2, 1876. He wrote on February 6, 1877, that he was disappointed at the number of current conversions but hopeful. He discussed his threatened expulsion from the conference.
financial sacrifices his parents made to keep him in college. During his junior year at Brown he wrote: "I am sorry I made such a hole in your bank account. I hope someday to relieve you..." As a means of repaying his parents, he preferred to employ his talents in a lucrative profession rather than to limit himself to a minister's small salary.

David Hughes came to America against the advice of his family. Mary Connelly married the young Welsh immigrant contrary to her mother's wish. It seems logical that David and Mary Hughes should have produced a son independent enough to insist upon his own choice of vocation. It was especially predictable since they trained him early to think independently, permitted him to determine his own private course of study at the age of six, let him go away to the college of his choice at fourteen, and let him transfer to the university he selected two years later.

Hughes' home background laid the foundation for the great intellectual and moral powers which qualified him to become Chief Executive of New York in 1907. It gave him confidence in his ability to exercise those powers. It determined that he

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51 Hughes acknowledged his mother's teaching in mental arithmetic to be the most demanding intellectual discipline he ever had. Biographical Notes, p. 26.

52 In this regard, Hughes wrote: "...it is impossible to get outside one's early training. Whatever I may do or become, there is no danger that I ever will be able to rid myself of the truths implanted in early childhood." Letter from Charles to Mr. Hughes, April 11, 1881.
would use his ability for good causes. It provided him with the motivation to succeed. It encouraged acquisition of the persuasive skills necessary for success.

**Formal education**

Well fitted for formal academic training by his program of home study, Charles applied himself with genuine intellectual interest and made an excellent record at each of the following six schools:

Tenth Ward Public School, Oliver Street, Newark, New Jersey, 1871, at 9 years of age.

Newark High School, Newark, New Jersey, 1873, at 11 years of age, fall semester.

Public School No. 35, Thirteenth Street, New York City, 1874–75, at 12 years of age, graduated.

Madison University, Hamilton, New York, September, 1876–June 1878, from ages 14 to 16.

Brown University, Providence, Rhode Island, September, 1878–June, 1881, from ages 16 to 19, graduated as the youngest in his class.

Columbia Law School, New York City, September, 1882–June, 1884, from ages 20 to 22.

At the Oliver Street School at Newark, Charles became interested in American history as taught by Mrs. J. A. Halleck. He made an almost perfect record there. At Newark High School, he particularly liked Latin under John L. Heffron, a young Madison University graduate.

Enrolling at New York Public School No. 35, Charles became a student at an outstanding school for boys which previously had

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53 Biographical Notes, p. 30.
had Thomas Hunter as principal. Here he studied chemistry, French, and English composition, but no Latin. The future governor was so poor in drawing that his father finally had him excused from the course. He enjoyed learning to write under Charles Gates, producing moralizing essays on such themes as "The Elements of Success" and "Light Reading and Its Consequences." He read an essay titled "Success" in chapel. Although there is no record that he participated in declamation, he did hear declamations delivered by other students. He presented the salutatory speech at the June, 1875, Commencement exercises, speaking on the subject "Self-Help," and he received a silver medal for excellence in writing.

Charles spent the year following his high school graduation in private study. Although he was still too young even then to be permitted to enroll in a New York City school, he was eager to enter college. Thus he convinced his parents that he should leave home to attend Madison University, now

54Ibid., p. 40.
55Ibid., p. 40.
56Pusey, op. cit., I, 21.
57"...he did his lessons regularly in Latin and Greek grammar and prose composition, brushed up on Caesar's Commentaries, read six books of the Aeneid, four orations of Cicero, and three books of the Anabasis. In English and mathematics he had comparatively little to do to complete his preparation." Ibid., I, 26.
Colgate, where his age would not bar him from matriculation. He won them over by arguing that Madison was a Baptist institution and that the village life in Hamilton would be beneficial to his health.\textsuperscript{58}

Madison University, fifty-seven years old in 1876, had three picturesquely-situated but meagerly-equipped main buildings besides a president's house, a gymnasium, a boarding hall, and professors' houses. The chief classroom building contained ten lecture rooms, two chapels, and the library.\textsuperscript{59}

There were eighty-five students, twenty-six of them freshmen, in its department of Letters, Science, and Philosophy. The Theological Seminary had thirty-five students and Colgate Academy, one hundred five.\textsuperscript{60}

\textsuperscript{58}Inflammation of the lungs at the age of two had left him in frail health. Tonsillitis and the various childhood diseases, including scarlet fever at the age of 10, had prevented him from attaining vigorous health. He probably owed his survival to the age of 14 to his mother's skillful nursing. \textit{Ibid.}, I, 6.

\textsuperscript{59}The libraries contained 12,000 volumes, according to \textit{The Catalogue of Officers and Students of Madison University, Hamilton, N. Y. with the Courses of Instruction for 1877-8} (Utica, N. Y.: Curtiss & Childs, Printers, 1878), p. 38. The equivalent publication of January, 1877, page 20, stated: "The Libraries contain 11,000 volumes, well selected and in good shape. Of these the University library contains 9,500 volumes of choice works, having been selected mainly with reference to the aid which they directly render to both Teacher and Pupil in the course of study. A large portion of the books has been imported and is made up of the most valuable works extant in Hebrew, Greek, Latin, and the Modern Languages, in History, Natural Science, English and Classical Literature, Ethics, and Theology."

\textsuperscript{60}\textit{The Catalogue of Officers and Students of Madison University, January, 1877.} p. 55.
The school emphasized training in speech—combining theoretical material from the outstanding rhetoric books of the day—those by Campbell, Blair, and Whately—with frequent practice in speaking. The Madison catalog described this emphasis in a section entitled "Elocution" which included the following:

"Unusual attention is given to practice for public speaking. In addition to the study of elementary principles during the Third Term of Freshman year, the semi-weekly exercises, the public contests, and the private drill, affords suitable help to those preparing for public life." The catalog warned as follows that success in elocation was important in the maintenance of satisfactory class standing:

Students failing to present satisfactory orations for Junior Exhibition, or for Commencement, at the appointed time, are, in the former case, subject to a deduction of five-tenths, and in the latter, of one, from their marking of the preceding term in Elocution.

A year's work in the semi-weekly exercises of elocation and composition is equivalent, in point of standing, to a term's work in daily recitations of other departments.

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61 Hughes observed to his parents that "...the speaking is almost of more importance here than what is written..." Letter of January 27, 1877.


Hugh Blair, Lectures on Rhetoric and Belles Lettres (Philadelphia: Porter & Coates, 1873.


63 The Catalogue of Officers and Students of Madison University, January, 1877, p. 10.

64 Ibid., p. 23.
Special prizes offered additional stimulus to student excellence. One of these was the Royce Prize Declamation, maintained by the Rev. Edward Royce of the Class of 1843 and described in these words: "Premiums of valuable books for first and second prizes are given on Commencement Day, to the six successful competitors out of the twelve speakers chosen from the Freshman, Sophomore, and Junior Classes; each Class furnishes four representatives." The name of "Charles E. Hughes, Brooklyn" was listed as second prize winner from the class of 1880 in the 1877 Royce Prize contest.

Hughes' freshman work in oratory, under the guidance of Professor John James Lewis, included "Exercises in Declamation and in Biographical Composition before the College Classes, twice in every week throughout the year," with Murdoch and Russell as the text in vocal culture and Campbell in Rhetoric. His sophomore work in oratory included "Exercises in Declamation and in Historical or Political Composition, before the College Classes, twice in every week throughout the year," with Hadley in the History of the English Language and Blair and Whately as the texts in Rhetoric. There were "lectures, on Style, and

65Ibid., p. 30.

66The Catalogue of the Officers and Students of Madison University, 1877-8, p. 55.

67The Catalogue of Officers and Students of Madison University, January, 1877, p. 9.
Composition, "Written Exercises in Qualities of Style, and in the Analysis of Themes, and Exercises in Pronunciation." Other courses such as Greek contributed further emphasis upon public address. In the sophomore year of Greek, "the third term was devoted to Demosthenes' 'De Corona,' with special reference to the principles of oratory illustrated, and to the political institution of Greece."^70

The catalogue listings of Hughes' entire course of study for the two years at Madison appear below:

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68Letter of Charles to his parents, October 20, 1877.

69The Catalogue of the Officers and Students of Madison University, 1877-8, p. 28.

70Ibid., p. 24.

71The Catalogue of Officers and Students of Madison University, January, 1877, p. 17.
Sophomore Year


N. Lloyd Andrews, professor of Greek, and James M. Taylor, professor of mathematics, were Hughes' favorite instructors.

In his curricular work, Charles received regular training in writing and occasional special opportunities for speaking. He informed his parents that he read to the class his composition on Wendell Phillips and his influence, that he engaged in written debates in Greek class, and that he gave extempore

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72 The Catalogue of Officers and Students of Madison University, 1877-8, p. 35.

73 Letter of Charles to his parents, December 13, 1876.

74 The debates dealt with these questions: "Has Dr. Schliemann actually discovered the site of Troy?" "Were the Iliad and Odyssey the work of one author?" "Is the Iliad based on historic fact?" "When did Homer live?" Letter of Charles to Mrs. Hughes, January 20, 1877.
speeches.\textsuperscript{75} He apparently excelled in these activities, for he stood first in his class in his freshman year with an average of 4.82 on a five-point basis.\textsuperscript{76}

He spent a large portion of his free time reading books of his own selection, particularly in English literature and history.\textsuperscript{77} Much of his remaining time went to Delta Upsilon, an organization that provided speech competition for its members. Hughes described its function as follows:

...There was much rivalry in the Societies for college honors and the upper classes drilled the most promising members of the lower classes. In Delta Upsilon, we had essays, declamations, and debates in our weekly meetings and thus we had abundant opportunity for training. I was one of the four chosen from my class for the freshman year Royce contest at Commencement. I had a rousing declamation dealing with a cavalry charge in the civil war. I should like to have a picture of myself—a small boy shouting 'Come on, old Kentucky I am with you.' This cry of the cavalry commander seemed to stir the audience. I was fortunate enough to win the second prize.\textsuperscript{78}

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\textsuperscript{75}Letter of Charles to Mr. Hughes, January 27, 1877.
\textsuperscript{76}Letter of Howard D. Williams, University Archivist, Colgate University, Hamilton, N. Y., to the writer, March 19, 1957.
\textsuperscript{77}Hughes, Biographical Notes, p. 58.
\textsuperscript{78}Ibid., pp. 54-55.
\end{flushleft}
As a novice speaker, Hughes reported that he suffered from stage fright when he addressed the society:

...I was very nervous about the evening, for—on account of much drilling—everything in my oration seemed trite to me and unworthy of speaking. I drilled most of the afternoon and after committing all to the Lord, my head and heart grew clearer and more easy—finally I was left without the slightest dread.

When my name was called and as I walked on the platform, every eye was upon me, for never before has anyone in Hamilton so young appeared on the platform of a society. Every movement I made was watched and, when I had stopped, I found my audience delighted. Success was complete. To God be all the glory! They said I had the best of the evening...

Besides the speech contests, he liked the congeniality Delta Upsilon offered. He especially enjoyed his first fraternity convention, made still more memorable because Madison was the host school.

Although the village of Hamilton had no theater, it did have "a good-sized hall where from time to time there were concerts and lectures" he attended. Madison social life included occasional dates (which consisted of escorting students from the town's school for girls to various public events) and much whist playing, a new activity to the boy who had been warned against the evils of card games.

Charles particularly enjoyed his freedom from parental prohibitions and his opportunity to taste new pleasures during his

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79 Letter of Charles to Mr. Hughes, February 11, 1877.
80 Hughes, Biographical Notes, p. 55.
first year away from home. By the second year he was writing:
"...I have lost my interest in excitement, etc., & like more to
think and deal with the abstract..." A few months later, he
expressed a wish to explore still broader horizons than those
which Hamilton village and Madison University offered.

He chose Brown University, a larger school with a greater
challenge, located in the city of Providence, R. I. Its enroll­
ment of 260, including sixteen graduate students, made it
three times as large as Madison. Its library of 52,000 volumes
offered almost five times as many books. The school appealed
to Charles partly because, like Madison, it had a Delta Upsilon
chapter, and it appealed to his parents partly because it was
also a Baptist institution.

For the time, Brown had an outstanding faculty of twenty-one
members who, Hughes thought, "would have been distinguished in
any university faculty." Professor J. Lewis Diman, who taught
history and political economy, was his favorite.

Brown sophomores took courses in German and other subjects
which Hughes had not yet studied, so he entered as a sophomore
even though he had already completed two years at Madison.

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81 Letter of Charles to his parents, September 22, 1877.
82 Catalogue of the Officers and Students of Brown
University 1879-80 (Providence: E. L. Freeman & Co., Printers,
83 Ibid., p. 54.
84 Hughes, Biographical Notes, p. 63.
Because some of the courses reviewed material he had already covered, he could complete his preparation for classes so quickly that some of his classmates, unaware of the actual situation, regarded him as a prodigy. He spent much of his leisure time in reading, particularly in French literature and novels. \(^{85}\) He confided to his parents that he was "having a good time, reading Ruskin, Endymion, & studying modern languages..."\(^{86}\)

His courses were the following:

From September 1878 to January 1879, he had classes in Geometry, Rhetoric, French, Latin, and Greek; from January to June, 1879, in Mechanics, Latin, Greek, Rhetoric, and German; from September 1879 to January 1880, in Astronomy, Chemistry, English, German, and Physics; from January to June 1880, in Physiology, Logic, English, Political Economy, German and Latin; from September 1880 to January 1881, in History, Intellectual Philosophy, German, Greek, Italian, and French; from January to June 1881, in Moral Philosophy, History, German, Italian, Latin, and History of Philosophy. His standing was 'excellent' the highest rating possible in all courses but three, in which it was 'very good.'\(^{87}\)

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\(^{85}\) A list of the books he withdrew from the Providence Public Library is preserved in his Papers. It includes several titles by Dickens and Thackeray, along with works of such other writers as Irving, Emerson, Hawthorne, Ben Johnson, Addison, Carlyle, Gray, Scott, DeQuincey, Goldsmith, Hugo, and Balzac.

\(^{86}\) Letter of Charles to Mr. Hughes, January 9, 1881.

His sophomore Greek course probably made a special contribution to his rhetorical training since it dealt with Demosthenes' Public Orations. The college catalog described the first semester's work in sophomore rhetoric as follows:

Rhetoric: (a) Lectures, two hours a week. Textbook, Principles of Rhetoric.--(b) Exercises in Elocution, one hour a week. Murdoch & Russell's Vocal Culture.--(c) Essay. Principal books of Reference, Campbell's Philosophy of Rhetoric, Whately's Elements of Rhetoric, Kames' Elements of Criticism, Angus's Hand-book of the English Tongue, and Channing's Lectures on Rhetoric and Oratory. The second semester's work included Exercises in Elocution "with Declamations," and added the following as additional books of reference: "McIlvaine's Elocution, Hullah's Speaking Voice, and Bacon's Manual of Gesture." Catalog descriptions for the two semesters' work in rhetoric for the junior year were as follows:

Rhetoric. (a) Keane's Hand-Book of the English Language. Lectures on the History of English Literature, with Readings from Authors. Three hours a week.--(b) Exercises in Elocution.--(c) Essays and Speeches. Saturdays. Principal authors referred to: (1) In Language, Muller, Whitney, Marsh, and Craik. (a) In Literature, Morley, Taine, Arnold, and the 'Clarendon Press' Series of English Classics.

Rhetoric. (a) Chaucer, Spenser or Shakespeare. Two hours a week.--(b) Exercises in Elocution.--(c) Original speeches, Saturdays.

88 Catalogue of the Officers and Students of Brown University 1879-80, p. 41.
89 Ibid., p. 41.
90 Ibid., p. 41.
91 Ibid., pp. 42-43.
Encouraged by his professors, Hughes found studying at Brown a rewarding experience. He wrote that "...Our minds are constantly being packed with new facts, ideas, [sic] while at the same time, we are inquiring, how our minds acquire these, & how the mind uses them when acquired." He discovered that he liked research and that, as an editor on the Brunonian staff, he liked writing argumentative editorials. He concluded that his mind was better adapted to argumentative composition than to imaginative writing:

...Well you say you are anxious to hear about the Legend. Well, I worked hard at it, but I could not write it. The simple reason was that I could [not] create emotion. I felt that every line was a burlesque. I tell you what it is, it taught me that to write & to write well, the emotion must come from the heart of the writer. I then sat down & wrote just as it came a brief summary of the effects of novel reading, in an advantageous & also disadvantageous light. In short regarding my experience as impartially as possible I made an abstract of the profit & injury accruing to me from novel-reading. It was practically the result of a great deal of thought of the last couple of years, & was independent of all I have read or heard on that subject. Of course, it was as intended a more rambling essay than my usual. It endeavored to gain the interest of audience, & that secured, to sift, as it were, light literature & endeavor to distinguish the coal from the ashes.

As at Madison, he found that Delta Upsilon offered speech experiences both in regular meetings and in conventions. Charles believed that the organization contained the "best scholars &

92 Letter of Charles to Mr. Hughes, November 7, 1880.

93 Letter of Charles to Mrs. Hughes, October 12, 1879.
speakers of the college," and he was pleased to be chosen Chairman of its Debate Committee. He reported that "weekly chapter meetings were largely taken up with debates in which two of the members would assume the burden of leading and their chief and rebuttal speeches would be followed by a general discussion." He wrote of debating on the negative of the proposition "National Schools in the South, would they be advisable."

In addition to participating in Society debates, Hughes occasionally acted as chairman and toastmaster of the evening at a society supper. In his senior year he declined the presidency of Delta Upsilon because the election occurred just after he had recovered from a serious illness, and he felt that the office would take too much of his time and strength. He participated effectively in inter-society politics, however, characterizing one conflict as "bitter war to death bet. [sic] the secret societies united & the Delta U.'s Neutrals." During a

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94 Letter from Charles to his parents, October 31, 1880.
95 Letter from Charles to Mr. Hughes, November 21, 1880.
96 Hughes, Biographical Notes, p. 65.
97 Letter of Charles to Mr. Hughes, December 12, 1880.
98 Letter of Charles to Mrs. Hughes, December 7, 1880.
99 Letter of Charles to Mr. Hughes, January 30, 1881.
100 Letter of Charles to Mr. Hughes, September 25, 1880.
fraternity convention at Amherst in his senior year, Hughes really came of age as a speaker. In his talks at the convention, he completely conquered stagefright for the first time and experienced his power to influence a crowd in the way he felt his Welsh uncle had done. Hughes described his convention speeches in these glowing terms:

When the report of the Brown Chapter was called for, I arose with fear and trembling...I gradually warmed with my theme, till it actually seemed as if something gave way in my head & I ran on in the most profuse style, words succeeding words, & climax, climax, without effort and wholly extemporaneous, till I sat down feeling as if I had dropped from a cloud...you know how afraid to speak I have been...

In the evening,...I rose to say only a few words & I spoke to an interested audience for half an hour. Anecdotes, humorous expressions & pithy sentences came unbidden to my lips...Nor had I an idea of what I was saying. I knew I was speaking very fast & that once in a while I was interrupted with applause & loud laughter & when I sat down I found myself bathed in perspiration...

At society meeting, I gave my report & again was blessed with wonderful success. To be able to get away from myself, to live only in my speech, to think only of my point & not of how many buttons there are on my waistcoat, is a gift for which I have longed & sighed in vain till last Wednesday. And, then when thoroughly aroused, not to forget the requirements of rhetoric & accurate oratory, is a matter of constant wonderment to me.101

When Hughes left Madison and entered Brown, he was tired of the struggle for academic distinction.102 For a short time he

101 Letter of Charles to Mr. Hughes, October 31, 1880.

102 "In leaving Madison I felt emancipated from rivalries for college honors and I had the notion that it would be delightful to follow my bent without any concern for marks...Later when I was one of the editors of the 'Brunonian,' I wrote a satirical article decrying the marking system." Hughes, Biographical Notes, p. 60.
revealed in random reading and the delights of city life rather than concentrating on his academic work. As superior professors introduced him to challenging new subjects, however, he began to feel the familiar urge for excellence mastering him again. By the beginning of his second semester, he wrote: "I am going to do better this time than last & try to get a good position in my class. There are so many smart fellows here I can't hope to be first but I am going to be as near as possible."\textsuperscript{103} Professor Lincoln advised him to take examinations to establish his class standing, and he agreed. As a result, he qualified for Phi Beta Kappa at the end of his junior year.\textsuperscript{104}

As a senior, he won the fifty-dollar Dunn Premium for the highest standing in the class in rhetorical studies, "commencing with elocution and rhetoric in sophomore year"\textsuperscript{105} and ending with his oration and work in English literature. Although the youngest in the group, he ranked third in his class academically, gave the "Classical Oration" at Commencement on "The First Appearance of Sophocles,"\textsuperscript{106} and served as class prophet. He also won one of the senior Carpenter awards, being cited as one of "the two members of the Senior Class who, already on scholarships, shall, in the judgment of the Faculty, unite in the highest degree the
three most important elements of success in life, ability, character, and attainment."^107

Dr. Ezekiel G. Robinson, the president of the University, recognized his ability and gave him the following advice:
"...don't let yourself sink out of sight after you graduate... keep yourself before the public, & you will make your way. Above all, be independent—have a mind & a will of your own, & determine to succeed, & you will succeed."^108

Hughes completed his formal academic training with two years of law study at Columbia University. Before entering Columbia, he taught a year at Delaware Academy and read law part time in the office of William Gleason, well-known local lawyer and former judge.^109 The following summer, he obtained a desk in the Federal Building in a room adjoining the office of the United States Attorney for the Southern District of New York and read extensively in the Law Institute Library there. He continued to spend his mornings in this Library when he began afternoon classes at Columbia in the fall.

At Columbia Law School, he studied Equity with Professor Benjamin F. Lee, a course in Torts, Evidence and the New York Code of Civil Procedure under Professor George Chase, and Common

^107 Catalogue of the Officers and Students of Brown University 1879-80, p. 98.

^108 Letter of Charles to Mr. Hughes, February 27, 1881.

^109 Hughes, Biographical Notes, p. 80.
Law Pleading. Among other works, he studied Chase's *Blackstone*, Parson's work on *Contracts*, and Washburn's *Real Property*, the last two under the guidance of Professor Theodore W. Dwight. In contrast with the equally well-known Harvard case method, the Dwight system stressed legal principles. Hughes supplemented his excellent grounding in principle from Dwight with a thorough investigation of relevant cases on his own initiative. He participated in the moot court and quizzes through membership in his legal fraternity, Phi Delta Phi. In addition, he joined a small private quiz which met two nights a week and a seven-member "Law Club" which had fortnightly moot courts. During the summer of 1884 Hughes mastered stenography to the point that he could take 150 words a minute. Thus he could write down all that his professors said.

Hughes won the prize fellowship as the outstanding graduate of his class. He thus received $500 a year for three years for tutoring in the law school. He passed his bar examinations in 1884 with a score of 99½.

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110 *Pusey, op. cit.*, I, 69, 72.

111 *Ibid.*, I, 72. He had made a beginning in learning stenography as a student at Brown according to a letter to his parents dated April 11, 1881.

112 *Ibid.*, I, 73.
Teaching experience

Hughes' teaching experience occurred chiefly in three schools: Delaware Academy, Columbia Law School, and Cornell University. The process of communicating to students the ideas he had so recently learned helped to deepen his already commendable mastery of his material. Teaching gave him valuable practice in simplifying and projecting difficult concepts to unsophisticated audiences, preparing him for later exposition of proposed legislative measures to public audiences.

At Delaware Academy, Delhi, New York, he taught Latin, Greek, algebra, and plane geometry; he also helped the students with their declamations, and he tutored two young women of the community in French. He entered sociably into the whist playing and other activities of the village, including the after-dinner speaking which was later to be an important aspect of his public as well as his private life.

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113 Hughes, Biographical Notes, p. 79.

114 His teaching at Delaware was so successful that the administration offered to increase his salary from $200 to $800, plus room and board, if he would stay a second year. Hughes' success was the more remarkable because he had looked so extremely young for his age of 19 when he arrived that he had had to use all of his persuasive powers in order to obtain permission to stay and teach at all. Pusey, op. cit., I, 64, 66.
As part of his fellowship teaching at Columbia, Hughes administered a quiz section two nights a week for approximately two hundred students; he held a private quiz two other nights for about a dozen seniors. During part of the second year, he taught the regular course in common-law pleading for Professor Chase instead of holding a quiz section. During his third year, he resumed the large quiz group, but he met it once instead of twice a week.\textsuperscript{115} Hughes enjoyed the actual teaching, the contacts with fledgling lawyers, and the appreciation he received from grateful students.

In 1891, after several years of New York City law practice, he went to Cornell University as a professor of law. He wished to build up his health since, at the age of 29 and a height of six feet, he weighed only 127 pounds and was not considered healthy enough to be granted a life insurance policy. He did not find Cornell the quiet academic retreat he expected,\textsuperscript{116} but his health did improve during his two years at Cornell.

\textsuperscript{115}\textit{Ibid.}, pp. 76-79.

\textsuperscript{116}"Far from being an academic retreat, I found Cornell to be a hive of industry, and aside from the occasional and enjoyable evenings I spent with my colleagues, my life was one of constant toil; in truth, I was about as busy with my courses as I had been with my practice in New York...On the other hand... I was free from the worrisome demands of clients and was spared the effort to perform miracles in their behalf." Hughes \textit{Biographical Notes}, p. 134.
In his teaching, Hughes showed the same thoroughness that he had manifested as a student. In order to combine the virtues of the Harvard case method with the Dwight method stress on principles, he worked his way through the Harvard casebooks: Langdell's, Ames', and Thayer's. He reacted as follows: "Whether or not the students were benefited by my teaching, I got the advantage of a self-conducted but thorough post-graduate course which in my later practice proved to be invaluable."\textsuperscript{117} He followed a similar procedure when he was asked to teach international law the second year. Since he had not previously studied the subject, he worked hard to develop a command of it. His subjects the first year were elementary law, contracts, agency, partnership, mercantile law, suretyship, sales, and evidence. During his second year, he also spent much time working with graduate students. He taught at least 15 hours a week and held moot courts besides,\textsuperscript{118} setting high standards of accomplishment for himself and for his students.

Hughes took into his teaching the habit of reflective thinking and a concern for moral values. Thus, he reflected upon the purposes as well as the content of the courses he taught. He considered the potential contributions of the legal profession to society, and he evaluated the condition of the society which the lawyer was supposed to serve. In so doing, according to

\textsuperscript{117}Ibid., p. 134.

\textsuperscript{118}Pusey, op. cit., I, 99, 100.
Richard Hofstadter, he was following the example of the most intellectually gifted young lawyers of his day:

...Lawyers who were most attracted by the more intellectual and professional aspects of their field tended to go into teaching...[like] Young Charles Evans Hughes...In the movement for broader conceptions of professional service, for new legal concepts and procedural reforms, for deeper professional responsibility, for criticism of the courts, the teaching side of the profession now became important. The teachers became the keepers of the professional conscience and helped implant a social view of their functions in the young men who graduated from good law schools.119

Hughes did not confine himself for long to the teacher's role of stimulating others to action. As a Progressive leader, he soon endeavored personally to effect the social changes he felt were needed.

**Experience as a lawyer**

Hughes received ideal training through his association with the firm of Chamberlain, Carter, & Hornblower, since the men of the firm were outstanding lawyers. He began as an unpaid observer in the office during the summer when he was twenty-one years old. In the following June, he was admitted to the bar; and in September, he formally joined the law firm. By the time he was twenty-five, he had advanced to the position of second partner in a new firm of Carter, Hughes, and Cravath. He was twenty-nine when he left his law practice to teach at Cornell and thirty-one when he returned to New York to the firm of Carter, Hughes, and Kellogg.

Hughes accepted a variety of cases in commercial law but never a general retainer for any one corporation. He had such an unusually great command of the law field that other lawyers soon came to consult him for advice on difficult cases.

As a beginning lawyer concerned with making the transition from legal theory to practice, Hughes thought creatively about his speaking role, studying the methods of presentation which great lawyers used while he noted their handling of points of law. He analyzed the behavior of judges as well as that of colleagues. From negative examples, he observed some of the attitudes and practices to avoid. He made conscious adaptations to his own speaking style of particular procedures he observed to be effective in others. Through such observation and practice, he acquired a poised mastery of himself in the difficult speaking situations which his work at the bar presented.

Hughes made friends easily with the outstanding people he met in the various places where he worked. He widened his circle of acquaintances through his skill as a toastmaster on social occasions such as fraternity and university reunion dinners, Baptist Social Union meetings, and professional meetings. He

120 When he was a candidate for the governorship, this fact helped him to refute the charge that he had been a "corporation lawyer."

121 Hughes was fortunate to be practicing in New York City where he could observe in action such famous men of the bar as Joseph H. Choate, James C. Carter, William Allen Butler, Frederic R. Coudert, Wheeler H. Peckham, and William R. Evarts.

122 See Hughes, Biographical Notes, pp. 125a, b, c, d.

123 Ibid., p. 111.
made his most important social conquest by convincing Antoinette Carter, the charming Wellesley-educated daughter of his senior partner, to become his wife in 1888. She helped him devotedly for more than fifty years.

A *Harper's Weekly* article of 1906 evaluated Hughes' professional experience in teaching and law interestingly as qualification for the governorship. The writer first discussed the value of his teaching career in perfecting his powers of expository speaking and then attributed to his combination of careers the "balance between the powers of his mind":

...the teacher's training had habituated him to analyzing the matter in hand, to the search for the principles involved, to the discernment between seemingly similar cases, to the avoidance of false analogies.

On the other hand, his very practical acquaintance with affairs has given him mastery over the practical and applied side of the law, developing the tendency to treat each question separately, to avoid doctrinaire pronouncements, to distrust generalizations.124

Reputation

In 1904, Charles Evans Hughes was not a public figure. In 1906, he was nationally known as a candidate for governor of New York State. This section discusses the factors which contributed to the rapid development of his national reputation.

The gas investigation

Hughes' qualities of mind and character made him the ideal lawyer to investigate the gas utility situation which was plaguing New York in 1905. Exorbitant rates for gas and electricity and constant danger from poisonous adulterated gas made the problem serious. In spite of the flagrancy of the abuses, however, the people saw little likelihood of relief when the boss-ridden legislature set up a committee to investigate the situation. One source reports that the committee "was generally looked upon as a mere excursion in political plunder; as a device designed to make the people believe that the government was protecting them from the utilities while the dominant politicians collected fees and expenses from the state treasury and graft from the companies under investigation." Committee Chairman Frederick C. Stevens, actually completely in earnest about producing results, wanted a lawyer as committee counsel who would merit confidence. He stated his satisfaction at finding Hughes for the post by saying: "It was a purely Diogenes search, and we found an honest man. Furthermore, I think it will be conceded that we obtained one of the most eminent as well as one of the most able attorneys in the city." 

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Before accepting the position, Hughes exacted assurances that he would be permitted to conduct the investigation without political restrictions.\footnote{He also made sure that his membership in the Baptist church where Rockefeller was a trustee would not be considered reason for disqualification.} He announced to reporters his conception of his task: "...no force in the world is strong enough to swerve me one iota in this matter. I have accepted the position as counsel and shall proceed with the inquiry with the same fidelity that I or any reputable attorney would observe toward a client who was a private citizen."\footnote{New York American and Journal, March 26, 1905.} With no special advance knowledge of the gas business and only a week to prepare for the hearings, Hughes nevertheless uncovered widespread corruption during the three-week investigation and produced the information needed for corrective action.

Hughes recommended a reduction in the rates for gas from one dollar per thousand cubic feet to seventy-five cents and for electricity from fifteen cents per kilowatt hour to ten cents. He further urged the lowering of rates for city street lighting, and the establishment of a public service commission to regulate all gas and electric companies in the State. After writing the committee report, he went to Albany himself to help draft corrective bills.
Approving the other bills as recommended, timid legislators increased the gas rate to eighty cents instead of the seventy-five cents Hughes suggested and passed the gas measure in 1906.\textsuperscript{129}

Even at eighty cents instead of seventy-five, the bill was regarded by the people as a significant measure of economic reform. Legislators who voted against it had cause to regret that they had failed to align themselves against the gas monopoly.\textsuperscript{130}

The insurance investigation

Hughes' success in the gas investigation made him the logical person to conduct the insurance investigation for the Armstrong committee later in 1905. For some time, as one writer expressed it, "evil odors had been hanging around the insurance business."\textsuperscript{131} Bigwigs in the business at first regarded the inquiry as a harmless matter of form.\textsuperscript{132} Hughes' investigation, however, revealed

\begin{itemize}
\item \textsuperscript{129}One of these men was Harvey Hinman, a generally-reform-minded legislator, who was considered for the Republican gubernatorial candidacy in 1910. "But from New York City came the objection that he had voted against the 80-cent gas bill, and Roosevelt finally decided in favor of Stimson..." Roscoe C. E. Brown, \textit{History of the State of New York Political and Governmental}, Edited by Roy B. Smith (Syracuse, N. Y.: The Syracuse Press, Inc., 1922), IV, 183.
\item \textsuperscript{132}"...insurance executives...seemed to regard the impending probe as little more than an annoyance. Veterans like McCurdy of Mutual could recall a dozen life insurance investigations, going back thirty years and more. Nothing had come of any one of them, at least so far as the bigwigs were concerned. This barrenness had been no accident. It had been the result of astutely planned and sometimes highhanded tactics on the part of the great life insurance companies." Marquis James, \textit{The Metropolitan Life, A Study in Business Growth} (New York: The Viking Press, 1947), p. 143.
\end{itemize}
not only the malpractices of the insurance companies and of the state officials who protected them but also his own extraordinary mental qualities and his high standards of ethics and fair play:

To obtain enlightenment on these matters Mr. Hughes exercised the patience of Job. Few important witnesses evinced a willingness to answer questions with directness or clarity. Yet the examiner displayed no ill temper...

This method built up, day by day, a voluminous record over which one without Mr. Hughes's card-index mind and remarkable memory could not have retained mastery...

...Early in the day it was clear that the lean, bearded examiner had divided the investigation into a series of topics. But he did not take up and finish them one at a time. In the course of a session, or an hour, he might range over the whole list. This was deliberate strategy...Nearly always the result left the witness worse off than if he had been frank in the first place.133

Since witnesses could not have counsel, the investigator felt a special responsibility for treating them fairly;134 but he nonetheless exposed their corruption.

The investigation uncovered so many embarrassing arrangements between business and political leaders that Republican powers tried to end it by getting Hughes to run for mayor of New York City. Refusing, he continued the investigation along its devastating course. He not only elicited from George W. Perkins (J. P. Morgan partner, vice president of New York Life Insurance Company, and power behind the Republican throne) the fact that New York Life had contributed $48,000 to Roosevelt's campaign

133Ibid., pp. 145; 149-150.
134Hughes, Biographical Notes, p. 175.
fund, but he followed up by interviewing Republican Boss Tom Platt, Chauncey Depew, and Benjamin Odell with similar damage to their personal and party reputations.

Hughes' inquiry exposed two kinds of damaging information: incompetence in business management and state regulation, and corruption in business and government. Richard A. McCurdy, president of Mutual Life Insurance Company, admitted that he did not even understand the process of calculating premiums. The World reported that Francis Hendricks, State Superintendent of Insurance, made a shocking "exhibition of ignorance of the workings of the State Insurance Department and a revelation of its incompetency in dealing with life-insurance companies." The newspaper published Senator Platt's testimony that "every dollar that the life insurance companies contributed to the Republican National Committee to help elect Mr. Roosevelt" and other Republicans actually put the candidates "under a moral obligation not to attack the interest supporting them." The newspapers wanted Hughes to investigate the political corruption aspect further, but he felt that he should concentrate upon management problems of the companies, in order to restore a

135James, op. cit., p. 148.
137The World, November 23, 1905.
justified public confidence in life insurance. Thus, in his report, he dealt with sound business practices to be required of the companies and with sound principles of regulation and inspection to be observed by the state to insure adherence to these practices. His report was enacted almost immediately into law.

It is generally agreed that Hughes' distinguished conduct of the four-month-long insurance investigation created the favorable public reputation which made him the Republican candidate for governor of the State.

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138 One of the restrictions was that the companies could no longer use policy-holders' money for contributions to political campaign funds. A copy of the complete report of the committee is included in the Hughes Papers in the Library of Congress. A useful condensed version of the resulting corrective legislation appears in James, op. cit., pp. 161-163.

Favorable characteristics of Hughes' reputation

The insurance investigation endowed the candidate with a national reputation for ability and honesty. This reputation was highly appealing to the average New York State voter.

Hughes had identified himself unmistakably with the people's cause. Not only had he singlehandedly humbled the political bosses who had been manipulating laws and jobs to serve their own ends, but he had also forced the great gas, electric, and insurance trusts to stop over-charging the people. Hughes thus became known as an able champion of popular economic interests. He impressed the people with his genuine desire to correct their economic wrongs and with his ability to do so. He impressed them with his courage in opposing the well-placed men and powerful interests which stood against him. He impressed them with the sincerity of his political aspirations as a gubernatorial candidate. A significant number of citizens apparently felt that a man who stayed at his investigating committee post in order to complete his work as their insurance counsel might also be sincere in promising to conduct the business of the State in their interest.

140 Frederic Howe commented upon the frequency with which reformers who were themselves substantial men ignored basic economic issues or were actually on the side of the big interests against the people. Frederic C. Howe, The Confessions of a Reformer (New York: Charles Scribner's Sons, 1925), p. 115 ff.

Lincoln Steffens condemned most reformers for being concerned only with the wrongdoing of the poor people and with "cleaning up" their illicit amusements while ignoring the greater wrongdoing of the "good" people. Lincoln Steffens, The Autobiography of Lincoln Steffens (New York: Harcourt, Brace, and Company, 1931), p. 426.
Hughes was fortunate to obtain general public confidence in this manner without aligning himself against all big business as such. During the probe, he had successfully accented his constructive purpose of strengthening the insurance business rather than harming it.

**Unfavorable aspect of Hughes' reputation**

The handicap to his popular appeal which Hughes acquired during the two investigations was a reputation for coldness. Irving Stone termed it the "Ice Myth."\(^{141}\) The interests which opposed the investigations pictured Hughes as a sternly intellectual, unfeeling man who had no pity for the people he exposed on

\(^{141}\)Stone, *op. cit.*, p. 104.

Walter Johnson discussed the potential seriousness of such a handicap to a politician in a discussion of Joseph L. Bristow and his campaign for the United States Senate in 1908. He wrote as follows:

"...The people have acquired an unreasoning prejudice against Bristow. They do not think he is crooked; they do not believe he is tied up to any interests, but they do believe he is 'cold' and that is a worse sin than dishonesty."

the witness stand. During the campaign, Hearst exploited this approach.\textsuperscript{142}

\textsuperscript{142}The racetrack gambling interests revived it energetically later when the Governor was trying to obtain legislation against them. At that time Hughes was represented as a humorless ascetic "John the Baptist" who did not enjoy the harmless recreations of the populace and wanted to prevent others from enjoying them. Evaluations of his personality differ, but most writers concede that he possessed genuine warmth of feeling. Most also concede a sense of humor although, like Umbreit, they may describe it as "not entirely orthodox." Tinged by his intellectual qualities, it sometimes showed itself in a perception of incongruity in a situation which did not seem humorous at all to his associates. The following incident is an illustration. Governor Hughes was thoroughly amused to arrive at Fortress Monroe, Virginia, with an official inspecting party only to find the commanding officer in bed and the other men of the base equally unprepared to extend the expected greeting. The rest of his staff felt their dignity affronted, but the Governor thought the situation a good joke and persuaded newsmen to keep it all a secret at the time in order to protect the officers responsible from being punished. Umbreit, \textit{op. cit.}, p. 471.

Influenced by the reserve of his parents, Hughes saved his funny stories for his family and close friends or for definitely social speech occasions of a formal nature. He reflected his parents' preoccupation with the serious aspects of life by being predominantly earnest himself in thought, conduct, and speech. Ridgway explained his disposition as follows:

"Hughes has a peculiar type of mind. He explains it himself, rather whimsically, by saying that he cannot shift easily from the serious cog to the humorous cog—which is to say that when a serious question is up and he is concentrating his mind upon it, it is not easy for him to shift off to a pleasantry and back again without seriously disturbing his thought." Erman J. Ridgway, "Hughes," \textit{Everybody's Magazine}, XVIII (March, 1908) 356-358.
The negative reputation was partially counteracted by the prevailing feeling, aptly expressed by Chairman Stevens of the gas committee, that the times did call for a "Diogenes" of ability and honesty as head of the State government. The tremendous amount of public speaking that Hughes did gave the citizenry ample opportunity to judge for themselves the appropriateness of his personal qualities as well as the worth of his ideas as qualifications for the governorship.

Speech Theory and Practice

Concerning the relationship between a speaker's ideas and attitudes and his presentation, Thonssen and Baird write:

...that the state of a man's faith in his cause, and of his devotion to it, may be revealed through his presentation is no doubt true.

...It will...be a free expression governed only by the nature of the provoking cause for discussion, and by his own natural promptings to express what is most congruent with his thoughts and feelings on the matter.143

These sentences are especially apt in reference to Hughes, for both his speech philosophy and his practice grew out of his great desire to project faith in his cause.

Concepts of speechmaking

The rationale by which a public speaker may shape or justify his speech practice is significant to the rhetorical critic.

In many cases, the concepts are implicit in the man's speaking and never consciously formulated. In other cases, a speaker may declare that he believes in certain procedures but may actually follow others in practice. In still other cases, a speaker consciously applies a body of principles to his speeches.

Hughes' concepts of speech are particularly significant because they were consciously held, explicitly stated, and consistently applied in practice. Trained to appreciate the potentialities of public address, he was also trained to analyze its constituents. As governor, he made purposeful use of public address and gave serious thought to the choice of means available to him for persuading the people. To study his ideas of speechmaking is to become aware of the speech choices exercised by an outstanding State Executive while effecting Progressive reform.

The utility of public address. - Aware that public speaking is a useful art, Hughes employed it for the utilitarian purpose of winning support for the progressive Republican program. Conviction resulting in ultimate action was his end, and he wanted constructive action to rehabilitate the party in the State. In a letter to Republican politician William Barnes before he took office, the Governor indicated his recognition that the party needed to regain popular support: "Now I believe if the party
Hughes indicated his appreciation of public speaking as a means of developing the requisite good will for the party by the extensiveness of the speechmaking program he undertook. During the first weeks of his term, he won good will for himself and his general idea of government through his willingness to address the people on ceremonial occasions. As the Legislature became increasingly balky, he used the occasions to gain good will additionally for specific bills he advocated. Speechmaking became an integral part of his work.  

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144 Letter of Hughes to William Barnes, December 3, 1906, Hughes Collection, New York City Public Library.

145 Hughes did not accept fees for any of his speeches. In his talks at home, he spoke for the edification of his fellow citizens. In the out-of-state addresses—such as those at the Jamestown Exposition, 1907; the Republican Club of Boston, February 12, 1907; The University of Michigan, February 22, 1909; the Alaska-Yukon-Pacific Exposition, June, 1909, etc.—he spoke as the official representative of the State he served. In refusing fees for his speeches, he differed from most Progressives. Gov. Joseph Folk of Missouri, for instance, a Progressive of the Democratic party, did not "understand the criticism directed at men in public office who accepted fees for lecturing." A. Thurman, Jr., "A Rhetorical Criticism of the Speaking of Joseph Wingate Folk" (Unpublished Ph. D. dissertation, University of Missouri, 1953), p. 434.

Hughes paid his own travel expenses when he ran for re-election instead of calling his speeches "nonpolitical" and charging his expenses to the State; he vetoed the bill providing State funds to send him to the Yukon exposition and paid his expenses himself. Pusey, op. cit., I, 252.
The importance of speech content and logical proof. - In the Governor's opinion, the most vital factor of a speech was its content. Accordingly, he limited very few of his speeches to polite ceremonial expressions. Regardless of the circumstances under which he spoke, he typically assumed he was addressing a reasoning audience, selected a vital subject from the current political scene, filled his talk full of information and explanation, and used the occasion to promote his cause of representative government. Hughes spoke disparagingly of the "demagogues with little brain and much fluency of speech." He recognized the importance of facts, saying, "...In these days you cannot make the walls of Jericho fall down by walking around them with a blare of trumpets. The battering rams of fact are

146 The following quotation indicates that some of his friends had expected him to concentrate upon delivering brilliant pleasantry at the various public occasions where he spoke: "Last spring the Periodical Publishers' Association for their annual outing went up to Albany and gave Governor Hughes a dinner ...With our guests we numbered 500—....I looked for a brilliant effort. Instead, he told us his troubles. He was right in the midst of a campaign to arouse public opinion, and, even for the sake of giving us a good time and showing us what a bully speech he could make, he was not willing to sacrifice the opportunity to gain new converts to the larger cause in which he was engaged. It was a great disappointment to me, but I guess the Governor's reasoning was sound." Ridgway, op. cit., p. 360.

your effective instruments." He emphasized logical proofs to such a degree that Mark Sullivan said of him: "...his was an intellectual moralism; he believed in God but believed equally that God was on the side of the facts." From the presentation of facts through free, reasoned debate, Hughes believed that the truth would ultimately emerge. He explained this view as follows to a group of women visiting him in behalf of women's suffrage:

Now I therefore believe most heartily in the importance of having every question of this sort fully debated,—debated as you have debated it,—in a calm and reasonable manner, so that from the conflicting views that are presented, the truth may emerge and be appreciated. For whatever is right...in regard to such a matter,...will eventually appear to be right, and in this country of intelligence where so much effort is devoted to the ascertainment of conditions, and to the improvement of conditions, will be ultimately established.

The appropriate use of emotional proof.—In spite of his interest in logic and his desire for a "government of sound public opinion and not a government of insanity and appeal to the


149 Mark Sullivan, Our Times (New York: Charles Scribner's Sons, 1930), III, 54.

150 Hughes' Talk on Woman Suffrage, February 19, 1908, Hughes Collection, New York City Public Library.
Hughes did not exclude emotion from his ideal government and his ideal speech. He declared instead that "...The emotions, in proper control, supply the power necessary to accomplish results," before he added characteristically, "but the judgment must not be displaced by passion."152

Hughes recognized that the appropriate balance in a given presentation between information and persuasion, and reason and emotion, depended upon the state of public opinion in regard to a particular issue. He stated the case for reason in the following quotation: "When the public conscience is awake and the people are no longer insensible to their social and political needs, what is most required is careful analysis of existing evils, a true diagnosis, and proposals for skillful treatment..."153

He used this kind of analysis and prescription on the questions of the public service corporations commissions and the anti-race-track gambling laws, issues upon which the people were already aroused to a considerable degree. On the other hand, when the public conscience was not yet aroused as it was not on the direct

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151 Hughes, Speech at Carnegie Hall, October 5, 1906, Hughes Papers, Library of Congress.


153 Hughes, Address at Chautauqua, August 24, 1907, Ibid., pp. 245-246.
primaries question, he felt that his first duty was to stir the people. He should then present, in addition to his solid foundation of fact, emotional appeal derived from commonly-held democratic ideals. He recognized, as Herbert Croly did when he wrote the following, that "...A democratic nation must know all about its doings, and...knowledge means a search of values as well as a mastery of facts..."\textsuperscript{154} Hughes was concerned with educating the people in democratic values as well as in the facts of existing deficiencies in their realization. His emotional appeals were rooted in the worthwhile aspirations of the citizenry. Through his speeches, he sought to prepare the people, both emotionally and intellectually, for wise decision-making.

Appreciation of ethical proof. - Hughes recognized the importance of achieving positive ethical proof through projecting the impression that he was sincere and friendly, intelligent, and possessed good character. In a reflective speech presented near the close of his second term, he emphasized the necessity of establishing sincerity: "...the public officer...will utterly fail unless he can convey to his constituency the impression that the chief end is neither partisan nor personal, but to carry the government along the commonly accepted lines of impartial and

efficient administration."\textsuperscript{155} In another speech, he emphasized the necessity of establishing good character:

\ldots The people do not discriminate with ease between the word and the speaker. They will not listen to the voice of reason if it proceeds from the mouth of the briber or the bribed. They who would have sanity of judgment and reasonable solution of difficult questions should see to it that they do not stir the people to indignation by the corruption of representative government.\textsuperscript{156}

\textsuperscript{155}Hughes, Address at the Lotus Club dinner, November 19, 1910, Hughes Papers, Library of Congress.

\textsuperscript{156}Hughes, Address at the Chicago Union League Club, February 22, 1908, Addresses, p. 123.

Since Hughes enjoyed the confidence of the populace to an unusual degree, he tended unwittingly to profit from the people's tendency to identify issue with speaker. Many of his followers felt that any bill the Governor wanted must be a good bill. In the rural districts, the direct primary law particularly won much support in this way. The Governor, as Villard reported in the following conversation, did not attempt to capitalize upon this kind of support:

"Mr. Hughes agreed with me that is a misfortune that our people, once they place a man in office, accept everything from him as wise and good merely because he says it..." Villard, \textit{op. cit.}, p. 188.

Hughes repeated again and again that he wanted agreement as a matter of conviction. He did not want the backing of the people simply because they liked him any more than he wanted the support of the legislature out of fear of his patronage and veto power:

"I do not ask for any blind or servile following. I ask simply for honest consideration in the light of reason and for that support which men of rectitude, faithful to their oaths as legislators, true to their duty as representatives of the people, can give with a clear conscience." Hughes, Address to the Republican Club of the City of New York, October 13, 1907, \textit{Addresses}, p. 81.
The necessity for audience adaptation.—Hughes accepted audience adaptation as a guiding principle in speechmaking. He approved direct attempts to put the audience into a receptive frame of mind, to supply it with appropriate motivations, and to reinforce his ideas with supporting materials chosen for audience adaptability. He was interested in obtaining specific information about the particular groups he addressed, and he used this information in his speeches. Before speaking at a Centennial celebration in Greenwich, for instance, he wrote his secretary as follows: "In this letter you should ask for the details of the program. Please get these, and also procure from State Library, history of Washington County, if there is one, so that I can take it west with me." 157

Clearness and conciseness most important in style.—In matters of style, Hughes' position was a logical extension of his father's early advice to present his honest convictions on important subjects in the most concise manner possible. Although his style was clear and forceful like his delivery, the graces of style did not appear important to him in political speaking; consequently, they did not receive as much attention as content. An editorial

157 Letter from Hughes to Robert Fuller, July 17, 1909, Hughes Collection, New York City Public Library.
from an upstate newspaper expressed his preference in this fashion: "When Charles E. Hughes speaks he always says something—says it to the point, candidly clearly, forcibly, seriously, in a dignified, finished and manly way, and with evident self respect for others..."158

Speech preparation

Thoroughness of preparation was an ideal Hughes endorsed but seldom realized to his own complete satisfaction in his speechmaking. On at least one occasion, he joked about his lack of time to prepare a speech and capitalized upon the situation to win good will at the beginning of the talk by saying: 
"When I was asked the other day by a friend if I still played golf, I told him I had so many holes to fill up in Albany that I did not have time for the game. I am not prepared to make a long speech, but as fits the day I shall confine my remarks to Abraham Lincoln..."159

158 Cortland Standard, February 3, 1908.

159 Hughes, Speech at the annual dinner of the Lincoln Club, Brooklyn, New York Press, February 13, 1908.
Care in choosing speech occasions.—The Chief Executive received many invitations to speak, and he gave many more speeches than he had time to prepare individually. From his numerous invitations, he accepted those which offered the greatest likelihood of providing audiences important to the advancement of his program. Evidence of his care in choosing occasions appears in the following letter to Secretary Fuller concerning county fair engagements:

160"Down in the Executive Chamber is a stack of invitations to him from every nook and corner of the State, asking him to come and speak to the people on any subject he pleases to select..." The Evening Post, January 23, 1909.

"I think he has had many more invitations to speak than most governors—certainly many more than he could accept, although he is constantly speaking in public. It was not his original plan to do much speaking, but speaking soon became a necessity." Ridgway, op. cit., p. 358.

Beerits described his nonpolitical speaking program as typically including speeches on Decoration Day, at a number of college commencements in June, and before various Phi Beta Kappa societies. A particularly important series of academic talks consisted of his lectures at Yale on "Conditions of Progress in Democratic Government" in December, 1909, and January, 1910. Beerits Memorandum, "Second Term as Governor," pp. 32, 32a.
I return herewith files of invitations for August and September.

You may refuse the Four-County fair. I do not desire to attend the fair of this Association. You may remember the bill in their interest at the last session to which all the other Societies were strongly opposed; I was in the same section--at Trumansburg--last year. You may write saying that my plans will not permit attendance.

Although I was in Oswego at the Fireman's Convention, and at Watertown fair last year, I think in view of my failure to go to Watertown this spring, it might be well to attend this fair which, as Senator Cobb says, is one of the most largely attended fairs in the State...

...Perhaps it would be just as well to cut out Newark Valley, as my engagements will be numerous enough to enable me to say all I have to say, and more too.

I am disposed to pick...Chenango and Franklinville. As to the latter I received a very pressing invitation from Justice Spring of the Appellate Division. Presiding Justice McLennan has a farm in the neighborhood. Commissioner Whipple objects because he thinks I should attend the Catteraugus County fair, the Franklinville fair being, as he says, a 'side show' in comparison. But the Catteraugus fair comes the week of the State fair, and I am to be at the State fair on the 16th,--the very day I am wanted at Catteraugus. This, it seems to me, would give an adequate reason for taking the Franklin fair if I visit Catteraugus at all.

...I would prefer...not to go again to the western part of the State. There doesn't seem to be the slightest reason for so much traveling this summer.

Schoharie has been urgent for some time.

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161 Letter of Hughes to Robert Fuller, July 17, 1909, Hughes Collection, New York City Public Library.
Speaking schedules.—A copy of the Governor’s schedule of summer fair speeches for 1908 indicates the large number of appearances he made at such affairs:

1908—Speeches Made by Governor
August 18 Greene County Fair
19 Cortland County Fair
26 Saratoga County Fair
28 Trumansburg Fair
September 2 Boonville Fair
3 Gouverneur and Watertown
4 Niagara County Fair
9 Rockland County Fair
10 Richmond County Fair
15 Wyoming County Fair
16 Columbia County Fair
Rensselaer County Fair
16-18 State Fair, Syracuse

A partially tentative but more detailed schedule is the following one labeled simply "Governor's Itinerary":

Wednesday August 25
Leave Saranac at 7:58 A.M. Attends the Sandy Creek Fair near Oswego, N. Y. 12:55 P.M. arrives at Rochester. 9:00 delivers a speech and spends the night with Mr. Frederick R. Hazard in Syracuse.

Thursday August 26
Leave Syracuse at 10:40 A.M. Arrive at Utica 11:54 A.M. Speaks at the Patrons of Husbandry Picnic at Summit Park. Arrive at Albany 5:30 P.M. Spends night at Executive Mansion.

162This information is filed in the Hughes Collection in the New York City Public Library. The manuscript is a type-written carbon copy, with the title written in red pencil in what appears to be Fuller's handwriting, and the "1908" written in black.
Friday August 27
Leave Albany 7:20 A.M. D. & H. Arrive Lake George 9:30 A.M. Speak at Silver Bay Assembly 2:00 P.M. Takes 11:00 P.M. train for Saranac.
Saturday, Sunday, Monday, Tuesday and Wednesday September 1 at Saranac Inn
Thursday September 2
Tompkins County Fair, at Ithaca
Friday
Goes to Saranac Inn and stays through Tuesday September 7
Wednesday September 8
Oneida County Fair at Rome, Evening celebration Romohawks, thence by auto to Utica to speak at the banquet of the Veterans of the "Blue and the Gray." Back to Saranac Inn until the 15th of September.
Thursday September 16
Fair at Syracuse. Actual time of arrival and departure yet unmade.
Friday
Westchester County Agricultural Society at White Plains. Under advisement
Wednesday September 22
Schoharie County Fair at Middleburg. Under advisement
Thursday September 23
Otsego County Fair at Cooperstown. Accepted September 25 to October 9 Hudson-Fulton Celebration.163

Hughes frequently made several speeches in a single evening.

The newspapers so often recorded three speeches in an evening that that number cannot be considered at all unusual.164 He might

163 This schedule is also included in the New York City Library Hughes Collection.

164 Of course, he spoke much more often in his campaigns for election and re-election. In 1906, he "made a dozen speeches a day, and sometimes half a dozen in the course of a single evening..." Statement in Hughes Papers, container 166, file 2, p. 15, Library of Congress.
speak before a dinner at one meeting, be the chief speaker at the second, and then drop in near the end of a program to greet another group briefly. The busy governor had a simpler transportation problem when at least two of the meetings were held in the same building, but he was not always so fortunate. 165

165 An example occurred when Hughes spoke before the dinner of the Brooklyn St. Patrick Society, "as he had many other engagements." New York Times, March 18, 1908.

Another occasion when the Governor did not join the diners occurred when he gave his important speech to the Republican organization of Albany County; he "came in time for his speech, and left immediately after he had finished speaking." New York Times, February 28, 1907.

A further indication of the lengths to which Hughes was willing to go in order to squeeze in more speaking engagements appeared in a Times item of March 2, 1907, that he came from an Assemblyman's funeral, changed to evening dress on the train, and arrived a little late but still in time to give his speech.

166 The following newspaper excerpts describe his experiences:

"Governor Hughes was the principal guest at three widely variant functions in this city last night. He made an address at the meeting of the Armstrong Association in Carnegie Hall, where the discussion was on the Negro question and Tuskegee Institute; later he attended the dinner of the Women's Auxiliary of the West End Republican Association, and then made a brief address to the Alumni of the University of Pennsylvania. Both of the latter functions were in the Hotel Astor." The New York American, January 18, 1908.

After Governor Hughes gave his principal speech of the evening on February 13, 1908, to the Republican Club at the Waldorf Astoria, he "left for Brooklyn, where he was scheduled to make two speeches..." The New York Herald, February 13, 1908.
He carried on his whirlwind schedule in visits away from New York as well as within the State. On March 10, 1908, for example, he gave three speeches in Boston before business and college organizations: the New England Dry Goods Association, Delta Upsilon, and the sons of Brown University of Boston.\textsuperscript{167}

Not even his Sunday was sacred; the Governor filled speaking engagements as enthusiastically on his one theoretical day of rest as on week days. His opening words on one such occasion were these: "Occasionally the Governor has a pleasant Sunday afternoon, and this is one of them."\textsuperscript{168} He gave several major speeches on the anti-racetrack-gambling bill on Sundays, including one at Utica on Palm Sunday afternoon, April 12, 1908, one at a Brooklyn mass meeting on Easter Sunday, and two at Albany and Troy a week later.\textsuperscript{169}

\textbf{Variations in preparation.---}Hughes differentiated his preparation in accordance with the importance of the occasion, distinguishing between simple appearances to bring greetings and more formal speech appearances. In response to a speaking invitation for the Stony Point exercises, he replied that he would say a few words if he had no schedule conflict but that he could

\textsuperscript{167}New York Times, March 11, 1908.

\textsuperscript{168}Speech at the St. Peter's Hospital Meeting at Harmanus Blekiejer Hall, March 6, 1910, Hughes Collection, New York City Public Library.

\textsuperscript{169}Utica Observer, April 27, 1908.
not be "the orator of the occasion."\textsuperscript{170} He told a Central New York Fair audience during an informal speech that his duties had given him little time to prepare "but there is so much that I am desirous of saying to the people of the State of New York that I always feel warranted in talking in plain and simple fashion right out of my heart."\textsuperscript{171} As the following quotations indicate, he worried actively about finding time\textsuperscript{172} to prepare more important addresses:

...On the 30th I am to deliver the Phi Beta Kappa address at Harvard and I shall not have a chance to get at it until a couple of days before.\textsuperscript{173}

\textsuperscript{170}Letter of Hughes to Robert Fuller, July 18, 1909.

\textsuperscript{171}Speech at the Central New York Fair at Oneonta, N. Y., September 18, 1907, Hughes Collection, New York City Public Library. A similar example occurred at a meeting of the Association of Life Insurance Presidents at the New Willard Hotel, Washington, D. C., January 19, 1910; a copy of the speech is included in the same collection.

\textsuperscript{172}The boy who had lacked time to send all his essays home for correction and to prepare all his orations to his complete satisfaction grew into a man who wrote as follows concerning speech preparation in his total speaking career: "I do not recall an instance in which I prepared an address with two exceptions with the pleasing consciousness that I could work at leisure and completely satisfy my ambition. Time was always of the essence, and one demand had to be got out of the way to make room for another on its heels." Hughes, \textit{Biographical Notes}, quoted in Pusey, \textit{op. cit.}, II, 606.

\textsuperscript{173}Letter of Hughes to Theodore Roosevelt, June 20, 1910, Hughes Papers.
...In making the schedule for this week, it must be remembered [sic] that I have the oration to deliver in New York, and this must be prepared before Saturday, the 25th, as I shall be in constant attendance at the celebration Hudson-Fulton celebration on and after that day.

In view of the celebration and particularly of my address on September 28, and of the Yale lectures, I do not think that in any event I should attempt more than what is stated above:—I have had no time to do anything with the lectures, and I shall only have a few days between the fairs, and it will be very difficult to make adequate preparation...

The Chief Executive rarely took a day off to stay at the Executive Mansion and work on a speech. He regarded speech preparation simply as one more extremely important and continuous task among the many that claimed his time. He attended personally to 40 to 400 letters a day, generally working from 9:30 A.M. until 7:00 P.M. in his office and continuing until midnight or later at home. He made his own decisions on all

174 Letter of Hughes to Robert Fuller, July 17, 1909.

175 He did set aside a day at home for the important address to the Brooklyn Young Republican Club in which he presented his plan for a direct nominations law. New York Tribune, February 19, 1909.

176 Letter from Robert Fuller to Frederick Crone of the New York Tribune in answer to request for information, September 24, 1908.
governmental matters that called for his attention, even on provisions for minute expenditures in appropriations bills. Thus, difficult as it was for him to find sufficient time to prepare fully, he was quite consistent to do all his speech preparation himself and to refuse the help of ghost writers and politicians.  

Method of composition.—Hughes typically composed his speeches by dictating rapidly and accurately to his secretary. He did a minimum of revision. The Hughes Collection at the Republican: politicians disapproved of Hughes' independence in speech composition. He not only refused the suggestion that he should write his initial message in Washington (Beerits' Memorandum, "First Term as Governor," p. 17) before he took office but refrained from discussing the content with party leaders before he presented the speech. He expressed his position on the subject to William Barnes as follows: "Nor do I think it advisable that there should be much public discussion of proposed legislation in advance of the message. I do not see much help in that direction." Letter of Hughes to William Barnes, December 3, 1906. The New York Times of January 3, 1907, commented that "The Governor seems to have written his message in calm unconsciousness of... the very existence..." of the "operators of the old Republican machine." Hughes' action in this regard contrasted sharply with Theodore Roosevelt's practice; Roosevelt sent his initial gubernatorial message to Boss Platt twelve days before delivery, with a request for suggestions. Harold F. Gosnell, Boss Platt and His New York Machine (Chicago, Illinois: The University of Chicago Press, 1924), p. 193.
New York City Public Library includes in two cases a penciled list of the topics of the speech on the reverse side of the manuscript, apparently in Hughes' handwriting. No other outlines appeared in the collection. Hughes possessed such a grasp of his material that he could organize satisfactorily entirely in his mind and deliver well-supported speeches either to his secretary or directly to his audiences. He had laid the groundwork for development of this proficiency under his parents' guidance. He had perfected the skill as a lawyer while dictating carefully-thought-out briefs that seldom required revision.

**Delivery**

Hughes' delivery contributed forcefully to the communication of his faith and of his message. Through his presentation, he apparently succeeded in achieving an effect of persuasion equivalent to the Welsh *hwyl* he admired.

**Methods of delivery.**—At different times, the Governor used all the various methods of delivery—manuscript, memory, impromptu, and extempore—making each an instrument of his earnestness. He wrote out relatively few major addresses. When he did prepare a manuscript, he sometimes took it along with him.

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178 Jacob Gould Schurman published an eyewitness account in the introduction to Hughes' *Addresses*, p. liii.
and substantially read the speech. More often, he set the
speech in his mind by a few practice readings and then delivered
it almost verbatim without the script. Frequently he made
no special preparation at all but drew upon his well-stocked
mind, his sincerity, his facility with words, and the inspiration
of the occasion. Most typically, he spoke extemporaneously upon
a previously-used theme which he supported with materials appro-
priate for his particular audience. The New York Times testified
to the effectiveness of his extemporaneous speaking by comment-
ing: "The charm of Mr. Hughes's speech, which was not read, was
the impression he gave that every word came from the depth of
his convictions." Since Hughes' audiences usually inspired
him through applause and shouts, they made his extemporaneous
task easier.

179 Examples are the first inaugural address as reported
in the New York Times of January 2, 1907, and the speech before
the Republican Club of the City of New York as reported by the
New York Herald of February 1, 1908.

180 For a description of his ease in using this method,
see the section of his Biographical Notes quoted in Pusey, op.
dit., II, 605-606.

that "He delivered his address without notes..." appeared in
The World, October 18, 1907.

182 Representative citations are the following: New York
Times, February 28, 1907; New York Press, February 1, 1908; and
The World, May 5, 1908. This list could be extended to great
length.
Appearance.—During the gas investigation, reporters first commented extensively upon Hughes' appearance. They looked for clues to indicate the kind of person he was and the kind of investigation he would conduct. *The World* said of him:

A type different from the usual corporation lawyer of the Wall Street region is Mr. Hughes, different both in methods and appearance. He has wide open eyes under mild brows, a large mouth, with flexible lips, that smile brightly, and an impulsive, frank manner of talking. He has a long, very thin and very straight nose, of the keen-scented animal type that can detect far ahead the enemy's lair. Then again his manner of speech is mild, frank, and gentlemanly—the kind that lures a witness on unsuspecting of danger.

This pleasing manner is fittingly accompanied by neatness of appearance. He is a man of medium height, rather slight in build, for his energy and his quick, nervous actions have kept him from acquiring superfluous weight. His hair is thin on top and is brushed straight back from the forehead, only half concealing approaching baldness.183

The Hughes whiskers of course received full journalistic treatment:

Professor Hughes' whiskers would be termed by a polite well wisher, as auburn. An enemy would call them red...

The photographs of Professor Hughes do not do his whiskers full justice. In real life they are broader, braver, bigger, bushier...When in action they flare and wave about triumphantly like the battle-flag of a pirate chief.184

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184 *Tbid.*, March 25, 1905.
Jacob Gould Schurman, president of Cornell University, described Hughes just before he became Governor as about six feet in height, "slender rather than stout, but sturdy, tough and wiry." Hughes gained weight between the 1905 gas investigation and his election as Governor. In spite of the gruelling work involved, he actually gained ten pounds during the insurance investigation. By 1907, he weighed 165 pounds, fully dressed. Furthermore, he had developed so much poise that he was usually characterized thereafter as the epitome of self control. Although he continued to worry about the possibility of breaking down physically, by the time he became Governor he had a stronger-than-average

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185 Jacob Gould Schurman, "Governor Hughes," The Independent, LXIII (Dec. 26, 1907), 1525.
187 Hughes, Biographical Notes, p. 166.
He had developed the stamina that his rigorous speaking schedule demanded.  

Three factors contributed to his health: a program of regular exercises, the satisfaction of a happy marriage, and the relaxation of long vacations in the mountains.

"In 1901 Hughes...began to bolster his strength with regular exercises. At first he followed, morning and night, a system prescribed by Swoboda. After a few years he trimmed this down to a workout of about ten minutes each morning. His slender frame began to fill out. Within two years his previous maximum of 140 pounds had been increased to 153 pounds. By 1907 another twelve pounds had been added...His regimen of exercise was to be faithfully adhered to until he reached the age of seventy-seven." Pusey, op. cit., I, 129.

Mrs. Hughes, described as "sweet balm to Hughes' nervous tension," contributed constantly to his mental and physical health through her orderly management of the household and the children and through her loving companionship. Ibid., p. 98.

"Every trip into the mountains was an uplifting experience. Hughes thrived on the high altitude, the bracing air, the sense of achievement in climbing, the awareness of natural beauty, and the delight of satisfying an appetite whetted by exercise. As he found renewal of vigor year after year, even at a heavy cost of loneliness, he came to believe that Switzerland had saved his life and made it possible for him to carry a work load that otherwise would have pulled him down in middle age. Not only that; the mountains calmed his feverish ambition, gave him perspective, and in this sense prepared him for the larger responsibilities ahead." Ibid., p. 131.

It was a rare occasion when he succumbed to an ailment like the "grippe" which caused cancellation of his speeches for a few days. Such an illness gave Secretary Fuller a busy time sending out cancellation notices. On one occasion Fuller sent regrets to the Forest, Fish and Game Society. He wrote on December 22, 1907, that "He Hughes is feeling a little better, but he didn't give up soon enough, and it will be several days before he is in shape again." He sent a telegram on December 23 to John R. Dunlap indicating that Hughes was not well enough to attend the dinner of "The Kentuckians" that evening. He sent similar regrets to the New England Society concerning its dinner, stating that the Governor was not well enough to send the Society a letter of greeting but that he would send a telegram which could be read to the group. These communications are included in the Hughes Collection in the New York City Public Library.
Furthermore, he possessed the energy to deliver his speeches forcefully, as newspaper accounts like the following noted: "He was in splendid trim, his voice penetrated to every corner...and his words had a ring that caught the crowd."\footnote{Buffalo Express, May 10, 1908.}

Described often as "Rooseveltian," the Governor's prominent teeth drew such comments as the following: "...he has a way of showing his teeth and driving home his telling arguments that drew thunders of applause from those who hear him..."\footnote{New York Times, October 4, 1906.} His blue eyes were variously characterized as mild or piercing, depending upon his mood. Writers often observed that his eyes "sparkled"\footnote{The World, October 18, 1907.} and "twinkled."\footnote{Buffalo Express, May 10, 1908.} Descriptions of his facial expression called attention to his earnestness and his smiling; he frequently smiled while reducing an opponent's argument to an absurdity. His dress was impeccable.\footnote{"...He looked just as he had looked during the insurance investigation. He was dressed in a black walking coat, white vest, and dark trousers..." New York Times, October 6, 1906.}

\textbf{Action.}—Both as an outlet for his tremendous energy and as a means of expressing his conviction, Hughes typically used a great deal of gesture and movement. Newspapers noted his
"uplifted...hands..." and "uplifted fist as he drove in statement after statement..." A New York Tribune photograph of September 11, 1908, showed him with arms raised in a gesture suggestive of a minister in an invocation. During a speech at the Cooper Union, he was described as tramping back and forth along the edge of the rostrum, just as he had when examining a witness at the insurance inquiry. On another occasion, he was characterized as "...stiff in his gestures, awkward in manner, but with his ugly whiskers bristling sincerity of conviction..."

Voice.—As reporters frequently commented, Hughes' voice was an appropriate instrument to convey his stirring messages:

Mr. Hughes's voice is strong, clear and resonant. His enunciation is perfect, and he makes every word tell. At the end of his speech which lasted for a little more than half an hour, his voice was as clear as when he began and he gave plenty of evidence that he will be able to get through the campaign, with its demands upon his staying powers, without ill effect.

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196 New York Herald, April 6, 1907.
197 Cleveland Plain Dealer, October 25, 1908.
During the governorship period, he was rarely hoarse. Newspaper accounts noted his "ringing voice," his "emphasis that was very impressive," his "uplifted voice," and his "impassioned tone." Especially when building up to a climax, he was likely to speak in rapid-fire sentences. At other times, he spoke at a rate characterized as "deliberate."

Free from stagefright—as he had been since his student days at Brown University—with confidence in himself and his message, with abundant energy and an expressive voice and body, Hughes experienced no difficulty in mustering sufficient Welsh *hwyl* to give his ideas the forceful delivery they required.

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One instance was reported as follows: "Three thousand people were gathered at the Star Casino, East 107th Street, the last audience which Mr. Hughes had to address. His voice was a trifle hoarse after his Long Island trip and long evening, but he was full of energy and fire. It was 11 o'clock before he finished." *New York Times*, October 17, 1906.

The *World*, October 18, 1907.


CHAPTER TWO

THE CLIMATE OF THE TIMES

Explaining the necessity for the critic to understand the mood and makeup of the audience which passes judgment upon a speaker's personal qualifications and ideas, Thonssen and Baird write:

...the audience determines the speech's end and object...¹

...audiences bring with them the composite influence of the happenings of the past. Accordingly, the background of a speech situation furnishes the data which enable the critic to study the speaker's adaptation of ideas to listeners....In no other way can the analyst trace the possible effectiveness of a speech than through (a) familiarity with antecedent trends and happenings, (b) knowledge of the hearers, and (c) study of the subsequent events upon which the speaker might have exercised a causal influence.²

Antecedent trends and happenings had an important influence upon the attitudes of Hughes' listeners. Furthermore, certain special characteristics of the hearers as voters and politicians tended additionally to affect their judgments. The writer frequently quotes interpretations of trends by authors of the


²Ibid., p. 32.
period in order to facilitate reconstruction of "things...as they seem to have been"\textsuperscript{3} at the time Hughes delivered his speeches.

Antecedent Trends and Happenings

Constantly enlarging, impersonal big business and irresponsible personal government constituted an overwhelming threat to the security of the individual in the early days of the twentieth century. Together, they threatened the citizen with the prospect of financial servitude and loss of democratic political freedom. In the words of Richard Hofstadter, "Big business was the ultimate enemy...the proximate enemy was the political machine."\textsuperscript{4} Big business and political machines had developed as the result of a combination of political and economic factors and popular attitudes.

Economic factors

Economic factors which contributed to the deterioration of the status of the individual included the disappearance of available free land, a rising price spiral, growth of a vigorous labor movement, and the trustification of industry. E. A. Ross wrote that "the disappearance of free land in the rain belt, and the triumph of the big concern over the little...have

\textsuperscript{3}Ibid., p. 23.

narrowed the circle of opportunity for workingmen to achieve independence," and he was concerned "whether this will make impossible...government by public opinion." Hofstadter emphasized the importance of inflation in compounding the problems of the consumer; he stressed labor unions and big business as factors the consumer blamed for the high prices which hurt him:

"...The average middle-class citizen...saw himself as a member of a vast but unorganized and therefore helpless consuming public...To be sure, the argument that the trusts would squeeze the consumers after they had eliminated their competitors had been familiar for more than a generation. So long, however, as prices were declining, this fear had lacked urgency. Now that prices were rising, it became a dominant motif in American life."

Ruthless disregard for the public interest on the part of many captains of industry stirred feelings of insecurity and injustice: "...hundreds of petty manufacturers were frozen out by high-handed competitive methods and driven to raise plaintive voices about their vanished rights. Useless plants, offices, and mills were closed in many communities, causing resentment among local merchants..."


Political factors

Factors which contributed to the creation of a disturbing political situation were the increasing size and complexity of government and the remoteness of its operations from the individual citizen. Resulting from the rise in urban population, these conditions encouraged the development of the boss system:

"...In a world of relativities like ours size of area has a great deal to do with the truth of principles. America has grown so big—and the tickets to be voted, and the powers of government, and the duties of citizens, and the profits of personal use of public functions have all grown so big—that the average citizen has broken down. No man can half understand or half operate the fulness of this big citizenship, except by giving his whole time to it. This the place hunter can do, and the privilege hunter. Government, therefore...is passing into the hands of these two classes..."  

As citizens began to realize that bosses generally served the interests of the corporations rather than the public, they began to regard the boss system as a threat to economic as well as political freedom. Agreeing with Hughes, others then condemned "the making of corrupt alliances between party managers and special interests, the former eager for power and money, the latter seeking protection and governmental favouritism..."

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Popular attitudes

Economic and political factors thus produced during the late nineteenth century a demand for reform. Before major changes were actually effected in the twentieth century, however, a reversal in attitude toward reform had to occur. This change involved modification of Social Darwinism and the Gospel of Wealth, which assumed unhampered evolution of the forms of social and economic organization; it extolled free competition and a laissez faire attitude by the government toward business practices.

The Gospel of Wealth had won ascendancy in the days of exuberant expansion following the Civil War. The businessman, glorified as the personification of this development, was granted the special economic privileges he claimed as his prerogative: high tariffs, public lands, police protection, the right to organize trusts and monopolies and to control legislation. These privileges resulted in an "immense growth of national wealth unaccompanied by any corresponding growth in civic

11 The businessman attained at this time "a lordlier status than businessmen have held anywhere else in the world with the possible exception of Renaissance Italy." Gerald W. Johnson, An Honorable Titan, A Biographical Study of Adolph S. Ochs (New York: Harper & Brothers, Publishers, 1946), p. 2.

responsibility..." The prevailing spirit of American political life was complacency, and the average American of the period was "tolerant enough of a little cheating in politics or business." Expansion produced prosperity; successful businessmen produced expansion, the opportunity to become successful was open to every ambitious boy: thus the widely-accepted Gospel of Wealth rationalized and enshrined the system.

The promise of material success seemed so real, and businessmen and politicians of the corrupt alliance were so powerful that there was little vocal discontent before the 1900's from any but the radical agrarian Populists. Advocates of change were appraised as "busybodies, who were protesting against the conditions of success in business and politics."
The writings of the muckrakers helped\(^{18}\) to change the climate of opinion.\(^{19}\) Herbert Croly explained that the practice of unrestricted competition and completely unhampered evolution was unfair to the average man; it resulted "not only, as it should, in the triumph of the strongest, but in the attempt to perpetuate the victory..."\(^{20}\) Lincoln Steffens revealed that "everything...in organized society was really a dictatorship, in this sense, that it was an organization of the privileged for the control of privileges, of the sources of privilege, and of the thoughts and acts of the unprivileged."\(^{21}\) Croly found the cause in "the lack of purpose and responsibility in the traditional American political and economic system" and stressed the necessity to "abandon the

\(^{18}\) As a partial explanation for the muckrakers' success at this time, Commager suggests Americans' gradual acceptance of three concepts. These are the following: recognition of the gap between eighteenth-century constitutional pattern and nineteenth-century political practice which was steadily widening; the increasing acceptance of pragmatism, which "looked not to the theory of political institutions but to their machinery"; and "the recognition of interest groups and power relations." Commager, op. cit., Chapter XV.


traditional American fatalism" and to make the government a force for positive action to alleviate economic and political injustices. Other writers stressed the necessity for reform, many even suggesting revolution as the most probable alternative. Henry Demarest Lloyd wrote: "The question is not whether monopoly is to continue. The sun sets every night on a greater majority against it. We are face to face with the practical issue: Is it to go through ruin or reform? Can we forestall ruin by reform? ...History is the serial obituary of the men who thought they could drive men." E. A. Ross warned that "If...a law is enforced downward but not upward,...the cheated class fiercely resolves to capture the state and to govern ruthlessly in its own interests..." A. Lawrence Lowell deplored the fact that the American people were "drifting towards a general loss of faith in representative government." B. O. Flower recorded: "So general was the recognition of the passing of popular representative government, that many people were talking of the failure of democracy..."
Instead of advocating revolution, the majority of the people ultimately embraced the milder program of change characterized as Progressivism: "a rather widespread and remarkably good-natured effort of the greater part of society to...restore a type of economic individualism and political democracy that was widely believed to have existed earlier in America and to have been destroyed by the great corporation and the corrupt political machine; and with that restoration to bring back a kind of morality and civic purity that was also believed to have been lost."^27

In New York State, popular demand for relief from boss-ridden government^28 became insistent in 1906, after the gas and insurance

^27Hofstadter, op. cit., p. 5.

^28Republican Boss Thomas C. Platt, who controlled the State from 1883 until 1903, had functioned simply "as the agent for any social or economic group which was powerful enough to make itself felt in a political way." Harold F. Gosnell, Boss Platt and His New York Machine (Chicago, Illinois: The University of Chicago Press, 1924), p. 355.

In 1903, the power was divided among Benjamin Odell, Herbert Parsons, and Theodore Roosevelt, but the system remained intact. Elihu Root recognized the faults of the system by refusing to be the Republican candidate for governor in 1904. He acknowledged that a conscientious governor would have to "clean out the State machine..., an organization which is charged to be, and I suspect really is, thoroughly rotten." Philip C. Jessup, Elihu Root (New York: Dodd, Mead & Company, 1938) I, 425. Root's testimony is particularly significant since he was such a strong organization man that he can be considered a reluctant witness.
investigations. The voters reacted strongly against the Republican Party, which had been in power continuously since 1894. Justifiably holding the Republican incumbents responsible for lack of enforcement of regulations designed to protect the public in the insurance utilities field, the citizens ousted all the Republicans seeking re-election to State administrative posts. They elected Hughes by a scant plurality of 57,897 votes over Democratic Candidate William Randolph Hearst, choosing him only because he promised an administration "free from the taint of bossism." They even gave him a Democratic lieutenant governor.

The fear that two years as governor might make Hearst an unbeatable Democratic presidential candidate in 1908 motivated Theodore Roosevelt to insist upon Hughes as the Republican

29 Winkler observed that New York voters "went through an entirely new political experience...Stirred by economic and political inequities the plain people everywhere, but peculiarly in New York, were eager to slay bosses..." John K. Winkler, William Randolph Hearst, a New Appraisal (New York: Hastings House Publishers, Inc., 1955), pp. 136-137.

Gosnell recorded that a "popular revolt followed the revelations of the life insurance investigation...The confessions of Senators Platt and Depew and of Chairman Odell before the Armstrong Committee disillusioned many, even in the most rock-ribbed Republican communities, as to the real nature of the system which their votes had supported for so long...." Gosnell, op. cit., pp. 301-302.
gubernatorial candidate. New York Republican bosslets reluctantly agreed that Hughes was the only man who might counteract Hearst's anti-boss appeal. Three Hearst biographers

30 The powerful yellow journalist had already achieved a term in the United States House of Representatives through cooperation with Tammany boss Charles F. Murphy. Although he seldom attended House sessions and regarded the office solely as a stepping stone, he used his newspapers so effectively to publicize his ideas that "for half a decade Hearst really achieved his program of succeeding Bryan as the leader of the forces of popular discontent. In 1904 he rolled up 263 votes toward nomination for President in the Democratic national convention; in 1905 he came within 3,472 votes of being elected mayor of New York City..." Oliver Carlson and Ernest Sutherland Bates, Hearst, Lord of San Simeon (New York: The Viking Press, 1936), p. 32.

31 The term bosslets, widely used by journalists of the time, was regarded as appropriate because no one person had been able to assume complete boss control after Platt; instead, a number of individuals exercised various lesser degrees of power.

32 Hughes described as follows his awareness of the reluctance of the bosslets: "...I knew that, in consequence of the embarrassment the leaders felt I had caused the party in refusing the candidacy for mayor of New York, they had been very sore. Further, in the insurance investigation I had shown the failure of the State Insurance Department, which was under Republican control, vigilantly to protect the interests of policyholders, and there was a feeling that I had exposed the party organization to public criticism..." Charles Evans Hughes, Biographical Notes, p. 178.
attribute Hearst's defeat to his political mistakes in dealing with the Democratic bosses. Writers sympathetic to Hughes attribute his victory primarily to his reputation and secondarily to his ability as a campaigner.

The following portion of a New York Times editorial indicates the primacy of the trust issue and of the influence of Trustbuster Theodore Roosevelt: "Throughout Washington the election is interpreted simply as a general indorsement of Mr. Roosevelt. The Utica speech of Secretary Root in which Root said he was authorized to say that the President regarded Hearst's yellow


\[34\]"The current of dissatisfaction growing out of the insurance revelations ran strongly in Hearst's favor. Nothing but the personal standing of Hughes and the popular distrust of his opponent defeated Hearst..." Roscoe C. E. Brown, History of the State of New York, Political and Governmental, Edited by Roy E. Smith (Syracuse, New York: The Syracuse Press, Inc., 1922), IV, 134.
journalism as specifically responsible for inciting the assassin of President McKinley is accepted as the principal factor in the success of Mr. Hughes...It is the trust issue that has been brought to the fore...It is recognized by Republicans that their course is plainly marked out for the next two years, and that not only in Congress, but in the Legislatures of States under their control, must the problem of the trusts be handled with energy and ability if they are to retain their hold." It is thus reasonable to conclude that Hughes' reputation and his successful campaign grew out of antecedent circumstances favorable to his cause.


A news item in the same issue reported in these words the defeat of a Republican Congressman who had opposed President Roosevelt's anti-trust program: "Niagara Falls, November 6--The Thirty-fourth Congressional District has elected Peter A. Porter of this city to succeed James A. Wadsworth, who for eighteen years has been unassailable.

"Porter selected the cow as his emblem, and the voters of this Congressional district have to-day followed the cow to victory. Wadsworth's stand for the Beef Trust was made a feature of the battle, and the letters that passed between him and President Roosevelt were mailed broadcast."
The members of Hughes' New York audience can be divided into two important segments, the voters and the politicians. The voters can be subdivided into at least three classifications of some significance: first, urban and rural; second, New York City and upstate; and third, Democratic and Republican. Hughes' appeal cut across these divisional lines to such an extent that the really meaningful division of the voters was simply Hughes men and anti-Hughes men. Among the politicians, this single distinction quickly became most important.

**Urban and rural voters**

Sociologically, the State exemplified the trend toward increase in urban population which was creating new governmental problems and threatening political balances throughout the country. The unique factor in New York State was that the urban increase was largely concentrated in one city. This situation had important political implications for the entire State.

United States Department of the Census statistics indicate that the population of the State increased from 7,268,894 to 9,113,614 between 1900 and 1910.\(^{36}\) This increase of 38.7 was

\[^{36}\text{United States Government Department of Census,}\]

the greatest for any ten-year period between 1850 and 1910. Population in urban areas (defined as cities of 2500 or more) increased from 72.9 in 1900 to 78.8 per cent in 1910, while that in rural areas decreased from 27.1 to 21.2 per cent. In 1910 the State had 49 cities. New York City had 4,766,883 inhabitants; Buffalo, 423,715; Rochester, 218,149; Syracuse, 137,249; and Albany, 100,253. Two cities had from 75,000 to 100,000; two from 50,000 to 75,000; 12 from 25,000 to 50,000; 24 from 10,000 to 25,000; and four from 5,000 to 10,000. The aggregate population of the 49 cities was 6,727,015.

The rate of population growth was not uniform in the various cities, and some cities' rate of growth fell below that of the State as a whole.37 New York City had such a great rate of increase that it accounted almost wholly for the

37"New York City increased in population about one and one-half times as rapidly as the state as a whole, and the group of cities having from 25,000 to 100,000 inhabitants each about one and one-third times as rapidly. The population in the group of cities of 100,000 inhabitants or more, exclusive of New York City, and that in the group of cities and villages having from 2,500 to 25,000 inhabitants increased a little less rapidly than the population of the state as a whole. It also appears...that of the total increase in population of the state during the decade, namely 1,844,720, almost three-fourths was contributed by the city of New York, while less than 1 per cent was contributed by rural territory." Ibid., p. 191.
increase in the proportion of urban population. In 1910 the city contained more than half of the total population of the State and almost two-thirds of the urban population.\textsuperscript{38}

**New York City and upstate voters**

New York citizens did not tend to divide into voting blocs on the basis of urban and rural residence. Because of the tremendous size of New York City, all non-Gothamites—urban and rural—tended to unite to resist political domination by City residents. They called themselves "upstaters." Lynton Caldwell describes the differences between the people of the two sections as follows:

> It is not simply the old conflict of city and country, though that is a factor, for upstaters like Gothamites are largely city dwellers. Most generalizations regarding big city and upstate rely instead on contrasts in ethnic or religious background, in manners and morals, and in conditions of everyday living to demonstrate that Yorkers and New Yorkers are distinct cultural types.

> ...The New York City populace... inclines toward the group-minded 'other-directed' type concerned less with morality and more with morale than the individual-minded 'inner-directed' upstater who resents and resists the pervasive influence of the big city... with the upstate Yorker the City of New York is an object of interest and even pride, yet also a symbol of the social changes that threaten his status and values...\textsuperscript{39}

\textsuperscript{38} Ibid., p. 190.

This division was already apparent to politicians before the turn of the century.\textsuperscript{40}

Progressivism contained elements which appealed to both New Yorkers and upstaters. It is generally considered an urban movement since Progressives spent so much of their energy attacking the new problems cities had created: boss government, slum conditions, etc. Richard Hofstadter stresses, however, that the ideals of Progressivism were basically Yankee and Protestant and appealed primarily to the native born in rural areas and cities, receiving little support from the typical immigrant voter in the city.\textsuperscript{41} This was the case because the peasant immigrant usually regarded law as an instrument of the ruling classes and law enforcement officers as enemies who must

\textsuperscript{40}Gosnell reports that Platt recognized the political value of posing to his rural constituents "as the only possible 'redeemer of the wicked city..." Gosnell, op. cit., p. 234.

\textsuperscript{41}He writes in terms of "the moral traditions of rural evangelical Protestantism" with its "ethos of personal responsibility for civic life and the manners and morals of others" and states: "Progressive reform drew its greatest support from the more discontented of the native Americans, and on some issues from the rural and small-town constituencies that surrounded the great cities..." Hofstadter, op. cit., pp. 203, 184.
be propitiated through the intervention of a friendly boss.\textsuperscript{42} The conception of the Yankee reformer that government should be an instrument for civic betterment and that all citizens should participate in its functioning was completely unfamiliar. Although the broader principles of Progressivism were thus generally unappealing to New York City immigrants, Hughes became attractive personally as a sort of super-boss able to wring economic concessions for the people from impersonal corporations. His frequent astute references to his Irish maternal ancestors helped further to establish him with the many immigrants of Irish descent.

Immigrants accounted for a large enough segment of the population to constitute an important group, particularly because most of them were concentrated in New York City. Approximately 43 per cent of the State's eligible male voters (who in turn made up 31.3 per cent of the population) were foreign-born whites. Forty-one per cent of the foreign-born white males of voting age were naturalized. Twelve per cent

\textsuperscript{42}"The immigrant, in short, looked to politics not for the realization of high principles but for concrete and personal gains, and he sought these gains through personal relationships." \textit{Ibid.}, p. 184.
of the foreign-born white males of voting age were illiterate, one per cent of the native whites. Thirty-three and three-tenths per cent of the eligible male voters were native whites of native parentage, and 1.6 per cent were negroes.\textsuperscript{43}

Both Hughes and the Yankee-Protestant ideals of Progressivism appealed to upstaters and to native-born New York City dwellers, many of whom had moved to the city from upstate.

\textbf{Democratic and Republican voters}

Tammany Hall Democrats dominated New York City politics. The upstate opposition was therefore Republican, and fear of the Tammany machine tended to discourage factionalism among Republican voters.\textsuperscript{44} In the 1906 election, Republican Party strategists sought the Democratic city vote\textsuperscript{45} as well as the normally Republican upstate vote.

\textsuperscript{43}United States Government Department of Census, \textit{op. cit.}, pp. 212, 227.

\textsuperscript{44}Caldwell, \textit{op. cit.}, p. 37.

\textsuperscript{45}They even questioned for a time the advisability of bringing Elihu Root into his home State from Roosevelt's cabinet to speak for Hughes, fearing that he might appear too partisan and alienate some Democratic votes. Jessup, \textit{op. cit.}, II, 116.
Politicians in the Legislature

Republicans controlled both houses of the 1907 legislature. The Senate contained 33 Republicans, 11 Democrats, and 7 Independence Leaguers.\textsuperscript{46} The Assembly held 98 Republicans, 49 Democrats, 2 Independents, and one Independence Leaguer.\textsuperscript{47}

With the legislator as with the voter, nominal membership in the Democratic or the Republican party was less significant than the individual's commitment or lack of commitment to Hughesian reform. Instead of being opponents on principle, leaders of the two parties had long cooperated in the legislature to exploit the people for their own benefit and the benefit of the bosses and trusts they served. They had maneuvered openly under the nickname "Black Horse Cavalry."\textsuperscript{48} Members of this conniving group included Republican Senate leader John Raines and Democratic Senate leaders Patrick H. McCarren and Thomas F. Grady; they opposed the Hughes idea of government and fought many of the Chief Executive's bills.


\textsuperscript{47}\textit{Brown, op. cit.}, p. 134.

Republican Speaker of the House James W. Wadsworth, Jr., a comparative newcomer to the legislature, was less consistently hostile.

The most reliable Hughes supporters in the Legislature were Senator Alfred R. Page, Assemblyman Edward A. Merritt, Jr., Senator George B. Agnew of New York City, Senator Harvey D. Hinman of Binghamton, and Assemblyman John Lord O'Brien of Buffalo.

Political bosses outside the Legislature

Newspaper editors recognized frankly that "The bosses and the leaders...control the legislature." Prominent Republican bosslets were State Republican Chairman Tom L. Woodruff, New York County Republican Chairman Herbert Parsons, and William

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49 The New York Times of January 3, 1907, reported as follows: "While the friends of Governor Hughes declare that no member of either Senate or Assembly has been...authorized to act as the spokesman of the Executive..., Senator Page is looked upon as representing more closely than anybody else the ideals and views of the new Governor in the upper House. In the Assembly the bills will be introduced by Edward A. Merritt, Jr., of St. Lawrence."

50 Hughes, Biographical Notes, p. 186.

51 New York Times, April 1, 1907.
Barnes, Jr. The last named, a grandson of New York Republican Party founder Thurlow Weed and a one-time minion of former Boss Platt, was editor of the *Albany Evening Journal*. Aspiring to become boss of the State, he boasted openly that he controlled the vote of State Senator Grattan of the Albany district. He became Hughes' most bitter enemy.

Along with many of the other bosslets, Barnes had a special economic interest in continuing to exercise political power. As a newspaper editor, he was interested in State printing contracts. Similarly, former-Governor Benjamin Odell was called "the Business man from Newburgh" because of his investments in public utilities there and his identification with the Harriman interests.\(^{52}\) Senator Chauncey M. Depew had been president of the New York Central Railroad. Woodruff had "interests in grain elevators, manufacturing concerns, and financial institutions in Brooklyn."\(^{53}\) George W. Aldridge, an influential Rochester

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\(^{52}\) Gosnell, *op. cit.*, p. 65.

\(^{53}\) Ibid., p. 68.
Republican, was a public service commissioner whose lucrative job Hughes' first important bill placed in jeopardy.\textsuperscript{54}

As a political leader, President Roosevelt presented Hughes with the most difficult opposition. The President acted chiefly through State Senator Burr, from his home district; Speaker Wadsworth; William W. Cocks, his "personal" Congressman; and Herbert Parsons. Interested in personal power politics on the national level, he wanted party harmony in New York in order to strengthen his national program. He insisted upon Hughes' nomination in 1906 in order to keep New York State solidly Republican while forestalling Hearst from becoming a national threat in 1908. At the same time, he was prepared to take

\textsuperscript{54}To characterize all of these men as conscious corruptionists or as extreme corruptionists for the time would be inaccurate. Viewing perhaps too tolerantly the extent of corruption during this period in Kansas Republican politics but nevertheless providing perspective, William Allen White declared: "...politicians are about as honest in their business as storekeepers are in their business...The county convention of Douglas County, Kansas, or of Kings County, New York, is operated on a moral plane about as high as the faculty politics of the average University, or as that of the Church politics of the various religious organizations." Walter Johnson, \textit{William Allen White's America} (New York: Henry Holt and Company, 1947), p. 59.

behind-the-scenes measures to hold Hughes back if he in turn aroused too much favorable national attention through his gubernatorial achievements. 55

55 This attitude was part of a widespread Rooseveltian policy toward state and local leaders. Writing of the President's opposition to Robert La Follette, Lincoln Steffens declared: "While President Roosevelt did not seek to unite and lead the reform movements found about him, he was willing to be followed by the local and State reformers. If La Follette had met him with any hint of lieutenancy, the president would have welcomed him as he did other reformers who were not out-and-out against the system as a whole...." Steffens, op. cit., p. 516.

Frederic C. Howe, writing about Tom Johnson's reform efforts in Cleveland and Roosevelt's cooperation with the forces seeking to undermine it, recorded: "As time went on the war widened out. Men were selected for office from city council to the supreme bench, about this issue. President Roosevelt lent his aid to defeat the enterprise by urging Congressman Theodore Gurton to run for mayor. Tom Johnson, he said, must be defeated, otherwise he might become a national figure." Frederic C. Howe, The Confessions of a Reformer (New York: Charles Scribner's Sons, 1925), p. 119.

Roosevelt's desire to use Hughes as a convenient tool rather than a colleague whose principles he sought to advance was shown strikingly by a letter he wrote in August of 1908 urging Hughes' renomination as the Republicans' only hope for success, although he did not like either Hughes or his policies. He said that he regarded the Governor "as a thoroughly unhealthy element in public life, for just the same reason that the professional prohibitionist is an unhealthy element in public life; but exactly as it is not wise to offend honest temperance sentiment, so it is not wise because of indignation with Hughes to offend the religious and moral sentiment of the men who make up the background of the Republican party..." Quoted in Jessup, op. cit., II, 129.
Recognizing Roosevelt's motivations, newspaper writers called attention to his repeated encouragement of the opposition to Hughes in statements like the following:

It is becoming clear here that the persistent stories that have been coming out of Washington the last 10 days tending to show dissatisfaction on the part of the President with the Governor have had their effect in making the opposition to the Governor...more solid and courageous. The spectacle of Theodore Roosevelt giving comfort to Senator Raines, Speaker Wadsworth and Senator P. H. McCarren in their fight against a republican and reform Governor, is something that no one expected to see....

There are men here who are so opposed to the Governor that they have wrought themselves up to a state of mind where they believe that Mr. Roosevelt is planning to make Hughes a failure, so that Taft can get the delegates from New York.56

...As a presidential candidate, he Hughes was obnoxious to the federal administration, which had selected the secretary of war as Mr. Roosevelt's successor, and the result was a covert opposition to the governor's efforts among the federal administration's friends in the state of New York. The willingness of Mr. Taft's and Mr. Roosevelt's personal supporters to see Mr. Hughes fail, in order that his political prestige might be damaged in a critical period of the contest for presidential delegates, proved to be a handicap in the Legislature that was well nigh overwhelming. The existence of such an opposition, powerful through its indifference to the outcome, has been an exhibition of political meanness but little consistent with the high civic aims constantly proclaimed by the man who dominates the republican party today.57

56 New York Herald, May 10, 1907.
57 The Springfield Republican, June 12, 1908.
Hughes found that the legislators and the bosses constituted a barren field for persuasion. He therefore looked to the voters as his significant listeners, saying, "My constituency is not the legislature and not any particular part of the people, but the people of the state..." On his tenth day in office, just after the legislature had placed anti-Hughes men in all the important posts, he declared, "The only strength that I hope my administration may have...is in the confidence of the people of this State, and in any difficulty that may arise to the people of this State I propose to appeal." He appealed so successfully that his hearers forced the legislators and the bosslets to assent to his reforms. He made such an outstanding record that he forced Roosevelt to demand his renomination. Ultimately, he even won Roosevelt's personal support for the final campaign of his governorship in behalf of direct nominations.

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58 Hughes' Speech at Troy, Troy Record, April 13, 1908.
CHAPTER THREE
THE HUGHES IDEA OF GOVERNMENT

In discussing the importance of ideas in speechmaking,
Thonssen and Baird stress the "sterility of rhetoric when
divorced from the urgency of matter and the imperatives of
the particular historical moment." They emphasize that "ora­
tory functions within the framework of public affairs" and
that "oratory to be great must deal with ideas which make a
difference in the affairs of men and states." ¹

The ideas of Hughes' governorship speechmaking measured
up to the Thonssen-Baird criterion that they should affect the
course of public affairs. Some of them resulted quickly in
the Progressive reform laws that the times demanded. Others
had an even more significant effect upon governmental affairs
in New York and in other states than those that were embodied
in specific Progressive measures. These ideas centered around
Hughes' concern with the means ethically available to him for
expediting the passage of legislation. His concept of means
became known as the Hughes idea of government; as the Chief
Executive put it into practice, the Hughes idea alienated the
politicians and won the people.

¹Lester Thonssen and A. Craig Baird, Speech Criticism:
The Development of Standards for Rhetorical Appraisal (New
Many of Hughes' ideas on government—his values, his essentially conservative objective, and most of his basic premises—were typical of Progressive thought, while his scrupulous care in choosing means to conserve his values represented a departure from most Progressive thinking and practice.

His Values

The factors influential in determining Hughes' values were his strongly religious Protestant family background, his vocation as a successful lawyer, and his political affiliation as a progressive Republican. In responding to these environmental factors, he assumed the following values to be fundamental: (1) "the virtues" of the moral law, (2) the American free enterprise economic system, and (3) representative democratic government.

Hughes' emphasis upon moral values was typical of the time and especially of Progressive leaders. According to Reformer Frederic C. Howe, the persistence of "the morality of duty" inculcated in him as a child was "the most

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2A prominent Albany newspaperman described Hughes as "an economic conservative and a moral radical, the composite product of the training of a Wall Street law office and a Baptist parsonage." Frank H. Simonds, "Governor Hughes as a National Character," The Independent, LXII (June 27, 1907), 1497-1498.
characteristic influence of his generation." Among those who found it expedient to exploit the appeal of moral issues, Theodore Roosevelt was prominent. In Hughes' code, moral values existed not only to attract votes but also to serve as worthy guides to political conduct.

Hughes' belief in private enterprise was as predictable in view of his background and as representative of Progressives generally as his concern with morals. Before undertaking the gas investigation, he told reporters that he was "broad enough to see that aggregations of capital can be turned to good account in the interest of the people." He accepted the idea that property rights are sacred. He supported the ideal of competition and felt that no industrialist who lost out in the struggle because of his own inadequacy should feel entitled to sympathy. He endorsed the Protestant ethic of belief in hard work and success.

In his optimistic faith in representative democracy, Hughes was further typical of the Progressives. Ralph Gabriel

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5He declared that "unlawful acquisition of property should be prevented or punished" but that "property lawfully acquired must be safeguarded." Address before the Republican Club of the City of New York, January 31, 1908. Charles Evans Hughes, The Addresses of Charles Evans Hughes 1906-1916 2d ed. revised. (New York: G. P. Putnam's Sons, 1916), p. 94.
explained that, in order to believe in progress, "The progressives assumed...that the free individual will exercise his creative power in accordance with moral principles" and that "the practical consequence of this optimistic doctrine of man was an unshakeable confidence in the democratic process."\(^6\)

Hughes stated explicitly and frequently that he was an optimist,\(^7\) that he believed in the people and their future, and that he felt a spirit of cynicism was an ever-present threat to their prosperity and their institutions. Just as his preacher father never faltered in his faith in his parishioners, Hughes never wavered in his faith in the good intentions and predominantly good judgment of his constituents.\(^8\) At the


\(^7\)The following is illustrative: "I am an optimist. I believe that we shall have steady and consistent progress. I believe that the forces of evil can never, among educated people, overcome the forces of good..." Speech at the Fulton County Fair, Johnstown, N. Y., September 3, 1907, Hughes Collection, New York City Public Library.

\(^8\)Representative quotations from his speeches expressing this faith are the following:

"I place full confidence in the sobriety and integrity of motive of the American people...." Address at Chautauqua, August 24, 1907, Hughes, Addresses, p. 252.

"...the security of our government, despite its constitutional guaranties, is found in the intelligence and public spirit of its citizens..." First inaugural address, January 1, 1907, Ibid., p. 66.
same time, he did not overlook the limitations of the people. He conceded that "We do not expect that in the representative activities of government we shall ever be free from the weakness inherent in our human nature," but he insisted that infinite progress was possible: "Our ideals must ever rise above our conduct and we can correct our practices only as we take counsel of our best aspirations and seek with unremitting persistence to attain the goals of free society."\(^9\)

His Conservative Proposition

Hughes proposed that the way to vindicate the adequacy of contemporary economic and political institutions was genuinely to make them serve the interests of the people. He was conservative in wishing to safeguard against socialism the institutions of free enterprise and representative democracy. He was conservative in wishing to strengthen the pre-eminence of the moral law which he felt to be basic to both institutions. In

\(^9\)Second inaugural address, New York Times, January 2, 1908. Hughes realized that there is "no legislative road to character..." Address at the Union League Club Meeting, Chicago, February 22, 1908. Hughes, Addresses, p. 110.

\(^{10}\)Second inaugural address, New York Times, January 2, 1908.
this conservatism, he was typical of the Progressives. Hughes was further typical in recognizing that some changes were necessary within the political system of the State both to make it worth conserving and to make the system's conservation possible in the light of popular demands for change.12

His Premises

The four Hughes premises concerning government were as follows: (1) The function of State government is to promote the happiness of its citizens; (2) The area of State governmental jurisdiction should be extended whenever the public interest demands such extension; (3) Each individual citizen is personally responsible for the success of his representative government, and (4) The use of constitutional means of carrying

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11 Theodore Roosevelt stated his own conservative motivation as follows: "I am acting in the most conservative sense in property's interest. I am advocating action to prevent anything revolutionary." Claude G. Bowers, Beveridge and the Progressive Era (New York: The Literary Guild, 1932), p. 188.

on representative government is as important as the achievement of its ends. The first three were typical Progressive tenets; the fourth was the core of the distinctive "Hughes idea of government."

The function of state government

Hughes and the Progressives endorsed the classical conception that the government exists to serve the citizen. The Chief Executive acknowledged the government's obligation to the people in the following words: "Whatever natural causes may account for the development of any particular form of government at any time or place, the object of government, philosophically considered, is to secure the happiness of the individual who so conducts himself as to permit the equal happiness of others."13

13 Address at Chautauqua, August 24, 1907. Hughes, Addresses, pp. 249-250.

In his second inaugural speech, he declared that "Government is...an organ of the community to secure a basis of peace and order essential to individual liberty and opportunity and also to maintain the collective rights which cannot otherwise be safeguarded...." New York Times, January 2, 1908.

Speaking more informally at the Chautauqua County Fair at Dunkirk, he said, "The object of government is the safeguarding of the rights of others. We think of the state as the union of individuals, and every man has his interests. The state's business is not carried on for any coterie, but with a recognition of the wants of all the citizens." New York Daily Tribune, August 28, 1908.
In carrying out its functions, Hughes and the Progressives contended that the government should exhibit impartiality, efficiency, accountability, and responsibility.

**Extension of governmental activity.**

Hughes agreed further with most Progressives\(^{14}\) that governmental activity should be extended whenever the happiness of the people would be served by extension.\(^{15}\) He accordingly sponsored many measures of advanced legislation which represented an extension of governmental authority.


\(^{15}\)Benjamin P. DeWitt lists as one of the three tenets of Progressivism on the State level that "the functions of government must be increased in an effort to meet industrial and social needs." He states the other two objectives, which Hughes also supported in his doctrine of means and his emphasis upon personal responsibility for government, as follows: "...corrupt special influence must be removed; the structure of government must be modified so as to allow a greater and more direct participation by the people in the conduct of public affairs..." Benjamin Parke DeWitt, *The Progressive Movement* (New York: The Macmillan Company, 1916), p. 189.
In the economic sphere, where the people's interests particularly demanded more governmental supervision, he was a pioneer in advocating State regulation of business. He recommended appropriate legislation to make corporations "not the enemies but the servants of the people." He proposed regulation of competition for the mutual benefit of the corporations and the public. He opposed the Atomistic suggestion of the small Roosevelt-Brandeis group that corporations should be broken up in order to restore competition. His view was:

16 Address at the Union League Club, Chicago, February 22, 1908. Hughes, Addresses, p. 124.

17 He thought it "intolerable that one should be denied equal access to markets by discriminating rates or allowances, or that he should be the victim of a conspiracy to deprive him of his business, or that he should be crushed by the misuse of large aggregations of capital in unfair competition." Ibid., p. 127.

18 In this respect, Hughes conformed to the thinking of the majority of Progressives who, according to Richard Hofstadter, "did not seriously propose to dismantle this society, forsake its material advantages, and return to a more primitive technology....They were trying...to keep the benefits of the emerging organization of life and yet to retain the scheme of individualistic values that this organization was destroying..." Hofstadter, The Age of Reform from Bryan to F. D. R. (New York: Alfred A. Knopf, 1956), pp. 214-215.

According to Gabriel, Hughes' point of view was typically Progressive and typically American in combining "these antagonistic formulas, the gospel of wealth and the theory of the positive State,...conforming to the traditional American practice of compromise." Gabriel, op. cit., p. 335.
"It does not make very great difference whether those engaged in improper enterprise keep its proceeds in one pocket or in three, or whether their transactions are detailed in one or more sets of accounts."¹⁹ He was concerned with the methods by which the corporations conducted their business, not with their size.

Hughes recognized that an increase in governmental functions implied an increase in the power of the officials who would carry out the functions. He felt that the voting power of the people would offer them a sufficient safeguard against arbitrary use by elected officials of this expanded authority. He particularly urged broader appointive powers for the Chief Executive, along with the authority to dismiss unsatisfactory appointees.

*Individual responsibility for government.*

Hughes heartily endorsed the basic Progressive tenet that every citizen was individually responsible²⁰ for the success of representative government. He preached that the kind of government the people had at any particular time was the result of


²⁰ See Hofstadter, *op. cit.*, p. 204.

Hughes stressed the importance of individual responsibility for government at all levels: national, state, and local. He felt that local government was frequently ignored and State government slighted while national issues commanded the greatest part of the citizens' attention. He emphasized State rather than national issues in his campaigns and during his terms.
their apathy or of their proper exercise of responsibility. He made it clear that his belief in the voter's "intelligence and moral worth...has ground only as there are predominant evidences of a growing sense of the duties imposed by democratic government, of an appreciation of responsibility..." He agreed with Grover Cleveland that "Your every voter, as surely as your chief magistrate, exercises a public trust."

He warned voters not to lose their power by default, saying:

"...If the voters do not make their wishes plain the legislators sometimes take it on themselves to say that not having heard from the people they exercise their own judgment..."^24

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^21 This was a constant theme of his speeches. The following quotations are representative:

"Under a representative government, the people will always have what they really want." Speech at the Central New York fair, Oneonta, N. Y., September 18, 1907. Hughes Collection, New York City Public Library.

"...in general the administration of office will reflect the average virtues and failings of the community." Speech at Carnegie Hall, New York City, November 20, 1907. Hughes, Addresses, p. 284.

"...If they are intent upon it and just in criticism, the people can have the representation and the administration that they desire." Address at the Union League Club Meeting, Chicago, February 22, 1909, Ibid., p. 124.

^22 Hughes, Conditions of Progress, p. 8.

^23 Statement from the 1885 Inaugural Address of Grover Cleveland, included significantly among the papers of the Hughes Collection, New York City Public Library.

^24 Speech at Utica, Utica Press, April 8, 1909.
He told a county fair audience that "the slightest indication of determined public opinion is watched as intently by those who are concerned with matters of politics and administration as a farmer watches the sunshine and the rain..."  

He explained that the potential influence and obligation of the citizen extends beyond his one direct vote, since the citizen should contribute also to the creation of public sentiment. In a statement to a delegation urging women's suffrage, he illustrated his point: "...What the women in the State really want,--and I do not mean by that a numerical majority, but I mean the force of opinion among the intelligent women of the State who will form the public opinion of women with regard to this question,--...they will have."  

The citizen who assumes his proper share of responsibility for the success of his government should be willing, if qualified, to accept public office. According to Hughes, "The citizen of ability, well trained and experienced...will serve if

25Speech at the Central New York fair, Oneonta, N. Y., September 18, 1907, Hughes Collection, New York City Public Library.

26Hughes on Woman Suffrage, February 19, 1908, Hughes Collection, New York City Public Library.
the demand arises... He will exhibit in public service the same fidelity, loyalty to principle and integrity of character, which have given him standing in his daily work... "27 A chivalric sense of duty was the appropriate motivation for the citizen—public servant, and he should have no other ambition than "to make a record of public service."28

**Importance of Constitutional Means**

Hughes' belief that the use of constitutional means of carrying on representative government was as important as the achievement of its end of happiness for its citizens was his

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28 Ibid., p. 28.

Hughes explained, "To me public office means a burden of responsibility... which under honorable conditions and at the command of the people it may be a duty and even a pleasure to assume, but is far from being an object of ambition...." Hughes, Addresses, p. 75.

According to Secretary Robert Fuller, Hughes felt such a strong compulsion to perform his duty by accepting the gubernatorial nomination that he considered his action the answer to a "call" to service. Robert Fuller, "Governor Hughes and the Bosses," Manuscript, Hughes Collection, New York City Public Library, p. 3.
central tenet. Concerned with both the efficacy and the ethics of the methods employed in representative government, he differed in both respects from most Progressives.

Unlike visionary reformers, Hughes refused to attack evils without offering solutions. Since he wanted his solutions to be genuine, he avoided endorsing mere ceremonial gestures. He described his sincerely analytical search for solutions in his first inaugural address as "...a sincere and patient effort to understand every need and to ascertain in the light of experience the means best adapted to meet it." He did not endorse the popular American belief that simple passage of a

29Criticising agitators who did so, Croly warned that reform "exclusively as a moral protest and awakening is condemned to sterility" and that reform "must necessarily mean an intellectual as well as a moral challenge." Herbert Croly, The Promise of American Life (New York: The Macmillan Company, 1909), p. 150.

Steffens agreed that honesty and good intentions were not enough for the reformer: "...it takes intelligence, some knowledge of theory of economics, courage, strength, will power, humor, leadership—it takes intellectual integrity to solve our political problems...."Lincoln Steffens, The Autobiography of Lincoln Steffens (New York: Harcourt, Brace and Company, 1931), p. 478.

30He differed here again from Theodore Roosevelt, "whose preachments exploited...to the full" (Hofstadter, op. cit., p. 212) the people's desire to feel that something was being done in their behalf against the corporations, while his actual accomplishment in "trust busting" was small.

31Hughes, Addresses, pp. 66-67.
law would automatically remedy any problem but emphasized instead that execution of the laws was as necessary as their careful formulation and passage.\(^\text{32}\)

The Governor considered the ethical appropriateness of his methods to be fully as important\(^\text{33}\) as their efficacy. "We judge men," he affirmed, "by...what they want, and the way they try to get it. We judge men...by the means that they take to realize the ideals which they have..."\(^\text{34}\)

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\(^{32}\)See Hughes' Message to the Senate recommending the removal of Otto Kelsey, February 20, 1907, Hughes Papers, Library of Congress.

Hughes avoided the equally stereotyped view that enough laws existed already and enforcement was all that was necessary. He also refused to put all his faith in the simple process of electing good men to office, (a cliche which earned the derisive name of "goo-goo's" for the members of the New York "Good Government" Clubs), although he regarded election of public officials as one of the most important duties of the citizen. He took the balanced view that ours is in principle a government of laws and not of men but is in actuality one of laws and men; therefore, it cannot be better than the men who administer it. (Speech at the Civil Service Reform League, Buffalo, N. Y., November 8, 1907, Hughes Collection, New York Public Library.) Furthermore, he insisted that the citizen must constantly supervise government officials through the force of his opinion rather than abdicating his responsibility between elections after "putting good men into office."

\(^{33}\)In describing the philosophy of Progressives generally, Gabriel wrote that they "yoked together the pragmatism of James and the absolutism of Royce...." (Gabriel, op. cit., p. 332). In his choice of methods, Hughes consistently chose the ethical absolutism of Royce as his guide.

\(^{34}\)Speech at Dryden Agricultural Society, Dryden, N. Y., September 19, 1907. Fuller Collection, New York City Public Library.
He not only wanted Progressive legislation but wanted it to be obtained through a responsibly functioning representative government. He phrased the challenge of the day as follows: "...it is the making of our institutions, work, as they were intended to work,...that commands the best efforts and all the ability and strength that one may possess."³⁵ He spoke frequently of the necessity to do "what we do decently and in order."³⁶

As Chief Executive, Hughes was concerned with the means he should use to promote his program with three important groups: the legislators, the leaders of his political party, and the people. In order to strengthen the representative institutions he wanted as much as he wanted Progressive legislation, he limited himself strictly with each group to the constitutional methods he indicated as follows:

The executive power is vested in the Governor, but he is also an important part of the lawmaking power of the State. This is through his power of veto....


³⁶Speech at Mt. Vernon, October 8, 1906. Extracts from Addresses, Container 166, Hughes Papers, Library of Congress.
The Governor is also to recommend to the Legislature such matters as he shall judge expedient. It is not his constitutional function to attempt by use of patronage or by bargaining with respect to bills to secure the passage of measures he approves. It is his prerogative to recommend and to state the reasons for his recommendation and...to justify his position to the people to whom he is accountable.37

The passage is significant in several ways. First, it renounced the use of patronage and bargaining as means of controlling legislators. Second, it avoided any mention of political bosses and thus expressed Hughes' decision not to recognize them. Third, it indicated his intention to act as a trustee of public opinion and to let final responsibility for the conduct of government lie with the people themselves.

Constitutional means with the legislators

Legislators, politicians, and voters expected Hughes to obtain the passage of bills by the traditional methods of power politics. Historian Leland D. Baldwin described Progressive leaders generally as willing "to use every political weapon, even the


most ruthless. They traded, they logrolled, they bribed with money and patronage, they allied with rebel elements of the bossism they sought to overthrow, they built inexorable machines, vindictively punished their foes, and sold out their friends for a percentage of reform."  

New Yorkers expected Hughes to hold legislators in line by threatening to veto appropriations in which they were interested; the veto power was greater in the Empire State than elsewhere because the governor could veto individual provisions of appropriations acts instead of being forced to approve or veto the bills as a whole. They expected him to reward his supporters and punish his opponents by granting or withholding patronage. Instead, Hughes approved or vetoed bills on their merits without regard to their sponsors and made appointments on the merits of the candidates alone. He renounced all boss methods of political control, explaining that he had "no...confidence in vengeful methods" and that it was the function of the voters to reward or punish the legislators for their deeds at the polls.


39 Speech to the Republican Club of the City of New York, October 18, 1907. Hughes, Addresses, p. 73.
Accused of political naivete, Hughes responded forcefully against misuse of political power and in favor of constitutional government, declaring: "There are regions of political astuteness to which I do not aspire and political strategy I am too wise to take advantage of. The rules are simple. They are laid down in the Constitution...and the statutes." He told a Niagara Falls audience: "There is only one kind of politics that I have respect for and a good many people who are called wise seem to be children in understanding this kind. The only

40 Roosevelt was supposed to have commented gleefully, after he had blanketed a particularly important Hughes speech in the newspapers with a carefully-timed blast against the trusts, that Hughes would have to learn the rules if he were going to "play" politics.

Newspaperman Oscar Villard described an interview with Hughes in which the Governor discussed Roosevelt's criticism of him as an "impractical" politician. Hughes stated that "the kind of practical politics which he was urged to play was repugnant to his moral sense and also seemed to him the worst kind of politics. 'In fact,' he said, 'I find the practical politician is one who cannot see beyond his nose or is wholly wrapped up in his own petty jealousies and his disgust over this grievance or that grievance.'" Oswald Garrison Villard, Fighting Years (New York: Harcourt, Brace and Company, 1939), p. 187.

41 Speech at the annual dinner of the State Bar Association, New York Times, January 17, 1907.
politics I respect is that which gets votes by appealing to the conscience of intelligent people."42

Constitutional means with party leaders

Since Hughes refused to use the weapons of personal politics to gain his own ends, it was reasonable that he should also refuse to use them for the benefit of the bosses. As a result, Republican party leaders accused him of more than naivete; they accused him of trying to destroy political parties.

The accusation was untrue. The Governor opposed the "invisible government"43 of the boss system as unconstitutional, but he approved of political parties since the State constitution of 1894 recognized them as legal. He appreciated

42Buffalo Express, May 10, 1908.

43Frederic C. Howe attributed coinage of this popular term for boss government to Lincoln Steffens: "Steffens disclosed what came to be known as the 'invisible government.' He coined phrases which stuck..." Howe, op. cit., p. 183.

Henry Steele Commager attributed the phrase to Root: "...there came into existence alongside the formal government and the informal pageantry, what Elihu Root called the Invisible Government...in 1915..." Commager, op. cit., p. 316.
the necessity of organization for group accomplishment and recognized the function of parties as a means of bringing about a workable accord[^4] among men interested in government. He felt, however, that the basis of the accord should be agreement in principle[^45], not a personal share in party spoils. Such a basis was desirable, he explained, not only because it was morally right but because it possessed popular appeal:

...Give the people the idea that the main purpose of organization is to secure control for personal advantage or for favored interests, and sooner or later they will bring to grief the best-laid plans of the most astute leaders. But, on the other hand, convince them that organization is directed to the purpose of maintaining an honorable party policy and of promoting an administration of government in the interest of the people, and they will rally to its support[^46].

The Governor recommended membership in a political party to all voters. He took pride in his own Republican affiliation and looked upon his election as an opportunity to help

[^45]: "To replace personality by principle is his Hughes' whole theory of public service and the ideal of his public career." Frank Simonds, *op. cit.*, p. 1498.
rebuild the party's reputation with the voters. During his second month in office, he declared:

I make no request for personal support....But I am desirous that the Republican party should take advantage of its opportunity to convince the people that it can be trusted to meet their demand in furnishing competent administration of every department of government, and in the enforcement of the laws, and in the enactment of the legislation that is required to protect the people against the misuse of the privileges they have bestowed.47

He felt it a direct party duty to give the state efficient government.48

Hughes differed from most Progressives in his insistence upon the importance of administration49 to both governmental and party success. He asserted that the real test of the party was "the way it recognizes and discharges the public trusts that are concerned in the administration of the departments of government."50 Quoting Matthew Arnold that conduct is three-fourths of life, he added, "Certainly the administration of office is at least three-fourths of political life."51

47 Speech to the Albany Republican Organization, February 27, 1907. Hughes, Addresses, p. 207.
48 New York Tribune, April 8, 1907.
49 See Perkins, op. cit., p. 10. Hughes stated that the "actual conduct of government, as distinguished from its theoretical scheme, is the severest test of democracy." Hughes, Conditions of Progress in Democratic Government, p. 33.
50 Speech at the Jefferson County Fair, September 3, 1908, Hughes Collection, New York Public Library.
Hughes' conception that government administrators should be efficient, impartial trustees of the public interest directly countered the bosses' theory that political appointees should be servants of their private interest. Application of this idea threatened the traditional system of patronage, which Hughes described as follows: "Standards of efficiency are bent to the demands of favor... office holders regard their places as held not by virtue of the public service they give, but by the grace of the managers they have served and continue to serve...". Condemning this situation as "a strange inversion of values when the supposed private debt is counted more important than the public duty," the Chief Executive refused to encourage its perpetuation. He would not automatically approve party leaders' nominees for appointive offices.

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52 Hughes, Conditions of Progress, pp. 98-100.

53 Ibid., p. 29.

54 This feature of the "party recognition" system had long been accepted by both parties. The following is a striking example of the appointment of unqualified men which frequently resulted: "The State Treasurer Democrat, elected with Hughes in 1906 was a gentleman whose name was presented by prominent leaders of his county in response to a request from the Democratic State leaders for a candidate with banking experience. It turned out that the aspirant was a baker, the request having been misunderstood..." Henry F. Holthusen, James W. Wadsworth, Jr., A Biographical Sketch (New York: G. P. Putnam's Sons, 1926), p. 54.
 Hughes was willing to appoint any party man who might be the best qualified candidate for a particular office, but he refused to appoint unqualified men or to condone inept administration from faithful party men already holding government positions. He insisted that appointive office holders should be genuinely qualified for their posts in both character and ability: "...the people of this country are not content with honesty in office...they are not content with that modicum of administrative efficiency which merely keeps one out of jail or frees one from civil liberty. What they want is to see the duties of office performed." He demanded that his administrators should enforce the laws impartially.

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55Speech at Central New York Fair, Oneonta, N. Y., September 18, 1907, Hughes Collection, New York Public Library.

56The following are representative quotations:

"...there is nothing to do but proceed according to the law. If we once get into a discussion of motives and what lies back of such matters, we make official administration all that I have contended it should not be,—a matter of personal preference." Letter from Hughes to Robert Fuller, July 15, 1909, Hughes Papers, Library of Congress, Washington, D. C.

"...in every department of the public administration there should be no favoritism but simply a doing of the business rightly under the intent of the statute under which it is carried on." Speech in Greene County, August 18, 1908, Hughes Collection, New York City Public Library.
Constitutional means with the people

The final aspect of the Hughes' idea of constitutional government concerned the relationships among the governor, the government, and the people. Hughes wanted the State government actually to function through enlightened opinion as it was supposed to do. He proposed, as a speechmaker, to contribute to the enlightenment of public opinion.

The Chief Executive asserted that there was no security in government "unless you have sound and uncorrupted public opinion to give life to your constitution, to give vitality to your statutes, to make efficient your governmental machinery." Acknowledging that "The voice of the majority is that neither of God nor of devil, but of men..." he nevertheless trusted "the soundness of that judgment in the verdicts they give after the discussions of press, of platform and of

ordinary intercourse." He did not feel that lack of education necessarily prevented citizens from developing enlightened opinions, but he did recognize the practical necessity of

58 Hughes, Condition of Progress, p. 30.

Occasionally Hughes thought that public opinion was unenlightened on a particular issue. In such cases, he did not hesitate to act in accordance with his own judgment. Such a case occurred when he vetoed a bill establishing a uniform fare of two cents per mile for all the railroads of the State, although popular sentiment supported the measure strongly. He vetoed the bill as a matter of principle because he felt that it had not been preceded by sufficient investigation; the fee might be too high in some cases and too low in others. With his concern for fairness, he could not justify penalizing some railroads because of the greediness of others. With his concern for appropriateness of method, he could not approve empowering the legislature to establish permanent rates when an administrative commission needed to be instituted to formulate and enforce a system of flexible rates. Message on the veto of the two-cent fare bill, June 11, 1907. Hughes, Addresses, pp. 193-199.

59 He stated that "The knowledge of those who have been deprived of the higher advantages of education, with respect to the actual working of government, often puts to the blush many favoured sons of our higher schools..." Hughes, Conditions of Progress, pp. 120-121. Again, he referred to the importance of "the great school of experience to whose discipline and variety of instruction in this land of opportunity we owe perhaps in largest degree what is called the common sense of the American people..." Speech at the Opening of the Civic Forum at Carnegie Hall, New York City, November 20, 1907. Hughes, Addresses, p. 281.
concentrating the people's voting attention upon a relatively small number of simple and broad propositions of policy so that voters would not be called upon to make decisions beyond their ability. He also recommended that they should not have to choose a large number of elective public officials. 61

60 Address at Chautauqua, August 24, 1907. Hughes, Addresses, pp. 250-251.

61 Keeping the number small permitted the voters to be more fully acquainted with candidates and issues and to hold elected officials more easily accountable for their deeds. The practicability of exercising surveillance over a small number encouraged citizens to meet the responsibility to exercise it, while the impracticability of scrutinizing the actions of a large number decreased citizens' incentive to be vigilant.

In favoring a relatively small number of voting decisions on the part of the people, Hughes avoided endorsing the conventional Progressive cliche that the cure for democracy was simply more democracy. Lowell demolished this cliche interestingly in the following passage: "We are told that the cure for the ills of democracy is more democracy, but surely that depends upon the disease from which it is suffering. To tell a merchant whose business has outgrown his old methods of personal management that the cure for his inability to supervise it is more supervision on his part, that he ought to pay greater attention to details, might be the advice of a country storekeeper, but it would not be that of anyone familiar with administration on a large scale. Such a person would recommend the appointment of trustworthy permanent agents to relieve him of detail, and would add that if he had in his employ an unusually faithful and capable man he had better keep him as long as possible and make it worth his while to stay. The cure for the ills of popular government is more attention by the people to the things they undertake, and that object is not promoted by undertaking too much...." Lowell, op. cit., pp. 108-109.
As the enlightened leader of his party and his people, Hughes wished to function like the ideal party man he described as follows:

...He should have political insight and foresight. He must be swift to detect the movement of public opinion and the exigencies of conditions. He should understand how to relate the prior action of his party to the next appropriate step in the line of its general policy which will commend the party to public approval and justify continued confidence. He should not wait to be driven by public indignation... he should never forget that the final test will be the public interest...

In other words, he aspired to become a responsible trustee of public opinion. 63

62 Hughes, Conditions of Progress, pp. 86-87.

63 He envisioned a role similar to the one Lowell described as follows:

"...By far the greater part of the work done by public men consists in ascertaining what the people... want;... finding out how far the ideas which they hold themselves are shared by the bulk of the voters, how far the subjects in which they are interested are ripe for treatment, and in what way they can be popularly treated. It is, indeed, almost a truism to say that the success of a public man depends very much on his ability to gauge public sentiment...."

"...the honest man in public life... adopts only those suggestions that approve themselves to his own conscience. In doing so he is performing a service... essential to popular government—that of crystallizing a mass of shapeless ideas into the general public opinion required for constructive legislation and political action." Lowell, op. cit., p. 62.
Hughes was eager to serve as a responsible public leader. He was quite willing to be held accountable for his own official acts, but he proposed to be accountable to the people instead of the bosses. Paradoxically, he was accused of using dictatorial methods when he appealed to the people to support his program. He responded by challenging the bosses as follows to prove that his appeals to public opinion were arbitrary and unconstitutional:

...under the constitution, it is my privilege and my duty to recommend legislation. If I mean what I say when I recommend it, I ought to be able to tell why it is recommended, and my constituency is not the legislature and not any particular part of the people, but the people of the state, and I propose, therefore whenever I make a recommendation and there is any question about it, to tell as forcibly, as fully and as frankly as possible why I stand for it. If it is wrong, you will know all the sooner; if it is right, you will give it the support it deserves. I call that American government, and if we had a little less trading, a little less wirepulling and bulldozing we would prosper to a far greater degree.64

I am here tonight exercising the high prerogative of the chief executive of the State in talking directly to the people. That is the sort of thing I believe in. We have too much double dealing. What we need is a plain understanding with the people as to what we can or cannot accomplish through honest representation.65

64Troy Record, April 13, 1908.
Along with other Progressives, Hughes wanted to preserve against socialism the American free enterprise economic system and representative democratic government. In contrast with most Progressives, he believed that the use of constitutional means of carrying on representative government is as important as the achievement of its ends. Constitutional means as Hughes saw them meant not reliance upon veto and patronage power but dependence upon enlightened public opinion.
"Since speaking is a communicative venture, and since a speaker seeks to communicate a particular set of ideas and feelings to a specific audience, it must follow that the rhetorical critic is concerned with the method employed by a speaker to achieve the response consistent with his purpose."¹ Accordingly, the three chapters which follow discuss the methods Governor Hughes used to rally popular support behind his three major reform bills. Chapter Four focuses attention upon the campaign for the Public Service Corporations Commissions bill.

The Problem

The Chief Executive's political-rhetorical problem was not merely to get the Legislature to pass his bill. His problem was to justify his entire idea of representative government responsible to enlightened public opinion. It was to establish himself as a leader of integrity who served the people as a trustee of public opinion rather than the party as a dictatorial boss.

Three major political decisions helped to establish his sincerity with his constituents. At the same time, by alienating the political bosses, they made passage of the Public Service Commissions bill more difficult. These decisions concerned office-holders Swasey, Kelsey, and Sanders.

The Swasey Incident

On taking office, Hughes recognized that the Republican party must effect reforms in order to continue in power. He assumed that party leaders were willing to assent to the necessary changes in return for popular support, but his assumption was incorrect.

Shortly before Hughes was inaugurated, the first party crisis developed when Governor Higgins appointed Brooklyn politician Lewis Swasey as State Superintendent of Elections. Newspaper writers viewed Hughes' stand on the Swasey issue as a test of his sincerity in regard to reform. They declared that Swasey was unfit for the post; the question was whether Hughes would replace him or would continue to recognize the

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\(^2\) Villard of The Evening Post recorded that "We, and the other liberal newspapers, warned Mr. Hughes in the hour of his triumph that if he did not do his utmost to check abuses and redress grievances, and if the rotten Republican machine prevented his obtaining reform, then Hearst or someone else would certainly succeed him...." Oswald Garrison Villard, *Fighting Years* (New York: Harcourt, Brace and Company, 1929), p. 185.
bosses who had arranged his appointment by leaving him undis-
turbed:

...It appears to have occurred to the Republican managers that they could make it harder for him Hughes to act...if they could get their men in so that any change made by Mr. Hughes would be a reflection on his immediate predecessor.... Mr. Hughes...finds two places State Superintendent and Deputy Superintendent of Elections which ought to be filled by men of entire impartiality... filled by party politicians of the most extreme sort. He will be wholly justified in treating the places as vacant and in filling them with the very best men he can get. No other course would be worthy of him.3

Hughes faced a particularly difficult problem because Swasey was a lieutenant of Timothy Woodruff, leader of the Republican organization of Brooklyn as well as chairman of the Republican State Committee.4 He explained to Woodruff and


4Another complicating politician was President Roose-
velt, who sent a message through Wadsworth advising compliance with the bosses' wishes as a matter of party harmony. He stated that, although he did not want to dictate Hughes' actions, he would re-appoint Swasey if he were governor. Beerits' Memorandum, "First Term as Governor," Hughes Papers, Library of Congress.
Parsons that Swasey must be replaced but that he would appoint any qualified Republican they might recommend. When they refused to suggest anyone else, insisting that he was obliged to accept their choice as a matter of party duty, Hughes selected William Leary. 5

A good party worker, Leary had helped Parsons in his political campaign. He was furthermore personally qualified for the job; nevertheless, the bosses and the public seemed to agree with the Times that "The refusal of the Governor to re-appoint Swasey is regarded here as a direct slap at State Chairman T. L. Woodruff, who has been active in his behalf."6

5He described the details of the incident and his interpretation of it as a test of his political integrity in his Biographical Notes, pp. 182-183. For an account more favorable to the bosses, based upon an interview of the author with the prejudiced Woodruff, see Roscoe C. E. Brown, History of the State of New York Political and Governmental, Edited by Roy B. Smith (Syracuse, N. Y.: The Syracuse Press, Inc., 1922) IV, 137-138.

6New York Times, January 15, 1907. Hughes' simultaneous announcement of Frederick Stevens, former chairman of the gas investigation committee, as the new head of public works was interpreted as additional evidence of his "independence of the 'Old Guard.'" The appointment was also considered an action to weaken the Wadsworths, since Stevens was an enemy of the Wadsworth family, and there was newspaper speculation that President Roosevelt might have suggested it to punish the elder Wadsworth for opposing his meatpacking bill. The newspaper of the following day recorded, however, that the family recognized Hughes' intention in the appointment as nonpolitical.
The Kelsey incident

After the Swasey affair, the bosses conceded to Hughes the power to make his own appointments but determined to preserve their other prerogatives. When Hughes next proposed to dismiss Insurance Superintendent Otto Kelsey for inefficiency, they would not permit the necessary Senate approval. Hughes wished to replace the Superintendent in order to rehabilitate the insurance business in the manner recommended by the insurance investigating committee. Promising Kelsey an appointment to a position he could hold acceptably, the Governor tried to get him to resign. After Kelsey refused with boss support, Hughes subjected him to a public examination which revealed his unfitness and asked

Kelsey was "a political protege of the Wadsworths... who had never taken the trouble to read the report of the insurance investigating committee and who was incapable of dismissing the employees of his department who had been proved culpable." Robert Fuller, "Governor Hughes and the Bosses" (Unpublished Manuscript, Hughes Collection, New York City Public Library), p. 11.


the Senate to remove him. The Senate did not cooperate. Hughes did not succeed in getting Kelsey removed until two years later. He felt that his long fight was worthwhile in spite of the fact that it stiffened opposition to the Public Service Commissions bill.\(^9\)

\(^9\)The bosses attracted powerful economic interests to join them in the fight to save Kelsey in his job. The World (March 15, 1907) described a deal by which the "interests" promised to support Kelsey in return for defeat of the utilities bill. The Times (March 27, 1907) reported that some of the insurance head's friends used the Finance Committee to deliver their "first open and telling blow at the reform program of Governor Hughes, when the Wainwright bill for a legislative investigation of the national guard was killed by a vote of 8 to 3." (The Wainwright bill was eventually passed but only after long delay because of irrelevant opposition to the Governor on the Kelsey matter.) Friends advised Hughes to drop the issue but he persisted in the face of a series of adverse votes. After one of these the following year, Lawrence C. Woods of the Equitable Life Assurance Society wrote to Senator George Agnew: "I am exceedingly sorry to hear that the vote on the Insurance Superintendent will affect disadvantageously the Governor's presidential chances...." (February 29, 1908, Agnew Papers, New York City Public Library.)

Kelsey had vowed that he would not resign before the end of his term in May, 1909, but he actually did resign to accept another appointment on January 13, 1909. (Beerits' Memorandum, "Second Term as Governor.")

\(^{10}\)Hughes wrote: "...I won strong public support as my effort to improve the administration in this important Department was fully understood." Hughes, Biographical Notes, pp. 185-186.
The appeal to the people and the Sanders incident

The worsening of relations with the legislators and other politicians because of the Kelsey issue soon produced a situation in which any measure the Governor wanted met automatic opposition.\textsuperscript{11} Thus, the New York \textit{Times} reported of the new Public Service Corporations Commissions bill that "The fight to obstruct the measure began the moment the title was read."\textsuperscript{12}

Business allies of the bosses denounced the bill by declaring that it would "mean confiscation in that it would take the details of management of railroads and transit lines in the State from the hands of experienced railroad men and place a dangerous power in the hands of men whose judgment might be warped by political considerations."\textsuperscript{13} They explained that

\begin{quote}
\textsuperscript{11}"By this time many of the organization leaders were arrayed in open hostility to Hughes, not merely hostility to particular measures, but to the Hughes idea of government. The Governor did not follow their rules of politics, and his appointments and policies were decided upon without regard to their effect upon State or local organizations...He...treated the party as an aggregation of citizens unselfishly devoted to certain ideas of public policy and needing the services of no political leaders whose powers and influence were dependent upon the distribution of patronage or the shaping of legislation with a view to its effect on their own fortunes...." Brown, op. cit., p. 140.
\end{quote}

\textsuperscript{12}\textit{New York Times}, March 7, 1907.

\textsuperscript{13}\textit{Ibid.}, March 28, 1907.
"they were not opposed to the general principle involved that there should be supervision stringent enough to amply safeguard the interests of the public" but objected to certain "details of the bill which they wanted changed so as to give the large property interests involved a 'square deal.'" 14

Noting that the utilities bill was attracting national attention, 15 President Roosevelt arranged to have Congressman W. W. Cocks quote his deprecatory evaluation of it as follows: "He is said to take the view that while the Utilities Bill has many meritorious features, it is too broad and exceeds the ordinary requirements justified by the limitations of the State." 16

Some sincerely conservative citizens opposed the bill because of its newness or because they possessed reservations concerning the propriety of limiting corporation property rights through regulation.

In view of the opposition, The World called upon the Governor to explain his bill to the public personally. Describing the proposal as "an intricately drawn measure which the average voter cannot understand without help," The World urged him "to take the aggressive and make his appeal to the public, not only

14 Ibid.
15 The World, March 12, 1907.
16 Ibid.
on this issue but on every other issue where he is confronted by a hostile Legislature...."\textsuperscript{17} The \textit{Syracuse Journal} stressed Hughes' qualifications for conducting such a campaign, pointing out that "being one of the first lawyers of the State himself, he will be a worthy antagonist for the best of corporation counsel."\textsuperscript{18} The \textit{Tribune} predicted that "...Such an appeal may be quite as effective as the use of the veto and appointing powers."\textsuperscript{19}

On April 1, Hughes embarked upon an ambitious speaking tour that included forty speeches.\textsuperscript{20} Recognizing the legitimate doubts of corporation men and conservative small businessmen concerning the bill, he distinguished between their valid objections and their plausible rationalisations as he replied to criticisms and explained the genuine advantages of his proposal. He urged the voters to insist that their legislators

\textsuperscript{17} \textit{The World}, April 1, 1907.

\textsuperscript{18} \textit{Syracuse Journal}, April 2, 1907.

\textsuperscript{19} \textit{The Tribune}, April 1, 1907.

support the measure, and he was so successful that his appeal became within three weeks "the most respected instrument in Albany." 21

Theodore Roosevelt then decided to endorse Hughes' bill. He announced that he would aid Hughes through federal appoint-
ments 22 and began by asking for the resignation of Customs Collector Archie Sanders of the Western District of New York. Sanders, he said, had been working against the Governor.

The Sanders incident constituted the third difficult de-
cision Hughes faced in preserving the integrity of his idea of government. His choice was public repudiation of Roosevelt's help or repudiation of his own austere concept. He decided to refuse the President's support. Announcing through reporters that Roosevelt had not consulted him before asking for Sanders' resignation, he reiterated that he would not in any case request office holders to resign for political reasons. Roosevelt assumed the injured air of one whose help offered from the

21 Ida Tarbell, "How about Hughes?" The American Magazine, LXV (March, 1908), 461.

purest motives has been refused. His opposition became more overt throughout the remainder of the Governor's first term.

23 Newspaper writers suggested that Roosevelt's motive was the desire to harm the Wadsworths rather than to help Hughes; they observed that the President's feeling for Hughes was finding its expression solely against a protege of the Wadsworth family. Support for their view comes from the fact that the President did not follow up his request for Sanders' resignation in 1907 but renewed the request in 1908 for reasons unrelated to Hughes' program. The following newspaper quotation provides the evidence:

"Archie D. Sanders, Collector of Internal Revenue for the Western District, with headquarters in Rochester, was asked for his resignation today in a telegram received from President Roosevelt. The President charges Sanders with pernicious activity in the fight waged by the Porter-Stevens and Wadsworth-Merritt factions for control of the delegates to the Congressional convention, won today by the Wadsworth-Merritt combination, of which Sanders is an active and ardent supporter.

"About a year and a half ago a request for Sanders' resignation was made. F. C. Stevens, Superintendent of Public Works at that time, complained that Sanders was working against the reform started by Governor Hughes, and was putting up a fight for Otto C. Kelsey.... The resignation was sent to Washington, but for some reason was not accepted." New York Tribune, August 26, 1908.

It is worthy of note that all the secondary accounts examined by the writer report that Roosevelt removed Sanders in 1907 in order to help Hughes rather than that he simply requested the resignation and then failed to insist upon it. Representative citations are the following: "About the same time the President ousted Collector of Customs Archie Sanders of Rochester..." Pusey, op. cit., p. 196. "On one occasion, the national administration...removed from office the collector of the port at Rochester, N. Y.—one Archie Sanders, who had been hostile to the Hughes program. Much to the chagrin of President Roosevelt, Hughes issued a statement that he had not been consulted and knew nothing of the removal until it was announced to the public." Dexter Perkins, Charles Evans Hughes and American Democratic Statesmanship (Boston: Little, Brown and Company, 1956), p. 9.
By May, lesser politicians than Roosevelt could see that resistance to Hughes' bill was useless. Since the people were insisting upon approval of the measure, the Republicans decided to save face by claiming credit for its passage. Party leaders also wished to demonstrate that the Governor could not get any bill adopted without their cooperation. Thus they decided "to give him the Utilities bill and nothing else."

Assembly Republicans caucused in favor of the bill, and the Assembly passed it unanimously two days later, and it became law less than eight weeks after Hughes instituted his appeal.

The Bill

In his first inaugural address, Hughes stated that the people "are intent on having government which recognizes no favored interests and which is not conducted in any part for

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24A representative account of popular reaction is the following: "The mass-meeting for the Utilities bill in Brooklyn last evening shows what public opinion is in one misrepresented borough. Similar meetings are reported in all parts of the State." The World, May 8, 1907.


27Ibid., May 16, 1907. The Times for May 26 declared that the Governor was "in full control at Albany."
selfish ends." On his second day in office he attacked the utilities situation as one recognizing favored interests, and he proposed his remedy in the form of the Public Service Corporations Commissions bill.

The abuses in the operation of railroad corporations which he discussed included secret rebates, unjust discriminations in rates and facilities, inadequate service, and disregard of public safety and convenience. Defects in existing regulation were equally serious. The five-man Board of Railroad Commissioners, charged with general railroad supervision, possessed only the power of recommendation; it could simply report failure to abide by its suggestions to the Attorney-General and the Legislature and could not apply penalties. Since the railroads themselves paid the expenses of the commission, objective regulation was impossible. In New York City, a Board of Rapid Transit Commissioners shared jurisdiction with the State Board of Railroad Commissioners, and neither body was taking constructive action to meet the increasing complexities of the City's transportation. Another board acted as a Commission of Gas and Electricity.

To replace all of these pseudo-regulatory bodies, Hughes recommended creation of one general public utilities board for New York City and one for the rest of the State. Each should

have sufficient power to institute effective regulation: to act
upon its own initiative as well as upon complaint, to apply
appropriate penalties, and "generally to direct whatever may be
necessary or proper to safeguard the public interests and to
secure the fulfilment of the public obligations of the corpo-
rations under its supervision."\(^{29}\)

The Page-Merritt bill embodied the Governor's recommen-
dations. Simultaneously, it aroused objections that it was
even more strict in the State realm than the Interstate
Commerce Act in its jurisdiction, and that it was so similar
there was no need for an additional enactment. Enemies called
it a dangerously radical plan and demanded amendments to limit
the powers of the Commissions and the Governor. These were the
principal amendments they proposed and Hughes refuted:

A judicial review of all actions of the proposed
public service commissions, both as to facts which may
be in dispute and as to the law involved.

The appointment of high class men at a larger
salary than that proposed in this measure.

The independence of the commissions of the politi-
cal powers to be insured by taking from the Governor
the power of absolute dismissal.

Omission of the clause in the present bill that
would prohibit traction companies from acquiring the
stock of other traction corporations to the extent that
would render a merger possible.

\(^{29}\)Message to the Legislature, January 2, 1907,
recommending the passage of a public-service commissions law. 
Ibid., p. 140.
Omission of that portion of Section 36 which would give the proposed commissions absolute control in the matter of capitalization and stock issues by public service corporations.

A general toning down of those portions of the proposed law dealing with the financial supervision of the traction companies as well as with the supervision of their operating methods, schedules, and rates.\(^{30}\)

The Occasions

The Utica speech

The Utica Chamber of Commerce dinner on April 1, 1907, was an appropriate occasion for the opening speech of the campaign. In Utica, "Lihiu Root had delivered his powerful antidemagogue speech against Hearst the preceding autumn, and the local paper proclaimed that "it has become the fashion to say significant things here."\(^{31}\) Much of the thinking opposition to the bill came from businessmen, and the Utica Chamber of Commerce furnished a good audience of businessmen open to conviction.

Hughes began his Utica goodwill mission by personally greeting each member of the audience at an informal reception before the banquet. In keeping with prevailing practice, the long program included three speakers\(^{32}\) besides the Governor.

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\(^{31}\) Utica Observer, April 2, 1907.

The Glens Falls speech

The Glens Falls banquet audience of 400 contained two significant groups of people. The first consisted of several public service corporation representatives and thirteen Senators and four Assemblymen who had come along from Albany. Hughes wanted to impress them with the extent of popular support for his bill. The second consisted of the strongly favorable townspeople, who could be relied upon to show warm-hearted enthusiasm for the Governor who was born in their town and for his proposal. Hughes prudently renewed friendships by greeting more than 600 local residents at a public reception.

33The legislators included Senator James A. Emerson of the local district; Tammany Hall Senator Grady, the minority leader; Senator Page, co-sponsor of the utilities bill; Boss Barnes' Senator Grattan of Albany; Senator Cobb of Jefferson; Senator Allds of Chanango, later convicted of accepting a bribe; and Assemblyman Merritt of St. Lawrence, the other co-sponsor of the bill. New York Herald, April 6, 1907.

34Ibid.
in the afternoon preceding the speech. In order to utilize fully the good will created by the other speakers at the banquet, Hughes spoke last.\textsuperscript{35}

The Buffalo speech

It was not surprising that the Buffalo audience included some hostile elements, since Buffalo tended to be anti-Hughes territory. The \textit{Elmira Gazette} noted in mid-April that "The

\begin{quote}
\textsuperscript{35}The other speakers also helped the cause. "The toast list was a remarkable one, including besides the Governor, Senator Grady...who paid a glowing tribute to his city and his State; Justice Van Kirk, who eulogized the Governor, his boyhood playmate; Dean Ernest W. Huffcut a member of Hughes' staff, whose address was a polished perfection of oratory and an able defense of his craft, and whose plan for greater centralization of power in the State made an excellent foreword for what was to follow; and the artistic delivery of Joseph W. Lawson, who was followed by the Governor." Glens Falls Paper, April 6, 1907.

Senator Grady, who was the first speaker, referred to his speaking position and also seemed to indicate that he had been favorably impressed with local sentiment for the Governor when he said, "I know how I fare when I go for him. I didn't suppose I was asked here to tip you to a winner. I see you realize the situation better here than they do in other parts of the state, for you have put the Governor last. The Governor is entitled to the last word, and if you don't know what that means, come down to Albany!" New York \textit{Tribune}, April 6, 1907.
\end{quote}
Buffalo Courier, owned by Chairman Conners of the Democratic State Committee, has suddenly become actively hostile to the public utilities measure...." The New York Press commented upon the anti-Hughes activities of the new Republican boss, E. H. Butler. Officials of the city Chamber of Commerce were preparing to organize Chamber opposition to the public service bill throughout the State. On the night of the Hughes speech to the city Chamber of Commerce, the men who headed the railroad trunk lines entering Buffalo were special guests. Ostensibly the occasion was a ceremonial one marking the formal opening of the Chamber's new thirteen-story building, but the speakers who shared the program with Hughes used their three

36 Elmira Gazette, April 12, 1907. During the gubernatorial campaign, Hearst generally kept the newspapers in line for him and against Hughes by threatening to establish a rival paper in Buffalo.

37 The Press, April 23, 1907.

38 New York Sun, April 19, 1907.
hours of speaking time largely to attack utilities regulation. 39

At the Elmira banquet, Hughes' request to speak last paid particular dividends since he followed a well-known local man who denounced his bill. The man was John B. Stanchfield—prominent lawyer, former Elmira mayor, and unsuccessful Democratic candidate for governor. 40 Adaptation to Stanchfield's attack provided Hughes with the opportunity to deliver the speech generally considered the most brilliant one of the campaign.

39 Buffalo Commercial, May 2, 1907.
The other three speakers were W. C. Brown, senior vice president of the New York Central; John B. Thayer, Jr., vice president of the Pennsylvania lines, and Henry J. Pierce, the acknowledged trolley king of western New York. All three "made specious pleas in behalf of industrial securities and for legislation that would permit the railroads to sell their bonds and stocks in Europe. All three hinted that unless the commercial unrest should come to an end there would be no likelihood of railroad betterments, that an enormous amount of work would be halted and financial paralysis ensue." New York Press, April 23, 1907.

40 The Troy Times (May 4, 1907) wrote that "...Mr. Stanchfield...repeated a number of previous experiences in barking up the wrong tree." The Rochester Herald (May 8, 1907) editorialized that "...Governor Hughes was fortunate at Elmira in having such a man as John B. Stanchfield put up to talk against his plan of corporation control. It was a piece of luck so great, in fact, that it almost looks like the scheme of a temperance lecturer to have a local drunkard get up as a horrible example. Stanchfield ran for Governor and made a campaign of pitiful demagoguery. At that time he railed at the corporations in the finest sandlot style, and even asked people to elect him Governor so that he could abolish department stores." Some newspapers were more favorable to Stanchfield, but the consensus was that in him Hughes had an ideal target for effective refutation.
The Speeches

The influence of Hughes' background as a teacher and a lawyer was particularly evident in the early part of his first legislative campaign. He conceived his role as that of a teacher. He sought to provide the voters with information, confident that they would respond by developing enlightened opinions and acting in accordance with them. His pedantic approach was so obvious in the Utica speech that one newspaper writer characterized the address as more of a corporation law lecture than a bugle call. His choice of explanation as his most favored means of support in the speech was consistent with his concept of his teaching role. As the campaign continued and he faced audiences better informed on the issues, he appropriately reduced the amount of explanation. He then engaged in sharp refutation of disputed points and emerged as a forceful advocate rather than an objective teacher. In keeping with his law background, he stressed experience and precedent as supports throughout the appeal.

Hughes wanted to supply the general public with reasoned arguments to buttress their demand for corporation regulation; he wanted the citizens to use these arguments as weapons to force legislators to vote for his bill. In addition to the general public, he wished to reach one smaller specific group, the small businessmen. He hoped to influence the small
businessmen to identify their interests with those of the
general public as consumers rather than with big business as
would-be monopolists. He did not aim to conciliate the poli­
cicians or the diehard big corporations men, since he under­
took his appeal originally from the conviction that they were
irreconcilable. He was aware that his ideas would influence
a wide audience in the newspapers in addition to his immediate
listeners.

Argument and evidence

In discussing the process of evaluating logical content,
Thonssen and Baird write: "...our objective will be to de­
termine how fully a given speech enforces an idea; how closely
that enforcement conforms to the general rules of argumentative
development; and how nearly the totality of the reasoning
approaches a measure of truth adequate for purposes of action."41
In the public utilities campaign, Hughes employed logical proof
effectively to enforce his ideas.

The proposition. - Hughes' proposition for the campaign
was an extension of the proposition which served as the basis
for all his gubernatorial persuasion. He advocated that the
way to conserve representative institutions was to make them
genuinely serve the people. He assumed that the institutions

41 Thonssen and Baird, op. cit., p. 334.
were worth saving, and he concluded that any institution which was operating contrary to the public interest should be modified. Cast in the form of a hypothetical syllogism, his reasoning proceeded as follows:

**Major Premise:** If representative institutions are to be conserved, they must be made genuinely to serve the people.

**Minor Premise:** Representative institutions must be conserved.

**Conclusion:** Representative institutions must be made to serve the people.

Logically, Hughes' reasoning was valid; it represented a reasonable appraisal of economic and political situations and of the climate of the times. Most of the people enthusiastically accepted the major premise and the minor premise of both syllogisms. Politicians and big businessmen paid lip service to them as appealing slogans but did not want them effectually implemented. Small businessmen tended to endorse most wholeheartedly the minor premise of the first, "Representative institutions must be conserved." It was Hughes' task to build upon this patriotic conservatism to develop the other links in his chain of reasoning: that representative institutions must be made genuinely to serve the people, that any one which was not serving the public interest should be regulated, and that the public service corporations were not serving the public interest.
The Governor developed his proposition with the following three contentions: (1) The people's just demand for protection from corporation abuses should be recognized; (2) the State should fulfill its obligation to provide the means of protection that the people demand; and (3) two Public Service Corporations Commissions should be instituted as the means to provide a practical solution to the people's demand.

The first contention. - The syllogism basic to the first contention, that the people's just demand for protection from corporation abuses should be recognized, can be indicated as follows:

**Major Premise:** Whatever the people demand as an expression of enlightened opinion should be granted to them.

**Minor Premise:** The people's demand for relief from corporate exploitation is an expression of enlightened opinion.

**Conclusion:** The people's demand for relief from corporate exploitation should be satisfied.

The premises were appealing to the three favorable audiences and to most voters. Hughes' task with the Buffalo audience centered in the minor premise. He needed to demonstrate that the people's demand for relief from corporate exploitation was an evidence of enlightenment on their part.

The Buffalo speech was the only one of the four in which Hughes felt obligated to document at all the need to recognize the people's just demand for protection from corporation abuses. In the other speeches, he appropriately let the assertion stand.
without support. At Utica, he declared that he would "not re-
count the grievances which have made the subject one of para-
mount public interest." He stated in this opening speech, as
he did substantially at Glens Falls and Elmira, "There is no
greater mistake than to suppose that the will of the people can
be permanently disregarded, and it is the duty of patriotism
to provide for the just expression of that will and to remove
the causes of unrest which lie in abuses of public privilege."

For the benefit of the hostile listeners in the Buffalo
audience, the Chief Executive spent some time developing the
importance of yielding to enlightened public opinion, and to
showing that public opinion on the public utilities issue was
really enlightened. He used the following chain of reasoning:
business and commerce must have stability; efficient government
contributes to public confidence; regulation of public service
corporations will contribute to efficient government. His
choice of arguments was highly appropriate for his Chamber of
Commerce group.

Hughes sensibly spent little time on the assertion that
business and commerce must have stability in order to prosper,
since his audience accepted it without support. He wisely
concentrated upon the idea that public confidence is necessary
for stability, and explanation was his chief form of support.
While showing that business leaders could not practically nor
profitably oppose public opinion, he stressed that there was
really no conflict between the interests of the public and of business. Thus, businessmen should not fear public opinion; doing so merely added unnecessarily to the strains they already faced. At this point, Hughes quoted vaguely from an unidentified "railroad man" who had talked with him about the dangers of executive overstrain; his use of authority would probably have been more effective if he had named the official. The people, he continued, did not oppose profits nor good business managers who made profits possible; they did not oppose business but abuses. There were two classes of genuine "enemies to the prosperity of this country," so regarded by the people and also by right-thinking big businessmen. These enemies were the following:

The first consists of the unscrupulous who have no sympathy with democratic ideals, and who, by their abuse of the privileges obtained from the State and their cynical indifference to public obligations, bring law and government into contempt.

The second class consists of those who seek profit in unprincipled agitation.

It was unfair for honest businessmen to suffer from the instability created when irresponsible men outraged public opinion by failing to meet their public obligations.

The Governor developed the idea that efficient government contributes to public confidence by explaining that the purpose of government is to serve both business and the general public, since "its object is to secure the broadest diffusion of
prosperity and the widest scope of individual opportunity consistent with the welfare of all." In order to achieve the public confidence requisite to progress and prosperity, there should be no "favoritism in public service" and no "prostitution of public office to selfish purposes." The most advantageous policy for both corporations and citizenry would be "to provide such regulation of public service as will assure the people that provision has been made for the investigation of every question and that each matter will be decided according to its merits in the light of day."

In the Elmira speech, Hughes discussed more briefly the significance of public unrest in the public utilities question. Reasoning from effect (unrest) to cause, he dismissed as absurd the possibility that American citizens might be "in revolt against their own prosperity" and concluded, "What they revolt against is dishonest finance." They were indignant because of corporate "failure to recognize that these great privileges, so necessary for public welfare, have been created by the public for the public benefit and not primarily for private advantage."

The second contention. - Hughes' second contention was that the State must fulfill its obligation to provide the means of protection the people demand. As a hypothetical syllogism, it can be expressed as follows:
Major Premise: If no other agency is meeting the people's need (for protection from corporate abuses), the State should meet it.

Minor Premise: No other agency is meeting the people's need.

Conclusion: The State should meet the people's need.

Since the major premise constituted the central tenet of Progressivism, Hughes correctly felt that it was too familiar to require extensive explanation. He simply emphasized the appropriateness of legislative control over public service corporations by reminding his listeners, "Every power that a corporation has is derived from the Legislature which created it."

In order to establish the minor premise, he discussed the inadequacy of Federal regulation to meet the problem. Since Congress had no power over intrastate commerce, transportation wholly within the State and other local public service was not subject to Federal jurisdiction. Hughes phrased the following enthymeme at this point to sum up his position: "...if the citizens of the State are to be protected against abuses of corporate privileges, in connection with such local or domestic commerce, they must look for their remedy to the State and to the State alone." The addition of State control would not subject corporations to conflicting regulations since the Federal law would be supreme wherever it could function. Hughes' method of support was authority, since the implied source for his facts
was the Constitution; his source did not have to be explicit to be accepted.

The third contention.—Hughes' third contention, that two Public Service Corporations Commissions constitute the means to meet the people's demand, was the chief one of the campaign. His procedure in the early part of the appeal was twofold: to demonstrate the positive advantages of the commission form while showing that it would not bring about new disadvantages. In the later days of the appeal, he felt that the inadequacies of existing State machinery were well known, and he concentrated upon defense of his proposed commissions against proposals for crippling amendments. In the Utica speech, he first expounded the operational principles of quasi-legislative commissions and then developed particularly the idea that corporations did not need the right to appeal all commission decisions in order to safeguard their property rights. At Glens Falls, he developed especially the idea that the citizens would not be giving the Governor too much power by granting him the right to appoint and to remove commission members. At Elmira, he buttressed all his main points.

In order to establish the inadequacies of existing State machinery for the regulatory task, Hughes first described the criteria for an effective regulatory agent and then showed how the Legislature and the State courts were unsatisfactory for the job. He stated that the function of a commission was to
serve as an administrative board to secure the performance of public obligation. While the Legislature might set up general standards of service such as safety, impartiality, adequacy, and reasonable charges, the commissions should establish the specific standards and require corporation managers to meet them. The commissions must possess the power to conduct investigations without waiting for complaint and the power to make and enforce appropriate orders.

The Legislature could not exercise the necessary continuing control because it was in session only a portion of the year and was then preoccupied with other demands for its attention. Furthermore, it was not designed for administration.

As judicial agents, the State courts were still less fitted than the Legislature to regulate corporations. Hughes referred to the constitution for authority when he declared, "It is not in accordance with the theory of our government that an attempt should be made to convert the court into an administrative board." Burdening the courts with administrative responsibilities would result in unnecessary delay in legitimate judicial procedures and would thus invite the charge of inefficiency. Embroiling the courts in minor corporation complaints would induce lack of respect for their dignity and reliability. In the Elmira speech, Hughes stressed the importance to the State of the courts' interpretative function when he declared that the constitution was what the courts said it was, and the judges
should be free to concentrate upon weighing its implications in matters properly judicial.

Under a system of commission regulation, the courts would still provide the corporations with appropriate safeguards against denial of legal equality and deprivation of property without due process. They would function upon appeal to determine whether the commissions were overstepping their authority or otherwise acting unconstitutionally in any way. They must not, however, be subjected to corporation appeals on purely administrative decisions of the commissions. Not only would such a policy threaten the integrity of the courts but it would also nullify the whole principle of regulation by commissions and reduce the boards to the status of recommending bodies only. As Hughes declared, although corporations men might assert "that the corporations would not necessarily avail themselves of the right of review in all cases...it is not sound public policy for the Legislature to create a board whose effectiveness will depend on the option of the corporations." On the other hand, it was vital "that the commission within its own proper province should act with reasonable dispatch, that its orders should be promptly obeyed, and that the public patience should not be vexed by dilatory proceedings." Hughes' reasoning in these matters, based upon reference to the authority of the constitution and to experience, was sound.
Hughes argued vigorously that the decisions of the commissions should not be subject to court review, as the amenders wished. He argued even more energetically against an amendment to strip the Governor of the power to appoint the commissioners; he felt that the appointing power and the correlative power to dismiss appointees were necessary to provide increased governmental responsibility and accountability. He developed the argument carefully in his Glens Falls speech and reinforced it at Elmira.

The following categorical syllogism was basic to his reasoning at Glens Falls that the Legislature should retain the gubernatorial appointive power provision without amendment:

**Major Premise:** The citizens will support any measure to encourage efficiency and higher standards of administration.

**Minor Premise:** The Public Service Corporations Commissions bill, by providing direct accountability of the commissioners through the Governor's power of removal, will encourage efficiency and better administration.

**Conclusion:** The citizens will support the Public Service Corporations Commissions bill provision giving the Governor power of removal.

The major premise might not have been true in as unqualified a form as the Governor assumed, but the people's favorable response to his attempt to remove Insurance Superintendent Otto Kelsey seemed to justify both his belief that he could arouse interest in efficiency as a general goal, and his belief that he could apply the interest profitably to the public utilities
proposal. He did not support his major premise but concentrated upon establishing his minor premise.

Before becoming specific at Glens Falls about the utilities bill, Hughes considered methods of fixing responsibility in government generally. For three reasons, he opposed electing all administrative heads of departments and members of commissions. First, such election destroyed necessary unity in administration. Second, it increased opportunities for manipulation and intrigue. Third, it was difficult to concentrate the people's interest during a political campaign upon a large number of candidates for various offices. Only the third point received support, and that was simply a vague reference to experience.

On the other hand, he contended that it would be advantageous to give the Governor full responsibility for administration along with appropriate power to carry out his responsibility. Here he cited a good quotation from Governor Hoffman to support his contention that State Executives must have sufficient power to be effective. He next asserted that the actual powers of the State Executive have diminished while those of the Federal Executive have increased. The result was that the people tended to hold the Governor accountable for greater accomplishment than he had been empowered to achieve. The constitution ought uniformly to grant him the power to suspend and remove on his own initiative without the consent of the Senate. Hughes cited excellent examples of public officials appointed by the Governor with the
consent of the Senate over whom he had this power: the Superintendent of Public Works, the Superintendent of State Prisons, the members of the State Board of Charities, and the State Commission in Lunacy. Next he cited an impressive list of important elective officers whom he might remove on his own authority: sheriffs, clerks of counties, district attorneys, registers of counties, the Mayor of New York, and the Police Commissioner of New York. Through these examples, he effectively prepared the way for agreement with his contention that he should have the same power in connection with the important administrative offices created by the Legislature such as the Superintendent of Banks, the Superintendent of Insurance, and members of the Railroad Commission. Explicit reference to the insurance post carried special weight because of its timeliness. This was even more true in the Elmira speech than the Glens Falls one, since the former occurred only two days after a Senate vote to continue Kelsey in office. Hughes therefore developed the Kelsey situation into an extended analogy in the Elmira speech, showing that a future governor could be embarrassed by inefficiency in the administration of the Public Service Commissions just as he himself had been by inefficiency in the insurance department. Without power of removal, an Executive would be helpless to correct the situation.
At Glens Falls, he expounded on the unsoundness of creating administrative positions protected from the influence of public opinion, and he climaxed his general argument with a hypothetical syllogism stated as an enthymeme: "If these offices are not to be elective then those that hold them should be directly responsible to the Executive, who must account to the people." Since he had already established that the offices should not be elective, he had satisfactorily completed his demonstration that they should be directly accountable to the Governor.

Having thus established at Glens Falls his general principle that it would be beneficial to center greater administrative responsibility in the Governor, he showed specifically that it would be advantageous to give the Executive the power of removal over commissions members. He then refuted the objection that this provision would give the Governor too much authority.

Arguing from example, he pointed out the absurdity of the objection that self-respecting men would not accept office as commissioners if they were subject to Executive removal. He cited the offices of Mayor of New York, Police Commissioner, Sheriff, District Attorney, and Superintendent of Public Works as suffering no lack of candidates for this reason. As a particularly valid direct analogy, he offered the example of the Interstate Commerce Commission whose members were subject to removal by the President. He completed his argument by dismissing the contention that the Senate should concur in the
removal of all officers whom it had originally helped to appoint. He stated that there was no satisfactory basis for the assertion in either logic or precedent.

Hughes next successfully attacked the objection to gubernatorial power of removal of commissioners which he regarded as most serious. This was the charge that such a grant of authority would unwisely increase the Governor's potential political power. Effectively using the refutative technique of turning the tables, he contended that increased accountability would actually make irresponsible political control more difficult by making it more public. Besides, the Governor was an appropriate person to assume additional responsibility because his two-year term was so short that he could not long escape accounting to the people for any misuse of power. As his authority increased, furthermore, the voters would tend to take increasing care in his selection. When speaking to the Elmira Chamber of Commerce, Hughes used the following appropriate analogy to reinforce his point:

There is just one safety for the voters, and that is to say to the man who is elected Governor, just as the owner of a business would say to a man he puts in control of that business: 'You run this business and I will hold you accountable for it.... You whom we can watch—you with reference to whose selection public sentiment in the first instance has the largest play under our system—you run the business and we will see how you run it.'

He granted that abuse of gubernatorial appointive power was possible but urged that it was so unlikely to occur that it
was preferable to give a good governor authority enough to carry
out his duties rather than to prevent him from being effective
through fear that he might abuse his power.

Hughes dismissed capably several smaller objections to his
plan. Refuting the contention that commissioners should be
elected, he described direct election of the board members as
"not the way to get really responsible government, but rather
diffused responsibility." He reduced the proposal to an absurd­
ity by suggesting that voters should vote for all administrative
officers, something that they were obviously not qualified to do.

He resorted to reductio ad absurdum effectively also to
dispose of the objection "that a commission with such broad
powers would take active management of railroad corporations
and practically oust their boards of directors." He insisted
that the commission must have power to determine whether or not
any corporation management was abusing the public interest and
must have the power to stop any abuse it found.

In choosing and developing his arguments, Hughes revealed
both an understanding of his subject which enabled him to
recognize the proof requirements it presented and an understand­
ing of his businessmen audiences which permitted him to select
persuasive materials. The pattern of his reasoning was largely
deductive. With favorable audiences, he was likely to omit the
statement of major and minor premises and proceed from one
asserted conclusion to another without development. In the early part of the campaign, explanation was the most frequent form of support, a fitting choice for a Governor who envisioned himself teaching his constituents. Lawyerlike, he frequently referred to precedent and cited laws and the constitution as authorities. Often he referred generally to "experience" as an authority, introducing a conclusion by asserting "Experience shows...."

Feeling that he was an authority himself as Chief Executive, he seldom quoted the testimony of others; an exception occurred in one sizable quotation from Governor Hoffman. Occasionally he quoted an unnamed railroad executive, but such a person served more as an example than as an authority. He made excellent use of specific instances, utilizing some of them as literal analogies. He was capable of introducing strong figurative analogies; his comparison of a businessman with a governor in regard to his assumption of responsibility was representative. His refutation of objections to his bill became increasingly direct and sharp as the appeal proceeded, and reductio ad absurdum was a favorite method of refutation.

Hughes commanded respect through his logical proofs. He created a clear, concise, satisfactorily-documentated case. By sheer weight of argument, he demonstrated that the most criticized elements of his bill—the prohibition of court review of all but genuinely judicial questions, the provision for power
of removal of commissioners by the governor, and the extent of commission power over management—were potential sources of strength rather than weakness.

**Emotional proof**

Concerning the relation of emotional to logical supports, Thonssen and Baird record, "It is the orator's task to link the truth to man's emotional nature so as to insure the most responsible beliefs and actions consistent with human limitations ....It is the critic's job to appraise the orator's success in effecting that union."\(^{42}\)

Hughes gave most of his attention, particularly in the first two speeches of the series, to presenting the truth in orderly exposition and argument. He opposed inflammatory utterance. As he became aware that his proposal was endangered by the attacks of wrong-thinking men, however, his own emotions became aroused and he stirred those of his audience at Buffalo and Elmira. Even the Utica and Glens Falls speeches did not lack an emotional basis, for he demonstrated to his listeners the necessity of supporting his proposition to preserve their values. He used two forms of emotional support extensively, appeals to basic motives to energize his auditors and praise of his listeners to put them into a receptive frame of mind.

\(^{42}\)Ibid., pp. 360-361.
Motive appeals.—From the various motive appeals available, the Governor made greatest and most effective use of fear. Throughout the campaign, he allayed his auditors' fear that his bill would endanger the property rights of corporations. The thesis sentence of his Utica speech underscored his interpretation that the people were acting "without animosity toward rights of property" in their demand that the State should regulate public utilities. At Glens Falls, Hughes emphasized also that constitutional safeguards insured the rights of property. At the same time, he stirred fear by implying that failure to adopt the public utilities reform might well endanger all property by contributing to popular discontent. He stressed that "effective measures" were necessary to "promote our tranquillity and enhance respect for law and order." At Glens Falls, he warned explicitly:

Those who desire to insure the stability of honorable business enterprise, those who desire to maintain an orderly society, secure against the success of insincere and inflammatory appeal, those who desire to maintain our institutions with their guaranties of equality before the law and with their blessings of opportunity, realize that the time has come when the State must assert its power firmly and justly in putting an end to existing abuses both in the administration of government and in the management of those concerns which derive their vitality from public franchises.

When he opposed giving corporations the right of court appeal on all commission decisions, he appealingly identified the judiciary as "the safeguard of our liberty and of our property under the Constitution." He accented the security offerings of his proposal by stating at Buffalo, "There is no measure more truly
conservative than that which commands the public respect, as conserving the public interest."

Similarly, Hughes alternately soothed and frightened in the matters of public opinion and administrative boards. While he stressed his belief in the rightness of the public will and the advantage of following it, he also admonished that it was "idle to inveigh against the popular judgment." While he granted at Buffalo that public opinion was just, he warned that it demanded honesty:

The prevailing sentiment in this country is wholesome and just; it is idealistic; it rejoices in the extension of commerce and the development of industry; it takes pride in the ability that invents, in the talent that can organize effort and make co-operation productive; it honors honest toil of hand or brain; it prizes sagacity and thrift; it extols prudence; it reverences achievement. But it also demands honesty. It also exacts fidelity, both to private and to public obligation....

In regard to administrative boards, he first proved at Elmira that administrative officers with adequate power were necessary and not to be feared. Then he added: "You must have administration, and you must have administration by administrative officers. You cannot afford to have it otherwise."

He frequently linked an appeal to patriotism with his appeal to fear. While he pointed out the dire consequences of the wrong choice in respect to utilities regulation, he also emphasized the advantages to the good citizen and to the State of the right course of action. An illustration occurred near the close of
the Utica speech: "There is no greater mistake than to suppose that the will of the people can be permanently disregarded, and it is the duty of patriotism to provide for the just expression of that will and to remove the causes of unrest which lie in abuses of public privilege." He worked similarly on his listeners' sense of social responsibility.

The appeal to pride was sometimes more subtle. An example occurred early in the Utica speech in the suggestion that New York State might win favorable attention by pioneering in the public utilities regulation field: "...any State that sets a high standard in its legislative scheme of State supervision, and in its efficient administration of the law, will contribute powerfully toward similar action in other jurisdictions and to the establishment throughout the country of proper administrative standards."

Praise of the audience. - Through direct praise of his listeners, Hughes hoped to put his audience into a receptive frame of mind. At Glens Falls, he opened by telling his auditors he realized that they were "all interested in having the government well administered." At Buffalo, he praised them for their contribution to the progress of the city and to the completion of the Chamber of Commerce building being dedicated at the banquet. Discussing the effort to make it appear that the Chambers of Commerce of New York opposed his bill, he declared his belief
in the good judgment of the businessmen before him by stating, "I do not believe that the resolutions that have been passed reflect the sentiment of the businessmen of the State of New York." After this statement, he added the characteristic warning: "It would be most unfortunate were it so." While reducing to an absurdity the argument that the commissions might usurp the duties of management, he placed his audience among the intelligent people of the State by saying, "Think of the great number of problems and complaints necessarily committed to any such commission, and then tell an intelligent American audience that any such commission could, if it wanted to, manage any railroad!" He praised the railroad men in his audience similarly by implying that they were too reasonable to assert the public-service corporation was a public business and then to disregard the premise in practice.

In his use of emotional as in his use of logical supports, the Governor showed the influence of his background. In his motive appeals, he lectured and preached to his audience in terms of what he felt was good for them. In trying to put his audience into a favorable frame of mind, he was engaging in the same task he had faced as a lawyer before a judge or a jury. During the course of the campaign, he became increasingly skilled in appealing to the feelings of his listeners.
Ethical proof

Thonssen and Baird write that "the force of the speaker's personality or character is instrumental in facilitating the acceptance of belief." In his *Rhetoric*, Aristotle explained that the speaker's personality might affect belief both through his antecedent reputation and through the choices he made during the delivery of the speech. Since the importance of Hughes' reputation has already received attention, this section examines his use of his own character as a means of persuasion in his speeches. As he discovered during the course of the campaign, ethical proof was an ideal means for him. In the Elmira speech, he took full advantage of its possibilities.

Aristotle indicated that there are three constituents of ethical proof: character, sagacity, and good will. Hughes established himself as a speaker possessing each of these characteristics.

**Character.** - To utilize the persuasive appeal of his character, he called attention to his complete sincerity in his undertaking. He stressed that he acted from duty and not from a desire for personal glory or profit. In discussing the Kelsey incident at Elmira, he stated, "There was no personal question involved. It would have been much more agreeable to me to leave it alone. But it was there, and it was my duty to endeavor to put the department upon the best possible basis of efficiency to protect the interests of the policyholders, and I sought to do
it." In discussing at Glens Falls the matter of power of removal over the commission members, he emphasized that the problem would be unlikely to arise during his administration and thus the grant of power would involve no personal advantage for him:

Now, so far as I am personally concerned, the matter is not one of grave consequence. It is very unlikely that I should have occasion to remove an officer whom I had nominated, and whose qualifications I had had an opportunity carefully to examine before the nomination was made. I may therefore refer to the matter in an impersonal way, and simply for the purpose of stating my view as to correct political principle.

The Elmira speech offered him the perfect opportunity to demonstrate sincerity and also to link himself with what was virtuous. Stanchfield, the speaker who preceded Hughes and attacked his public utilities bill, had asserted that he spoke as a sincere citizen "under no retainer from the railroads." Hughes responded as follows:

...In distinction from my learned friend, I am here under a retainer. I am here retained by the people of the State of New York to see that justice is done and with no disposition to injure any investment but with every desire to give the fullest opportunity to enterprise and with every purpose to shield and protect every just property interest. I stand for the people of the State of New York against extortion, against favoritism, against financial scandal, and against everything that goes to corrupt our politics by interference with the freedom of our Legislature.
and administration. I stand for honest government and effective regulation by the State of public-service corporations.43

Hughes constantly associated himself and his message with the virtuous—with law and order, tranquility, honesty, prosperity, and progress. He associated his opponents with lack of insight, the intention to exploit and deceive the people, irresponsibility, efficiency, and dishonest finance.

As Chief Executive, investigator, and lawyer, Hughes had an excellent background of personal experience, and he relied upon it implicitly for authority throughout his speeches. His reliance became explicit at Elmira on two points, the court issue and the power of removal issue. In regard to the former, he stated: "I have the highest regard for the courts. My whole life has been spent in work conditioned upon respect for the courts...." On the power of removal problem, he referred to his own assumption of office and the fact that Insurance Superintendent Kelsey had failed to reform his department in accordance with

43 Hughes' opening was reminiscent of Webster's reply to Hayne stating that he was returning Hayne's shot. The opening sentence of Hughes which preceded these, "I did not come here tonight to join in a debate," was further reminiscent of Webster's approach in implying that the other speaker and not he had made the occasion one of controversy. In view of Hughes' extensive undergraduate training in oratory, it is reasonable to assume that he was familiar with Webster's speech.
the Governor's recommendations: "When I went into office some eight months or so after the laws had been enacted which resulted from that investigation, there was practically the same condition of affairs that had existed in the course of the insurance investigation...."

Sagacity. - To utilize the persuasive appeal of his sagacity, he called attention to his common sense, referring frequently to the experience of the audience for reinforcement of his ideas. He showed himself to be moderate by stressing the conservative aspects of his proposal and by making clear that he was not attacking the courts or property or any sacred American institution. He displayed good taste by avoiding extremes in language as well as in argument. He revealed a grasp of the issues of the time, and he demonstrated his wisdom through the appropriateness of his recommendations for corrective action. He called attention both to his intelligence and his fairness in statements like the following at Elmira: "Now, I am fully conscious, as is every one who professes to have a modicum of intelligence, of the tremendous advantages which the country and every community in it have derived from the extension of our railroad facilities."

Good will. - To utilize the persuasive appeal of his good will, Hughes used an appropriate amount of praise for the audience, administering it with no suggestion of obsequiousness. In identifying himself with his listeners and their problems, he took care to appear as the spokesman of the people but also showed an
understanding of the problems of the transportation officials. At Elmira, he dramatically proclaimed himself the retainer of the people. At the same time, he referred to opponent Stanchfield as "my friend" and emphasized that he appreciated the transportation problems Stanchfield described. In fact, he repeated the words "I sympathize" three times in one paragraph to express his attitude toward the railroad executives. He affirmed, "...we want fair treatment to those who are engaged in this very necessary activity."

His whole speech approach was the epitome of candor and straightforwardness. He offered his rebukes tactfully, opposing wrongdoing instead of wrongdoers and giving his listeners the opportunity to identify themselves with him and his virtuous proposal. He presented himself as an unselfish interpreter of the truth.

In his ethical as in his emotional supports, Hughes tended to play the part of the teacher. He emphasized that he had the intelligence, the experience, and the character to give sound

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44 According to Philip D. Jessup, Theodore Roosevelt and Elihu Root had used similar phrases to describe themselves. See Philip D. Jessup, Elihu Root (New York: Dodd, Mead & Company, 1938), I, 136. Hughes had referred to himself earlier as the counsel of the people when he undertook the gas investigation. On the Elmira occasion, however, the idea "caught the interest of the people, and from then on Governor Hughes had them with him." Baerits' Memorandum, "First Term as Governor" (Unpublished Manuscript, Hughes Papers, Library of Congress, Washington, D. C.), p. 30.
advice, and that he had the interests of his listeners at heart in speaking to them. It would probably be accurate to say that he was respected but not loved in the role. When he modified his role at Elmira and presented himself as the counsel-servant of the people, however, he won their enduring good will.

Organization

In discussing the structure of oral discourse, Thonssen and Baird write,

The critic who evaluates a speaker's finished discourse proceeds with two objectives in view: First, he examines the speech as an instance of rhetorical craftsmanship, per se....Secondly, he appraises the total organizational plan with reference to the peculiar audience conditions to which it was presumably accommodated....

In terms of these criteria, Hughes' speech structure was satisfactory. His strong point organizationally was thematic emergence, evaluated as follows according to Thonssen and Baird: "...the critic is interested in finding out whether the speaker's conception of his task...is clear, and whether the selection and arrangement of the ideas conduce to their effectiveness." The Governor's conception of his task was clear, and in each speech there was no doubt about the central idea he wished to advance.

45 Thonssen and Baird, op. cit., p. 393.

46 Ibid., p. 393.
Typically, the introduction was short and included some motive appeal. The conclusions were also typically short. They generally included a factual summary and the emotional climax of the speech.

The over-all method of organization at Utica and Glens Falls was the logical one. The Utica speech used the method of division according to the framework of a logical pattern for discussion of policy, and the Glens Falls talk used a two-part division proceeding from the general to the specific. The two extemporaneous speeches used a looser organization, the Buffalo one a distributive order and the Elmira one an order determined by issues developed by the opponents of the bill. In each case, the choice of organization was appropriate. Since the purpose at Utica and Glens Falls was to supply listeners with a group of strongly-documented arguments, it was desirable to express these arguments in a logical structure. Since the purpose at Buffalo and Elmira was to refute objections, the choice of the distributive and refutational methods was congruent. It was indicative of Hughes' skill in disposition that he could adapt his ideas during extemporaneous refutatory delivery and still preserve a coherent organization.

47 The volume of Addresses does not include the introductions, but these are available in newspaper accounts.
Transitions from one idea to another were sometimes weak and at other times lacking. The Governor never left an idea, however, without relating it definitely to the proposition and giving it strong reinforcement through restatement.

**Style**

Thonssen and Baird set up the following criteria for judging style:

...An effective style—that is, one capable of preparing and opening the minds of the listeners for a particular subject—depends upon a speaker's having (1) an idea worth presenting, (2) an unmistakably clear conception of the idea, (3) a desire to communicate it, (4) a willingness to adapt it to a particular set of circumstances, and (5) a mastery of language adequate to express the idea in words.48

Because the first four prerequisites for effective style have already been considered, this section will focus attention on the fifth, Hughes' mastery of language.

Gray and Braden cite three qualities which distinctive language should possess: clarity, forcefulness, and vividness.49 Hughes aimed chiefly at the first two qualities, achieving them to a high degree. His choice was partly a result of his background in exposition and advocacy, partly a desire to emphasize his appeal to the intelligence of his well-informed audiences. As the New York Tribune explained, "the Governor is demonstrating that he can do what he sets out to do without the wirepulling arts

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of the old school of politics or the nerve racking arts of the
new demagogic school of politics...."50

The Governor used words with precision to express himself
in the literal terms which suited his logical habits of thought.
Since he was able to give his concepts concise expression, his
many sentences which approached epigrammatic form may be con­
sidered typical. The following are examples, the first delivered
at Glens Falls, the second and third at Buffalo, and the fourth
at Elmira:

It is a great mistake to be so intent on preventing
bad administration as to make difficult a good one.

They are not against business, but against abuses;
and to preserve the interests of the former the latter
must be stopped.

Let these questions be upon your conscience and upon
your heart, but not upon your 'nerves.'

...That is not the way to get really responsible
government, but rather diffused responsibility....

Particularly at Buffalo, it seemed that the sentence rather than
the paragraph was Hughes' typical unit of thought.

The speaker made relatively little use of figurative language.
Examples of a few rather strained attempts follow. At Glens Falls,
he declared that "Those who oppose this just sentiment chant their
own requiem," and he referred to "the four corners" of the proposed
law. At Buffalo, he stated that each matter should be "decided

50 New York Tribune, April 20, 1907.
according to its merits in the light of day." At Elmira, he repeated the reference to "the four corners" of his bill. On the other hand, he referred appropriately at Elmira to those who "throw a sop to public opinion," to the "phantoms that are conjured up" by opponents of the bill, and to the fact that security for the public lay in having administrative officers "directly before the bar of public opinion," besides referring to himself aptly as "the retainer of the people."

Although Hughes employed relatively few words possessing strong emotive value, it would be incorrect to conclude that he spoke unemotionally. Thonssen and Baird explain that "a straightforward summary of data may take on emotional value,"51 and Hughes could use data effectively to achieve this kind of effect. At Elmira, for example, by detailing the evidence of Kelsey's inefficiency, he projected his own feeling and aroused righteous indignation in his audience as he made it clear that an official paid from the public purse was shirking his duty. Concrete materials consisting of skillfully-marshalled facts, examples, and illustrations not only lent clearness and forcefulness but in some cases contributed vivid emotional coloring.

The general rhythm of his utterance at Buffalo and Elmira was that of strong emotion. The Buffalo speech contained an impressive internal climax with successive sentences beginning

51 Thonssen and Baird, op. cit., p. 370.
"they are not...." following a rhetorical question. The parallelism reinforced the fighting tone of the speech.

Hughes' speaking gained forcefulness from the vigor with which he attacked ideas. He did not hesitate to name the actions he opposed, to use stinging reductio ad absurdum, and to call attention to the unworthy motives of his opponents.52 He was least direct in the Utica and Glens Falls speeches. At Glens Falls, he used this weak statement: "The vesting of the power of removal in the Governor is objected to on several grounds." By the time of the Elmira speech, however, he had cast away all indirectness. He then phrased his ideas economically; he added direct address and frequent personal pronouns, including the effective you and I combination, to project himself and his feelings to the audience.

Effect

In discussing the effect of a man's speaking, Thonssen and Baird affirm:

...the men who play roles in the making of history—and this includes the orators—are judged finally by their influence upon people and events. In the eventual reckoning, men will be tested in the light of what they did.53

52For example, he used the words "pretended" and "absurd" to describe the position of his adversaries in the following quotation from the Glens Falls speech: "It has been pretended by some that it the bill interferes with the freedom of employees to work or not to work as they choose. Such a contention is absurd."

53Thonssen and Baird, op. cit., p. 448.
Critics of oratory are generally agreed that the effectiveness of oratory is a function of audience adaptation; that it must be regarded in the light of what people do as a result of hearing the speech.54

Hughes accomplished two objectives during his campaign. Most obviously, he obtained passage of his bill. Equally important, he vindicated his idea of government, showing that it was possible to conduct public affairs with the Governor acting as a trustee to enlighten public opinion and with the legislators being held accountable to the public will. With the triumph of his appeal, he laid the groundwork for subsequent strengthening of representative government through public opinion. With the triumph of his bill, he strengthened the economic institution of private enterprise which short-sighted businessmen had imperiled. In short, through public address he won popular acceptance for the kind of Progressivism he felt New York State needed.

Immediate response.—Newspaper response to Hughes' campaign speaking was predominantly favorable immediately. The Press reported of the Utica speech: "Applause was frequent as he made point after point in defense of the people's rights, and at the end the enthusiasm equaled that seen at a campaign rally.55

54Ibid., p. 449.
55The Press, April 2, 1907.
The Tribune wrote as follows of the Glens Falls speech: "As the Governor ran through sentence after sentence, crisp, full of direct application to the present situation, his audience followed him eagerly, and round after round of applause burst from the 400 guests...."56 The Press referred to the applause which followed the Governor's speech at Buffalo,57 and the Cortland Standard described the reaction to the Elmira speech in the following enthusiastic terms: "The audience was captured and showed unmistakably both that they had appreciated the force of the governor's reasoning and that they were with him enthusiastically in the fight which he is making for the public interests."58

In praising the speeches, the newspapers generally showed an appreciation of the Executive's purpose in speaking and of his skill in attaining it. The New York Post commented of the Utica speech that he had "begun, with deliberation and care, yet with downright earnestness, an open contest for the measure by which his Administration will stand or fall."59 The Brooklyn Times declared that the speech "cannot fail to have the intent

56 The Tribune, April 6, 1907.
57 The Press, April 23, 1907.
58 Cortland Standard, May 6, 1907.
59 New York Post, April 2, 1907.
which the Governor doubtless intended it should have of strengthening and making more aggressive the public sentiment that stands behind the measure."\(^{60}\) Several were "disappointed that Governor Hughes was not more tragic, more passionate" in the opening speech, but the *New York Post* explained that "that is not his way" and that it "is the Governor's business to get the thing done if possible."\(^{61}\)

**Long-range effect.**—The public utilities bill immediately became a model for similar legislation in other States.

Twenty-four years later, students of public service corporations regulation in New York State were still paying tribute to Hughes' vision in sponsoring the measure. Illustrative is the following comment on a bill passed in 1929 for an investigation of the New York public service commissions:

...One cannot but regret that it was not possible to follow the suggestion of the *World* that both ex-Governor Hughes and ex-Governor Smith be put on the Commission. In spite of what was on the whole an ably conducted investigation, one senses a lack of statesmanship in meeting the problems which it developed.\(^{62}\)

\(^{60}\) *Brooklyn Times*, April 2, 1907.

\(^{61}\) *New York Post*, April 2, 1907.

CHAPTER FIVE
THE ANTI-RACETRACK GAMBLING BILLS CAMPAIGN

There was much speculation concerning Hughes' probable attitude toward the racetrack gambling situation. Boss Barnes warned Hughes before he took office that the issue was politically dangerous. At that time, Hughes replied simply that it was "a matter which I have not yet had time to consider, as I have been giving thought to some other questions of even greater importance."\(^1\) The New York Herald predicted that the Governor would "remove any city or county official of the State who refuses to enforce the anti-gambling laws."\(^2\) The Troy Press opined that District Attorney William Travers Jerome, who had been fighting the gamblers, would receive Hughes' support.\(^3\) Granting that he might suffer initial defeat but confident that he would not for that reason sidestep the issue, the Hudson Republican called for the Chief Executive

\(^1\)Letter from Charles Evans Hughes to William Barnes, December 3, 1906.

\(^2\)New York Herald, January 22, 1907.

\(^3\)Troy Press, January 14, 1907.
to give "one blast upon his bugle" against the gambling interests. Accordingly, after he had dispatched other more pressing business during his first year in office and had investigated the situation for himself, Hughes made the anti-racetrack-gambling laws the subject of his second important legislative campaign.

The Problem

Hughes' over-all problem was even more difficult than it had been earlier. His success with the people in the first appeal was a handicap with the party leaders because he had won it at their expense. As a Times editorial expressed it, "The people like him for the enemies he has made." He could not expect the bosses to like him better as his attacks against them became increasingly sharper. Once again, he could expect little help on his bill from the leaders of his party or the rank and file of Republican legislators; he had to appeal over their heads to the people a second time and urge the voters to insist that their representatives support him.

\[4^4\] Hudson Republican, March 29, 1907.

\[5^5\] New York Times, May 10, 1908.
Far from conceding that his "trustee of public opinion" role had been established as appropriate after the first campaign, the bosses denounced it as Executive usurpation. The idea of gubernatorial leadership of public opinion, with legislative accountability to an aroused public will, was anathema to them.\(^6\)

\(^6\)Boss-and-gambling-interest strategy in capitalizing upon the charge is illustrated in the following correspondence:

"The fact that your attitude seems to be so little understood is a startling revelation of the distance we have traveled from our true Constitutional bearings. Many men with whom I speak assert that you are a dictator and are attempting to bulldoze the legislature. [Bold type in the original] They cannot perceive the difference between your course which is in strict compliance with the letter and spirit of the Constitution, and that of former governors who used the whip in secret—whose stock in trade was log-rolling and the distribution of patronage—to neither of which practices is any reference to be found in the Constitution of the State."

Letter from Chase Mellen, New York attorney, to Governor Hughes, April 10, 1908. The letter was printed for distribution by Hughes' supporters.

"As a sample of the unfair way in which the opponents of the bill are fighting, I received this morning in the mail a printed copy of my letter to the Governor of April 10, having appended thereto the following:

"'QUERY: If a lawyer so modest and retiring as Mr. Chase Mellen—whose circle of acquaintance is not confined to the City Club,—has heard MANY MEN assert that the Governor is a dictator and is attempting to bulldoze the legislature, what must be the experience of the average man in the street?'

"The paper is not signed, showing that the opponents of the bill are consistent. They misrepresent the attitude of the Governor and they work in secret to spread their misrepresentations."

Letter from Chase Mellen to Agnew, April 20, 1908."
Newspaper writers suggested that Hughes' problem was further complicated because so much of the opposition to anti-racetrack gambling legislation was under cover:

Opposition will come, of course, from the racing people and the breeders of fine horses. August Belmont and the Jockey Club have always opposed bills designed to appeal the Percy-Gray law....The bookmakers will fight for their business....

...Yet the official representatives of the farmers [also] fought those bills, [the Jerome bills to abolish track gambling]...

...Senator 'Christy' Sullivan, who has an interest in the Sullivan stables, and 'Big Tim' Senator McCarren are generally credited with an abiding intention to head the legislative battle....

Desperate gambling interests even went so far as to threaten to kill the Governor, and to kidnap his baby daughter.

Hughes' apparent problems centered largely around the continuing Kelsey issue; charges of legislative bribery; the domination of Barnes over Senator Grattan and of Fassett over

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\(^7\text{New York Tribune, January 3, 1908.}\)

\(^8\text{New York Times, March 5, 1908. The article quoted the Governor's vocal reaction as follows: "It's a poor Governor who does not receive threatening letters at times."}\)

Senator Cassidy; his own presidential boom which stirred President Roosevelt's resentment; the attitudes of the Wadsworths; and Senator Foelker's illness.

The Kelsey issue

The Kelsey matter not only left a residue of bitterness from earlier incidents, but it continued to be an unpleasant issue. Kelsey was not wise enough to try to perform his duties quietly. In his annual report to the legislature, he attacked the Governor inferentially by criticising provisions of the insurance law. Against the advice of most of his friends, Hughes continued to press for the Insurance Superintendent's removal. He met concerted opposition that found part of its expression in the attempt to destroy the anti-racetrack gambling bills.

Charges of legislative bribery

The Governor heard frequent rumors that legislators were being bribed to oppose the bills. Since there was no documentary evidence of bribery, he ignored the charges.

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10 Press, January 22, 1908.

11 Senator Fred Agnew, co-sponsor of the anti-gambling bills, was one who defended his position. In a letter of February 6, 1908, Agnew wrote Parsons as follows: "Of course the Governor cannot withdraw his request,...and it does not seem likely that he will...."
He held to his policy during the most publicized instance of such accusation, which occurred in a letter sent him by an acknowledged gambler. When portions of the letter were published anonymously, irate legislators led by Speaker Wadsworth adopted a resolution demanding that Hughes give up the document. The Governor refused, saying that he had not seen the letter before it was made public and that he did not regard it as evidence of legislative susceptibility to improper influence; Hughes declared that revealing the writer's name would serve no purpose except to invite retribution. Then he sent the following message to the Legislature:

I give no credence to any report that the members of your honorable body would be deflected from their manifest duty by an attempt, if any such were made, on the part of those who have vast interests at stake in this matter, to corrupt their judgment. On the contrary, I have implicit confidence that the Legislature will carry into effect the constitutional mandate and will purge our State of this source of misery and vice, which exists only because the will of the people, flatly declared in the fundamental law, has not been carried into effect.

Your honorable body knows that pool-selling and bookmaking at race tracks are not now prevented by appropriate laws, as the constitution requires, but flourish substantially unrestricted under what amounts to legal protection. This is a scandal of the first order and a disgrace to the State. The bills are not aimed at racing or at race tracks or at property. They are aimed at public gambling, prohibited by the constitution, condemned by the moral sense of the people, irrespective of creed, and conceded to be the prolific source of poverty and crime.12

Boss domination of Senators Grattan and Cassidy

A major problem in the legislature was that Assemblymen and Senators felt responsible to bosses rather than to the people. The most flagrant example on the anti-racetrack gambling issue involved Boss Barnes and Senator Grattan. The next most obvious example concerned Boss Fassett and Senator Cassidy.

Hughes called for adoption of the anti-gambling bills in his annual message to the legislature at the beginning of January, 1908. Until he reemphasized his interest in the bills to a delegation of opposition farmers on January 16, however, he was not regarded as seriously interested in them. The Press stated of this conference, "Governor Hughes today put himself squarely into the fight to abolish racetrack gambling." The Assembly passed the bills easily, and the Times observed on March 13 that the racing bills fight seemed to be won. Opposition arose in the Senate, however, and the

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13 Press, January 17, 1908.
tie vote of 25 to 25 meant defeat. The exasperating fact, from Hughes' point of view, was that one additional affirmat-
ive vote would have meant victory, and that Senator Grattan had promised to deliver that vote. Boss Barnes had forced Grattan to vote contrary to his announced intention. Far from being ashamed of his action and regretful that he weakened the party by revealing boss domination, Barnes at first boasted openly of his deed and told Agnew that "his

14 Democratic Lieutenant-Governor Chanler helped Hughes at this point by a favorable vote on a procedural matter:

"After the final vote had been taken Lieutenant-Governor Chanler aided the friends of the proposed reforms in winning the only victory they achieved, by voting with them to table a motion to reconsider the vote by which the bills had been defeated. Senator Grady, the minority leader of the opposition forces, pressed for immediate action on the motion, depending on the Lieutenant Governor, who has the casting vote on a tie in a proceeding of that nature, to vote with the Democrats.

"Senator Grady was angry at the action of Lieutenant-Governor Chanler. While there is little hope that the vote may be changed on reconsideration, his action will make it possible to revive the fight on the bills, the fate of which, had he voted the other way, would have been sealed irrevocably." The New York Times, April 9, 1908.

15 Agnew wrote his estimate of the damage in these words: "I am of the opinion that the attitude taken by Barnes of Albany is calculated to very materially injure the Republican Party...." Letter of Agnew to W. W. Cocks, Washington, D. C., April 14, 1908. Agnew Papers, New York Public Library.
antagonism to Governor Hughes overcome every other consideration."16 Noting the general bitterness in the Senate, the Times stated on April 10 that it was evident the body would now "fight all his [Hughes'] reforms."

The Fassett-Senator Cassidy relationship appeared to be another one of boss domination, although both denied it. Fassett was supposed to have sent Cassidy a telegram instructing him to vote against the gambling bills; he did not deny sending a wire but asserted that someone had changed his message since he had intended to have Cassidy vote for the bills. Even if true, the explanation did not alter the fact of boss control. Apparently yielding to criticism at the moment, Cassidy was reported in April17 to be ready to vote favorably at the special session.

16 A fuller quotation follows:

"...Mr. Barnes has repeatedly asserted that he is willing to take all responsibility for the action of Senator Grattan in the matter.

"Shortly before the final vote was taken on these bills, I pointed out to Mr. Barnes that such action on the Senator's part could only result in a complete blasting of his future in this community where he has heretofore been held in such high regard; but Mr. Barnes assured me that his antagonism to Governor Hughes overcome every other consideration."


17 New York Times, April 26, 1908.
Hughes' Presidential boom and Theodore Roosevelt's opposition

While he had condemned the public utilities bill as "too sweeping," President Roosevelt condemned the anti-gambling measures as too narrow in scope. The Brooklyn Standard quoted him as declaring that "gambling in stocks, and particularly speculating on margins, was quite as bad, if not worse, than gambling at cards or betting on horse races."

Probably in response to this oblique attack, Hughes twice recommended in special messages to the Legislature that a committee be established to investigate speculation in Wall Street. Roosevelt's motive was to defeat the bill in order to prevent Hughes from attracting too much national attention.

Before the anti-gambling appeal was launched seriously, Hughes had announced his candidacy for the presidential nomination. As early as October, 1907, he had been expected to make the announcement; actually, he waited until January 21, 1908. He declared that he would neither seek the office nor refuse it, but that he would state his views on national issues in a speech to the Republican Club of New York on February 1 in order to give the voters a basis for judging

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18 Brooklyn Standard, February 3, 1908.
19 The messages occurred on April 9 and May 11, 1908.
his opinions. This was the speech T. R. had deliberately blanketed with a pronouncement on the trusts. The President did not want Hughes to replace Taft as the Republican candidate, and his actions in regard to the anti-gambling bills resulted from this attitude. Before the Senate vote, Agnew tried hard to get a statement from Roosevelt that he did not oppose the measures.

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20 Hughes liked Taft and had no desire to replace him. In his opinion, the choice should be entirely in the hands of the voters. He made no effort to get delegates for the convention, and he infuriated Barnes by refusing later to release his delegates because he said he had not obtained them and therefore had no power to release them. He rejected Roosevelt and Taft's offer to run for vice president, and he campaigned enthusiastically for Taft in the fall. He gave the keynote speech of the national campaign at Youngstown in September and spent so much time out of the State helping Taft that his New York supporters complained he was jeopardizing his own chances for re-election.

21 Communication on the subject between Agnew and Cocks indicates both the former's patient efforts and the President's vagueness:

"Please obtain from President assurance that he has not exerted influence against gambling bills, to correct rumor here. Serious matter for party should bills fail by one vote...Agnew." Telegram from Agnew to Hon. W. W. Cocks, April 7, 1908.

"The president is not interfering and has not interfered in any matter of state legislature. Do not make this telegram public as such charges are absurd. The president's name must not be brought into the matter. W. W. Cocks." Telegram from Cocks to Agnew, April 8, 1908.

"...On the day I wired you I telegraphed Senator Burr on my own initiative, advising him to be with the Governor on the race track bill." Letter of W. W. Cocks to Agnew, April 16, 1908.
"I think the President is very interested in the success of your bill but you probably are aware that some of his efforts toward aiding matters at Albany have not been appreciated either by the legislators or the Governor....Of course, personally I was intensely interested in the success of your bill and my judgment is that it will hurt the party if they are finally defeated; however, there are a great many Republicans who do not agree with me in this matter. I hope that you may yet be successful." Letter from Cocks to Agnew, April 9, 1908.

"I note what you say about the President, and have felt all along that this issue would have his approval, and now am at a loss to understand why this approval should not be expressed actively. The papers, you doubtless realize, have been attempting to misinterpret my attitude, for you must know that I have not, directly or indirectly, heretofore asked for the active support of the President, but only invited you to obtain a denial of the report that he was favoring the opposition to the bills." Letter from Agnew to Cocks, April 14, 1908.

"...I know that both Fassett and Dwight thoroughly approve of it and I do not think that either one of them should be quoted as backing up and being responsible for the attitude of their Senator. They may try to help him out a little but I do not find anyone here who favors the attitude of the Republicans who voted for the bill and to say that the federal crowd here was opposed to the Governor was, in my judgment, a great mistake, although I have not asked each individual member; however, I should say that a very large majority of them were heartily with the Governor but for obvious reasons they say less than usual about matters affecting the legislature of New York." Letter from Cocks to Agnew, April 21, 1908. All of these communications are included in the Agnew Papers, New York City Public Library.
After the vote, newspaper writers declared that the President's silence had constituted covert and effective opposition. Recalling that Barnes' Albany Evening Journal had unloosed its most violent anti-gambling bill attacks after a visit to the White House and that Horace White of Syracuse was "the only Senator with pronounced Roosevelt leanings who did not vote against the bills, one writer concluded: "More and more the impression is gaining ground here that leaders within the Republican organization who entertain close relations with President Roosevelt received a quiet tip on the eve of the decisive battle that the President would not be displeased if the racing reforms were defeated." 22 It is particularly significant that Senator Burr of Roosevelt's home district voted negatively. The Times and other newspapers viewed the bills' defeat as a check to the Hughes presidential boom; thus the initial defeat served Roosevelt's purpose.

The Wadsworths

The Wadsworths had a special interest in continuing the status quo, since the elder Wadsworth was chairman of the

22 New York Times, April 11, 1908.

The chief evidence of Presidential interest in the bills at the special session was a half-hearted endorsement in the Times of May 19. The statement may simply have been designed to place the President on the winning side in case of ultimate Hughes' victory.
State Racing Commission. On February 8, 1908, the Commission issued a statement justifying the 1895 law and opposing the recommended change. The Wadsworths also fought Hughes' bill because they shared with Roosevelt the desire to see the Governor fail. For purposes of their own, however, they reportedly reversed their stand and supported Hughes' candidate in the special election held before the bills came to a second vote.

Immediately after the Senate defeat, Hughes issued the following statement: "It is impossible to believe that the people will permit the plain mandate of the Constitution to be ignored. The contest has not ended. It has only begun. It will continue until the will of the people has been obeyed." Two days later, he announced that he would force the fight by taking an active part in a special election to replace the recently-deceased Senator Stanislaus P. Franchot of the Niagara-Orleans district. Hughes backed William C. Wallace as an anti-racetrack gambling bills supporter and waged an intensive two-day campaign for him in the district. He was gratified to see his candidate win. The following portion of a Times

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23 The other two members of the Commission were John Sanford and H. F. Knapp. Agnew Papers, New York Public Library.

24 New York Times, April 9, 1908.
editorial is interesting as an indication of the complexity of the political situation and the influence and the motivations of the vacillating Wadsworths in the election:

The report reached some of the Democratic leaders through political channels that a pledge to Wallace had been given by the Wadsworths, and it has caused them a great deal of anxiety. Relying upon the bi-partisan pact whereby the Merritt-Wadsworth faction was to throw its support to them, they have conducted no campaign. Their candidate has not made a single speech...

It is the impression here that the Wadsworth forces have been moved to act by the strong intimations by Governor Hughes in his speeches in Niagara and Orleans that he might become a candidate for re-election on an anti-gambling and anti-bossism platform. James W. Wadsworth, the ambitious Speaker of the Assembly, has Gubernatorial aspirations. The elder Wadsworth, in common with all of the party bosses, would like to see Governor Hughes eliminated as a factor in Republican politics in the State.

If the political retirement of Governor Hughes can be assured and the way paved for the nomination of the younger Wadsworth by the passage of the Agnew-Hart Bills, then there is every reason why the Wadsworths should aid Wallace. The emissary is said to have gone from the Wadsworths to Wallace within the last twenty-four hours to assure him of the support of all their adherents at the polls next Tuesday. The friends of the Republican candidate prior to these assurances had little hope of support from that direction.25

After their brief reversal, the Wadsworths seem to have re-turned to their anti-Hughes position, since the Times of June 7 reported that Senators Hooker and Allds were resisting Wadsworth pressure in order to stand by the Governor. It was difficult for Hughes to predict the course of action which the Wadsworths' concern for political expediency would dictate.

**Senator Foelker's illness**

The Governor's message ordering an extra session for May 11 elicited hisses in the Legislature. By the time the session opened, a unique problem had developed.

In spite of the fact that Wallace had won the Niagara-Orleans election, passage of the bills in the special session was uncertain. On May 10, Senator Otto G. Foelker of Brooklyn, whose favorable vote was essential for victory, had had an appendectomy, and he remained critically ill. His condition received complete news coverage every day, and there was much concern over his ability to leave his sickbed to vote. It was important news when he promised Senator Agnew that he would make the trip to Albany.

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26 It was helpful that the anti-gambling measure could not be discussed until Hughes revived it, but the Governor could not delay consideration for long and still justify holding the legislators in the capital.

27 The Times of May 13 reported Foelker in better condition, the May 14 edition in worse.

Foelker tottered into the Chamber on June 11 and managed to stay long enough to effect passage of the bills by his one indispensable vote. Senator Grady tried unsuccessfully to initiate a filibuster; the ill Senator could not have stayed through an extended talkathon.29

Foelker's courage prompted some to propose him as a candidate for governor. Hughes declared that the senator deserved the honor accorded a soldier on the battlefield.

The Chief Executive's personal prestige soared after his victory. He had demonstrated once again the efficacy of holding legislators accountable to enlightened public opinion. In regard to his political future, the consensus was that he had been "helped politically but not to anything he wants."30

The Bills

Hughes' primary argument in the anti-gambling campaign centered upon the constitutionality of existing legislation. Like any good lawyer, he recognized that legislation should express the people's will as indicated by the letter and the

29 Another incident drew additional newspaper comment. Foelker did not sit in his accustomed chair. A 300-pound man who did sit in it was startled when the chair collapsed. Reporters inquired whether the chair might have been intentionally damaged before the session in the hope that Foelker would be injured seriously enough on arrival to be forced to leave without voting. New York Times, June 12, 1908.

30 New York Times, June 12, 1908.
spirit of their Constitution. When he took office, the legislation concerning racetrack gambling did not conform to constitutional requirements.

The Ives Law of 1887 legalized gambling at racetracks at certain specified periods and removed it from the provisions of the Penal Code. Recognizing that the law granted special privileges to the racing interests at the expense of the people's welfare, the Constitutional Convention of 1894 recommended the following prohibition which the people adopted: "Nor shall any lottery or the sale of lottery tickets, pool-selling, bookmaking or any other kind of gambling hereafter be authorized or allowed within this State; and the Legislature shall pass appropriate laws to prevent offenses against any of the provisions of this section." Ostensibly as "an appropriate act of enforcement," the Legislature shortly thereafter passed the Percy-Gray Law. The latter virtually nullified the constitutional provision by enacting no penalty for racetrack gambling, other than a civil suit for the money lost, provided no token was delivered. The act pretended to conform to the constitution by including provisions for posting notices that gambling was forbidden at the racetracks and authorizing the hiring of special policemen; actually, the law was a clever arrangement permitting gamblers to profiteer at the racetracks.
The Agnew-Hart bills, sponsored by Senator Fred Agnew and Assemblyman Merwin Hart, offered the remedy to the situation. Removing racetrack gambling and bookmaking from their privileged status, they established both as misdemeanors and made imprisonment mandatory upon conviction.

Because their county agricultural fairs had been financed largely by a ten per cent tax levied on racing profits, many farmers opposed the change. The Agnew-Hart bills provided a direct subsidy to the county fairs to compensate for the loss of racing revenue, but many rural residents and some agricultural organizations preferred the certainty of the ten per cent arrangement to the uncertainty of future legislative appropriations. The State Grange however, declared itself for abolition of racetrack gambling at its annual meetings in both early 1907 and 1908. Many individuals and reform organizations, all primarily concerned with the moral aspects of the problem, had been working for years to obtain corrective legislation. These included Charles Parkhurst, New York City minister; the Rev. Dr. A. S. Gregg, field secretary for the International Reform Bureau; and the Rev. Walter Laidlaw, executive secretary of

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31 Rochester Times, February 16, 1907.

32 Gregg was largely credited with indictment of Johnny Mack and other gambling house proprietors in Albany. He was impatient with Hughes in 1907 for failing to open an immediate attack on the August Belmont track gambling monopoly. New York American, July 16, 1907.
the Federal Council of Churches. A number of newspapers, including The World, had been agitating the matter.

Laidlaw organized the preachers and the congregation to support the bills. He reported to Agnew as follows to indicate that his group was better equipped for the campaign in 1908 than previously: "Nearly 200 churches have appointed 'minute men' on moral matters, and the laymen will be more helpful, I am sure, in the matter, than the overladen and pressed clergy." Letter of Laidlaw to Agnew, January 7, 1908, Agnew Papers, New York Public Library.

Laidlaw appears to have been more subtle in his efforts to influence public opinion than Gregg, who occasionally alienated people by becoming too officious in his zeal for reform. On one occasion, Laidlaw wrote Agnew to quote as follows a letter of complaint about Gregg sent him by Assemblyman Hart: "'Can't A. S. Gregg and his friends be suppressed in the present campaign? Gregg has been hovering around the capitol for the last few days, buttonholing people and injecting himself into the situation in a way that bodes anything but good for the campaign. A short time ago, he actually wrote Senator Page asking him if the people of his constituency could depend upon his doing his duty in regard to these bills, etc. We have got a great task on our hands for the next few weeks and we have got to play skilfully in order to win.'" Letter of Walter Laidlaw to Agnew, April 28, 1908, Agnew Papers, New York Public Library.

After Hughes asked for anti-racetrack gambling legislation in his first 1908 message to the Legislature, The World sent a telegram to Agnew and apparently to all the Senators as follows: "Will you kindly wire at our expense whether you will support a measure making gambling on race tracks punishable in same manner as gambling elsewhere as Governor Hughes recommends?" Telegram from The World to Agnew, January 2, 1908.

Agnew replied: "The question contained in your wire received today is tantamount to asking if I am prepared to carry out my oath of office. I therefore answer in the affirmative." Telegram from Agnew to The World, January 3, 1908. Both these communications are included in the Agnew Papers, New York Public Library.
These groups requested letters sent to the Governor testifying to the demoralization racetrack gambling had brought upon them and their families. Many responded. Henry L. Stimson, then United States Attorney for the Southern District of New York, sent particularly convincing information. He indicated that at least sixty-five per cent of the postal employees arrested in his district during the preceding six years for stealing from the mails "were brought into their trouble by gambling on the races."\(^{35}\)

The bills' supporters planned to show their strength at the preliminary hearings at the capital. Their proposed outline for proceedings beginning on February 19, 1908, follows:

1. What the revisors of the Constitution expected
2. The crime product of the Percy-Gray Law
3. The attitudes of the Grangers and Agricultural Societies
4. The Breeding of Horses and the Percy-Gray Law
5. Attitude of the Brooklyn League and Merchants Association
6. The attitude of the Federation of Catholic Societies and Protestant Churches, of Manhattan
7. The attitude of the Brooklyn Churches
8. New York vs. Missouri
9. A procession of representatives of various societies and localities, marshalled by Mr. Laidlaw.\(^{36}\)

\(^{35}\)During that period, there had been fifty-three such arrests. Letter of Henry L. Stimson to Hughes on April 25, 1908.

\(^{36}\)Agnew Papers, New York Public Library.
A prominent speaker against the bills at the joint hearings before the Codes Committee was ex-Governor Frank S. Black, a lawyer who represented the agricultural societies opposed to the measures. He argued that the question was not a moral one, since there was not complete agreement about the rightness or wrongness of gambling. Morally, he said it was a matter of personal liberty. Practically, it was a problem of non-enforceability. Betting could not be stopped, but if the Legislature was going to try to stop it, the body was obligated to stamp out all forms of gambling inasmuch as the constitution forbade all forms. If it was wrong for a man to bet money at the race track, it was equally wrong for a woman to bet a pair of gloves or a box of candy on a boat race or anything else involving an element of chance. Furthermore, he declared in the following words, legislators should pay no attention to the wishes of their constituents in the matter:

You should not be guided, whether you come from Chemung, Buffalo, or Brooklyn, by the sentiment in your districts which may foil you in your desire to come back to the Legislature if you should run counter to it. Should you let yourself be guided by any local breezes like that, then you are not fit to be here at all.37

He concluded by introducing statements from two churchmen, Bishop Potter and Dr. Slicer, and he remarked that their

37New York Times, March 6, 1908.
endorsement of racetrack gambling regulation rather than abolition "would about even things up between both sides as far as the support of the Church was concerned...."  

Black's speech stirred resentment among farmers whose interest in the moral aspects of the bill stemming from their rural, Protestant, nativist background was stronger than their concern for the county fairs. R. G. H. Speed, secretary of the Tompkins County Fair Grounds Association, wrote to Agnew that he had "personal knowledge as to Tompkins county and felt indignant to have it misrepresented." He was "entertained by ex-Governor Black's speech, but somewhat disappointed that a man of his great talents should employ them in the service of so unworthy a cause for a consideration."  

The Occasions

On each of the five speech occasions selected for study, Hughes was an honored guest who received deferential treatment and a tumultuous welcome from the audience. The first two occasions were banquets, like the four from the public utilities campaign. The other three were popular mass meetings attended by overflow audiences. On the latter occasions, resolutions

38 Ibid.
39 R. G. H. Speed to Agnew, March 9, 1908, Agnew Papers, New York Public Library.
were adopted either before or after the Governor spoke, congratulating him on his stand and pledging the people's support on the anti-racetrack gambling issue.

The Bronx speech

On the evening of March 5, 1908, Hughes addressed 325 members and guests of the North Side Board of Trade in Ebling's Casino, the Bronx. The audience of businessmen, borough officials, and politicians of both parties rose from the banquet table when he entered with his military secretary and an escort of officers of the Second Battery, N. G. N. Y. They cheered and called greetings to "the next President."

Before Hughes spoke, a congressman delivered a speech urging support of large naval appropriations. Hughes used the occasion to refute the arguments Black had presented at the legislative hearing the afternoon of the banquet.

The Brooklyn League speech

Because the organization had been a leader in promoting the anti-racetrack gambling cause, the Brooklyn League was a particularly suitable audience for Hughes' final plea for the law before the first Senate vote. The diners assembled

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40 New York Times, March 6, 1908.

41 The Buffalo Express of April 7, 1908, credited the group with initiating "the movement looking to the repeal of the Percy-Gray law, under whose sections racetrack gambling was permitted."
at the Clarendon Hotel on the evening of April 6. They heard speeches by the Governor's father and by several others before the Chief Executive spoke. 42

Speaking at Utica on April 12, Hughes had predicted, "This state will be ablaze from Montauk Point to Buffalo and from Ogdensburg to Bay Bridge, Long Island, unless the Legislature obeys the mandate of the people." 43 He intended to demonstrate in subsequent appearances that the State was ablaze with indignation over Senate defeat of the bills, and that the State would hold the legislators accountable for a favorable vote at the special session. Accordingly, on the remaining three selected occasions, he was the principal speaker at meetings devoted entirely to the anti-gambling issue.

The Brooklyn Y. M. C. A. speech

On Sunday, April 19, the Governor's speaking began with an

42 The other speakers were Justice Luke D. Stapleton, Gilbert Eliot, and Henry R. Towne, president of the Brooklyn Merchants Association. Their topics were not indicated, but it is probable that some of them and most likely the Rev. David C. Hughes spoke about the anti-gambling bill. New York Times, April 7, 1908.

43 Buffalo Commercial, April 13, 1908.
overflow meeting before his address to 1000 men in the auditorium of the Bedford Branch Y. M. C. A. in Brooklyn. His audience was a nonsectarian one. The other speakers were two Congregational ministers, the Rev. S. Parkes Cadman and the Rev. N. M. Waters. The chairman, the Rev. John S. Carson of the Central Presbyterian Church, explained that the meeting had been called with the object of impressing upon some of our representatives in the Legislature the necessity of their changing their views regarding racetrack gambling, and he added, 'if they do not change their views, we will see to

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44 The New York Press of April 20 reported that Hughes held an overflow meeting in another part of the building before he made his principal address. The Chronicle of the same date stated that the 1000 or more people on the street who could not get into a hall demonstrated until Hughes spoke to them, "mounting the steps of a convenient doorway" in order to do so.

Although the meeting had been scheduled for four o'clock, the doors had to be closed at 3:30 because police said there were already too many standees in the hall. The audience was singing "The Star-Spangled Banner" when Hughes appeared at 3:58.

45 Among the clergy included in the vice presidents of the meeting were the priests of no less than twelve Catholic churches of Brooklyn. The Chronicle, April 20, 1908.
it that we change the men." The audience passed a resolution "unanimously felicitating New York State upon the fact that it had a Chief Executive who was a man both honest and strong," and another stating that "the citizens of Brooklyn, in mass meeting assembled, put themselves on record as in favor of carrying out the mandate of the Constitution with regard to all gambling."47

The Albany and Troy speeches

The Albany and Troy speeches occurred in packed theatres before audiences which included important business and professional men. Outstanding laymen as well as clergymen presided

46Ibid.

and assisted Hughes in presenting the message. Mrs. Hughes, who made no attempt to hear all her husband's speeches, was a

48 In Albany, "The meeting was called to order by Dr. Willis G. McDonald, who introduced James F. McElroy, ex-President of the Albany Chamber of Commerce, as the presiding officer. Bishop Coadjutor R. H. Nelson of the Episcopal Diocese of Albany, David A. Thompson, and Charles Gibson spoke.

"Resolutions were adopted declaring that the meeting supported the Governor's position against the race-track gambling, urging the local representatives in the Legislature to support him, disapproving the action of Senator Grattan in voting against the bills, recognizing Governor Hughes as a foe of special privilege, protesting against the idea that a representative in the Legislature owed his allegiance to his political organization rather than to the people who elected him, and declaring that conscience must be the controlling element with legislators in the consideration of public questions.

"After the meeting Governor Hughes was driven to Troy in an automobile, arriving there shortly before 5 o'clock....

"Before the arrival of the Governor speeches were made by the Rev. John Walsh, rector of St. Peter's Roman Catholic Church of Troy, and Corporation Counsel George B. Wellington. Robert Clovett presided....

"Governor Hughes was introduced by Mayor Elias P. Mann...." The New York Times, April 27, 1908.
member of these audiences. Since Albany was Barnes' stronghold, the Governor's earlier speech was appropriately the occasion for an attack on Barnes for bullying Senator Grattan.

The Speeches

Hughes had several rhetorical advantages at the beginning of his second campaign that he did not enjoy in the first. He possessed the full confidence of the people who would compose his immediate audiences. He had an ideal subject. In the minds of the majority of his audiences, he had all the logic and all the virtue on his side, and he personally epitomized both. Besides, he had the stronger emotional appeal, for he could capitalize upon the people's preoccupation with rebellion against privileged groups as well as their interest in the welfare of their youth. The Governor made excellent use of all these means of persuasion.

Argument and evidence

Before the Senate defeat of April 8, 1908, Hughes felt no obligation to build a constructive case for the anti-racetrack gambling bills because he thought there was no logical task to be accomplished. It was sufficient that the Percy-Gray law was unconstitutional as it stood and that he was offering an appropriate revision. He stated his position explicitly. At the Bronx, he declared the subject was "one of those rare cases which permit of no debate and where you can point to the plain and
un-ambiguous language of the Constitution." At the Brooklyn League, he stated, "I have heard nothing in the way of argument against these measures which meets serious consideration in the light of the constitutional provision."

He did not omit logical supports other than references to the constitution in the first two speeches, but he relied for effectiveness largely upon unsupported assertions acceptable to his audiences and upon reductio ad absurdum. After the Senate defeat, he presented a full historical development of the problem at the Brooklyn Y. M. C. A. to buttress his case.49 He continued to use portions of this constructive material at Albany and Troy.

The proposition.—Hughes stated his proposition clearly in each of the speeches. At the Bronx, he affirmed:

...It is the case of the People of the State of New York against book-makers and pool-sellers and those who are seeking to amass wealth by defying the fundamental law under cover of a statute which resembles the tricks of the gambling profession....

It is simply a question whether the people and their Constitution are supreme in this State, or whether we are ruled by gamblers and those who profit by gambling.

49A copy of the speech in the Fuller Collection at the New York Public Library bears the following list of topics on the back, apparently in Hughes' handwriting: "Introduction, Constitution, Ives Law, Constitutional Convention, Percy-Gray Law, Court of Appeals, Bills, Penalties, Party Organization, Conclusions." These subjects constitute a satisfactory topical outline of the speech.
After the negative Senate vote effected by Barnes and Fassett, he broadened the issue to make it one of representative government. At the Brooklyn Y. M. C. A., he presented it as "the plain question whether the people run the government of this State or whether it is controlled by gamblers and their political allies." (underscoring added) At Albany, he predicted that "All schemes will prove as child's play if the people set out to deal with a real issue of popular government and the supremacy of the Constitution of this State over race track gamblers."

His specific proposition might be stated as a disjunctive syllogism as follows:

**Major Premise:** Either the people must rule (through enlightened opinion) or the gamblers and their political allies will rule.

**Minor Premise:** The people must rule.

**Conclusion:** The gamblers and their political allies will then not rule.

The proposition was as congruent with the major proposition of Hughes' gubernatorial incumbency as his proposition for the first campaign; it could be stated categorically as follows:

**Major Premise:** (For the conservation of representative institutions), any law which is not in accordance with enlightened public opinion should be changed.

**Minor Premises:** The Percy-Gray law is not in accordance with enlightened public opinion.

**Conclusion:** The Percy-Gray law should be changed.
Hughes developed two syllogisms corollary to these as the campaign proceeded. These were the following:

**Major Premise:** All legislators who do not act in accordance with enlightened public opinion should be defeated.

**Minor Premise:** The legislators who voted against the anti-gambling bills did not act in accordance with enlightened public opinion.

**Conclusion:** The legislators who voted against the anti-gambling bills should be defeated.

**Major Premise:** Men who bully representatives to vote contrary to their oaths should be scorned.

**Minor Premise:** Barnes and Fassett bullied representatives to vote contrary to their oaths.

**Conclusion:** Barnes and Fassett should be scorned.

Because Hughes considered the moral implications of the gambling question to be obvious, he concerned himself chiefly with the governmental aspects. His case consisted of three contentions: (1) It was the intention of enlightened public opinion to prevent racetrack gambling at the time of the 1895 constitutional convention; (2) It was the intention of enlightened public opinion to prevent racetrack gambling and to control the government in 1908; (3) Enlightened public opinion was justified in demanding passage of the Agnew-Hart bills.

**The first contention.** - In each of the speeches, the Governor quoted the constitutional provision prohibiting racetrack gambling, ratified by the people in 1894, as evidence of popular intention at that time to prevent the practice. On the
Y. M. C. A. occasion, he introduced his argument as follows:

"Were they [the people] in ignorance as to the evil at which they struck? On the contrary, with full knowledge and deliberate intent they adopted this provision to get rid of the evil which, nevertheless, still flourishes. There never was a plainer case of the will of the people being flouted." He explained that the Constitutional Convention had been specifically "memorialized to end" the discrimination permitted by the Ives Law of 1887, which licensed racetrack gambling at certain times and places.

Next, he quoted extensively from three excellent authorities: the President of the Convention and two delegates, Edward Lauterbach and Mr. Moore. The President's testimony included the following statement of purpose: "What you want to reach is this evil which the Legislature has legalized, making one law in Utica and another law at Gravesend;..."

The Lauterbach quotation recounted the futile efforts made from 1887 to 1894 to correct the law, as "tens of thousands of young men and women have been hurled to their ruin through the instrumentality of the State that should have protected them...." It stated Lauterbach's intention in regard to racetrack gambling in these words: "Now here at this Convention, and in this presence, I implore that an end shall be put to it forever."

There should be no possibility of regulation or compromise:

"...let us pass this amendment, so that once enacted into law it may carry out its beneficent purpose and not prove a sham and a deceit...."
Mr. Moore's testimony refuted the prediction that the constitution would be defeated if it included the prohibitory amendment; it affirmed that there was no need to be frightened "by the spectre of seven hundred thousand of our gamblers coming up against the moral elements in this State." Furthermore, the issue was not a political one.

These three quotations—from the Convention president, and from Lauterbach and Moore—constituted strong documentation by authority of Hughes' first contention. Citation of the facts that the Convention adopted the amendment against racetrack gambling by a vote of 109 to 4, and that the people ratified it at the polls completed the development.

The second contention. — The second contention, that it was the intention of enlightened public opinion to prevent racetrack gambling and to control the government in 1908, needed little support with Hughes' audiences. Their presence in overflow numbers was sufficient proof of their acceptance of the assertion. The speeches contained an occasional reference to the large volume of mail Hughes had received on the subject after his request for testimonials.

The Bronx speech referred to the evils reportedly incident to race-track gambling as "testified to by associations of business men, by labor men, by the clergy, by teachers, by broken-hearted parents, by betrayed employers, and by men in every walk of life and in every occupation," and it implied
that all these people favored corrective legislation. The speech dwelled specifically upon the attitudes of the clergy, asserting that the clergymen stood for law and order, "genuine devotion to our institutions and sincere desire for the maintenance of just authority." The statement an attempt to refute Black's testimonials by two churchmen at the hearing. It did not receive very full development, but it was probably sufficient at least for the favorable immediate audience.

The third contention. - The third contention, that enlightened public opinion was justified in demanding passage of the anti-racetrack gambling bills, had two subpoints. In the first, Hughes asserted that the bills constituted the best way to meet the gambling problem; and in the second, he contended that the people were right in listening to the Governor and in holding legislators accountable to their will. The Chief Executive discussed the first subpoint at the Brooklyn Y. M.C. A., explaining the defects of the Percy-Gray law and the superiority of the Agnew-Hart bills.

In Section 351 of the Penal Code, which made pool-selling and book-making punishable by fine or imprisonment, the gambling interests had inserted a clause which stated "except when another penalty is provided by law." The Percy-Gray law provided "another penalty" for pool-selling and book-making at racetracks. It established that the punishment, on condition that the
delivery of a token or memorandum of the bet was dispensed with, should merely be liability to a civil suit for the money lost.

Hughes attacked the Percy-Gray law for thus licensing racetrack gambling instead of providing a deterrent. He cited "the experience of thirteen years" to support his assertion that the pseudo-punitive act was "ridiculously inadequate." He presented the Agnew-Hart bills as superior in two ways. First, they eliminated the exceptions in the Penal Code written to protect racetrack gambling and made the "same offense forbidden by the Constitution...subject to the same penalty wherever committed." Second, they supplied appropriate penalties.

Through definition and explanation, Hughes developed his claim that the new penalties would be superior. The bills made racetrack gambling a misdemeanor instead of a felony and provided compulsory imprisonment upon conviction instead of permitting fines alone. While a felony was punishable by imprisonment in a State prison and a misdemeanor by imprisonment in a county jail or penitentiary, it was the fact of imprisonment and not the place that he considered significant as a deterrent. Similarly, the length of the term need not be long; he argued that the certainty of imprisonment was more effective as a deterrent than the threat of a long term. Besides, he warned that the penalty should not be so severe it would not be imposed. Establishing racetrack gambling as a misdemeanor punishable by imprisonment
not exceeding one year would be an effective way to deter race-track gambling.

Hughes defended the proposal against the charge that the penalty was too drastic with regard to race-track gambling and too lenient with regard to pool rooms. He contended that it could not be both and in actuality was neither. Pool-room gambling had been a felony punishable by a $2,000 fine or imprisonment in a State prison for not more than two years; under the Agnew-Hart bills, the offense would be reduced to a misdemeanor to make it the same as that for racetrack gambling. Hughes pointed out that the greater penalty of the status quo was in practice seldom imposed; he quoted statistics as convincing proof. Of the twenty-one persons convicted for book-making in New York County in 1907, not one was sent to prison; six received suspended sentences and the remaining fifteen paid fines totalling only $1,680. Of five convictions for maintaining a gaming house, one person was sent to a penitentiary, one escaped with no punishment, and the remaining three paid fines aggregating $100. This evidence was conclusive proof that fines were inappropriate penalties and that long prison sentences were not likely to be invoked. It made the argument appear more likely that the misdemeanor penalties proposed for racetrack gambling would be appropriate also for pool-room gambling.

In developing through refutation the advantages of the Agnew-Hart bills in meeting the problem, Hughes generally used
a two-pronged approach. First, he supplied the missing major premise the gambling interests were implying in their objections to the bills. Frequently, he demolished the entire contention through the mere exposure of the illogical premise. In other cases, he extended the argument to show its absurdity in application.

In the speech at the Bronx, he used both approaches to attack Black's position on the constitution. Without calling him by name, he referred to Black as "a distinguished citizen of this State, who has held its highest office." Then he proceeded to establish that the major premises of the weak syllogisms in the ex-Governor's chain of reasoning could be expressed approximately as follows: If the constitution interferes with your philosophy, pleasure, or financial interests, it may be disregarded. If you cannot prohibit all gambling, it is fruitless to prohibit any. If gambling is an inherent vice, it cannot be stopped. If you cannot stop gambling absolutely, it is better to regulate it.

In treating the first premise, Hughes exposed its nature and then showed as follows the dangerous consequences of acting in accordance with it:
...Does the Constitution mean anything? Does the oath of office mean anything? Have we reached a point where we are to debate the fundamental principles of government? Do the opponents of the anti-gambling bills now before the Legislature mean that the Constitution is a good thing when it doesn't interfere with their pleasures or their money-making desires, but that it may be disregarded when it hurts their pocketbooks or opposes their philosophy? Those who give that doctrine to the people will one day reap a terrible harvest. We either have constitutional government or we do not have it....If it is an easy thing to override the Constitution in order to protect gamblers, some day it will be an easy thing to override the Constitution in its protection of property.

At Troy, he developed more fully by explanation the importance of the fundamental law:

There is no more imperative duty than that we shall have impartial laws impartially executed. The people have said that we will take no chances as to the action of a transient majority in certain matters; but they will write in their constitution a fundamental law which every officer of government shall be sworn to observe until it is legally changed, and the important question before the people of this State to-day is whether those are words that can be bought or whether they are verities that must be sustained.

At the Brooklyn League, he disposed of the assertion that the vested rights of the racetrack interests were valid and should be protected. His method was to use a series of rhetorical questions which probably pleased the audience:

Under what provision of the Constitution or the laws is there any vested right in maintaining gambling privileges? Are we to recognize vested rights in the profits of lawbreaking? Or in apparatus, machinery and privileges for law-breaking? Does the fact that the Legislature has failed to impose an adequate penalty for the commission of an offense create a vested right to continue in committing the offense?
Hughes argued by analogy to destroy the argument that it was fruitless to prohibit racetrack gambling if all forms of gambling could not be prohibited. He showed that lotteries had at one time been permitted but that abolition accomplished by the Constitutional Convention of 1821 had been successfully enforced to eliminate the evil. He used this reasoning in several speeches, following it in the one at the Bronx with the sarcastic query, "If you cannot reach every bet of a cigar or every chance or grabbag, is that a reason why we should repeal the law relating to lotteries and revert to the scandals of earlier days?" Three rhetorical questions later, he demolished in these words the "inherent vice" objection: "Shall we erect a Monte Carlo and legalize gilded gambling saloons where the inherent failings of human nature may have free exhibition, and not indulge in the humbug of attempting to prohibit them, because, forsooth, we cannot reach the wager of a box of candy?" At Troy, he made the following persuasive distinction, "You cannot make men good by law, but you can wipe out plague spots. You can't change a man's heart or alter the condition of his nature, but you can prevent sources of temptation through which our youth are corrupted from being maintained by tricky legislation." At the Bronx, he clinched the point by turning the tables, "Why the very fact that we can stop it is the explanation of the tremendous opposition to our efforts."
In answer to the argument that it would be better to regulate racetrack gambling than to abolish it, Hughes cited the fact that the constitution did not permit an act of regulation, only one of prohibition. In answer to the assertion that reformers were too radical and that regulation offered a more moderate approach, he pointed out that the people must be the "radical" reformers, since they had specified prohibition in 1894 instead of regulation.

Hughes disposed briefly of several minor objections: that the bills should not be supported because they were unpopular and politically embarrassing, and that Democratic Senators should oppose measures supported by a Republican governor. He declared to the Brooklyn League, "It would be a sad thing if in truth it had become unpopular to stand by the Constitution." Thus he recognized neither that the bills were unpopular nor that unpopularity would constitute sufficient grounds for refusal to support them. At Albany, he exclaimed similarly, "As if it ever should embarrass any party to insist upon compliance with the Constitution!"

Then he turned the tables by adding, "Whatever embarrassment there may be will follow upon opposition to the sentiment of the State that the Constitution be obeyed." Speaking to the Brooklyn League, he orated, "The highest expediency is to do right, and the party to which I have the honor to belong can never afford to avoid an issue where the right is so plain and the people understand it."

He paid tribute in the same speech to the many Democrats "who,
although these measures were recommended by a Republican Governor, could not be cajoled, threatened or seduced to vote against their duty and their conscience."

The second subpoint of the third contention (enlightened public opinion is justified in demanding passage of the anti-racetrack gambling bills) was that the people were right in listening to the Governor and holding legislators accountable to their will.

At Troy, Hughes affirmed, "The way to bring about reforms is to have the issue defined, to have public opinion express itself, and then to hold the immediate representative of the people accountable for his discharge of duty to them and not to anybody else."

In developing the argument, he partitioned it as follows: (1) It is the duty of the Legislature to pass appropriate laws against gambling; (2) It is the duty of the people to hold their legislators accountable; (3) It is the duty of the Governor to instruct the people on the matter.

To establish the first subpoint about the duty of the Legislature, Hughes refuted the contention that the Court of Appeals had sustained the Percy-Gray law. He did so with special force at Albany:
...the Court of Appeals has not said that book-making does not exist at the race-tracks; it has not said that book-making is not prohibited by the Constitution; it has not said that it is not the duty of the Legislature to pass laws to prevent it; it has not said that the penalty provided by the Percy-Gray Law is adequate or sufficient. On the contrary, it has said that book-making on the race-tracks is in conflict with the spirit and purpose of the Constitution. And the sum and substance of its decision is that it is not the province of the court to say whether penalties are adequate or sufficient; that it is not for the court to say whether one penalty will be less effective than another. That duty the Constitution imposed upon the Legislature.

Summarizing and proceeding to the next subject, he continued: "The Legislature has the power, and for the exercise of its power it is accountable to the people." At Troy, he asserted, "the people well know what an appropriate law is and what adequate penalties." Citing the fundamental law, he declared, "...the people by virtue of their powers have the right of coercion to compel their representatives to do what they should do under the Constitution." Attacking Barnes and Fassett, he proceeded, "The people elect their officers to act according to their conscience in accordance with their oath of office. They do not elect them to take the bidding of particular men. If a man desires to control a vote of a legislator, then let him run for office and be the legislator." In the Brooklyn Y. M. C. A. speech, Hughes used a telling quotation from Chief Judge Denio of the Court of Appeals to complete the proof: "There is room for much bad legislation and misgovernment within the pale of the Constitution; but whenever this happens, the remedy which the Constitution provides by the opportunity for frequent
renewals of the legislative bodies, is far more efficacious than any which can be afforded by the judiciary."

Hughes defended his right to advise the people to hold legislators accountable for upholding the Constitution. Contrasting his own procedures in appealing to public opinion with the secret manipulations of the bosses, he declared that the charge was "amusing coming from those who try to convert our politics into a feudal system with its petty tyrannies, and find their chief delight in exercising authority over elected officers."

At Troy, he simultaneously defended his own course and rallied the people to their duty:

...The Executive is doing his duty in telling the people why. The Executive has not intimidated any member, or tried to seduce any member. This is a time for observance of the principles of representative government. He has held up before the people the duty of the Legislature, and from one end of the State to the other, the people have said that duty must be performed....

At the Brooklyn Y. M. C. A., he labeled the charge of executive usurpation a diversionary tactic and declared that the issue before the people could not be "hidden under denunciations of the Executive." At Albany, he termed the accusation evidence of "a scurrying around...to find some basis for collateral attack" since the main issue was invulnerable.

Hughes utilized logical proof satisfactorily during the second campaign as he did during the first. In the first two anti-racetrack gambling speeches, he referred largely to the constitution and to his own experiences and those of the audience
for proof. When he felt more support was necessary in subsequent speeches, he used historical facts, statistics, literal analogies, and testimony. Except at the Brooklyn Y. M. C. A., he gave more attention to exposing the inadequacies of opposition logic than to building a case himself. *Reductio ad absurdum* and turning the tables remained favorite methods of refutation.

He continued his analytical approach by searching for the premises basic to opposition arguments and for the motives impelling opposition deeds. The typical pattern of his reasoning was causal. He probed for the causes of ineffectiveness in the Percy-Gray bill and for the causes for defeat of the Agnew-Hart bills. He established the probable effects of adopting the Agnew-Hart bills (freedom from the gambling menace and strengthened representative government) as desirable goals. He established the probable effects of his opponents' recommendations as iniquitous or absurd.

Hughes marshalled his logical materials so effectively that, as newspapermen frequently commented, he not only "left his adversaries with nothing to say in reply"\(^{50}\) but also showed up the "shallowness" of their arguments in a manner to make their position ridiculous...."\(^{51}\)

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\(^{50}\) *New York Daily Tribune*, June 12, 1908.

\(^{51}\) *Rochester Union*, March 6, 1908.
Emotional proof

In the anti-racetrack gambling campaign, Hughes was never the patient instructor but always the fiery advocate. From the opening word of the first speech until the final word of the last, he endeavored to involve his auditors emotionally in his cause.

Even the logical proofs had a strong emotional basis. The proposition was a stirring call to arms. The causal arguments explored the reasons why the people were not getting what they wanted. The testimony of authorities carried emotional overtones in descriptions of exploited youth.

Motive appeals.--Fear remained the strongest appeal. It appeared in two roles, as a motivator of the people and as a motivator of the politicians. In the former, its basis was also twofold, centering in the people's interest in property and their interest in family life. In the latter, its basis was job security and prestige.

Hughes made clear that the safety of the people's property rights was dependent upon the integrity of the constitution. He had thus a still more powerful appeal than in the first campaign, for many honest large and small corporations men then sincerely felt the threat to their business property interests under utilities regulation to be greater than the threat of popular discontent if consumers' needs went unheeded. On the racetrack question, he threatened the property rights only of the gambling interests who imperiled the property of the majority by tricking
the constitution. He made it clear also that the gambling situation was a constant menace to family life, contributing to "blighted manhood" and "ruined homes." He spoke of the concern of the farmer whose son leaves home for the city that the boy should not succumb to the gamblers' lure of "something for nothing."

Warning the politicians bluntly that their jobs and prestige were at stake, he declared at the Bronx and elsewhere, "No political party nor leader can afford to take the side of the gamblers against the people." From the time of the Brooklyn Y. M. C. A. speech forward, he warned: "Let no one suppose that the issue can be ignored. It will remain a live issue until the Constitution prevails."

Hughes effectively combined appeals to social responsibility, social approval, and personal honor. He exhorted the people to answer the call, as so many others were doing, to act for the common good. He praised the people and the legislators of the districts where the Assemblymen and Senators had performed their duty for the constitution. In districts where the legislators were derelict in their duty, he pointed out that the people shared their guilt. He brought the point home to the Albany audience when he reproved them as follows: "What a humiliation it is for a community, and what an abuse of leadership, when any man is able to say that he assumes responsibility for the vote of a Senator!"
With equal skill, he combined appeals to patriotism and pride. Reminding his listeners in the Brooklyn Y. M. C. A. meeting, for instance, that "the effort to maintain special privileges for race-track gambling has been defeated in many States," he challenged them also to "require obedience to the mandate" of their constitution. It would require, he said at Troy, "the same spirit that impels our representative government and that fired our fathers...." He was confident that they would respond, for he had "never taken a disappointing view of American life."

**Praise of the audience**

By indicating appreciation of their intentions and their contributions, Hughes hoped to keep the faithful on his side. By attributing good motives to the undecided and the mildly hostile, he hoped also to influence them to stand with him. He frequently opened his speeches by acknowledging the help and inspiration the people's support gave him. He noted the contributions of groups and individuals. He made a typical general statement of this kind in the opening of the Brooklyn League address when he said, "I congratulate you and the other citizens of the State upon the progress that has been made toward securing the abolition of race-track gambling." Later in the speech, he singled out the Democratic Senator of the district, Charles Fuller, for special praise: "...I wish now
to express my highest respect for those Democratic Senators—
one of them your esteemed fellow citizen—who...could not be
cajoled, threatened or seduced to vote against their duty and
their conscience." By implication, he praised the people for
exercising a responsible influence upon their Senator.

More often than in the public utilities campaign, Hughes
praised the audience for its intelligence and virtue. At the
Bronx and elsewhere, he made statements like, "There is no
intelligent man in this State who does not know that the Legis­
lature has failed to pass appropriate laws to prevent pool-
selling and book-making at racetracks...." He was particularly
explicit at Troy, declaring "...every influential American
citizen knows that it is the intelligence and conscience of the
people that preserve our institutions and that always can be
depended upon for fidelity to them" and "...the people well
know what an appropriate law is and what adequate penalties."
The following is a representative longer passage from the same
speech designed to please and inspire the listeners:
...this country is run by the honest toilers of America who work with hand or brain in humble position or with great opportunity for influence,—men who ask nothing from the government but impartial and fair opportunity; men who are not seeking to get something of the forms of Republican government at the expense of their fellow citizens. And when you present to the American people so they can see it a vital issue or democratic institution, they come with a force and a determination to preserve them inviolate which sends all of these miserable speculators and ne'er-do-wells running in fright.

Hughes utilized praise of the audience to help make his hearers receptive to his exhortations. He sent them home with motive appeals so strong that many subsequently followed his recommendation to insist that their legislators support his program.

As in the earlier campaign, he capitalized upon fear to the greatest extent as an impelling motive. He did not fan groundless fears, and he did not exploit legitimate ones for personal ends. Rather, he made the people sensitively aware of the common social and political values in the situation which they would consider worth protecting. At the same time, he instilled in a large number of politicians a wholesome respect for the power of an aroused electorate. Thus, with fear as with his other appeals, Hughes was careful that the means he employed were as worthy as his ends.

Ethical proof

The anti-racetrack-gambling campaign offered Hughes the ideal opportunity to use the persuasive appeal of his own character, sagacity, and good will in the service of the people. It was a challenge he met with zest and good taste.
Character. - The Chief Executive appreciated that the contest between the gambling interests and the people had ethical values as well as emotional ones. He therefore consciously associated himself with the virtuous "moral forces of the state" whom he pictured battling against the wicked "coalition of unscrupulous forces and unrighteous wealth." He dramatized himself as a highminded leader motivated by a sincere sense of duty. At Troy, for instance, he asserted:

...if I were ever tempted to falter in what I believe to be my duty, there would come before me the vision of the thousands that I have met while I have been Governor who have looked me in the eye and have said, some times in speech, and some times in the unspoken word which came from the eyes, and in the pressure of the hand, 'stand to your trust, the people of the State are with you.'

He asserted his own freedom from ulterior personal interest as follows:

Now this is not a personal affair of mine. My interest is not bound up in it. If I have not presented a matter which carries weight, which wins in fair discussion, there is nothing but a hollow voice and the end would be swift. I have nothing but the presentation of a law according to my duty to the people, and with them will be the reckoning.

Again, he declared at Albany concerning the special session:

"...I deem it my duty once more to present the question and to afford opportunity for the representatives of the people to carry out their vision and comply with the explicit mandate of the Constitution."

While defending himself from charges of Executive usurpation and of radicalism, he also reinforced his own
character. He called attention to his virtue at Albany when he declared, "I have not sought to bribe it [the Legislature]; I have not threatened its members or endeavored to seduce them by promise of patronage." He claimed the solid conservative virtues of the audience for himself at Troy when he pointed out that he was no more radical on the issue than the people were.

**Sagacity.** - To make his audience aware of his sagacity, he emphasized his fairness and his wisdom. He called attention to the fairness of his proposal and of his methods in urging it. Speaking at the Brooklyn Y. M. C. A. about gambling penalties, he stated, "This manifestly is fair. It is democratic. The same offense forbidden by the Constitution should be subject to the same penalty wherever committed." Calling attention at the Brooklyn League to the fact that he had conducted "an open battle in fair argument," he thus emphasized his strength while implying that the opposition had been selfish, underhanded, and lacking in logic.

Hughes showed wisdom by explaining that he would not make sweeping denunciations of the Legislature. At Troy he explained his view as follows:

...I believe in giving the Legislature in both branches the full meed of respect. I have no sympathy whatever in detraction of public officers. You can't have public officers who will do their duty if you don't stand by them when they are trying to do it.

A reckless aspersion of houses of the Legislature in condemnation of all in authority is not the way to bring about reforms....
He had here a logically sound position since he wanted to strengthen representative institutions; furthermore, he presented it so that he received full ethical value as a wise man capable of making appropriate distinctions. He gained stature as a person by confining his condemnation to individuals he considered wrongdoers like Barnes and Fassett.

**Good will.** - To achieve good will, Hughes identified himself with his listeners and used good judgment in complimenting them. He offered rebukes tactfully. He presented his cause candidly.

Hughes was skilled in adapting introductions to gain good will through compliments and identification with listeners.

At the Bronx when he followed a speaker on naval preparedness, he opened by stating, "You have heard of the horrors of war.... Now I'll tell you of the horrors of peace." Then he continued:

I have been touched and thrilled by this sense of comradeship on the part of the thousands and thousands of New Yorkers I have met,...and I know that it is backing up the men who stand for the right. In the solitude of the Executive Chamber it makes you feel that there is a great army outside at your back, and that this army will stand by you in your effort to accomplish that which it is right to accomplish.52

On the Brooklyn League occasion, "The Governor spoke of his residence in Brooklyn and said he was for everything that Brooklyn wanted, for he knew it would benefit the entire city,

52New York Times, March 6, 1908.
and he looked forward to the day when all jealousy between boroughs would be at an end."

The following are instances of Hughes' tact. He told the Brooklyn League audience that the Percy-Gray act stood "simply for the purpose of misleading some good people who have not looked too closely into the matter." At Troy, he said of the majority of the Senators who had voted against the bill, "...I believe that those who voted on the other side when they come to think about it more carefully and see the issue more clearly, and there has been a further discussion, will see the mistake and come out in accordance with the Constitution of the State."

Unless there was obvious ground for doing so, the Chief Executive did not impute evil motives to those who did not agree with him. He gained good will by permitting people to retain their self respect while changing their minds to support his proposal.

Even when he sought to make his listeners feel they shared the guilt of a boss-controlled Senator, Hughes made it clear that he was confident they would act more responsibly in the future. He projected his belief in the people so ably that it was an important aspect of his persuasion.

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53 *Buffalo Express*, April 7, 1908.
Hughes showed wisdom, sincerity and good taste in refusing to use two materials that he might have exploited. The first was the bribery charge. By refusing to honor it, he demonstrated his intention to confine the argument to a high level and to the real issue. The second possible support he ignored was the threat of kidnap and murder. He exhibited good taste to avoid dramatizing himself as unafraid in the face of threats; he exhibited sincerity once again in choosing to keep the conflict centered upon the issue rather than upon himself.

In the fight for the people against the gamblers, Hughes made full rhetorical use of his power to command confidence. He had the full support of the press, since it had urged him originally to take up the anti-racetrack-gambling cause. Throughout the campaign, he received newspaper help in building his ethos. In presenting his speeches, he utilized and increased the people's confidence in him through ethical appeals. He used them with such skill that one familiar with the speeches and the audiences can understand the people's willingness to "hiss the gambler villains" and to cheer their persuasive leader.

Organization

As in the earlier campaign, Hughes' fault in organization was the relatively minor one of weakness in transitions, and his strength lay in thematic emergence. Except in the Y. M. C. A. speech, he ordered his points satisfactorily but not with special precision.
Hughes had a tendency to use such words as now, and, but, and then as means of introducing ideas; he seemed to include them as a gesture to the convention of a transition rather than as an indication of the exact relationship between ideas. In the Troy speech, for example, he introduced the important point about boss domination of legislators by saying, "And then we have the question of representative government." However weakly the idea was introduced and related to other ideas, though, it was invariably related clearly to the proposition.

In each of the first four speeches, the division between introduction, body, and conclusion was so definite, with the proposition clearly stated and placed between the introduction and the discussion, that the speeches might, in this respect be regarded as models. The Troy speech stated the proposition somewhat less sharply than the other four but still more clearly than the majority of speeches by public men. Each had a relatively short introduction of one to three paragraphs and a relatively short conclusion of about the same or a little greater length.

Organization for the speech to the Y. M. C. A. mass meeting followed the logical form. It developed a careful argument, proceeding from contention to evidence to conclusion. It began with a framework of the following questions: "Why should racetrack gamblers be a favored class? Why did the Constitutional Convention recommend this provision, and why did the people adopt it? What was the situation when this constitutional provision
was adopted in 1894? But what is prohibition without a penalty?"

It changed to statement form for the final contention that "the penalty should be adequate and such as will operate as a deterrent." It included one somewhat unrelated refutative argument at the end, introduced with no transition except a nor: "Nor will the people be confused by talk about party organization," but the over-all effect was one of tightly-knit argument.

The Albany and Troy speeches began with fairly orderly plans of arrangement. The first two-thirds of the Albany speech discussed the constitutional provision, the recent history of anti-racetrack gambling legislation, the Governor's explanation of the Senate defeat, the early history of anti-gambling legislation, and the duty of the legislature. The Troy speech developed these topics: the immediate situation, the history of anti-gambling legislation, the question whether the Percy-Gray law should be maintained, and the question of representative government. Organization in the final portions of these speeches and in the two at the Bronx and the Brooklyn League was refutative, with no apparent system determining the precedence of points.

The prevailing looseness of arrangement should probably not be considered a weakness in terms of audience acceptance. The people came to enjoy hearing the Governor administer a series of telling refutatory blows; they probably cared little in what order he seized upon opposition assertions. Furthermore, if he did not always complete his demolition in one attack but returned
later with an additional reason or bit of evidence against a
previously-mentioned opposition point, that did not lessen
audience pleasure in the exhibition of strength. If the
assertion had enough vitality remaining after the first blow
to fall with a second mighty crash, the listeners were only
the more pleased.

Style

Hughes' style in the anti-racetrack-gambling campaign was
just as clear as in the first appeal. It was just as forceful
as it was at the peak of the first campaign. In addition, it
was vivid. The generally colorful effect resulted, first, from
the over-all approach presenting good in conflict with evil,
and, second, from the picturesque language used to develop the
approach.

Hughes swept the listeners along with him in vigorous
affirmation and scathing denunciation. Declaring "They are
trying a most important case in the Legislature," the former
lawyer announced, "There can be only one issue to this trial."
He offered no compromise, no alternative, no conciliation:
"We either have constitutional government or we do not have it."

With no necessity to qualify the language he aimed at
iniquitous targets, the Governor used rhetorical questions,
exclamations, repetition, and parallel structure to help
reinforce his fighting intent. Before the Brooklyn Y. M. C. A.
mass meeting, he demanded:

Why should race-track gamblers be a favored class?
Is it because of just argument? Is it because they can provide a better plan for the regulation of morals than that adopted by the people in the Constitution? Or is it that by the coalition of unscrupulous forces and the tremendous power of unrighteous wealth, they are able to dominate this State?

At the Bronx, he thundered:

Does the Constitution mean anything? Does the oath of office mean anything? Have we reached a point where we are to debate the fundamental principles of government? Do the opponents of the anti-gambling bills now before the Legislature mean that the Constitution is a good thing when it doesn't interfere with their pleasures or their money-making desires, but that it may be disregarded when it hurts their pocketbooks or opposes their philosophy?

To the Brooklyn League, he exclaimed: "What a farce it is! What a humbug and pretense to talk about the wisdom of a policy of regulation in connection with the Percy-Gray law and with regard to the enforcement of the plain provision of the Constitution of the State!"

Hughes had an appropriate subject for sarcasm. He sneered at the "heroic efforts" made by special policemen to stamp out gambling at racetracks. He doubted that the people of Albany enjoyed additional "peace of mind to be informed that...[the defeat of the Agnew-Hart bills] may be ascribed to the forged alteration of a telegram or to the influence of a local political leader." Referring to the cunning of the Percy-Gray law authors, he declared, "Here ingenuity showed its artistic work."
The purpose of his invective was not to entertain, as with ex-Governor Black. Although he lightened an occasional speech with sarcastic humor, he was not flippant. The Chief Executive was in deadly earnest; the constitution was being flouted, and he intended to restore it to the place of respect he felt it deserved. He was giving speeches of more than a deliberative nature; he was giving speeches of praise and blame designed to indicate to the people the leaders as well as the courses of action they might honorably follow.

Figurative language enriched the speeches. The quotation from Constitutional Convention Delegate Moore contributed two words, spectre and phantom, which the Governor subsequently used often; they appeared in these sentences: "I am not frightened, Mr. President, by the spectre of seven hundred thousand of our gamblers coming up against the moral elements in this State. I am not frightened by any such phantom as that." Other speeches offered "the full meed of respect," plausible arguments "intended to throw dust in the eyes," and "the cobwebs of sophistry."

Connotative words directed emotions. These included "piteous letters" received from "broken-hearted parents and teachers," "betrayed employers," and members of "ruined homes." Vivid epithets included "deceitful statutes," "the revolting nakedness of their usurpation," "this vortex of temptation practically created by iniquitous laws," "the American Menace," "the gambling hells of the continent," "the tremendous power of"
unrighteous wealth, the cunning of skilled manipulators," and "the finest specimen of legislative ledgerdemain." Each speech referred to the racetracks where gambling occurred as "plague spots."

Two Biblical expressions arose naturally from Hughes' background to reinforce his moral pleas. One of these was the reference to gamblers as people who wished to reap where they had not sown and to gather where they had not strewn. The other was a paraphrase, "Do not be deceived! The people are not mocked!" A comparison with the days of Tom Paine was as appropriately suggestive to reinforce the patriotic appeal: "...this is a time of struggle and test,—a time which tries men's souls!"

The conclusion of the Albany speech offered a strong figure of speech expressing Hughes' philosophy in the campaign:

The other day someone suggested in bitterness that a stake might be erected in front of the Capitol at which opponents might be burned. The irony misses its mark. The fires of executive reprisal have not been lighted during this administration. But there is a fire which in a democratic community should always be replenished,—the fire of public opinion, kindled and renewed by the intelligence and conscience of the community—a destructive fire, blasting the ambitions of those who are faithless to their trust, consuming the baseness and the treachery to our ideals which enter into our political life,—a wholesome, purifying fire which throws off the dross and gives us the pure gold of honest representative government.
Effect

Passage of the Agnew-Hart bills meant defeat for the gamblers and their boss allies; it meant victory for Hughes—for his idea of government and his ideals of speechmaking—and for the people.

Immediate reaction to his individual speeches and to his campaign as a whole was overwhelmingly favorable. There was a general feeling that, without the Governor's energetic leadership, the people could not have withstood the pressure of the gambling interests and would not have upheld the anti-gambling clause of the constitution.

Immediate effect.—Individual speeches drew the following comments: "a speech full of fire,"54 "a forcible attack,"55 "a telling speech."56 The Brooklyn Y. M. C. A. address "aroused great enthusiasm"57 and stimulated a "wonderful demonstration."58 The Albany and Troy occasions were "two rousing meetings."59

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54 New York Times, March 6, 1908.
55 Buffalo Express, April 7, 1908.
56 New York Tribune, April 28, 1908.
57 New York Press, April 20, 1908.
58 Brooklyn Standard, April 20, 1908.
Concerning Hughes' appeal as a whole, the Daily Tribune declared that "he met with a prompt and hearty response. The campaign for the bills was remarkably able. His speeches were fair, lucid and convincing." The Evening Post wrote, "No one could have fought a better fight with greater determination than he. No advocate could have put the facts more plainly or in a fairer way;..." As usual, writers praised the Governor's mastery of logical proofs. Furthermore, they had a high degree of awareness and appreciation for his handling of ethical and emotional appeals on the gambling issue. The Evening Post noted: "...wherever he has appeared the people have risen to his words, recognizing in him that rare person in our political life, an absolutely honest and fearless man engaged in an unselfish undertaking for the common weal." The Daily Tribune agreed: "...no one asks what his secret motives are or what he expects to gain personally;..." The Sun summarized: "...As the contest progressed he exhibited again at their best the qualities that first established his public reputation—remarkable patience, uncommon vigor, genuine

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60 New York Daily Tribune, June 12, 1908.
61 The Evening Post, June 11, 1908.
62 The Evening Post, June 11, 1908.
63 The Daily Tribune, June 12, 1908.
faith in his cause, and magnificent perseverance." The Globe observed approvingly the restraint of his emotional proofs:

...he refused to play the role of demagogue, and refused to be a fanner of suspicion. The air has been thick with rumors that money was being used against the bills. It would have been easy to join in this hue and cry, and its raising might have made the task more easy. Governor Hughes--and his silence seems the fruit of mature deliberation--shut his lips against this species of campaigning... He argued the case as if the men opposed to him were honest and were controlled by a desire to advance the public interest. Other governors have sought to make out the legislature to be worse than it is; Governor Hughes acted on the assumption that it is better than it is....

The victory was the Governor's. The Daily Tribune declared, "The result is a great personal triumph for Governor Hughes." The Sun contributed: "His was the only leadership that deserved attention..." According to The Evening Post, "Everyone concedes that, but for him, the intrenched race-track gamblers could not have been dislodged..."

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64 The Sun, June 12, 1908.
65 The Globe, June 12, 1908.
66 New York Daily Tribune, June 12, 1908.
67 The Sun, June 12, 1908.
68 The Evening Post, June 12, 1908.
Long-range Effect. - Hughes' campaign against racetrack gambling did succeed in reaching the bosses who protected it. The New York Tribune observed, after the Albany speech, that effects were quickly discernible: "County bosses are already disclaiming responsibility for the way their senators vote... they do not purpose to be dragged down in the ruin that they see impending for those who voted wrong..." Even Barnes felt compelled to issue a statement, in direct contradiction to his earlier announcement, that he "had not coerced Senator Gratton into voting for the gamblers." The Evening Mail summed up the long-range political effect of Hughes' campaign as follows: "The bosses have been defeated and discomfited, and exhibited before their allies, the race tracks, as unable to deliver the goods, when the people ordered otherwise. The house of politics is cleaner than it was—thanks to 'the animated feather duster.'" Significantly, five of the senators who voted against the gambling bill failed to win re-election.

The campaign had important political-rhetorical results. It demonstrated once again that government was possible through public opinion enlightened by the Chief Executive's rhetorical efforts. It demonstrated an effective and constructive use of emotional appeal. It demonstrated that Hughes' ethical proof had a powerful appeal to the popular New York audience.

69 New York Tribune, April 28, 1908.
70 Ibid.
71 The Evening Mail, June 11, 1908.
CHAPTER SIX

THE DIRECT NOMINATIONS CAMPAIGN

In contrast with the first two legislative campaigns, the third was not a whirlwind struggle of a few weeks or months. Instead, it continued with greater and lesser intensity throughout the first year and one half of Hughes' second term. Periodically, it would open with the announcement of a new phase from the Executive or the newspapers; a lull would occur, and then the appeal would begin again.

In further contrast with the first two campaigns, the third did not end in victory. All the direct nominations proposals introduced during Hughes' governorship succumbed to legislative opposition.

Although objectionable to the bosses, the direct nominations principle was appealing to the people. Before the campaign in the Orleans-Niagara district to elect William Wallace, The Press had explained that the anti-boss theme was superior in the region to the gambling one and had predicted
victory for Hughes if the Governor would incorporate the stronger appeal.¹

Hughes did use the direct nominations argument in his stump­ing trip for Wallace and then incorporated it in his Albany and Troy speeches as he reinterpreted the anti-racetrack gambling problem as an issue of representative government. By bulldozing legislators, he charged, the bosses were not only preventing constructive action on the moral question of gambling but were also engaging in activity which was immoral in itself. The remedy Hughes recommended was a system of direct nominations which he felt would permit selection of candidates who would be accountable to the people rather than to bosses.

Hughes used the argument during his summer speaking engage­ments at the county fairs. He found it so effective that some of his followers credited it with bringing about his re-election²

¹"...In this boss-ridden community direct nominations is a live issue. The proposed repeal of the Percy-Gray law is not regarded in the same light.

"...The Republican voters are weary of quarrels in which they have no real interest and which are kept alive purely by the selfish aims of so-called leaders. If Governor Hughes touches on this phase of politics in his addresses here and in Orleans county he will strike a chord of genuine interest." The Press, May 7, 1908.

²Since the argument had no appeal for party bosses, the Republican platform conspicuously failed to mention it.
in the fall. He announced in his inaugural speech that he intended to press the Legislature for immediate nominations reform.

The Problem

Two political blunders added to Hughes' difficulty in the campaign. These involved premature presentation of his plan for direct nominations and premature announcement of his resignation to accept a Supreme Court judgeship. Two other decisions—substituting Hinman for Travis as co-sponsor of the bill and obtaining Theodore Roosevelt's endorsement of direct nominations, may have been a partial mistake.

Premature presentation of his plan

In this appeal, the Governor departed from his policy of keeping proposals secret until he presented them officially to the lawmakers. Three weeks before introduction of his direct

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3"And take it from me it was Direct Nominations talked around at the County Fairs that did the trick, finally. Of course the Governor's record couldn't be seriously assailed anywhere, but what got the masses fighting was Direct Nominations." Letter from H. D. Hadley, Office of the United States Customs Collector, Plattsburgh, N. Y., to Robert Fuller, September 19, 1903.

4"Only about a score of legislators" heard his speech and few other politicians bothered to attend the inauguration ceremonies. New York Times, January 2, 1909.
nominations bill in the Legislature, he revealed his plan to
the Young Republican Club of Brooklyn. Thus he gave opponents
the opportunity to attack the bill even before it was intro­
duced. He robbed supporters of the opportunity to offer a
creative solution in a neutral atmosphere.

As a speaker on the same Brooklyn program as Hughes,
President Jacob Gould Schurman of Cornell University—a staunch
Hughes supporter until the direct nominations issue—attacked
the plan immediately after Hughes presented it. He continued
to campaign strenuously thereafter against the bill. According
to the Times, he was considered by the opposition to be its
strongest champion.⁵

Assemblyman Hart continued his allegiance from the anti­
racetrack gambling campaign to the direct nominations one, but
Senator Agnew had mental reservations concerning the primaries
proposal. He wrote, "I am in hearty sympathy with the scheme
as a theoretical proposition, but the more I consider it, the
more I find what I consider to be unworkable details cropping
up..."⁶ Agnew was torn between the demands of his intellectual

⁶Letter from Agnew to Hon. Gherardi Davis, 44 Pine Street,
New York City, January 30, 1909.
integrity and of his loyalty to the Governor.\textsuperscript{7}

Instead of being almost unanimous in support as in the case of the gambling issue, many newspapers either offered lukewarm encouragement or rejected the reform altogether. Granting that it "has never been an ardent champion of direct nominations,"\textsuperscript{8} The World nevertheless recommended a trial of Hughes' experiment since the paper's publisher believed the choice lay between boss nominations and popular nominations. The Sun, which had never equalled The World in support of the Governor, flatly opposed

\begin{quote}
7P. T. Sherman, New York Attorney, wrote Agnew on February 15, 1909, urging him not to let his feelings for Hughes cloud his judgment: "I write to urge you to consider and act upon the question of direct primaries on its merits and not to support their adoption merely because they are advocated by the Governor, although his recommendation should be considered a strong argument in their favor. Public discussion of the question has been too much on the lines of for or against the Governor. This should not be. And no legislator should vote for a proposition in which he does not believe, or for an experiment which he knows is doubtful, because contrary action would expose him to the danger of being unjustly classed with those who are captiously opposing the Governor."

8The World, January 16, 1909.
\end{quote}
his plan. The Times, which had previously given him influential backing, opposed the idea in language that sometimes rivaled Hughes' own sarcasm. An editorial of March 20, 1909, declared, "We do not see how any sincere reformer acquainted with the nature of man, of parties, and of bosses can reasonably expect from the Direct Nominations measure what its authors and sponsors profess to expect from it." One dated February 22 termed his proposal "...neither fish, flesh, nor good red herring, neither nomination by convention nor nomination by the voters. It is a hybrid that will interest the political biologists and would have delighted the soul of P. T. Barnum."

Premature announcement of his resignation

On January 17, 1910, the Chief Executive announced that he would not be a candidate for a third term. He probably did not harm his bill seriously by making the announcement, since it was obvious to everyone that he could change his mind as he had in regard to a second term and decide to run again. In view of this possibility, he still commanded respect, and many men interested in their political future hesitated to appear before the people as enemies of his bill.

In April, 1910, however, Hughes announced that he would resign in October to accept President Tart's offer of a Supreme

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9"...Nor is there any reason to disguise the fact that The Sun honestly and strongly opposes the whole direct nominations agitation." The Sun, May 9, 1910.
Court judgeship. In effect, he thus gave the bosses notice that they could oppose him with impunity. Along with other newspapers, the New York Evening Post observed that "the prospective retirement of Governor Hughes has produced a decided lowering of the political tension, and the most serious immediate effect of this change in the Albany atmosphere is the danger, now evident, that the machine politicians may think it safe to kill or mangle the Hinman-Green bill." Revelation of legislative corruption during the winter and spring had so aroused the people that they might have effected direct nominations legislation if Hughes had not himself so weakened his leadership potential. The corruption involved Jotham Allds, a machine man elected president pro tempore of the Senate when Republican Senate Leader John Raines died in mid-December, 1909. Disgusted with the bosses' choice of Allds, anti-machine Senator Conger revealed to The Evening Post that Allds had accepted a bribe in 1901. He had taken $1000 while majority leader in the Assembly to kill a bill to which bridge companies objected.

The uproar resulting from Conger's charges kept the Legislature occupied for several months. By a vote of 40 to 9, the Senate decided Allds was guilty and would have expelled him

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10 New York Evening Post, April 29, 1910.
if he had not resigned in time to prevent the action.\textsuperscript{11} The significant effect of the scandal was to dramatize the need for reform.\textsuperscript{12}

**Hinman's substitution for Travis**

Hughes apparently acquiesced in the decision to substitute Hinman for Travis as Senate sponsor of the bill. Eugene M. Travis, a member of the Brooklyn Young Republican Club, was so disappointed that he went home immediately after announcement of the change to consult with his political advisers.\textsuperscript{13} There was newspaper speculation that he might even join the opposition. The situation apparently aroused some bad feeling.

**Roosevelt's endorsement of direct nominations**

Since former-President Roosevelt was expected to return from Europe shortly before the special session, the *Times*

\begin{flushright}
\textsuperscript{11}New York Times, March 30, 1910. Barnes' Senator Grattan was one of the men who voted against the verdict of "guilty."

\textsuperscript{12}"...The revelation of the disregard for public opinion on the part of political managers in the election of Allds and the organization of the Senate against the prevailing sentiment of the party and in the opposition to progressive legislation has shown conclusively the necessity of ending the present self-perpetuating methods of party arguments. And the legislative scandals have brought home to the people with equal force the need of making elected officers as well as party managers responsive to public and party opinion...." *New York Tribune*, March 29, 1910.

\textsuperscript{13}New York Times, March 19, 1909.
\end{flushright}
suggested that Hughes might have timed the legislative opening to coincide with his homecoming. Because of two considerations, Hughes had reasonable grounds for expecting the former President's aid. First, Hughes and Roosevelt had become friends while the Governor was campaigning for Taft, and Hughes could appropriately call upon him for assistance. Second, he had a popular issue in the direct nominations bill, and he could expect Roosevelt to be willing to align himself with popular sentiment.

Roosevelt met Hughes at Cambridge where the two were special guests. After first refusing to commit himself, Roosevelt apparently yielded when the Governor explained that silence would be interpreted as opposition.

The extent to which Roosevelt's endorsement aided the direct nominations cause is problematical. His recommendation was not necessary for the majority of the people, who already intended to support the bill. It was probably not sufficient to whip the bosses into line inasmuch as they so thoroughly disliked both the theory of the bill and its gubernatorial sponsor. Since Roosevelt was associated with patronage, it probably alienated some independent support as evidence of the boss activity the bill was supposed to eliminate. Thus, it probably contributed little help and probably did some harm.

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Hughes began suggesting primary reform early in his first term. On June 4, 1907, he sent the Legislature a message recommending direct primaries and official primary ballots. On January 1, 1908, he suggested permissive provision for direct nominations; that is, authorization for party organizations to adopt a direct system if they wished to do so. On January 6, 1909, he urged that direct nominations be made compulsory. On January 5 and June 20, 1910, he renewed his recommendations in special messages.

His proposal was that registered party members in each small primary district should choose a party committeeman. These committeemen would meet in Assembly districts to choose the party candidate for Assemblyman; a larger committee would choose Senatorial nominees, and a large committee consisting of one representative from each Assembly district would choose the candidate for Governor. The committee would also be accountable to the party members for the party platform. At the primary election, the party member could vote for the candidates nominated by the committees or for one nominated by petition.

The advantages Hughes claimed for the plan were these:

First: It places a weapon in the hands of the party voters which they can use with effect in case of need....It favors a disposition not to create situations which are likely...to challenge a test.
Second: The fact of this control gives to the voters a consciousness of power and responsibility....

Three weeks after the announcement of its salient features in the speech to the Brooklyn Young Republican League, Hughes' proposal was presented to the Legislature in the form of the Hinman-Green bill. On April 8, 1909, the Assembly killed the bill by a vote of 112 to 28. The battle for its adoption went forward through the summer by means of county fair speeches. In 1910, it shared the spotlight with the Allds corruption scandal. Finally, a compromise bill introduced by Senator George H. Cobb passed the Senate by a vote of 34 to 13 only to be defeated in the Assembly, 94 to 46. The Cobb bill would have had the effect of restricting application of the proposal to political units smaller than the State and judicial district.

Hughes' bills received aid from a popular group called the Direct Primaries Association of the State of New York which served much the same function and provoked much the same kind of criticism as Gregg's and Laidlaw's anti-gambling groups. Judge William H. Wadhams, a City Court Judge appointed by Hughes from Parson's district, and Frederick W. Crone, secretary of the

group, corresponded in detail with Secretary Robert Fuller concerning the activities of the organization. The Association drew the familiar charges of "radical fringe" apparently because of its varied membership and its zealous methods.

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16 The Hughes Collection at the New York Public Library contains this correspondence. On May 8, 1909, Judge Wadhams wrote Assemblyman Hart concerning selection of a name and other organizational problems. He explained that the name was intended to distinguish the group from a similar one, the Direct Primaries League, which had a Mr. Dillon as president but seemed to be Hearst dominated; although the Direct Primaries League was apparently supporting Hughes, it was preferable to have a separate organization that would not be confused with Hearst's. Wadhams approved Hart's suggestion that membership should be statewide, with meetings held in the central part of the State. He recommended that a Republican organization man who favored the bill should be the local representative and member of the advisory council where this was possible, and an insurgent in other cases: "Here in New York County it will be found that men from both classes will join hands in pushing the movement." The real problem would come in districts where such leaders were not available, since the task was to assure "the nomination and election of representatives who will vote for a direct primary measure." On May 12, 1909, Wadhams wrote Hinman for suggestions on potential Advisory Board members and contributors.

On May 13, 1909, Wadhams wrote Fuller for his opinion whether the association "should seek merely to commit such members to the principle of direct primaries generally, or to the main features of the Hinman-Green Bill." He recommended the latter, and Fuller agreed. On June 24, 1909, he suggested contacting Hughes-appointed men for support: "...there must be many men holding office, who are in sympathy with the Governor, and...it would be wise for me to communicate with them. Can you give me the names and addresses of the men who have been appointed by the Governor, or who hold official position and are in sympathy with his measures, as far as you know..."
Fuller answered immediately in a letter to Wadhams dated June 26, 1909: "...I do not think that it would be wise to address those who have been appointed by the Governor. That has never been done during his administration and I do not believe that it would have good results or that it is necessary."

Frederick Crone wrote Fuller frequently to complain that he had insufficient funds to publish his literature and generally carry on the work of organization. On August 4, 1909, he wrote: "We are a bit handicapped on literature because of financial depression, but I think we can shake things up in that direction very suddenly. I have several things on the hook, waiting to be printed, and I think that by the time the Governor begins his speaking at his county fairs, we shall be flooding the state with circulars and literature which will, in combination with his splendid efforts, put things in good shape."

Fuller replied as follows on August 6, 1909: "As to the financial matter, I am puzzled. You know of course, that I cannot personally ask people to contribute..."

Crone sent Fuller this plaintive note on August 14: "...if we only had the funds to run on we can do splendid work for the governor." On October 2, he sent this mysterious one: "The financial situation, too, is much better than it has been. The one contribution of which you know put us on our feet."
Opposition to the bills centered upon details of the plan for direct nominations. There were infinite possibilities for variations in strategy. In the 1908 session, enemies of the plan decided "not to reject it outright, but to compass its defeat by having the Senate support it only in the permissive form, while the Assembly was so zealous that it would be content with nothing less than a mandatory enactment...."\(^\text{17}\)

By 1909, the proposal had gained enough support so that the hostile elements decided "to annex for their own purpose some of the Governor's thunder, and include a few of the milder features of his bill in a measure...."\(^\text{18}\) which would be appealing but would leave the status quo essentially unchanged. Variations in this strategy continued to be effective in defeating the bill.

The Occasions

Four of the six speeches were delivered at banquets, the other two in a Brooklyn auditorium and a theater in Syracuse. Although the audiences were on the whole strongly favorable to Hughes, there were some opposition elements, and he sometimes shared the platform with a speaker from the other side.

\(^{17}\)New York Tribune, January 14, 1909.

The Hughes Alliance speech

The Governor was the first speaker at the Hughes Alliance dinner on January 22, 1909, and he used the occasion to launch his initial direct nominations campaign. Andrew Carnegie praised him in a speech which followed. President Jacob Gould Schurman of Cornell came out with an attack on direct nominations, and the Rev. Dr. Nehemiah Boynton of Brooklyn also spoke. Most of the 400 banqueters were members of the Hughes Alliance, but some were prominent Democrats.

The Brooklyn Young Republican Club speech

The Brooklyn Young Republican Club which Hughes addressed on February 20, 1909, comprised a particularly important audience since the club had pioneered the cause of nominations reform. About 400 to 500 persons attended the dinner, and several hundred ladies came to the galleries afterward to hear the speeches.

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19 Along with Frank H. Hitchcock, Republican National Chairman, Hughes shook hands with all the members of the Alliance and their guests before the dinner. Col. Henry W. Sackett, Vice Chairman of the Alliance, presiding in place of the president who was ill, introduced Hughes at 9:30 p.m. Ex-Governor Frank S. Black, Senator Alfred R. Page, and various State officials sat with Hughes at the guest table. Carnegie compared the Governor with Washington and Lincoln and predicted that he would be the next President. New York Times, January 23, 1909.

20 Ibid., February 2, 1909.
State Republican Chairman Timothy L. Woodruff preceded the Governor with a lengthy attack on direct nominations which the Times reported would have filled eight newspaper columns if printed in full. He received an "icy" reception from the pro-Hughes, pro-direct nominations audience.

Hughes did not present an extemporaneous reply to Woodruff. Instead, he used the occasion to develop in detail his plan for achieving direct nominations. 21

The Brooklyn Academy of Music speech

On April 15, Hughes returned to speak before the Brooklyn Young Republicans in the Academy of Music auditorium. A rabbi who preceded him on the program set the stage effectively by announcing: "This is the first gun of the second battle. There is nothing more fitting than that Governor Hughes should make

21 The Times of February 21, 1909, commented: "Governor Hughes did not attempt to reply to the arguments made by Mr. Woodruff except in so far as his set speech was a reply to all objections to the direct nominations plan."

The Tribune for February 19, 1909, reported that Hughes spent the day before the appearance preparing the address at the Executive Mansion. It appears likely that, contrary to his usual practice, he delivered the speech from the manuscript.
his appeal to the most independent electorate in New York." In this speech, Hughes recovered the offensive for the first time since he had presented his plan on February 21. Giving a major speech an hour long, he made it clear that the negative Assembly vote on April 8 did not mean the end of the direct nominations cause.

The Alhambra Theater speech

Arranged by the county organization working for direct primaries, the speech at the Alhambra Theater in Syracuse on August 25 was the first important talk after the Governor's return from a trip to the West. Two to three thousand people gathered in sweltering heat to fill all the seats before 8 p.m. and stand in the aisles to hear the address. Frederick R. Hazard, county leader of the direct primaries movement who introduced the speaker, said he "believed the present movement would have the effect of reviving party enthusiasm. It would,


23 The Governor's summer campaign for direct nominations had opened a week earlier with a speech to the Wallkill Valley Farmers' Association. There had also been several talks to small groups to demonstrate that "the question of direct nominations has not been put on the shelf but is rather a very lively subject." New York Daily Tribune, August 20, 1909.
he believed, arouse and keep alive that public interest which
is necessary to safeguard public institutions." The listeners
were especially receptive to Hughes' attacks on boss-controlled
conventions, since Francis Hendricks, "whom Mr. Hughes grilled
during the insurance investigation," was the Republican leader
in the county.25

The New Rochelle speech

Hughes gave his after-dinner speech to the New Rochelle
Forum on the day that Jotham Allds was found guilty of bribery--
March 30, 1910. Because Allds' corruption had claimed Executive
as well as legislative and popular attention for several months
prior to the address, Hughes had been relatively silent on the
direct nominations issue since the late summer and fall of 1909.
In attempting to establish the necessity for direct nominations
to increase legislative and party accountability, he exploited
the possibilities of the Allds' corruption case.

The Batavia speech

The most significant factors in the Batavia Board of Trade
banquet occasion also concerned the date. Occurring on June 11,

24 Syracuse Herald, August 26, 1909.
1910, shortly before the opening of the special session, it signaled the opening of the final appeal. It also came after Hughes' public announcement of his resignation for Supreme Court service and offered less hope of accomplishment for that reason. Approximately 200-odd listeners attended the banquet in the Wadsworth territory stronghold.

The Speeches

Hughes' rhetorical problem was difficult because his proposition required presentation of a solution weak in dramatic possibilities and strong in opportunities for plausible attack. It was not possible simply to dramatize one recommendation which would appear obviously right to the audience as it had been with the racetrack gambling bills. It was not possible to concentrate upon keeping a needed proposal from being weakened by amendments as it had been with the Public Service Corporations Commissions bill.

The problem began with the necessity to establish a need-principle which directly opposed the interests of the bosses and of a significant number of legislators. It was reasonable to expect acceptance for the need-principle from the majority of the people and from the independent thinkers; it was not reasonable to expect it from the bosses. With most popular audiences, establishing the principle would be equivalent to establishing the solution, but it would not be sufficient with the sincerely
skeptical independents. The latter demanded proof that the plan would not embody the recognized weaknesses of those in other states and that it would actually produce the alleged benefits. Sincere doubters questioned whether the suggested solution would really solve the need as presented. In fact, opponents exploited fully the "plan won't meet the need" approach of refutation.

To meet his problem, Hughes wisely tried to separate the issue of need-principle from the issue of plan, and tried to press the logical and psychological appropriateness of meeting a felt need with some kind of solution. At the Young Republican Club, he stated: "We must distinguish between the principle that the party voters are entitled to choose the nominees and the details of its application in a particular plan. If the principle be accepted, we can then devote ourselves unreservedly and with confidence to the work of applying it in a suitable manner." Thus, by dramatizing the people's right and need to exercise power over political bosses and asserting the fundamental nature of the right which made it not only generally appealing but politically inexpedient to refute, he hoped to maximize the importance of the need and minimize the importance of the specific form of the solution. Although this was his intention, it was not the effect he created in the initial direct nominations appeal. By including an elaborate plan in the speech to the Young Republican Club,
he attracted more attention to his solution than was advantageous to his cause.

Hughes offered his plan tentatively rather than definitely. He expressed willingness to compromise on details before adoption and further willingness to see modifications after adoption as experience might make the need for them apparent. Here again, he did not find his stand appealing to the voters. He found that favorable audiences did not enjoy seeing their uncompromising hero willing to modify his position, while unfavorable audiences did enjoy ignoring his qualifications and attacking his arguments in a fuller form more vulnerable to ridicule.

**Argument and evidence**

Five of the six speeches were vigorously refutational in tone. The first speech to the Brooklyn Young Republican League was more expositional as the Governor set forth the chief features of a direct nominations plan. In all the speeches, he referred frequently to generally-held principles and to experience for proof and used relatively little evidence other than analogy. He spent considerable time developing causal relationships.

**The proposition.** - The proposition for Hughes' third campaign was similar to the other two in that it represented what Hughes believed was an attempt to strengthen fundamental
institutions. At the Hughes Alliance he affirmed, "We must have true representative government and not the mere appearance of it." Before the Young Republican Club, he declared that the State must "safeguard the party machinery from being used for selfish ends." Stated as a hypothetical syllogism, his proposition appears as follows:

**Major Premise:** If we are to prevent perversion of the will of the people by professional politicians, we must permit the people to choose party candidates for elective office directly.

**Minor Premise:** We must prevent perversion of the will of the people by professional politicians.

**Conclusion:** We must permit the people to choose party candidates for elective office directly.

The syllogism from which the major premise was derived appears as follows:

**Major Premise:** If the will of the people is to have fair and appropriate expression as the framers of the Constitution intended, we must prevent its perversion by professional politicians.

**Minor Premise:** The will of the people must have fair and appropriate expression as the framers of the Constitution intended.

**Conclusion:** We must prevent the perversion of the will of the people by professional politicians.

After revelation of the Allds' corruption, Hughes added the following hypothetical syllogism to his reasoning in his speech at New Rochelle:

**Major Premise:** If we are to prevent the choice of candidates like bribetaker Allds in the fall election of 1910, we must enact a system of direct nominations immediately.
Minor Premise: We must prevent the choice of candidates like bribetaker Allds in the fall election of 1910.

Conclusion: We must enact a system of direct nominations immediately.

The Governor stated his position as follows in the same speech in two disjunctive enthymemes:

We have reached this point: Either we are to continue to permit nominations virtually to be made by political managers, opposing their varied personal interests to the play of public sentiment, or we must have a system of delegates absolutely pledged at the primary, or a system of direct nominations by the party voters. The first carries with it the danger of the continuance of the corrupt practices which have disgraced the state. The second is a complicated method, whose complications are unnecessary....

Either the political managers or the party voters will choose the candidates, and the only simple way to give to the latter their just rights and to deny to the former their usurpation, is to have direct nominations made at the party primaries.

Hughes excluded from consideration as irrelevant matters the following: the right to make independent nomination by petition distinct from party nominations, the question of direct election of United States Senators, and the nomination at the primary of candidates for the United States Senate.

His case for direct nominations consisted of the following three contentions: (1) Existing perversion of party machinery for selfish interests was a serious menace to the people of the State and to the parties; (2) The cause for the perversion of party machinery to selfish interests was the existing method of nominating primary candidates at conventions; and (3) the
solution was a system of direct nominations. The proof requirements of the proposition made the third contention the crucial one.

The first contention. - To prove that existing perversion of party machinery for selfish interests was a serious menace to the people of the State and to the parties, Hughes developed the extent of the evil and its importance. In one of his few citations of testimony, he quoted Senator Chauncey Depew—a certainly an authority on the subject as a long-standing member of the "Amen Corner"—to the effect that the "Amen" group had in fact exercised dictatorial power over nominations for years:

> It has often been asked where the real capital of New York State was located. Well, since before the time many of you were born, the real capital of this State has been right here where I am standing....There have been many conventions at Saratoga when the whole State waited breathlessly for 900 delegates to decide on a ticket—which was made up complete and in apple-pie order right in this Corner.

Although the old "Amen Corner" no longer existed, Hughes asserted that there were "other nooks and recesses of similar power."

At New Rochelle, he charged that Allds had been placed in office against the best interests of the people. He used the fact that he held office as an example of the inadequacy of the status quo.

Hughes argued that the convention system deprived the people of appropriate opportunity to select their representatives. In districts where the vote was usually fairly close between the candidates of the two parties, the voters had no chance to choose
a boss-free man when both parties had boss-controlled candidates.
In the large number of districts where nomination was equivalent
to election, Hughes asserted that the lack of choice was still
more striking. Using statistics that sounded impressive but did
not establish a deficiency in the convention system, Hughes told
the Hughes Alliance that more than half of the Assemblymen came
from districts where the dominant party had elected its candidate
uninterruptedly for years; in each of thirty additional districts,
the rule showed only one exception in ten years. He explained
that at least three-fourths of the Assemblymen came from
districts where the dominant party was decisive; the same situation
was true of a large number of Senatorial districts and counties.

Between conventions, Hughes charged, the state committee had
almost complete control over party affairs. He felt that this
control was particularly regrettable because party members had
no choice in selection of committee members. Thus, said Hughes,
"Public opinion reaches the state committees with difficulty.
Even dire party exigencies meet personal interests in competition
..."

The speaker said that the situation menaced the State because
the will of the people was not being given full expression. He
used the familiar argument that public sentiment demanded reform.
In speaking to the Academy of Music audience after the first leg-
islative defeat of the direct nominations bill in 1909, he
stressed that public interest in the cause was "not a transient
sentiment" but would endure until it found expression in redress.
He found that the argument gained new vitality in the spring of 1910 because of adverse public reaction to the legislative scandals.

The Governor asserted that the situation was a menace to the state also because it was contrary to the fundamental law. Each speech contained unsupported assertions on this point which were probably acceptable to the audience. The following are representative: "The most important concern of a free community in government administration is selection of public officers and management of parties"; "We cannot afford to leave with those who make a business of politics, the choice of candidates for office"; and "We cannot have true American government in the nation or States at large unless we have American government in our party affairs." Actually, only the first of these statements deals with the fundamental law. Hughes tended to move from a fact of fundamental law to an assertion about party government in a manner which implied that the assertion was factual. The following passage from the New Rochelle speech illustrates:

In this state political parties are recognized by the Constitution. To the two political parties casting the highest, and the next highest, number of votes is confided by constitutional provision the control of the election machinery. The organization and machinery of political parties, and their methods in nominating candidates for office, are questions of the highest public interest, and the assurance to the party voters of the proper control of their own affairs is a matter of the gravest concern.

The existing method of party management was a menace to political parties, according to Hughes, because corrupt uses of power brought the organization into contempt. Control by a few,
he declared, deprived the party of the energetic support from
the many needed for victory. The Alhambra speech developed the
contention in vigorous unsupported terms probably persuasive to
the audience in view of their firsthand experience with Hendricks
and other boss-designated candidates:

The time when a party—any party—is in danger is
when its members are supine and take little account of
their rights and are willing to let a few manage their
affairs....To the extent that party members are awake
and the voice of their opinion determines party action--
to that extent in our political history, the party is
strong and can wage not only an honorable but a
victorious campaign....

The second contention.--In an attempt to prove that the cause
for the perversion of party machinery to selfish interests was the
existing method of nominating primary candidates at conventions,
Hughes first tried to dispose of other suggested causes and then
explained his theory that conventions lent themselves to political
manipulations uninfluenced by popular sentiment.

In some speeches Hughes declared flatly that the cause was
not human nature or the rapidly expanding opportunities in public
life. At Batavia, he granted that these factors might contribute,
but he did not concede that they were the primary cause; he
asserted this was "the unnecessary facility that is afforded
[special interests] by our present political methods." He argued
that it was unfair to ascribe failure to correct the unrepresenta-
tive political situation to the apathy of party voters:
Those who sit in the seats of party power generally...reward their followers and...punish their opponents. The secret of their strength is their virtual control over the nominations of party candidates. Instead of making it a reasonably simple matter to present candidacies and to secure an expression of the real will of the party voters, the machinery is so arranged as to make it easy to perpetuate the control of the organization...On the other hand, those who may desire to oppose find themselves involved in cumbersome methods making effective opposition difficult...

Examining the history of the convention, Hughes stated that it was "not a sacred or final institution" but was itself a protest against the oligarchy of the legislative caucus. He quoted as follows the protest of an anonymous speaker when two cabals were accused of attempting to dictate nominations at an early convention, "Why was this convention called?...Was it not to oppose the caucus system?" Using explanation, he concluded that the actual purpose of a convention was "to secure personal control, and through patronage to perpetuate it." He further concluded that the way to power was "the opportunity to control nominations which is afforded by our present method," and that the vices of administration resulted mainly from it. He felt this to be true because in his experience such vices had seemed to stem more frequently from favoritism than from incompetence.

Hughes cited widespread examples of other States which had adopted direct nominations systems. On the basis of these examples, he contended that the failure of the convention was
not an isolated experience in New York. In actual practice as opposed to theory, he concluded that conventions failed to contribute to the objectives of representative government. He felt that the patch-and-repair method was insufficient to improve them; pledging delegates was an inappropriate remedy. He thought that the effect of the convention system was to give the politicians the choice of candidates, and choice of candidates by the few meant government in the interests of the few. He saw no hope for improvement within the status quo.

The third contention. - In his attempt to prove that the solution to the problem was a system of direct nominations, Hughes argued that such a system was theoretically desirable, presented a plan, contended that the plan was workable, and asserted that it had more advantages than disadvantages. His reasoning was weaker than in the first two contentions.

To establish theoretical desirability, the Chief Executive asserted that the voters were entitled to choose their representatives as "the essential condition of representative government." Reasoning from analogy, he tried to transfer the burden of proof to the opposition by saying, "If we elect an Assemblyman in an Assembly district by direct vote of the voters in that district, why should not the members of the party in that district decide directly who should be their representative as a candidate for the Assembly?" Further, he
advocated that party government should be made analogous to the general government in degree of representation in practice as well as in theory. Here he begged the question by asserting as proved the real theoretical point at issue. Such representation, he declared, would make more difficult control by bosses and cabals.

In developing his plan, Hughes made considerable use of precedents. Avoiding the Western practice of opening the primaries to all voters, he advocated restricting primaries to party members. He proposed that the cost of the primary election should be borne by the public in the same manner as the general election, and that the expenses which candidates could legally incur should also be limited as they were nationally; statements of candidates' expenses and primary campaign contributions should be published.

He emphasized the choice of party committees as the heart of the plan. The individual member would vote directly for a small number of county committeemen and one State committeeman. With the men elected from corresponding areas, these party men would constitute respectively the county committee, the Assembly district committee, etc. Committees of larger districts than counties could be constituted upon a proportional representation basis. The State committee would do the actual work of nominating candidates for office: the county committee proposing candidates for county offices, the State committee
those for State offices, etc. The party voter would either approve the recommendations of the nominating committees or vote for candidates nominated by petition.

Hughes asserted that restricting participation in primaries to party members would strengthen party responsibility. There is serious question whether his proposal would not in fact have strengthened party organization rather than the responsibility of the organization. It was true as he claimed that ascertainment of party membership could be carried out by extending the mandatory enrollment system already in operation in the cities and used with particular efficiency in Kings County. It was also valid to claim that enrollment could be carried out as practically in the country as in the cities and that the measure might help to reduce fraud.

To support the theory of his committee approach, Hughes used testimony and reference to his own experience. He asserted that party organization should spring directly from the voters in order to keep managers closely accountable to members, and he quoted the Court of Appeals to the effect that organization should be "constructed from the bottom upwards" instead of "from the top downwards." To support the superiority of committee action over individual action, he declared, "I believe that you cannot get any considerable men together in any organization but what it is necessary to appoint some committee to deliberate on certain subjects and get their views and the
action that should be taken." He asserted that a committee could better display the kind of perspective required for such questions as providing appropriate geographical distribution of candidacies than the individual voter could. He explained that he felt it inevitable and desirable that leaders should arise to handle party matters; he wished merely to force them to submit to the vote of the people to obtain and keep their positions, to exercise their leadership in the open, and to submit their nominations to the party members for ratification or additions. He granted that it was necessary to have "a supreme party authority," but he wished to "invest its decisions and its advice with a representative character" that was lacking.

The defect of the committee approach was that it did not constitute a really direct plan of nominations and thus could not satisfy the need for a direct plan which Hughes had tried to establish. In the speech to the Brooklyn Young Republican Club, he had stated, "Experience shows that to excite interest you must conduct a campaign on behalf of particular men—not delegates, but candidates for office." When he introduced his plan later in the same speech, however, he proposed that the party members should vote for committeemen to choose candidates, not for the candidates themselves. He seemed to imply lack of faith in the members' judgment by requiring them to vote for committeemen; he made his lack of faith explicit by explaining that men with experience beyond that of the average voter were
needed to take into consideration such factors as geographical
distribution. Furthermore, the large number of committeemen
his plan provided was disadvantageous in two respects. First,
it would reduce the accountability of the individual committee­
man to the voter, since it would be difficult to fix the degree
of responsibility of the individual committeeman in a group
decision on candidacies. There was no guarantee that the
leaders "would exercise their leadership in the open," par­
ticularly when their number would make concealment of
responsibility practical. Second, it would reduce the incentive
of the party member to vote for committeemen. If there were so
many of them that the influence of each was small, Hughes' had
little basis for his contention that the party member would
have increased incentive to participate in nominations.

Hughes did suggest, it is true, that the party-committee
step in the process might be eliminated if experience indicated
the modification to be desirable. He did include the committee
provision in his plan, however, and he did defend it when it
drew critical fire.

On the ballot for the selection of party committeemen,
Hughes advocated no preferential position for any candidates
for membership on party committees. On the ballot for the se­
lection of candidates submitted by the committees for elective
office, however, Hughes felt it appropriate to list the
committee choice first. He thus provided little encouragement
to independent scrutiny of candidates' qualification when he made it so easy for a lazy party member to vote for all the "regular" organization-sponsored men by checking all the names at the top of the list.

In regard to opposition attacks, Hughes complained that many objections revealed "a distressed imagination with regard to possible consequences [of the direct nominations plan], while those who suffer from these forebodings seem strangely unimpressed by actually existing evils." In reference to attacks on his plan, he complained, "To listen to some of the objections that are urged one would think that a plan was to be proposed which would be a composite of all the defects of the primary legislation of all the States...." He refuted arguments chiefly by turning the tables, citing analogies, and referring to experience.

Foremost among the arguments Hughes refuted by turning the tables was the one that he was not entitled to speak in behalf of direct nominations because the subject had not been included in the Republican platform. Hughes pointed out that the platform did not condemn direct nominations and that he had endorsed the proposal in his speech accepting the re-nomination—a speech which the party had distributed widely. "Had the Republican convention desired to denounce the system of direct nominations," he challenged, "the English language was adequate to the expression of that intent. Parties have their obligations to their candidates as well as candidates to their party."
In answer to the objection that his plan would require men to seek office at personal inconvenience, he replied that it would not increase the inconvenience and then turned the tables by asserting that it would eliminate the necessity for candidates to seek the boss. Subserviency would be unnecessary, he declared, and the accountability to the people which replaced it would act as an encouragement to honorable achievement. Dealing with the argument that the voter would not avail himself of the opportunity to vote at primaries if it were granted to him, he charged that party leaders really feared members would avail themselves of the chance if they had it. In regard to the contention that it would be inadvisable for judges to be elected directly, he declared that since judges were chosen by election in New York State, direct nominations were particularly necessary in order to force judges from dependency upon bosses. Concerning the assertion that direct nominations would interfere with party organization, he agreed that the system would surely interfere with selfish party organization since it would discourage irresponsible exercise of power.

By analogy, he dealt with the objection that direct nominations might result in the choice of a candidate by "a mere plurality." He reminded his listeners that candidates at general elections were elected by plurality vote and that the procedure seemed to be considered desirable.
He tried to defend his contention that the people are capable of selecting good leaders if the system permits and would be interested in participating in choice if they had the means to do so. At the Alhambra, he countered the opposition's voter incompetency assertion by asking, "By what right do they who, in fact, pass upon the question, exercise their power?" The fact that good men occasionally get into office under the convention system, he said, did not justify continuing the system any more than the fact that some absolute monarchs served the people well established a justification for continuing absolute rule. The intelligence and common sense of the people, he declared, offered sufficient protection against demagoguery. If the people were not competent to vote for Assemblmen, Hughes extended the analogy, they should not be voting directly as they were for mayors and governors. He granted that the electoral system continued in effect as an indirect method of voting for the President but reminded the audience that its chief function was to enforce the relative voting weight of the various States. Citing negative evidence, he said that no one seriously advocated extending the method to other elections. His attempt at refutation suffered from the fact that his own proposal for nominations by committees was very similar to the electoral system.

Hughes dismissed the "double election" objection and the expense argument as invalid, since he said the direct nominations
plan would not really introduce new problems in these respects. The expense objection probably would not have been too important if Hughes had presented a sufficiently advantageous plan. He was not justified, however, in eliminating the "double election" argument without consideration, since he would actually have provided for triple elections: one for committeemen and one to ratify the committee nominations, in addition to the general election.

He warned against use of arguments for the short ballot and other important but smaller election reforms as diversionary tactics. He wished to encourage related reforms, but he advised that they should not distract attention from "the present exigency" in methods of choosing candidates for office.

Hughes was willing to accept the Cobb bill which provided direct nominations only for offices below the State level if that was as much of the plan as the Legislature would adopt. He nevertheless made it plain that he considered the restriction inadequate and illogical since "the citadel of party organization is the state committee, and the object of perverted political ambition is in constantly seeking control of the state departments and commissions." He stressed as follows that he did not expect any plan to work perfectly: "I look for no panacea. I have no notion that we shall eliminate cupidity and self-interest from political life. But I am decidedly of the
opinion that we can improve our present methods." He failed to establish satisfactorily, however, that his plan would produce a significant degree of improvement.

Hughes' whole campaign was weak in logical development. He used little evidence and relied largely upon popular generalizations and vague references to "the fundamental law." He attempted to reason causally and from analogy and offered refutation most often by trying to turn the tables.

The lack of evidence and the fact that the plan as presented did not constitute a sufficiently direct method of nominations to meet the need he presented made the third contention particularly weak.

Devoted Hughes supporters did not require logical proof for conviction, and bitter enemies would not have accepted it regardless of its validity and adequacy. The important people who were open to conviction if confronted with a well-supported, logical case probably found the development of the direct nominations proposal inadequate.

Emotional supports

Hughes stirred audience emotions in the direct nominations campaign in much the same way as he had in the anti-gambling appeal. Once again, he wanted to energize audience agreement into active support. He wanted to move listeners to participate in the growing progressive movement for nominations reform. Once again, he used a "band wagon" approach, addressing meetings
designed to win new followers through a display of already-existing sentiment for direct primaries.

**Motive appeals.** Hughes still utilized fear as a motivator, but somewhat less prominently than before. In the earlier speeches of the campaign, the Governor referred to the necessity for reform for the safety of property and institutions, but he stated specifically in the Alhambra talk that there was little threat from "revolution or from absurd demagogical ideas." The real danger, he said, lay in the machinations of corrupt party managers who perverted governmental and financial institutions to their own purposes and compelled the citizenry to "stand losses" while favored interests prospered. "Given its full desire, ..." he charged, the party bigwigs "would not only name every candidate for office but would practically appoint every department head..." He pictured the situation as a threat to the long-term welfare of the parties as well as of the people.

At New Rochelle, the speaker became more explicit in condemning the relationship between party nominators and interest-controlled bosses and declared that the people could not afford to leave the choice of candidates for office with those who made a business of politics. For the peace of mind of those with reservations about the people's qualifications for primary voting, Hughes asserted that the people had desirable objectives and that they were essentially conservative.
He felt that flagrantly unrepresentative nominations and "patent abuses, with their constant irritation of the public mind," constituted a greater danger than the free exercises of public opinion.

The strongest appeal was to self assertion. Social responsibility, patriotism, and pride were important supplementary motivating agents. The people should "rise in their might" to insist upon their fundamental rights, to repudiate corruption, and to perform their patriotic duty by participating in the march toward progressive perfection in government.

Condemning control over nominations in New York State by the party managers, Hughes pointed to the many states with new plans for direct primaries to show that the people could throw off the bonds of boss rule if they wished. At the Alhambra, he described the nationwide fight for primary reform as a movement which the people of New York should wholeheartedly embrace: "...the great underlying purpose of the American people is to come into their own; they are going to do it. They are going to do it in this State."

Appealing to social responsibility, he admonished his Batavia listeners to "go back of election day to the primary and ascertain to what extent our boasted freedom finds expression in the management of parties." Sharing with his listeners at New Rochelle a penitent responsibility for the scandals such examination revealed, he offered them the
consolation that "We may be humiliated by disclosures, but these mark our safety as well as our danger, our progress and not our decline." He urged each citizen to "make our State an organization worthy of the talent and enterprise of its citizens."

He appealed to the citizen's pride in previous accomplishment to help him feel that the effort for greater progress was worthwhile. In the Brooklyn Academy of Music speech, he rejoiced with his audience that "Every year the electorate becomes better educated, and in all our communities there is a constant development of civic spirit." In the Alhambra speech, he rhapsodized about his recent trip across the continent and the great progress the country had made. Within the State, he exulted, "We have accomplished great things. We have officers...of whom the country and the State may be proud, but we want to do better and cut off every little avenue here and there, so far as possible, where special interests get in." As the basis for a workable plan for direct nominations party enrollment, he declared that New York City had the best enrollment system in the country. All citizens could share pride in that fact.

Hughes appealed to the party member sincerely concerned about the future of his organization as well as to the citizen patriotically concerned about the future of his country and State. He made it very clear that the far-sighted party member
should consider freedom from corruption and genuinely representative organization to be prerequisites to party victory.

He urged belief in the people as a patriotic and party duty, telling his Alhambra listeners, "...no man is a true Republican, or a true Democrat, who asserts that the members of his party are incompetent to rule their affairs." Such belief, he said, was well justified, for everyone could be proud that "Never were the people so well adapted to take hold, never were they educated to the high state of efficiency as at the present moment."

Hughes also incorporated an appeal to be up to date. He ridiculed the boss system as a remnant of "divine right" thinking. By analogy, he attacked the opponents of direct nominations as old-fashioned individuals using the same plausible objections to "mob rule" as those who argued in England in the nineteenth century for continuation of the rotten borough system.

Through this combination of approaches, Hughes presented a vigorous challenge. "Shall we retire in cynicism," he interrogated the New Rochelle audience, "and at comfortable ease philosophize about the infirmities of human nature? Shall we confess democratic government a failure?" In view of all the motivational appeals he had employed to convince them to the contrary, Hughes hoped that the people would reject
"cynicism" and lend positive support to the direct nominations cause. The time to act, he declared, had arrived.

Praise of the audience. - Implicit in the appeals to pride and patriotism was praise of the audience and its ideals. Such statements as "We rejoice in the high level of intelligence and in the moral soundness of our people," delivered before the Hughes Alliance, projected this kind of praise. The Alhambra speech accomplished the same purpose particularly well in statements like "We have come to the conclusion in this country that you cannot trust anybody but the people."

The quality of Hughes' logical proofs on the direct primaries subject did not measure up to his accomplishment on the two earlier issues, but the Governor did utilize the available means of emotional proof as effectively as ever. He continued to show respect for his audiences by basing his appeals upon their higher motives, and he continued to develop the appeals with a sensitive awareness of the individuality of each group. Although he did not succeed while Governor in effecting direct nominations, he did not fail to do so because of lack of skill in arousing emotion. His difficulty seemed to be, instead, that the weak solution he presented did not offer sufficient promise of improvement to serve as an appropriate outlet for the enthusiasm he generated.
Ethical Supports

The majority of the people had so much confidence in Hughes' character, sagacity, and good will that they favored direct nominations simply because he recommended the measure. It was a simple task for Hughes to project the persuasive force of his ethical proof to such audiences. The doubters offered a more difficult problem, but one that the Governor was also well qualified to meet.

Character.--By the time of the third campaign, Hughes had established the sincerity of his interest in the people. As in the anti-gambling appeal, he could rely upon acceptance and increased authority from statements that the bill was not a personal affair of his (although he "felt the subject keenly") and that he would receive no personal benefit from its passage. He asserted his objectivity especially well at Batavia when he said, "This is your contest, not mine. I am simply a spokesman of what I believe to be the preponderating sentiment of the people, which demands that we shall have political methods more worthy of the intelligence and morality of the State." In the same speech, he utilized the appeal in a new way by linking it with the fact that he would soon be leaving the governorship: "It is my desire simply to do my duty as I conceive it, and I should not be content to leave the Governorship of the State without having made such contribution as I am able to make to the freedom of its political life..." He had an excellent idea
in this ethical argument, and he apparently did it justice in presentation. He probably could not have counteracted with any rhetorical appeal, however, the fact that he had impaired his actual political authority beyond salvation by announcing his imminent departure to the Supreme Court.

Hughes faced a problem in maintaining his reputation for being sincerely interested in the direct nominations cause, a new situation for him in the third appeal. Whenever he let the long campaign languish for a time, there was speculation that the Governor might have lost interest in his "fad." In his speeches, he therefore stressed his continuing concern for direct primaries and the fact that he would not quit the fight for nominations reform.

He spent less time defending himself from the charge of executive coercion than previously, and he turned the tables in dealing with it at the Alhambra in an interesting new manner. He granted a tendency toward increased Executive influence but declared that the trend was advantageous to the people since the Governor, by representing all the people instead of a small district, had a better perspective on statewide problems.

As before, he associated himself and his message with what was virtuous and linked his opponents with the unvirtuous. At New Rochelle, he declared:
I want to see the springs of government pure and its waters sweet to the taste. I want to see the illicit efforts of privilege frustrated, bribery and corrupt arrangements destroyed, and the marketplaces, where governmental favor has been bought and sold, converted into true assemblies of honest representatives of the people.

He identified political corruption as "the common enemy"; he stated that the single aim of corruptionists was to further "purely personal interests," and that "the stamp of the dollar" was upon most of them. At Batavia, he stated the proposition in terms reminiscent of the gambling campaign as "the issue of the people of the State of New York against those who've abused party government." He linked opponents with such outworn concepts as rotten boroughs and the divine right of kings.

He claimed for himself the time-worn virtue of placing the public interest above party benefit, affirming that he "cherished a concern deeper and more vital" in government than mere Republican victory. At the same time, he claimed a desire to see his party worthy of success. Through these assertions, he helped to increase popular respect for his character.

Sagacity.—Hughes continued to call attention to his common sense, fairness, and wisdom. He attempted to present himself as a reasonable man by publicly conceding the defects of the direct nominations system as practiced in some other states. He declared, however, that he would not reproduce these "obvious flaws" in his plan for New York. Implying his ability to make appropriate modifications, he asserted, "I do
not believe that you can take a great State like New York with approximately 1,600,000 voters and deal with it as though it were a community of 100,000 voters." To reinforce his appearance of being reasonable, he granted that "no change in political methods will change the qualities of the human beings that use them."

Discriminating as usual in his choice of target, he explained that he did not oppose parties or organization; every group, including churches, needed men to take the initiative in accomplishment. He refused to disparage unselfish political managers; he honored true political leaders who acted from sincere motives. He did not consider the evil of corruption exclusively a sin of one party, since the two shared guilt for unrepresentative practices.

Hughes' least successful attempt to manifest his reasonableness and wisdom was his willingness to compromise by accepting the Cobb bill. Before recommending the compromise measure, he explained that he had regarded defeat of the Hinman-Green proposal as a mistake and had not modified his view on the subject. He did not agree with those who thought direct primaries should be tried first on a less-than-Statewide scale. He considered that the opposition was sincere, however, and that its objection should be honored. He felt that he "would be taking a very grave responsibility" to say that, if he could not see the plan adopted in full, he would not approve it at all; furthermore,
limited adoption would be likely to lead to later extension. Although Hughes developed the appeal resourcefully, he seemed to impair the appeal of his character more than he strengthened the appeal of his sagacity. In previous campaigns, he had appeared righteously uncompromising, and the people tended to expect him to continue to do so. Actually he did not compromise a moral issue through endorsement of the Cobb bill. Besides, he did not shift ground logically, since he had stated early that he was prepared to modify his position. Thus he should have been able to amend the plan without being criticized for moral or logical weakness, and his willingness to do so under the circumstances should have been interpreted as evidence of good judgment.

Good will.— Hughes continued to win good will through adaptive speech introductions. At the Alhambra, he managed at the same time to compliment the audience and to suggest that the physical and political climates were both favorable to his cause by commenting, "This is an off year, but there seems to be a good deal on. The fact that on such a warm summer evening a company of this sort can be brought together is indicative of the existence of a strong sentiment, which, I believe is destined to grow stronger until the rights of this State are more clearly recognized." He then made the most of the fact that he was speaking at the meeting by invitation, to establish
his Executive right to present his policies to the people. At the Hughes Alliance, he expressed appreciation for his enthusiastic reception, saying he almost wished he had the Alliance group in session all the time in Albany to support him. He then added tactfully, "I do not ask you to agree with me....I do not ask any one to agree with me, but I do ask you, when you think I am right, to say so." 26

Another evidence of tact appeared in his discussion of the defeat of the Cobb bill. Expressing regret that the measure did not pass, he expressed understanding of the defeat in view of legislative preoccupation with the Allds scandal: "But it is fair to add that the conditions which necessarily existed at the close of the session did not favor an understanding and appreciation of the content and importance of the measure."

He refused to show annoyance for the succession of direct nominations defeats. He stated specifically in the Academy of Music speech that he was not impatient but had confidence in ultimate success.

A continuous manifestation of good will occurred in statements of trust in the people. At the Alhambra, for instance, a good example was the following: "I feel that this measure is right through my confidence in human nature. It is my belief that any man in a public position would rather do his duty than not do it."

In his earlier campaigns, Hughes had established himself with the public as a kind of chivalric figure. He had declared himself motivated by the highest ideals, and he had twice battled "for the people" against "the forces of evil" until he had won unconditional surrender. His audience expected him to maintain his role unchanged in the same dependable way that the knight in a medieval legend or the hero in a Western tale is expected to do. When circumstances made modifications in his role necessary, he had difficulty in retaining the loyalty of some adherents.

He was as resourceful as ever in conceiving and developing artistic proofs for his speechmaking. His antecedent reputation which had contributed so much to his persuasion earlier, however, had lost much of its force because of his willingness to compromise and because of his announced intention to leave his post.

He probably tried to sustain interest in the direct nominations issue for too long a period of time. He surely asked too much to expect his listeners to follow him as if he were a knightly leader after he had announced his intention to desert his followers.

Organization

In the direct nominations campaign, Hughes typically used a conventional logical, argumentative order of arrangement. As before, he made appropriate variations in the degree of vigor
with which he disposed his arguments in order to meet varying audience preferences. In speeches to popular audiences like the one at the Alhambra, he depended more upon the force of refutation than upon the clarity of structure to make his ideas stand out. In speeches to select audiences on more formal occasions, he presented his ideas in a more careful organization. At the Young Republicans Club, he attained a high degree of structural precision. Departing from his usual practice, he even utilized fully transitions, labels, signposts, and other devices to make meanings clear.

His most conspicuous organizational weakness occurred also in the speech to the Young Republicans. This was one of proportion. Hughes’ over-all strategy in urging direct nominations called for accenting the need-principle and minimizing the plan. When he departed from this strategy in the Brooklyn speech, spending slightly more than one half of his speaking time on the presentation of his solution, he weakened his case through disproportionate emphasis. By taking time to develop extensive detail, he seemed to refute his own contention that the mechanics of the proposal were relatively unimportant. Besides thus weakening his cause strategically, he did so tactically by specifying details that made excellent targets for refutation. Finally, his unfortunate emphasis upon development of the plan to the Brooklyn audience made still greater his affront to the legislators who felt they should
have been the first to hear the proposal.

This politically-inexpedient division of his speaking time apparently contributed to the failure of the first direct nominations campaign. The error in judgment set the stage for a continuing attack upon the plan, the weakest part of Hughes' case.

**Style**

The direct nominations speeches generally carried over from the preceding campaigns a high degree of effectiveness in clearness, force, and vividness of language. In stylistic smoothness and polish as well as organizational precision, the speeches to the Alhambra mass audience and to the Young Republican Club represent the extremes of the range of variation.

The Alhambra speech used exclamation, direct address ("oh my friends!"), and simple language. It paraphrased the Gettysburg Address, stating that the plan meant control "of the party, by the party, for the party, and not for any individuals in the party." It quoted the Address in another sentence to remind the listeners of their common devotion to "government of the people, and by the people and for the people." It thus gained the strength of language that was simple, rich in patriotic appeal, and implied common goals on the part of the speaker and a revered popular leader.

The sequence of phrases and sentences in the speech frequently appears rather haphazard to the reader. The following
sentence is an example: "The people are entitled to get what they want and by the present system they are not able to get what they want; but by the means I am advocating they will be able to easily tell what they want." In spite of the jumbled visual effect, the words were probably quite lucid as presented and probably produced a forceful staccato effect in delivery.

The speech to the Young Republican Club contained clever epigrammatic turns of phrase like this one: "The argument is made that it [the direct nominations plan] will require the man to seek the office. It will certainly make it less necessary for the man to seek the boss." The speech included several vivid figurative passages in the spirit of the following:

"Delegates generally are like a stage populace who are selected for the purpose of shouting lustily when they get the cue from the leading actors in the political drama. And they seldom play any other part."

The other banquet speeches besides the Young Republican address also employed vivid language. The following examples are illustrative:

We cannot permit administration to be honeycombed with favoritism, or our departments of public business to be treated as pleasant pastures for the politically blessed.

The easiest way for special interests to secure favors and to get the best of the laws is through a treaty with a party machine.
In countless directions lie the opportunities of the political brigands, organized for plunder, who infest the highways of legislation and administration.

The political household needs disinfecting....

Occasional instances of parallel structure, rhetorical questions, and stinging invective completed the Hughes' style on direct nominations. His approach was an appropriate vehicle for the communication of his final appeal.

**Effect**

It would be a mistake to consider Hughes' speeches ineffective or his efforts in behalf of direct nominations wasted simply because he did not get a reform bill passed instituting direct primaries. In view of the magnitude of his task, he made excellent progress in arousing public opinion on the subject in two years.

**Immediate effect.** Hughes accomplished several purposes in the campaign. He located and defined the problem for the people and channeled their feelings of resentment against the bosses. He forced the opponents of thorough-going reform at least to grant some changes in election procedures. He forced them also to justify their course to the people and so increased the importance of public address and free discussion in determining public opinion and influencing the conduct of government. He did increase the voters' feeling of
importance in the governmental process and their feeling of responsibility for its success.

Hughes was more successful in defining the problem than in suggesting a solution. With most Progressives, he probably expected too much of a structural solution and expected too much of exhortation as a means of reform. For his task of exposition and exhortation, the Governor was superbly qualified, and he spoke persuasively. The task of presenting a really workable solution was apparently too great for him. The Brooklyn Eagle may have stated the matter well in this evaluation: "The Governor...can convert his party and both parties to them direct nominations, if any man can..." 27

**Long-range effect.** - Hughes did have the satisfaction of seeing men elected to State office on the promise that they would support the direct nominations proposal. He saw both political parties endorse the measure in their 1910 platforms. He saw a system of direct primaries adopted in New York in 1914.

Many political writers and some important politicians of the time supported Hughes in his admonition that the Republican party should advocate the plan as evidence of sincere interest in reform. Samuel Blythe described the popular mood as follows:

> Now this may be a trend, or it may be a current, or it may be a tidal wave. The most reasonable explanation of it is that the people are tired of taking their politics in packages, as handed to them by the bosses, with simple trust that what the bosses say is within, and have formed the rude habit of tearing open the packages and seeing for themselves..." 28

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Astute Republican leader Elihu Root described himself as an Old Noah "telling the men who run the New York machine... that this is no ordinary shower, but a flood, and that they would better hurry up and get into the Ark." Root specifically recommended that the party should support direct nominations, and he endorsed the proposal himself. He considered the benefits claimed for any plan to be exaggerated, but he felt the party could not afford to refuse to try the plan as an indication of sincerity.

Others shared Root's view, regarding the Republican party defeat in New York in 1910 as evidence of revulsion against the party which did not support Hughesian reform. Although both parties publicly endorsed direct nominations, the Republican record of failure to support the party's own Governor in effecting direct primaries did not make its endorsement appear convincing. Even before the election, newspaper editors were counselling their readers to register their continuing support of Hughes and their hatred of Republican bosses by voting Democratic. The following is an illustration:

Go where you will, in any part of the state, you will hear expressed the opinion on the part of Republican leaders of the rank and file of the party, that with the end of Governor Hughes' administration and the elimination of the strong personal force from the government of this state, the best thing that could happen to the party controlled by Woodruff, and Wadsworth, and Barnes, and Aldridge...—that the demagogical Rough Rider is now seeking to boss--would be an overwhelming defeat.30

Burton J. Hendrick observed that "...the Governor's defeat [on direct nominations] was only on the surface....The only enemies he has not put down are the petty bosses in his own party. The conqueror of the giants has gone down before the Lilliputians..."31


It should be noted also that 1910 was a year of victory for the Democrats in many parts of the nation.

Hughes won passage for two of the three bills for which he campaigned, and he saw the third adopted in 1914. He established himself as a successful Progressive governor by obtaining passage of these measures. In order to establish himself as successful in terms of his own objectives, however, he had to win acceptance for his idea of government. As a speaker, he tried to accomplish this persuasive task. In accordance with his philosophy, he was concerned not only with achieving results, but with using worthy methods of attaining them.

The critical task of appraisal involves these considerations. (1) Did Hughes' ideas have a lasting effect upon New York State government? (2) Did he use the most appropriate rhetorical means to win their acceptance? (3) Was his rhetorical enterprise worthwhile?

Writing about the characteristics which many New York citizens tend to value in politics, Lynton K. Caldwell lists responsiveness, responsibility, competence, and balance. He describes New York as one of the states "where competent
public administration is an effective electioneering argument."¹ These four characteristics correspond with the political values which Hughes sought to establish; he contended vigorously for the appreciation of competent public


Warren Moscow, contemporary political observer, comments that New York voters tend to recognize and reward good administration and that its political parties tend therefore to offer competent men for the State’s top posts. He writes: "...there probably will always be more times when popular approval will sustain a record of achievement and the outs will be able only to imitate the program of the ins and argue: 'We can do it better.' The over-all view of the intelligence of the voters in New York State is a good one. Where important things are concerned, their ability to comprehend and make the right political judgments is remarkable...."

"...there is less chance for a political mugwump to get places in New York than there is elsewhere. New York sees no goat-gland doctor coming close to election as governor because of the panaceas he purveys by radio....

"Both major parties have developed a sense of statewide responsibility....The result is a democracy calculated to do the most good for and secure the most votes of the greatest number of people." Warren Moscow, Politics in the Empire State (New York: Alfred A. Knopf, 1948), pp. 37-38; 12.
administration. Furthermore, his political approach epitomized the "fusion of conservative methods and progressive ideas" which Caldwell also indicates as characteristic of New York politics. Is it reasonable to conclude that his speaking therefore contributed to the acceptance of these characteristics in the Empire State? Such a conclusion seems justified for these reasons: (1) Contemporary opinion described as new in the State Hughes' conception that the people should conduct the government through public opinion to serve their needs instead of permitting professional politicians to pervert it to their own interests; (2) The opinions of many historians and the trend of subsequent events tend to indicate that the Governor exerted a long-range influence; and (3) The immediate popular response to his ideas was largely favorable.

Elihu Root called Hughes' patronage-free policies "a new standard." The Evening Mail stated, "It was a new power to invoke--this power of public opinion. No governor had ever attempted it in the same open and courageous way." The

2Caldwell, op. cit., p. 4.


4The Evening Mail, June 26, 1907.
Outlook observed, "The direct appeal to the people on a specific piece of legislation is a bold innovation." Lord James Bryce, then British Ambassador to this country, congratulated Hughes on his "disregard of hackneyed political methods."

Evaluating Hughes' long-range effect in general terms, Alphaeus T. Mason, Professor of Jurisprudence at Princeton, wrote in 1956 that Hughes exerted an influence as governor "not yet fully spent." More specifically, Alexander C. Flick, historian, cited Hughes' administration as conspicuous in the recent history of the Empire State for enduring political and social reforms. Warren Moscow, political writer, credited

5 Harold J. Howland, "Hughes, Governor," The Outlook, LXXXVIII (February 8, 1908), 309.


Hughes with ending crude legislative bribery in the State. The Nation paid him tribute for establishing "government by public opinion after discussion" as a justifiable procedure not deserving condemnation as executive usurpation. J. Ellsworth Missall described his Moreland Act as having guaranteed the Chief Executive for the last fifty years" a distinctive kind of managerial strength." This act authorizes the governor to investigate at any time on his own initiative any of the State administrative departments. Thus, these writers credit Hughes not only with setting an example of constructive legislative and administrative accomplishment, but with establishing through law and precedent the means of perpetuating his idea of government.

In 1925, Democratic Governor Al Smith showed his appreciation for Hughes' achievements in administration by making him chairman of the commission to reorganize the administrative departments of the State. The Legislature approved the committee report without change in 1926.

9 Moscow, op. cit., p. 181.
10 "Executive Usurpation," The Nation, LXXXIV (June 20, 1907), 558.
11 Caldwell comments that today "the legislature is not obliged to follow the Governor's lead but as interpreted in New York practice the legislature may not prevent the Governor from trying to lead..." Caldwell, op. cit., p. 89.
Besides commanding enough support personally to effect many legislative and administrative reforms, Hughes won considerable popular approval for his program by explaining it to the people. He thus made it politically expedient for subsequent politicians to promise to perpetuate his objectives and his methods. The Utica Press commented as follows in 1913 on Governor Glynn's promise to conduct his administration according to the Hughes idea: "...he is saying that which will go far toward winning popular approval, because now everybody concedes that Hughes was the best governor this state has seen in years...."

Hughes succeeded to a considerable extent in winning popular acceptance for his rhetorical approach just as he did for his political views: His opponents indicated that they recognized the efficacy of his campaigns by organizing an acknowledged appeal of their own against direct nominations.

Hughes respected his audiences. He presented his arguments and offered his logical supports frankly and without condescension. Regarding his listeners as partners in the democratic process, he was willing to treat them as if they were all his intellectual equals. In his emotional appeals, he credited his auditors with having worthy aspirations, and he challenged them to live up to their highest motives. In speaking to particular groups, he manifested a genuine awareness of their respective goals and accomplishments.

13Utica Press, November 13, 1913.
Although Hughes established a good personal relationship with the people, he failed to do so with the party leaders. If he had won the support of this group without sacrificing popular regard, he could unquestionably have obtained passage of a larger number of reform bills. Hughes may have weighed the possibility of conciliation and concluded that this alternative was not open to him. Apparently, however, he expected the political leaders to accede to his legislative program simply because the temper of the times demanded reform. He did not, therefore, make an initial personal attack upon the party men, but left the door open for them to offer him support. It appears, however, that the party leaders did not welcome an opportunity to join the Hughes' band wagon. They wanted him to respect their power; when he did not do so, they did not concede that his recommendations concerning the party exigency were valid.

The question still remains as to whether Hughes used "all the available means of persuasion" in his relationships with Republican leaders. In order to make a judgment on this question, the critic would almost have to know the precise wording of his conversations with the party men in January, 1907, and his inflections and his facial expression at the time of delivery. He certainly was aware that he could not sacrifice his political principles for their support; he could not
afford to lose his "unbossed" reputation. If he had not been conscious of the fact originally, he would have learned it soon from the newspapers.

Even before the inauguration, editorial writers set up the political situation as a contest between Hughes and the "bosses." They treated the Swasey appointment as the first issue, trumpeting that it would constitute the initial test of Hughes' political integrity. They left the Governor no alternative but to repudiate the party leaders publicly.

As Chief Executive, Hughes sought to accustom citizens to government through enlightened public opinion rather than through patronage and bargaining. He wanted to awaken his constituents to their power to get the kind of government they wanted, and consequently to their responsibility for the kind of government they had.

He sought to achieve his aims through responsible public address. He viewed his own speaking as part of a cooperative effort toward public enlightenment shared with the press; with civic, professional, and fraternal organizations like the Grange; and with other speakers on the public platform. His view conformed to the "theory of cumulative effects in oratory" which Thonssen and Baird term particularly consistent with the democratic process:
...a good idea, initiated by a speaker, may in turn be supplemented by other addresses and writings, and eventually result in wholesome action....Individual pronouncements are important; they contribute to the unfolding of a case as a whole; they stimulate the wholesome exchange of additional views and opinions. Great speeches are often important links in a long chain of influencing circumstances. 14

Hughes did not produce speeches of great individual artistic merit. No single speech of the three legislative campaigns remains as a masterpiece of American public address. He did, however, produce a body of speeches which constituted a powerful case for his idea of government. He did help to reveal the significant role speechmaking can play in the historical process. He did so by demonstrating that public opinion can influence State government when an able Chief Executive, skilled in speaking, chooses to enlighten and to appeal to the voters.

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**Letters to the Writer**

Ettinger, John R. May 23, 1957.

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Mary Margaret Roberts was born March 30, 1923, at Independence, Iowa. She attended school for three years at Independence and completed her elementary and secondary school education at Decorah, Iowa. She received her B. A. degree from Luther College in 1944 and her M. A. degree from Northwestern University in 1949.

From 1944 to 1946, she taught speech and directed debate at Central High School, Red Wing, Minnesota; from 1946 to 1949, at Thomas Jefferson High School, Council Bluffs, Iowa. In 1949-50, she taught speech and directed forensics at Luther College; from 1950 to 1954, at Kansas State Teachers College, Pittsburg, Kansas. In 1955, she was a visiting instructor in speech at Appalachian State Teachers College, Boone, North Carolina. From 1954 to 1957, she was a graduate student in the Louisiana State University department of speech, serving one year as an editorial assistant for the Speech Association of America and another year as a graduate assistant in speech. In 1957, she became an instructor in speech and associate director of debate at the University of Pittsburgh.
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