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**The Long Road: Upstate Republicans and Political Reform in New York State, 1906-1927**

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Submitted in partial fulfillment of the requirements for the degree of Master of Arts of the City  
College of the City University of New York

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## **Introduction**

A tenacious brand of conservatism, often overlooked in histories of the Progressive Era, remained active and powerful in New York State well into the second decade of the twentieth century. Republicans from upstate counties and cities held power amidst the rising progressive tide and hindered its progression well into what most historians classify as the Progressive Era. A basic tenet of progressive ideology was the creation of powerful executives at the expense of legislatures. Mired in politics, the thinking went, these large bodies could no longer effectively deal with the economic and social realities caused by the rise of big business and corporate capitalism. Progressive Era political thinkers saw the answer in creating powerful governors able to command an army of commissions and boards. Staffed with experts, these boards and commissions would regulate the corporate giants without interference from legislatures. This scheme might blur the line between the executive and legislative branches, but it would also achieve the efficiency and accountability so desired by political scientists, legal thinkers, and reformers.<sup>1</sup>

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<sup>1</sup> Edwin L. Godkin, "The Decline of Legislatures," in *Unforeseen Tendencies of Democracy* (New York: Houghton, Mifflin and Company, 1898), 96-144; H. Gerald Chapin, "Our Paternalistic Tendencies," *University Law Review* 191 (April 1897): 191-195; David B. Hill, "We Are Too Much Governed," *The North American Review* 170 (March 1900): 367-383; Samuel P. Orth, "Our State Legislatures," *Atlantic Monthly*, December 1904, 728-39; George W. Alger, "Executive Aggression," *Atlantic Monthly*, November 1908, 577-84; Richard L. McCormick, *From Realignment to Reform: Political Change in New York State, 1893-1910* (Ithaca: Cornell University Press, 1981), 19; John Whiteclay Chambers II, *The Tyranny of Change: America in the Progressive Era 1890-1920*, 2<sup>nd</sup> ed. (New York: St. Martin's Press, 1992), 141; Robert H. Wiebe,

Progressives in general and progressive Republicans in particular found a political battleground when they attempted to bring wholesale change to New York State government. To be sure, progressive Republicans succeeded in implementing some reforms under Governor Charles Evans Hughes (1906-1910), most notably the establishment of two Public Service Commissions to regulate the state's public utilities. But they were unable to push through their larger agenda of political reform, which centered on the executive budget, government consolidation, and the short ballot. That honor went to the Democrats a decade later under the leadership of Governor Al Smith.

Conservative upstate Republicans fought against progressive political reform in part because they believed in the strict balance of power between the legislative and executive branches. These old guard conservatives distrusted executive power and frequently referred to it as "autocratic." They opposed government reorganization and the strengthening of the executive and managed to delay the reconfiguration of state government for nearly two decades.<sup>2</sup> The success of the opposition speaks to the persistence of older notions of government and the influence of the men who espoused them. It also highlights the geographic

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*The Search for Order* (New York: Hill and Wang, 1967), 160-163; Henry Jones Ford, "The Cause of Political Corruption," *Scribners Magazine*, January 1911, 54-60.

<sup>2</sup> Hughes was an "early advocate" for reorganization while governor from 1906-1910. The two decades I am referring to begin in 1906 with Hughes' election and end in 1927 with Smith's successful government reorganization.

and political divisions that cut across the state and were voiced by conservative Republicans for both ideological and political reasons.

Driven partly by ideology and partly by the need for political survival, these oppositional Republicans from upstate New York opposed the progressive political agenda at almost every turn. Many histories of the Progressive Era focus on the lives and actions of people who called themselves progressives at the expense of those who did not identify with progressive ideas. Yet every historical period has dissenters with significant influence on the actions of a dominant group. The New York politicians who opposed increasing executive power are a case in point. These conservatives knew their constituencies well and were able to portray progressive proposals as evidence of a rising autocracy. They viewed legislators as best suited to represent the electorate because of the relatively small areas that elected them. This meant legislators had more knowledge of their districts and constituencies than an executive who required a statewide vote to be elected.<sup>3</sup> Republicans controlled the legislature for most of this period, which also gave upstate conservatives a political motive for favoring the legislature over the executive.

The popularity of upstate Republican leaders along with the lasting appeal of their message made them a formidable opposition for progressive politicians. By moving state politics and specifically the opposition to political reform to the

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<sup>3</sup> See "Brackett's Farewell Word on Quitting Public Life," *New York Times*, Sept. 8, 1912.

forefront, we can recast the period as one ruled as much by conservatives as by progressives and bring into question the conventional story that assumes progressive success and pushes non-progressives into the background.<sup>4</sup>

Research into the political culture of New York State complicates the story of easy progressive victory and hegemony. The effective resistance to progressive political thinking is often obscured by Whiggish narratives tracing the “triumph” of reform. Old-style politicians, some of whom had held office starting in the late 19<sup>th</sup> century, are often portrayed as the villains in the good versus evil struggle for reform. Reform-minded politicians such as Hughes benefit from this narrative at the expense of “machine” politicians and political bosses. Yet upstate Republican leaders such as William Barnes Jr., Edgar T. Brackett, John Raines, and Elon R. Brown – often referred to by historians as “standpatters” – continued to lead the legislature and command political machines throughout the second decade of the 20<sup>th</sup> century.<sup>5</sup> Historian Robert F. Wesser has written that a

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<sup>4</sup> By “conservative,” I mean Republicans who practiced traditional machine politics. They were often holdovers from the late 19<sup>th</sup>-century. Many represented rural areas but some represented upstate cities, as well. They may have supported some progressive measures out of Republican loyalty, but they battled against reforms that would have fundamentally changed the political system. They stood in opposition to more progressive Republicans such as Governor Hughes, Elihu Root, Seth Low, and Henry Stimson, even though they shared the same political party. My analysis and conclusions are limited to New York State politics. See Robert F. Wesser, *A Response to Progressivism: The Democratic Party and New York Politics, 1902-1918* (New York: New York University Press, 1986), 15; or McCormick, *From Realignment to Reform*, 233-34.

<sup>5</sup> Wesser, *Response to Progressivism*, 163.

pronounced conservatism reached a “high tide in 1915 and thereafter” in New York State.<sup>6</sup>

In Progressive Era New York State, the Republican Party was split between these upstate conservatives and their more progressive brethren, who were generally younger and from areas in and around New York City. The conservative Republicans believed in the legislature as the primary representative of the electorate, the primacy of the party, and the use of patronage as reward for party loyalists. The progressive challenge meant attacks on all three of these core beliefs. Party primacy required that loyal Republicans fall into line on controversial issues and avoid independence. Patronage meant the political appointment of Republicans willing to take orders from the machine over those who might merit the appointment based on accomplishments. Patronage allowed bosses to retain power over a line of men who adhered to a strict chain of command. This line included elected legislators, who had bosses to thank for their positions and thus remained under their influence throughout their elected terms. Shifting power from the legislature to the governor essentially meant reducing the ability of bosses to influence the actions of “their men” in the senate and assembly.

Progressive Republicans sought to circumvent this system of “invisible government,” as it was often called. One way to do this was to empower the

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<sup>6</sup> Ibid.



executive. A strong executive – provided he was an enlightened progressive, of course – could accomplish much without having to wade through the more complicated machinations of a state legislature composed of 201 men. The progressive Republicans wanted the governor to define a legislative agenda and lead the legislature instead of vice versa. The reformers also saw a strong governor as a way to reduce the growing influence of corporate money on the votes of individual legislators. Removing regulatory responsibility from elected legislators and placing it with appointed boards and commissions answerable only to the governor would minimize the corporate influence over legislation. Theoretically, independence would allow politicians and members of boards and commissions to make decision free of the pressures normally applied by machine men and lobbyists. An independent administrator might be a Republican but he was not appointed for his party affiliation alone and therefore was beholden to no one.<sup>7</sup>

The upstate-downstate split had several dimensions, each based on the growing influence and size of New York City. New York City added Brooklyn, Queens, and Staten Island in the 1898 consolidation and by 1910 accounted for

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<sup>7</sup> Ibid., 14. As Wesser points out, the upstate-downstate split between the Republican Party was not always clear cut. There were progressive Republicans from the upstate urban centers as well as conservatives from New York City. In general terms, however, the conservatives controlled upstate county machines while the more progressive Republicans came from New York City or the surrounding counties. The Democrats, in the midst of a long run as the minority party, had their share of independents and reformers, as well. Tammany Hall was associated with bosses, corruption, and backroom political dealings, and there were certainly calls for reform of the party and of government in general. Significantly, men such as future Governor Al Smith and U.S. Senator Robert F. Wagner began their political careers in the state legislature during this time.

half of the state's population. Many rural areas of the state experienced population loss.<sup>8</sup> The rising dominance of New York City threatened the influence of the conservative upstate. New York City was predominantly Democratic based on its burgeoning immigrant population and Tammany Hall's continuing appeals to the new Americans. The New York City Democratic machine relied heavily on first and second-generation Irish Catholics but it also heavily courted German-Americans and other older immigrant groups. Upstate conservatives, many of whom were old stock white protestants, viewed New York City as foreign, Democratic, pro-alcohol, and a force to be resisted. But conservatives also feared their own party would shift to the left and be dominated by New York City's progressive Republicans. Some of this fear was allayed by an amendment approved at the Constitutional Convention of 1894, which made it impossible for New York City to secure a majority in the legislature. Despite the amendment, the battle between progressive and conservative Republicans would remain centered in sectional politics and at times became a pitched battle between the "moss-backs" from upstate and the urbanites from "the iniquity" downstate.<sup>9</sup>

Conservative Republicans based upstate held onto substantial power despite the rise of municipal reformers and progressives, preventing the large-scale overhaul of state government so desperately desired by many progressive

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<sup>8</sup> Ibid., 3. New York State's population reached 9.1 million in 1910, with New York City accounting for 4.7 million of that.

<sup>9</sup> Ibid., 6-12, 173.

reformers.<sup>10</sup> Their resistance to change was particularly evident during the gubernatorial tenure of Hughes, at the state's Constitutional Convention of 1915, and in the ensuing campaign against the adoption of the proposed constitution. The upstaters' resistance drove a wedge through the Republican Party and at times threatened its political life. In the end, the division cost the Republicans the ability to implement many of the reforms their party's progressives had originally championed.

### **Historiography**

Although the Progressive Era has spawned more than its share of historical studies, few have investigated the attempts to shift power from legislatures to governors or the ramifications of these changes. Macro histories of the era tend to focus on national political and social developments. Historians of the 1950s and 1960s sought to define the era through its main actors and their motives. Richard Hofstadter attributed progressivism to a group of middle-class professionals whose previously secure status was suddenly threatened by the new corporate wealth.<sup>11</sup> Hofstadter's "status-revolution theory" argued that the urban

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<sup>10</sup> McCormick, *Realignment to Reform*, 7-8.

<sup>11</sup> Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.*, 7<sup>th</sup> ed. (1955; repr., New York: Alfred A. Knopf, 1966).

middle-class accepted reform in order to better control the rapid changes.<sup>12</sup> Like Hofstadter, Robert Wiebe located the roots of the Progressive Era in the professional middle class.<sup>13</sup> For Wiebe, the impulse for centralization that marked the era came from doctors, lawyers, educators, journalists, and businessmen who were coping with the changes brought by urbanization, industrialization and immigration.<sup>14</sup> Gabriel Kolko argued that big business controlled the politics of the era.<sup>15</sup> Kolko concluded that corporate leaders preferred and supported national regulation of business over the more grassroots and unpredictable measures possible at the state and local levels.<sup>16</sup> By 1970, arguments over the roots and nature of the era had grown so fragmented that at least one historian argued that there had never been a cohesive “Progressive Movement” at all.<sup>17</sup> More recent histories have acknowledged the fragmentation and have sought answers in the actions of average individuals and social groups within the larger context of urbanization and industrialization. Steven Diner examined the reactions of Americans across the economic and social spectrum, from managers and women to immigrants and African-Americans.<sup>18</sup> Likewise, Michael McGerr focused his

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<sup>12</sup> Ibid., 132-33.

<sup>13</sup> Wiebe, *The Search for Order*, 111-32.

<sup>14</sup> Ibid.

<sup>15</sup> Gabriel Kolko, *The Triumph of Conservatism: A Reinterpretation of American History, 1900-1916* (London: The Free Press, 1963).

<sup>16</sup> Ibid., 6.

<sup>17</sup> Peter G. Filene, “An Obituary for ‘The Progressive Movement,’” *American Quarterly* 22 (Spring 1970): 20-34.

<sup>18</sup> Steven J. Diner, *A Very Different Age: Americans of the Progressive Era* (New York: Hill and Wang, 1998).

work on “private, intimate life” in arguing that simple, familial relationships often played a pivotal role in the development of progressivism.<sup>19</sup>

Although important and useful for describing the era’s overriding characteristics, these works do not directly address the important shift in governmental power from the legislative to the executive branch, one that remains to this day.<sup>20</sup> More useful for this purpose are political histories of New York State. A 2004 article by four political scientists traced the increasing power of the New York governor from 1900 to 1927.<sup>21</sup> Jeffrey M. Stonecash and his colleagues explored the reasons behind the shift as well as the factors that helped Democratic Governor Al Smith successfully reorganize state government by 1927.<sup>22</sup> They also chronicled the unsuccessful attempts at reorganization made by Governor Hughes and by the Constitutional Convention of 1915. Stonecash and his colleagues argued that Smith was ultimately successful because he was a known “statewide politician” who campaigned continuously for reorganization and was able to equate increasing executive power with good government.<sup>23</sup> Although the

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<sup>19</sup> Michael McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870-1920* (Oxford University Press, 2003).

<sup>20</sup> If they do mention the shift, it is mostly inferentially in describing the era’s drive for centralization and the need for a “unique and indispensable leader” in the political realm. See Wiebe, *Search for Order*, 160.

<sup>21</sup> Jeffrey M. Stonecash, Mark D. Brewer, R. Eric Peterson, and McGee Young, “Politics, Alfred Smith, and Increasing the Power of the New York Governor’s Office,” *New York History* 85 (Spring 2004): 149-79.

<sup>22</sup> Reorganization meant consolidation of state agencies under the governor as well as the implementation of the executive budget, which gave the governor more control over state expenditures.

<sup>23</sup> *Ibid.*, 178-79.

article did mention opposition to executive strengthening, it did not give voice to individuals opposed or offer much analysis of their reasoning.

McCormick's exhaustive study of the state's politics between 1893 and 1910 made clear that legislative power remained the center of the political culture during the period.<sup>24</sup> In McCormick's narrative, New York State politics changed only gradually until sensational scandals struck the Republican Party in 1905.<sup>25</sup> The scandals led to Hughes' nomination and election as governor the following year. Hughes' identity as a reformer separate from the now-discredited Republican organization allowed him to gain the reluctant acceptance of upstate conservatives as well as progressives. The conservatives realized that a progressive Republican victory was still better than defeat. Although Hughes attempted to move the state in a more progressive direction, his policies were at odds with the conservative upstate Republicans, who preferred patronage-based machine politics. Hughes "aroused a degree of hatred among the party leaders" that surpassed their disdain for past leaders who attempted to show some measure of political independence.<sup>26</sup> In giving a full account of Hughes' attempts to reorganize state government, McCormick gives more of a voice to the

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<sup>24</sup> McCormick, *Realignment to Reform*, 82. McCormick discusses the poor perception of legislatures in the late 19<sup>th</sup> century early in the book. He points out that every New York governor in the 1890s attempted to curtail legislative power. For the most part, these efforts failed.

<sup>25</sup> *Ibid.*, 194-218. The scandals, both of which were uncovered in 1905, concerned the pricing of gas in New York City and the purchasing of legislative influence by life insurance companies. Hughes' first public role was as chairman of the committee investigating gas pricing. He also served as counsel for the committee that investigated the life insurance companies.

<sup>26</sup> *Ibid.*, 227.

conservative opposition. In general, however, they remain obscured by the Hughes narrative.

### **Upstate Republicans and Their Discontents**

Aside from a four-year stretch starting in 1911, the Republican Party dominated New York State politics from Hughes' election until Smith won the governorship in 1918. Even during the Democratic ascendancy of 1911 to 1914, Republicans managed to win majorities in the state assembly on two occasions. In every other year, the party held the governorship and overwhelming majorities in both houses of the assembly. Republican domination at the ballot box was aided by the state's apportionment scheme, which had been written into the New York Constitution of 1894.<sup>27</sup> Unsurprisingly, Republicans held a majority in that year's Constitutional Convention and crafted an apportionment scheme that favored the solidly-Republican upstate counties at the expense of the burgeoning population of New York City, which tended to vote Democratic.

Convention delegates debated apportionment schemes for both houses of the legislature at length, with most of the arguments shaped by the larger struggle over who should control the legislature: conservative upstaters or more liberal

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<sup>27</sup> William H. Harbaugh, "The Republican Party, 1893-1932," *History of U.S. Political Parties, Vol. III 1910-1945: From Square Deal to New Deal* (New York: Chelsea House, 1973): 2086-88. Malapportionment favoring rural legislative representatives occurred in "every state east of the Mississippi," Harbaugh writes. "Most of the old stock Protestants who comprised legislative majorities were indifferent to urban problems and hostile to labor."

urbanites from New York City. Delegate Henry J. Cookinham, a Republican from Oneida County, typified the arguments when he told the convention, “I say without fear of contradiction, successful contradiction, that the average citizen in the rural district is superior in intelligence, superior in morality, superior in self-government to the average citizen in the great cities.”<sup>28</sup> Cookinham’s statement drew applause from the convention. Democratic delegates George H. Bush, John M. Bowers, and DeLancey Nicoll argued that the scheme was nothing but a way to ensure Republican dominance of the legislature over the coming decades. The Republicans eventually won out, as the convention approved clauses limiting the growth in the number of senators and assemblymen from large cities. For example, the convention approved a rule that prohibited a single county from having more than one-third of all senators. Another rule prohibited two adjoining counties from having more than 50 percent of all senators, a move clearly aimed at keeping New York and Brooklyn from dominating representation. For the assembly, the convention established a three-tiered system of cities based on population, with the small and middle tiers allotted additional representatives more freely than cities in the largest category.<sup>29</sup>

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<sup>28</sup> New York State Constitutional Convention, 1894, *Revised Record of the Constitutional Convention of the State of New York, 1894*, 4 vols. (Albany: J.B. Lyon Co., 1900), 4: 10.

<sup>29</sup> For complete explanations of the apportionment rules and arguments, see Ruth C. Silva, “Apportionment of the New York Assembly,” *Fordham Law Review* 31 (1962-1963): 1-56; and Ruth C. Silva, “Apportionment in New York: Senatorial Apportionment in New York,” *Fordham Law Review* 30 (1961-1962): 581-650; and Ruth C. Silva, “Apportionment of the New York State Legislature,” *American Political Science Review* 55 (December 1961): 870-81; and Walter Francis



The 1894 scheme was in effect when Hughes was elected in November 1906 on the strength of his role in leading successful legislative investigations of New York City utilities and, later, the life insurance industry. As counsel for the investigative committees, Hughes helped uncover graft and corruption in both industries. Both investigations also resulted in significant legislation that brought additional oversight to the utilities and life insurance industries. Historians have routinely emphasized the anti-boss and reform currents of 1905 and 1906, with Hughes firmly entrenched in the lead role. It is true that the revelations, particularly the ones related to the life insurance industry, worried the Republican leadership heading into the gubernatorial election of 1906. The Armstrong Committee uncovered poor business practices within the life industry as well as the unsavory ways in which the insurance companies bought the votes of legislators. The committee's findings directly tarnished the reputations of U.S. Senators Chauncey Depew and Thomas C. Platt, and state party chairman Benjamin B. Odell, Jr. Following the insurance scandal, many Republicans recognized that a party reorganization would be needed if the governorship were to remain in Republican hands in 1906. Hughes won the nomination after President Theodore Roosevelt intervened on his behalf during the Republican state convention. Hughes went on to defeat Democrat William Randolph Hearst

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Willcox, "The Recent Apportionment in New York State," *Cornell Law Quarterly* 2 (1916-1917): 1-19.

by nearly 58,000 votes.<sup>30</sup> Although other Republicans did not fare as well, the party retained a 32-19 advantage in the state senate and a 99-51 advantage in the assembly. As Hughes would soon learn, however, the upstate Republican Party bosses and their machine brand of politics would not just disappear. In fact, Hughes' tenure as governor was as much a struggle against his own party as it was a battle against the rising influence of the Democratic Party. Hughes rose to the governorship because of his role in the insurance and utility investigations and the scandals that resulted. To retain the governorship, the Republicans needed a candidate from outside the organization, one untouched by corruption. Conservative Republicans assented to Hughes' nomination because they knew the alternative was defeat at the ballot box. In short, Hughes' nomination represented more of a compromise than a party-wide assent to progressive ideology. The upstate bosses also believed, wrongly, that they would be able to control Hughes once he was elected.<sup>31</sup>

The conservative old guard Republicans clashed with Hughes' progressive ideology almost immediately. Philosophically, Hughes' beliefs lined up quite neatly with the prevailing progressive currents. He favored the development of administrative government, a strengthened executive branch, and the subservience of the legislatures to the executive.<sup>32</sup> In contrast traditional Republicans feared

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<sup>30</sup> McCormick, *Realignment to Reform*, 224.

<sup>31</sup> *Ibid.*, 197-205, 227-28.

<sup>32</sup> *Ibid.*, 231.

executive autocracy and held sacred the balance between the executive and legislative branches. They also believed in the primacy of the party. Hughes' attempts at escaping the grasp of the upstate machine politicians scared the conservatives, who believed that a divided party would only lead to Democratic victory. "He never consults regarding legislative matters with the Speaker of the House, the leader of the senate, or the chairman of the State committee," Barnes said of Hughes in 1908. "These men know as much about public sentiment as he does."<sup>33</sup>

Barnes, the legendary Albany boss who had transformed that city from Democratic stronghold to Republican bastion, typified the conservatism of the upstate Republicans. For example, he and other conservatives rejected the progressives' strategy of courting public opinion.<sup>34</sup> "What, in God's name, is public opinion?" he asked.<sup>35</sup> For Barnes, public opinion could be discerned in only one place: the ballot box. For him, the people spoke there, not through newspaper editorials or word on the street. This view essentially allowed party bosses to set an agenda of their own without input from outside the party. Hughes, on the other hand, cultivated public opinion as a valuable weapon to be used against the legislature in cases when it would not comply with his wishes.<sup>36</sup> These

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<sup>33</sup> "Barnes' Fight on Hughes: Says the Governor Would Abolish Political Leaders," *Washington Post*, April 15, 1908.

<sup>34</sup> Wesser, *Charles Evans Hughes*, 105.

<sup>35</sup> *Ibid.*

<sup>36</sup> McCormick, *Realignment to Reform*, 230-33.

appeals to the populace, which were in line with the progressives' understanding of democracy as an expression of the public will, rankled the old guard Republicans who preferred to keep their politics in-house once the elections were over, and saw democracy in more institutional terms. When key pieces of his reform agenda were before the legislature, Hughes would often take to the road to make speeches in support of them.<sup>37</sup> The hope, of course, was that people would agree and pressure their assemblymen and senators to vote for them.<sup>38</sup>

Upstate conservatives also disliked Hughes' use of the special legislative session as a way of coercing lawmakers into considering reform laws they had already declined to pass. For example, Hughes called a special session in April 1908 after the legislature adjourned for the year without considering his anti-racetrack gambling bill or his proposed ballot reforms.<sup>39</sup> Two years later, Hughes called a special session after his proposal for a direct primary bill was defeated in the regular session.<sup>40</sup> Upstate Republicans were not blind to the reason for the maneuver and some, especially Barnes, resented executive meddling in the legislature. Following the defeat of the Cobb Bill for a direct primary in the June

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<sup>37</sup> The Charles Evans Hughes Papers, held at the New York Public Library, hold dozens of speeches given by Hughes during his time at governor.

<sup>38</sup> McCormick, *Realignment to Reform*, 230-33.

<sup>39</sup> "Governor Hissed, Calls Extra Session," *New York Times*, April 24, 1908. Interestingly, this story describes the vehemence of the anti-Hughes sentiment evident in both houses of the legislature. When one unnamed assemblyman proposed three cheers for Hughes, he was met with nothing but silence. When a second tried the same, he was met with a shower of boos and hisses. After Hughes' message calling for the special session was read to a group of senators, one senator replied, "I suggest the sending of a message to the Governor telling him to go to hell."

<sup>40</sup> Wesser, *Charles Evans Hughes*, 295.

1910 special session, Barnes' *Albany Evening Journal* published an editorial laying out the upstate philosophy. The editorial, presumably written by Barnes himself, chided those in favor of the primary bill for acting as "sycophants" to Hughes, President William Taft and former President Theodore Roosevelt, each of whom had joined in the calls for the direct primary. The editorial hits familiar high points of upstate conservatism, including separation of powers and anti-autocracy. The piece's tone mocks the attempted strong-arming of the legislature and reminds readers that the Constitution "was carefully framed to guard against the development of one-man power. It is stated that Governor Hughes will again convene the legislature in extraordinary session in order again to coerce it. We do not believe that even the pride of opinion and the egotism of Charles Evans Hughes will dare go so far."<sup>41</sup>

By the time Hughes' direct primary proposal had been defeated, upstate conservatives were clearly tired of the governor's attempts to bludgeon them into submission. Hughes had begun to do so almost immediately after his election and assumption of office in 1907. One of his first attempts at governmental reform, made Jan. 31, 1907, was to demand the resignation of Otto Kelsey as the state's superintendent of insurance. Hughes charged that Kelsey had not provided competent management of the Insurance Department following the 1905

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<sup>41</sup> Quoted in *The Reform Bulletin*, July 1, 1910. The *Bulletin* was a short-lived weekly newspaper published in Albany that closely followed news out of the Capitol. It billed itself as "A Weekly Report Concerning the Progress of Moral Reforms." *The Bulletin* re-printed the reports of major state newspapers as a way of gauging overall response to political happenings.

investigation of the state's life insurance companies.<sup>42</sup> Kelsey, who had been appointed in 1906 by then governor Frank Higgins, refused to resign his three-year term and defended himself against Hughes' accusations. This set off a battle between dedicated party men who thought loyalty trumped efficiency and more progressive Republicans who argued that executive prerogative extended to removal of department heads. Kelsey had long been a staunch and loyal member of the party. He was closely associated with the upstate machine of Assembly Speaker James W. Wadsworth Jr.<sup>43</sup> Kelsey held a seat in the assembly from 1894-1902 and served as comptroller before his appointment to the insurance department.<sup>44</sup> Even more moderate Republicans had difficulty with Hughes' position on Kelsey, but the staunch upstaters "seethed with resentment over the attempt to humble a party faithful."<sup>45</sup> Having failed to obtain Kelsey's resignation, Hughes asked the state senate to remove him.

John Raines, the senate's majority leader and an upstate conservative, decided to move the controversy to the senate judiciary committee, of which he was a member. A month-long hearing that started on March 13 allowed both sides to present their cases in a quasi-judicial format. By the time the controversy hit the senate floor for a final vote on May 2, Raines had collected support for Kelsey

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<sup>42</sup> *Public Papers of Charles E. Hughes, 1907* (Albany: J.B. Lyon Co., 1908), 249-56.

<sup>43</sup> Wesser, *Charles Evans Hughes*, 126. Wadsworth and Kelsey were both from Livingston County.

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*, 131.

from other upstate Republicans as well as Democrats. Of the 27 votes against Kelsey's removal, 10 were cast by Republicans, every one of whom represented upstate counties. In his speech to the senate, Raines said he did not answer to the governor but to the voters who elected him. "When Governor Hughes began to use the big stick the end of Governor Hughes was in sight," Raines said, referring to the governor's attempt to coerce the senate.<sup>46</sup> It was not Raines, however, that gave the clearest voice to upstate resentment, but Senator S. Percy Hooker of Genesee. "It is not for the Governor to coerce the Legislature," Hooker said in his speech to the senate. "... I will not join those who openly declare their feeling that the king can do no wrong."<sup>47</sup> Hooker, himself a veteran of the legislature, was obviously well-schooled in the upstate philosophy. Not every upstate Republican in the senate sided with Raines against Hughes, but his ability to control the outcome speaks to his personal power and the continuing draw of traditional Republican politics.

Old guard Republicans continued to undermine Hughes' plans for reform following the Kelsey ordeal. Historians have credited Hughes with creating commissions to monitor the actions of public utility corporations and for staffing those commissions with experts.<sup>48</sup> Republicans in the legislature, however, fought him on this as well. Hughes' initial proposal, which came before the legislature in

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<sup>46</sup> "Pleas Made for Kelsey," *New York Tribune*, May 3, 1907.

<sup>47</sup> "Kelsey Wins; Vote 27 to 24," *New York Times*, May 3, 1907.

<sup>48</sup> The use of commissions in lieu of legislatures and the employment of experts are both progressive initiatives.

1907, was to create two Public Service Commissions to regulate the state's public service corporations. Republicans leading the assembly and the senate ignored the bill until they were deluged with mail from angry constituents demanding action to rein in the corporations. Hughes' repeated calls to add telephone and telegraph corporations were ignored by legislators for three years. Republicans in the legislature also did nothing with some of the governor's requests to use expert committees to study various industries. For example, in 1908 Hughes asked a special committee to study the state's securities and commodities laws and to propose changes. When the committee made its recommendations to the legislature, they were ignored.<sup>49</sup>

After a tumultuous first term, most Republicans opposed renominating Hughes for the 1908 election. Barnes was the most outspoken, contending that keeping Hughes in office and making the legislature subservient to him would essentially destroy the party. "If, however, the party responsibility is to disappear and the individual views of Governor Hughes are to be accepted on every public question, then the party no longer exists," Barnes wrote in his *Albany Evening Journal*.<sup>50</sup> Barnes recognized the party's strength – and his ability to control members of his Albany machine – was based on the legislature and on a governor willing to go along. Hughes' independence did not fit Barnes' scheme. But the

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<sup>49</sup> My account of Hughes' creation of commissions and committees relies heavily on McCormick, *Realignment to Reform*, 236-39.

<sup>50</sup> Quoted in the *New York Tribune*, Aug. 27, 1908.



divided Republicans could not agree on a possible replacement candidate. In addition, President Roosevelt endorsed Hughes for a second term and began pressuring upstate leaders to do the same, which they ultimately did.<sup>51</sup> Hughes defeated Democrat Lewis S. Chanler by nearly 70,000 votes to earn a second term. Depew, an old school conservative then serving his final term in the U.S. Senate, complained, “Any real Republican ... would have won by at least 100,000.”<sup>52</sup>

The ideological division within the Republican Party, much of it based on the disagreement over whether the governor or legislature should wield more power, combined with scandal to cost the party in the 1910 elections. Hughes’ much-desired direct primary, which he spent his entire second term fighting for, did not pass under his watch, thanks partly to upstate resistance. Meanwhile, scandal struck the Republicans. Jotham P. Allds, who had been named senate majority leader following Raines’ death in 1909, resigned after accusations of bribe-taking. Another investigation revealed more wrongdoing by Republican lawmakers in their dealings with fire insurance companies. Former President Theodore Roosevelt returned to politics with a progressive plan dubbed New Nationalism. Roosevelt began taking more of an active role in New York State politics and took control of the party’s 1910 state convention, during which he shaped the party’s nominations and agenda. Many Republicans, however, found

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<sup>51</sup> McCormick, *Realignment to Reform*, 234.

<sup>52</sup> Quoted in McCormick, *Realignment to Reform*, 235.

Roosevelt's ideas for direct democracy too radical for the state. The lack of unity coupled with the scandals led to the election of Democratic John A. Dix as governor. Democrats also took control of both houses of the legislature.<sup>53</sup>

Anyone who thought the upstate brand of Republicanism died with the Democratic sweep of the 1910 elections was soon disabused of this notion. The Republicans who regained control of the legislature five years later were vehemently conservative. Senator Elon Brown was given wide-ranging power over the legislature and newly elected Governor Charles S. Whitman, a self-proclaimed "constitutional governor," did little to limit lawmakers. Newly created departments related to efficiency were abolished. Legislation providing for the creation of commissions and boards was changed to allow for party patronage. The upstate-led legislature also passed a direct tax that burdened New York City residents more than their upstate brethren. The same elections that produced the 1915 legislature also produced the delegates for the Constitutional Convention that same year. Republicans held a large majority at the convention and most were of the conservative upstate variety. Convention President Elihu Root adeptly moved progressive amendments through the convention by placing progressive Republicans in key committee chairmanships. In the end, however, the upstate conservatives would help ensure that political approval at the convention would not equate to popular approval at the polls.

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<sup>53</sup> Ibid., 248-50.

Conservative Republicans capitalized on a series of Democratic scandals to recapture state government in the 1914 elections. The impeachment of Democratic Governor William Sulzer Jr. in October 1913 and the ensuing fallout began a furious run of anti-Tammany Hall sentiment. Sulzer might have been guilty of the official charges, including failing to report campaign contributions, but his more serious offense was his refusal to cooperate with Tammany Hall boss Charles Murphy on matters of policy. Murphy responded by orchestrating Sulzer's impeachment and replacement with Lieutenant Governor Martin Glynn. Although guilty of the official charges, Sulzer was also clearly the victim of political payback. Sulzer denounced Tammany and framed his impeachment as the result of a battle between the corruption of the Democratic machine and his own belief in the forces of law. Sulzer's anti-Tammany arguments took hold on the electorate, with the results visible almost immediately.<sup>54</sup>

The building Republican ascendancy resulted in a strong conservative legislature that by 1915 received little pushback from a newly elected governor. The Democratic downfall had begun in the November 1913 elections, when Republicans erased the large Democratic majority in the assembly. Benefitting from public sympathy, Sulzer was elected to the assembly as a member of the Progressive Party representing Nassau County. The anti-Tammany hangover

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<sup>54</sup> Thomas Schick, *The New York State Constitutional Convention of 1915 and the Modern State Governor* (Lebanon, Pa.: Sowers Printing Company, 1978): 35-38; Wesser, *Response to Progressivism*, 120-24.

continued into the 1914 elections. Glynn, the main beneficiary of Tammany's political war against Sulzer, was easily defeated by Republican Charles S. Whitman. Republicans gained majorities in both houses of the legislature for the first time since 1910. This time, however, there was less of a progressive element to keep the conservative wing of the party in check. Whitman, a former New York County prosecutor who led the party's progressive wing, had little history as a reformer. His unwillingness to whip the legislature allowed upstaters to dominate policymaking in his two terms as governor. Elon R. Brown of Watertown, the "Czar of the Senate," and Assembly Speaker Thaddeus Sweet of Oswego provided the Republican leadership in the legislature during these years.<sup>55</sup> Brown, a senate veteran, managed to have himself appointed head of a joint legislative caucus that allowed him to control legislation and to appoint whoever he wished to senate committees. A *New York Times* story on Brown's maneuvering pointed out that "Gov. Whitman seems to have been left out of the reckoning entirely in this new and extraordinary arrangement at the Capitol."<sup>56</sup> The *New York Tribune* echoed the *Times*, reporting, "Some see in it the practical elimination of the Governor from a real voice in legislation."<sup>57</sup> In addition, Republicans held two-thirds majorities in both houses, meaning Whitman's veto could be overridden without help from Democrats.

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<sup>55</sup> Wesser, *Response to Progressivism*, 161-66.

<sup>56</sup> "Brown Is Made Albany Dictator," *New York Times*, March 17, 1915.

<sup>57</sup> "Enlarged Power for Leader Brown," *New York Tribune*, March 17, 1915.

Wesser has labeled the 1915 session of the New York Legislature the “most partisan and reactionary” of any that sat during Whitman’s governorship.<sup>58</sup> Conservative Republicans were responsible for the passage of a direct tax, which disproportionately burdened New York City residents. Much of the new revenue wound up paying for roads in the conservative upstate. Conservatives also tinkered with past reform legislation, creating a gubernatorially-appointed industrial commission to oversee the work of the newly established workmen’s compensation commission and the labor department. The law creating the Efficiency and Economy Department was repealed and the state’s conservation commission was reorganized to favor party patronage. Legislation was also introduced to roll back regulations on upstate canneries and to reduce oversight of mercantile establishments. Democrats in the legislature, led by rising leaders Al Smith and Robert F. Wagner, roundly criticized the session as “hypocritical, arbitrary, avaricious, reactionary, and destructive.”<sup>59</sup> Upstate conservatives, however, were clearly in control of the state’s agenda and were intent on rolling back, or at least curtailing, the progressive tide.

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<sup>58</sup> Wesser, *Response to Progressivism*, 165.

<sup>59</sup> *Ibid.*, 165-67; “Called A ‘Ripper’ Session,” *New York Times*, April 25, 1915.

## The Constitutional Convention of 1915

The Republican rout of 1914 also gave the party control of the Constitutional Convention of 1915.<sup>60</sup> The New York Constitution of 1894 had set 1916 as the date for the next convention, subject to the approval of the voters. The Democrats, having held the governorship and at least one house of the legislature between 1911 and 1914, began advocating for an earlier convention, thinking they would be able to control it. They were desperate to rewrite the apportionment provision of the 1894 Constitution that kept rural Republicans in power at the expense of urban Democrats. The Democrats' largest miscalculation, however, was believing that Sulzer's impeachment would only affect the elections of November 1913. Two months after the impeachment – and in spite of it and the ensuing fallout – the Democratic legislature voted to set April 1914 as the date of the referendum on the convention. A disappointing 13-percent turnout approved the convention for the following year by the narrow margin of 153,322 to 151,969. The convention was approved in only nine of the state's 62 counties, but the large majorities provided by the counties of New York City offset the

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<sup>60</sup> The relationship between the 1915 legislature and the Constitutional Convention was not lost on the *New York Times* editorial staff. In an editorial published on April 25, 1915, the *Times* presciently connected the anti-progressive legislature with the state's unbalanced apportionment in predicting possible failure of the convention. "The Convention is very largely made up of men of ability and character, who are moved by a serious purpose to give the people of the State a better organic law. There is a lion in their path, and by its ill-advised procedures the Legislature has quadrupled the animal's ferocity and power to do harm. The present Constitution, adopted twenty years ago, deprives the City of New York of its just numerical representation in the Legislature. If the Convention refuses to right that wrong, the voters of the City of New York, stirred to indignation by the intolerable taxes due to upstate rapacity, may, as a mark of their displeasure, cast an adverse vote that will cause the Constitution to be rejected altogether."

upstate's decided lack of interest. In fact, all but four upstate counties voted against a convention. Two of those four counties, Erie and Onondaga, voted in favor largely on the strength of their major cities, Buffalo and Syracuse. The 168 delegates to the convention – three from each state senatorial district – were chosen in the same November election in which Whitman and the Republicans swept back into office. Unsurprisingly, Republicans also dominated the delegate elections, winning 116 of the total seats, including all 15 at-large spots. This meant the party would control the convention machinery and set its agenda.<sup>61</sup>

Despite the Republicans' sweeping victory at the polls, internal division continued to plague the party and hindered the agendas of the progressives and the conservatives. The schism of 1912 in which Theodore Roosevelt and other progressives had bolted for the Bull Moose Party still hampered party unity even though many progressives had since returned to the party. The upstate-downstate division was still very much a factor in terms of ideological divisions in the party, with the upstate being home to the more conservative Republican politicians and New York City the base for the progressive Republicans.

The smaller, more progressive wing of the party grabbed the convention's leadership and set an agenda centered on the reorganization of the state government around a more powerful executive. This group, dubbed the "federal

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<sup>61</sup> "Convention Voted by 1,353," *New York Times*, May 1, 1914; Peter J. Galie, *Ordered Liberty: A Constitutional History of New York* (New York: Fordham University Press, 1996): 188-89. Wesser, *Response to Progressivism*, 168.

crowd,” was led by convention president Elihu Root. He along with delegates Henry Stimson, Seth Low, Herbert Parsons, Frederick Tanner, and George Wickersham shared a house on Elk Street in Albany throughout the five months of the convention. Although Old Guard Republicans held superior numbers, Root’s appointment of his “federal crowd” allies and other progressive-minded Republicans to key committee chairmanships ensured they would not be outmaneuvered by their more conservative brethren. For instance, he appointed Wickersham to the chairmanship of the judiciary committee, which controlled the floor of the convention.<sup>62</sup> Stimson led the committee on state finances and Tanner the committee of the governor and other state officers. These committees would play a key role if the progressive agenda was to be fulfilled at the convention. Root also carefully planned the witnesses who would testify before each committee. The witnesses, who included former President William Taft, U.S. Senator James W. Wadsworth, and Johns Hopkins President Frank J. Goodnow, among many others, were generally in favor of government re-organization.<sup>63</sup>

The reorganization advocated by progressive Republicans included creating the executive budget, government consolidation, and the short ballot. The

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<sup>62</sup> Galie, *Ordered Liberty*, 191; Schick, *New York State Constitutional Convention*, 39; Gerald D. McKnight, “The Perils of Reform Politics: The Abortive New York State Constitutional Reform Movement of 1915,” *New York Historical Society Quarterly* 63 (July 1979): 214. Root had served as Secretary of War, Secretary of State, and U.S. Senator. Stimson was a former Secretary of War. Low was the president of Columbia University and former mayor of Brooklyn and New York City. Parsons was a former congressman and leader of the New York County Republicans. Tanner was the chairman of the state Republican Party, and Wickersham was a former U.S. attorney general.

<sup>63</sup> Schick, *New York State Constitutional Convention*, 77-80.



budgetary system in place at the time called for executive department heads to send budget estimates directly to the legislature, which would then weed through the dozens of separate requests to revise and eventually approve them. The amendment sought to have department heads send their proposed budgets to the governor instead. The governor would conduct public hearings on the requests and then make any appropriate changes. The revised budget would then go to the legislature for review and approval. At that point, the legislature would be restricted to reducing expenditures.<sup>64</sup> The short ballot meant making more governmental positions answerable to the governor instead of the electorate. Tanner's committee proposed an amendment that would leave only the positions of governor, lieutenant governor, comptroller, and attorney general on the ballot. The amendment consolidated state government from the existing 169 department bureaus, commissions, boards, and committees into 17 departments, the heads of which would be appointed by the governor with advice from the senate. Under the amendment, neither the governor nor the legislature could create new departments but the legislature could assign new functions to the 17 departments.<sup>65</sup> Both

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<sup>64</sup> For a detailed description of both budgetary systems, see Schick, *New York State Constitutional Convention*, 78-101.

<sup>65</sup> Schick, *New York State Constitutional Convention*, 81; Galie, *Ordered Liberty*, 194; New York State Constitutional Convention, 1915, *Record of the Constitutional Convention of the State of New York, 1915*, 4 vols. (Albany: J.B. Lyon Co., 1915), 4: 3400. The amendment, as approved by the convention, provided for departments of Justice, Finance, Treasury, Taxation, Accounts, State, Public Works, Health, Agriculture, Charities and Corrections, Banking, Insurance, Labor and Industry, Education, Public Utilities, Conservation, and Civil Service.

proposals were in line with progressive thinking in that their goal was to center power in the governor to increase accountability and efficiency.

The conservative Republicans from upstate opposed these measures because they viewed a strong executive as a threat to legislative power. They also sent a seasoned contingent to the convention. Barnes, the longtime Republican boss, represented Albany County. Former U.S. congressman Lemuel Quigg – a former lieutenant to Boss Platt – represented Columbia, Dutchess, and Putnam Counties. Brackett, a veteran of the New York legislature until his retirement in 1912, was an at-large delegate. He provided the upstate’s leadership during the convention, as Barnes’ will for politics had been partially sapped by his loss to Theodore Roosevelt in an unrelated libel lawsuit. Root’s decision to appoint Wickersham as chairman of the judiciary committee angered Brackett, who had served as chairman of the state’s senate judiciary committee for eight years. Although he had always voiced anti-reorganization views, this snubbing only intensified Brackett’s resistance to everything on Root’s agenda.<sup>66</sup> He had been appointed chairman of the committee on the legislature and its organization and also held a spot on the committee on legislative powers, two appointments that fit

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<sup>66</sup> Schick, *New York Constitutional Convention*, 76. Barnes had sued Roosevelt for libel after Roosevelt had written that Barnes had made corrupt deals with Tammany Boss Charles Murphy. The case was decided in favor of Roosevelt on May 22, 1915.

his interest in protecting legislative power or at least tamping down executive prerogative.<sup>67</sup>

Brackett's influence on other upstate conservative delegates was substantial. Years later, Tanner remembered him as the "gadfly" of the convention, but he was far more than that.<sup>68</sup> Tanner, the state party chairman and a pro-reorganization Republican from New York City, was approached by Brackett one afternoon following a day of convention proceedings. "Young fellow, I would like to bring over a group of *real* Republicans some night to see you and tell you just what they think of you," Brackett scowled. The two agreed to meet later that evening in the lieutenant governor's room at the capitol. Brackett and about 16 or 17 men "stalked" into the room at the appointed time. Tanner declined to name the other men, but presumably they were other convention delegates. "I could see fire in the old senator's eye," he recalled. In Tanner's recollection of the meeting – and of the convention for that matter – Brackett held long-standing resentments against his less conservative fellow Republicans from downstate. "Well, we at last came back in this last election and it has been at least 10 years since we got any jobs," Brackett said at the meeting with Tanner, "because God knows we didn't get any when Hughes was

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<sup>67</sup> Schick, *New York Constitutional Convention*, 76-77.

<sup>68</sup> Frederick Chauncey Tanner, "Reminiscences," Columbia Oral History Archives, Columbia University, 140. Emphasis mine.

governor.”<sup>69</sup> Clearly, Brackett had been irked by Hughes’ tendency to minimize the party at the expense of patronage. In Tanner’s recollection of the meeting, Brackett also complained about the proposed reorganization plan, which he called “dictatorial, aristocratic and anti-democratic.”<sup>70</sup> He also told Tanner he wanted more men on the ballot, not fewer.<sup>71</sup> Brackett’s lengthy speeches during the constitutional convention do nothing to undermine Tanner’s recollection of his views.

Still, the Saratogan’s suspicion of executive power was not something that simply appeared during the convention. Brackett’s feelings on the issue appear in debates and news stories throughout his political career.<sup>72</sup> In a 1909 debate over Hughes’ direct primary law, Brackett, then a state senator representing Saratoga and Washington counties, referred to Hughes’ governorship as the “reign of Charles.”<sup>73</sup> A 1912 *New York Times* story about his retirement from the New York Legislature is perhaps the best statement of Brackett’s philosophy and fear of executive power. For him, the integral balance between the legislative, judicial,

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<sup>69</sup> Ibid., 147, 160. Brackett was referring to the 1914 elections in which the Republicans swept the state. Evidently, Brackett’s argument that strengthening the executive branch would result in autocracy was not only being made by delegates to the convention. In his reminiscences, Tanner recalled a letter from Boies Penrose, a Republican boss in Philadelphia, that condemned the reorganization proposed in the New York convention for the same reason.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> See, for instance, “Brackett in the Race,” *Washington Post*, Sept. 8, 1906. “... but the removal of any office holder who is faithfully doing his work, because he chances to disagree in his political views with any one over him in authority, savors too much of autocracy to suit my notions,” Brackett said.

<sup>73</sup> Senate Debate, April 15, 1909, pg. 88, Charles Evans Hughes Papers, Box 5, Folder “1908-1910 Miscellaneous Political Materials,” Archives & Manuscripts Division, New York Public Library. Brackett opposed the direct primary in favor of the existing convention system of nomination.

and executive branches, so carefully crafted by the Founders, had begun to shift too far in the direction of the executive. He believed that elected representatives and senators and their proximity to the people should have put them in positions of key importance. “It cannot be that the Executive branch of Government is infallible; it cannot be that there are not times when it should be controlled and perhaps thwarted.”<sup>74</sup> Brackett boldly predicted, “When the final cataclysm comes to the American system of government it will not result from any weakening of the executive or of the judicial functions, but from a failure of the legislative.”<sup>75</sup> Brackett meant that legislatures would “fail” because they had been disempowered in favor of the executive branch. For him, the solution was to strengthen legislatures to restore the balance provided by the Founders. He used a physical example to make his point: “If my right arm develops an atrophy, I do not attempt to develop the left so that it will have the strength to serve for both. I have treated the ailing arm to see if its decay cannot be arrested and the failing arm restored to its former strength.”<sup>76</sup>

Brackett was the clear leader of the upstate conservatives at the convention, but others, such as Lemuel Quigg, held similar views on the short ballot and the re-organization. Quigg, a newspaper editor, former member of Congress, and lawyer, held a spot on Brackett’s committee on the legislature and

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<sup>74</sup> “Brackett’s Farewell Word on Quitting Public Life,” *New York Times*, Sept. 8, 1912.

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

its organization. His work and views would become more important during the campaign against ratification of the proposed constitution. Years later, Quigg's son, Murray T. Quigg, would remember his father's stance on the short ballot and reorganization: "If it was ever an issue between efficiency and the greater concentration of power, on one hand, with relative inefficiency and distribution of power on the other, my father invariably opposed the concentration of power."<sup>77</sup> Barnes spent whatever energy he had left campaigning against the progressive agenda and condemning as "socialism" recent legislation that provided for worker's compensation, a minimum wage, and widows' pensions.<sup>78</sup>

Although Barnes and Brackett were aligned in their views on the short ballot, consolidation, and the executive budget, they were conservatives of different sorts. Barnes, who never held elected office, was more concerned with individual liberties and viewed most progressive initiatives as intrusions on those liberties.<sup>79</sup> He denounced Theodore Roosevelt's 1912 presidential platform of New Nationalism as "demagogic" and antagonistic to property rights.<sup>80</sup> Progressive concepts such as the recall of judicial decisions were anathema to Barnes for this reason, and his distrust of executives came from the fear of infringement on individual rights. He also believed the real threat to freedom

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<sup>77</sup> Murray T. Quigg, "Reminiscences," 13, Columbia Oral History Archives, Rare Book & Manuscript Library, Columbia University, New York.

<sup>78</sup> Robert E. O'Connor, "William Barnes, Jr.: A Conservative Encounters the Progressive Era" (Ph.D. diss., State University of New York at Albany, 1971), 144-46.

<sup>79</sup> William Barnes Jr., "The Future of the Republican Party," *Harper's Weekly*, Dec. 21, 1912, 7.

<sup>80</sup> *Ibid.*

came from the “autocracy” of the collective will. “The concept of a democratic state where equality is the basis of all law is in direct antagonism to the concept of the autocratic state where everyone is made subject to what is declared to be the collective interest,” Barnes said. “From the latter tyranny there is no escape except through revolution.”<sup>81</sup> Unlike Brackett, however, Barnes did not favor legislative strengthening, as he felt legislatures were just as much of a threat to property as executives.<sup>82</sup> In short, Barnes was a less-government conservative. Brackett, who spent all of his active years as an elected state representative, did not employ the typical conservative refrain of “socialism” to legislation he disagreed with. He may have disagreed with progressive laws, but he did not frame the contested issues as “democracy versus socialism” as Barnes did. Brackett’s concern was more about the balance between the branches. “The great danger of the present time is not corruption, nor socialism, nor distrust of the judiciary,” Brackett said in 1912. “It is the gradual turning away of the people from their constitutionally selected legislators, and their growing faith in a law-making executive.”<sup>83</sup> Barnes and Brackett, both veterans of New York state politics by 1915, provided the two most important conservative voices both

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<sup>81</sup> *Record of the Constitutional Convention*, 2: 1803.

<sup>82</sup> “Root Has No Rival As Convention Head,” *New York Times*, April 6, 1915. The story quotes Barnes as saying, “I favor greater limitation upon the legislative power than exists at the present time. I believe that, as the subject becomes more understood, the people will see the manifest importance of greater curtailment of that power, leaving to the process of Constitutional amendment by the voters themselves such new establishment of doctrine as they desire by the majority vote of the whole electorate.”

<sup>83</sup> “Brackett’s Farewell,” *New York Times*, Sept. 8, 1912.

during the convention and in the campaign against ratification. Quigg and Elon Brown, who was not a delegate but did wield significant political power, would also play prominent roles in the proposed constitution's defeat in November 1915. In resisting, these men were attempting to keep in place the political system that they and the Republicans had dominated for most of the preceding two decades.

The progressive Republicans who controlled the convention did not envision the constitution's defeat even though most contemporary observers, including Barnes himself, viewed the Republican delegates as overwhelmingly conservative.<sup>84</sup> Root assigned his progressive Republican allies to key committee chairmanships. This careful placement made it difficult for the conservatives to mount effective resistance to the reorganization. In key debates, Brackett offered the strongest – and longest – arguments for the conservatives, but he was often overshadowed by the speeches of the highly respected progressive Republicans.

The convention's debate of the executive budget on Aug. 10, 1915, illustrated Brackett's intense fear of executive power and his deep belief in the legislature as the true representative of the people. Although the convention had no Progressive Party members, the proposal carried common progressive themes of consolidation, efficiency, accountability, and executive power. Stimson, a member of the "federal crowd," opened the debate with a defense of the executive

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<sup>84</sup> Schick, *Constitutional Convention*, 40; Galie, *Ordered Liberty*, 191; Wesser, *Response to Conservatism*, 170.



budget, arguing that the making of the state budget by a single individual would add a measure of accountability to the process. Appealing directly to the conservative upstaters, he argued that the executive budget would not weaken the legislature but only change its responsibilities. “The only duty that it takes from the Legislature is the administrative duty of making a financial plan,” Stimson said. “And that administrative duty ought to be in administrative hands . . . And to say that to take that out of the hands of the Legislature is to impair its dignity and power is like telling the doctor that when he seeks to keep poison out of the stomach, he is an enemy of the stomach and is seeking to destroy its dignity and function.”<sup>85</sup> Robert F. Wagner, a Democrat from New York City, was the first to speak in defense of the legislature.<sup>86</sup> Although he was not explicitly opposed to the executive budget, Wagner blamed the state’s rising expenditures on the governor and questioned the advisability of placing financial control of the state into the hands of one person.<sup>87</sup> Wagner argued that the citizens of New York were best represented by the legislature and not by “some superhuman being that we are going to create in this state.”<sup>88</sup> He emphasized the independence of the executive and legislative branches, and argued that one should not see its power

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<sup>85</sup> *Record of the Constitutional Convention*, 2: 1567-88.

<sup>86</sup> Wagner was a state senator at the time.

<sup>87</sup> Democrats were the convention’s wildcards. Although they were in the minority, “federal crowd” Republicans often needed their cooperation to get what they wanted over the objection of Barnes, Brackett, and the other conservative Republicans. Wesser, *Response to Progressivism*, 171.

<sup>88</sup> *Record of the Constitutional Convention*, 2: 1621.

curtailed by the other. "... But that is a fundamental question upon which I am afraid I would not get very much sympathy here," he said.<sup>89</sup> Quigg tellingly replied, "The gentleman may get more sympathy than he thinks."<sup>90</sup>

Wagner's defense of the state's lawmakers was merely the undercard to the main event: Brackett's lengthy warning about mounting executive power and the resulting "autocracy."<sup>91</sup> Having been involved in the creation of state budgets, he mocked the idea that legislators spent state money carelessly.<sup>92</sup> He also questioned the competence of the "federal crowd" in their moves to disempower the legislature, telling them, "... let me certify to you that you do not know what you are doing."<sup>93</sup> "I beg the ... supporters of the so-called Federal system to bear in mind that this continued building up of the executive and this continual tearing down of the legislature can lead to but one end," he said.<sup>94</sup> Eight days later, the amendment passed 137-4, with Brackett's being one of the four votes against. Still, the large margin in favor of the amendment was misleading, a testament to the pre-convention work done by Root in staffing important committees with his progressive allies.

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<sup>89</sup> Ibid., 1623. Wagner voted for the amendment, making his words appear as more of a pure defense of the legislature instead of a critique of the executive budget.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid., 1631. Brackett's complete quote was, "Just as truly as you undermine that legislative branch, just so truly you have taken the first step, I care not how small it is, away from representative government and toward an autocracy."

<sup>92</sup> Brackett said he was not against having a person outside the legislature prepare the state's budget but suggested the state comptroller be given the responsibility instead of the governor.

<sup>93</sup> Ibid., 1629.

<sup>94</sup> Ibid.

Around the same time, Barnes, whose only contribution to the convention up to that point had been a quickly-defeated anti-social welfare proposal, attempted to take control of the conservative upstate faction.<sup>95</sup> Following the thrashing of Barnes' proposed amendment, Brown, a good friend to Barnes, sent a letter to Tanner and Stimson pointing out what he considered problems with the executive budget and short ballot. "The budget amendment and the alleged short ballot amendment are objectionable," Brown wrote. "While they come from different committees, they work together to create an autocrat in the Executive Chamber." Later in the same letter, Brown seemed to echo Brackett's comments to the *New York Times* made three years earlier. He questioned the need for moving more power to the executive and wondered whether continuing to strip the legislature of its power and influence was a good idea. "There is ... the gravest need of increasing the attractions of public life at Albany to able, ambitious men," Brown wrote. "There will be no attraction for such men in Albany if the Legislature is stripped of power and furnishes no opportunity for a career."<sup>96</sup>

Two weeks later, on Aug. 27, as the convention began debating the short ballot and the related consolidation amendment, Brackett again took the lead for

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<sup>95</sup> "Barnes in Open To Lead Fight for Reaction," *New York Tribune*, Aug. 18, 1915; Wesser, *Response to Progressivism*, 171. In fact, Barnes' anti-social legislation amendment was the only notable action proposed by any upstate conservative at the convention.

<sup>96</sup> *Ibid.* Brown's letter, dated Aug. 13, was also read to the convention. The entire letter can be found at *Record of the Constitutional Convention*, 3: 2234-36.

the conservatives. He continued to voice fears of the autocracy he believed would result if the governor had appointive power over too many state positions. He questioned the idea that the people of New York State wanted a short ballot and whether they even understood the true meaning of the phrase. His argument against the reorganization also cut across lines of geography and class. Brackett, who was known for his disdain for New York City, mocked the high-brow pro-reorganization forces who he said formed their opinions after their weekend visits to the Union League or the University Club.<sup>97</sup> “You cannot get within a radius of 10 miles of either of those places and get what is the great sober thought of the people, the average people of this state,” Brackett said.<sup>98</sup> Brackett also pointed out that the leaders of the pro-reorganization group had made their careers in executive positions. Wickersham, Stimson, and Root had each held positions in the federal executive branch.<sup>99</sup> Brackett rejected as paternalism the idea that these former federal politicians knew the best course for New York State government. William S. Ostrander, a lawyer and Republican delegate from Brackett’s home county, spoke against the proposal, saying that it upset the “balances of which

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<sup>97</sup> *Record of the Constitutional Convention*, 1: 343. Earlier in the convention, Brackett referred to New York City as “the Iniquity.” Also see, “Reject City’s Plea For More Senators,” *New York Times*, July 2, 1915. In it, Brackett is quoted: “It would be better for the state if New York City ... should take it into its head to secede, than that it should dominate the rest of the state.” Brackett made this statement during a debate over apportionment at the convention. In July, convention Republicans joined together to defeat a Democratic proposal that would have allowed for more legislative representation for New York City based on its burgeoning population.

<sup>98</sup> *Record of the Constitutional Convention*, 3:3307-8.

<sup>99</sup> Root had been a U.S. Senator but had also served as Secretary of War and Secretary of State under McKinley and Roosevelt, where Brackett said he – Root – had “formed his opinion of government.”

were wisely devised by our forefathers.”<sup>100</sup> George Green, a Republican delegate representing Broome and Delaware counties, read numerous letters from his constituents who said they were against the short ballot. Green and Quigg, in his speech against the proposal, echoed Brackett in questioning whether average voters knew the real meaning of the phrase “short ballot.” “The instant any voter I have talked with sees that it means limitation of his right to vote for the offices that he has been accustomed to vote for, he tells me that he is against it,” Quigg said.<sup>101</sup>

Of course, these arguments did not go unanswered. The best of the progressive Republican forces – Low, Stimson, and Root – took the floor in defense of their handiwork. Like the conservatives, they argued that their plan would restore the state’s government to the people.<sup>102</sup> Unlike the conservatives, however, they emphasized the lack of responsibility and efficiency in state government under the current system. They argued that the huge number of departments and boards and the fact that many had elected heads made it impossible for the governor to manage them effectively. Stimson said he feared an “unofficial autocracy” from an irresponsible executive branch more than any official autocracy Brackett could dream up. Stimson argued that the doctrine of state’s rights required the state government to be efficient in order to prevent the

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<sup>100</sup> *Record of the Constitutional Convention*, 3: 3242.

<sup>101</sup> *Ibid.*, 3247, 3295-96.

<sup>102</sup> *Ibid.* 3321. Low said, “I favor the bill of this committee in its main line because I believe it will bring back to the people of the state the control of state government.”

intrusion of the federal government.<sup>103</sup> Low and Stimson paved the way for Root, who gave a lengthy and impassioned argument for the short ballot and the reorganization. He argued that both were voted on and approved in previous Republican Party meetings, refuting Brackett's argument that the ideas were simply drawn from thin air by the party's progressive members. The real targets of the amendment, Root said, were boss rule and patronage. He recounted the notorious rule of state bosses Roscoe Conkling and Thomas C. Platt and portrayed the short ballot and consolidation as ways to prevent such "invisible government." "My friends have talked about this bill's creating an autocracy," Root said. "The word points with admirable facility [to] the very opposite reason for the bill. It is to destroy autocracy and restore power to the people, removable by the people."<sup>104</sup>

When the final vote was taken on the amendment, however, the conservatives fared only slightly better than they had on the executive budget. The convention voted 124-30 in favor of the amendment. Of the 30 votes against the amendment, half came from upstate Republicans and the remainder from Democrats. Still, the lopsided votes in favor of the executive budget and the reorganization were not indicative of what was to come when the proposed constitution went to the voters several months later. The convention wrapped up its work in September. The final vote approving the proposed constitution, which included the executive budget, short ballot and executive consolidation along with

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<sup>103</sup> Ibid., 3355.

<sup>104</sup> Ibid., 3381-89.

31 other amendments, was 118-33 in favor. Quigg voted against it. Barnes voted against it at first, saying it would set the course for “state socialism.”<sup>105</sup> He later changed his vote to “aye,” reasoning that the voters should be able to pass judgment on the proposed constitution.<sup>106</sup> Brackett declined to vote on the final product, but his thoughts on it are well documented.<sup>107</sup> In his closing remarks, Root took pleasure in repeating the large margins by which the convention adopted the 33 new amendments.<sup>108</sup> He told the convention that it had done its work without regard to party affiliation, but “with a sense of the dignity of the people it represented.”<sup>109</sup> But Root’s words and the one-sided votes obscured the divisions cutting through New York State. A large number of the convention Republicans backed the proposed constitution simply as a show of loyalty to the party.<sup>110</sup> Root’s control of the agenda and committee appointments, as wise as they might have been from a progressive standpoint, also served to bury the fault lines that otherwise would have become clear during the convention.

These divisions were laid bare during the campaign for the constitution’s ratification. The arguments used by the anti-reorganization men at the convention continued in the public forum, but they became more pronounced.<sup>111</sup> Brackett,

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<sup>105</sup> Ibid., 4: 4372.

<sup>106</sup> Ibid., 4403.

<sup>107</sup> Ibid., 4374-75.

<sup>108</sup> Ibid., 4459.

<sup>109</sup> Ibid.

<sup>110</sup> Wesser, *Response to Progressivism*, 174.

<sup>111</sup> Schick, *New York Constitutional Convention*, 115.

Quigg, and Elon Brown continued to frame the debate around the new constitution as one of democracy versus autocracy.<sup>112</sup> Quigg equated the governorship under the new constitution with despotism.<sup>113</sup> He laid out his qualms with the proposed constitution in a pamphlet entitled “Mr. Quigg to His Constituents Concerning the Constitutional Convention and Its Work.” In it, Quigg wrote that he considered the short ballot “dangerous” and “undemocratical in principle.”<sup>114</sup> He questioned the notion that a governor should be in charge of the state budget or the purveyor of laws. “Our governors are governors, executives, pure and simple,” he wrote. “They are commanded, as the President is commanded, to see to it that the laws are duly executed. In our system they are not intended to be originators of law.”<sup>115</sup> The progressive Republicans, led by Root, Stimson, and Tanner, set out across the state giving speeches in support of the new constitution. They formed the Committee of Thirty and flooded the state with pro-constitution literature in addition to holding public meetings to explain the new document.<sup>116</sup> But they found the constitution to be a tough sell in the upstate. Republican leaders there either gave lukewarm support to the constitution or simply ignored it.<sup>117</sup>

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<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Lemuel E. Quigg, “Mr. Quigg to His Constituents Concerning the Constitutional Convention and Its Work,” Box 2, Folder “Constitutional Convention Papers,” Lemuel Quigg Correspondence, New-York Historical Society.

<sup>115</sup> Ibid.

<sup>116</sup> Wesser, *Response to Progressivism*, 176.

<sup>117</sup> Ibid.



The proposed constitution was crushed at the polls, losing by more than 900,000 votes.<sup>118</sup> The campaign against it by the upstate Republicans has generally been considered a major reason for its failure.<sup>119</sup> Voters in Albany County, Barnes' home, voted against it by a two-to-one margin. Brackett's Saratoga County voted against, 7,250 to 4,250. Conservative upstate counties Columbia, Monroe, Steuben, Sullivan, Ulster, and Wayne also returned sizable votes against the constitution.<sup>120</sup> Brackett, Quigg, and Brown gave voice to a continuing backlash against the Progressive Era thinking that preferred executive over legislative power. The arguments against a more powerful executive resonated for many upstate voters at least partly because of the status of the men making them. By 1915, Barnes, Brackett, and Quigg had had lengthy and distinguished political careers. They each managed to get themselves elected to the constitutional convention even though none held elected office that year. Brackett had retired from the state legislature in 1912. Much of Quigg's political career had ended by 1900 and he had since become a lawyer. Barnes had never

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<sup>118</sup> Ibid., 178. The Constitution was defeated in every county in New York State. The general reasons for its defeat in New York City were different from those in the upstate regions. New York City delegates and their constituents disliked the proposed constitution for apportionment reasons. They felt the new constitution would have continued the unfair representation scheme that favored the upstate, and they were correct. Convention Democrats attempted to force the Republicans to reapportion the legislature during the convention but were voted down. There were other reasons for the constitution's defeat, too, including the opposition of labor and other special interest groups. Still, the lack of support from upstate Republicans played a major role. See Stonecash, et. al., "Politics, Alfred Smith, and Increasing," 162-63.

<sup>119</sup> Benjamin, "Attempted Revision of the State Constitution," 39; McKnight, "Perils of Reform Politics," 217.

<sup>120</sup> "Republican Split Seen in State Vote," *New York Times*, Nov. 4, 1915.

held elected office but managed the Albany machine until about 1920.<sup>121</sup> His ownership of the *Albany Evening Journal* likely played a large role in keeping his philosophy relevant to the public. The people of their districts, or in Brackett's case of the entire state, sent them to the convention knowing their views and political outlooks. If the politics of these men came from an earlier era, so did the beliefs of a majority of their constituencies. In his book on the convention, Thomas Schick lists four major reasons for the constitution's failure at the polls, one of which is the fact that re-organization advocates "did not provide for some extra form of control over the powerful executive they had created."<sup>122</sup> Writing just two years after the convention, scholar Margaret C. Alexander came to the same conclusion, except she termed it the "dominant factor" in the constitution's defeat. "It could not be expected that a public which had jealously confined the executive power would suddenly enlarge the scope of that power without imposing a prompt and effective check upon the exercise of it," Alexander wrote. "The loss of popular control was too heavy a price for efficiency and a responsible executive."<sup>123</sup>

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<sup>121</sup> Barnes did serve as chairman of the New York Republican State Committee from 1911-1914, and he was a member of the Republican National Committee until 1916.

<sup>122</sup> Schick, *New York Constitutional Convention*, 122.

<sup>123</sup> Margaret C. Alexander, *The Development of Power of the State Executive With Special Reference to the State of New York*, Smith College Studies in History 2 (Northampton, Mass., 1917), 223.

## **Conclusion**

Although most historians consider 1915 to be the height of the Progressive Era, the politicians and voters of New York State clearly were not prepared for much of the progressive platform. Hughes was the first major state politician to advocate for the progressive ideas of increased executive power, administrative government, and the direct primary. Upstate Republicans and their conservative constituents were not ready for much of his platform and the party regulars fought him for most of his two terms. They certainly did not win every battle against Hughes, but they helped prevent Kelsey's removal as superintendent of insurance and frustrated every attempt Hughes made to abolish the convention system of nomination in favor of the direct primary. The Kelsey case illustrated the strength of the upstate faith in the legislature over the executive. But the debate over Kelsey also went deeper and delved into notions of party loyalty that conservative Republicans held sacred. The Kelsey battle served as a warning that the conservative wing of the party was not going to stand by while Hughes ran roughshod over the legislature. Conservatives believed allowing the governor to remove Kelsey would have set a dangerous precedent and also would have set the party on a path to destruction. Hughes' predilection for a government of commissions and experts clearly set him at odds with traditional Republicans, who guarded legislative prerogative. Only when goaded with mail from their constituents did upstate conservatives agree to vote for Hughes' Public Service

Commissions. At other times, they simply ignored Hughes' committees and commissions, highlighting the continuing struggle between the branches.

Typically, it took the threat of a loss of votes to move upstate Republicans into line with the progressive wing of the party.

Arguments at the Constitutional Convention of 1915 over the progressive initiatives – the consolidation, short ballot, and executive budget – revealed deep divisions in the Republican Party. The party split that began with Hughes' gubernatorial terms and intensified with Theodore Roosevelt's post-presidential leftward shift remained very much alive in 1915. The ideological split in the party had several general dimensions, but the most notable was the divide between New York City and the upstate. The Republican-run Constitutional Convention of 1894 had put into the state's fundamental law an apportionment scheme that allowed upstate Republicans more representative power than population would have otherwise dictated. New York City representatives, especially Democrats, complained bitterly about the scheme but were unsuccessful in having it changed. Still, Republicans failed to capitalize on their advantage in representation because they could not find common ideological ground. The "old guard" upstaters feared a strong executive and would not go along with their progressive-minded brethren from the city. An upstate party operative put it best following the defeat of the proposed constitution in 1915: "The question of whether the Republican organization in this State is to be controlled by the Republican leaders in New

York City, where the Republican Party is in the minority, or by the leaders up-State, where Republican majorities come from must be settled without much delay for the peace and welfare of the party.”<sup>124</sup>

Had the party been able to mend the split, the Progressive Era might have come to full fruition in New York State in 1915 with Republicans in the lead. The continuing objections of upstaters, however, had two basic effects. First, they delayed the major government reorganization envisioned by Hughes in 1906 and Root in 1915 until 1926. Second, they gave the Democrats the lead in carrying out the reforms necessary to revolutionize the state apparatus. Al Smith, a city Democrat who cut his teeth in the legislature while Hughes was governor, became the heir to reform in New York State instead of his Republican forerunners. Smith was a Democratic delegate to the Constitutional Convention of 1915 and played a leading role for the minority party. Smith’s experience at the convention convinced him of the need for reform of the state government.<sup>125</sup> He campaigned for governor on a reform platform and was elected in 1918. Smith immediately appointed a commission to study reorganization. The commission returned recommendations that were very much in line with what the Constitutional Convention of 1915 had considered: consolidation of the state’s 187 departments, boards, offices, and commissions into 16 departments; a short ballot that included

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<sup>124</sup> “Republican Split Seen in State Vote,” *New York Times*, Nov. 4, 1915.

<sup>125</sup> Stonecash, et. al., “Politics, Alfred Smith, and Increasing,” 164.

only the offices of governor, lieutenant governor, comptroller, and attorney general; and an executive budget.<sup>126</sup>

Smith placed the recommendations in front of the 1920 legislature as proposed constitutional amendments. The constitution required that proposed constitutional amendments pass two consecutive legislatures and then be approved by the electorate. In the meantime, Smith lost his bid for re-election in 1920, and Republican Governor Nathan Miller and the Republican legislatures did not pass the reorganization amendments in 1921 and 1922. It was only after Smith's re-election to the governorship in 1923 that the amendments finally gained political traction. Smith began touting the reorganization as soon as he regained office. Republicans still held both houses of the legislature with strength in the upstate areas. This time, however, Smith was able to portray them as hindering the right of the people to vote on the proposals. The legislature passed the reorganization-short ballot proposal in 1923 but declined on the executive budget. The legislature approved the reorganization-short ballot amendment again in 1924 and the following year it gained the approval of the voters.<sup>127</sup> Hughes, the former governor, headed a State Reorganization Commission that created a plan for the reorganization, which was finally implemented in January 1927. The

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<sup>126</sup> Schick, *New York Constitutional Convention*, 132.

<sup>127</sup> Smith won a third term in 1924.

executive budget did not receive voter approval until 1927. It was implemented in 1929.<sup>128</sup>

But Smith was dealing with a changing electorate. After 1915, New York City became more Democratic thanks to a surge in the registration of immigrants. After 1918, Democrats began gaining in upstate urban and suburban areas. Albany, for example, a Republican stronghold under Barnes for years, went Democratic in 1921.<sup>129</sup> This shift helped Democrats gain a higher percentage of seats in the legislature despite the unequal apportionment scheme. Smith was also a popular governor. Taking a page from Hughes' playbook, he traveled the state making speeches in favor of the reorganization. He also effectively courted the press, another similarity he shares with Hughes. Newspapers began portraying Republicans who resisted reorganization as obstructionists who were not interested in efficiency. Progressive Republicans based in New York City went along with Smith and pressured the remainder of the upstate conservatives to do so in order to prevent the Democrats from taking all the credit for the reorganization. In short, Smith borrowed Hughes' tactics and capitalized on a more favorable political climate to complete what had been started more than 20 years earlier.<sup>130</sup>

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<sup>128</sup> Ibid., 131-33; Stonecash, et. al., "Politics, Alfred Smith, and Increasing," 169-70.

<sup>129</sup> "William Barnes Dies of Pneumonia," *New York Times*, June 26, 1930.

<sup>130</sup> Stonecash, et. al., "Politics, Alfred Smith, and Increasing," 170-174; Wesser, *Response to Progressivism*, 220.

In a way, old guard Republicans can take credit for giving Smith the opportunity to orchestrate the reorganization. Men such as Barnes, Brackett, Raines, Brown, and Quigg were veterans of politics and knew their constituents well. They were able to effectively frame progressive belief in a strong executive as an assault on democracy. In their view, legislators were and should remain the preeminent voice of the people. Of course, their conception of government fit a highly specific profile. Only during elections were upstate conservatives truly interested in public opinion. The rest of the time they were mainly interested in the will of the party; still, they knew how to play to their bases when necessary. One way to do this was to portray progressive Republicans as monarchists bent on reducing the popular voice. Associating progressives with “foreign” New York City and its crowded and culturally diverse tenements served to frighten their white protestant constituents. These tactics and the popularity of the upstate conservative leaders allowed them to push the high tide of the Progressive Era in New York State into the 1920s.



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