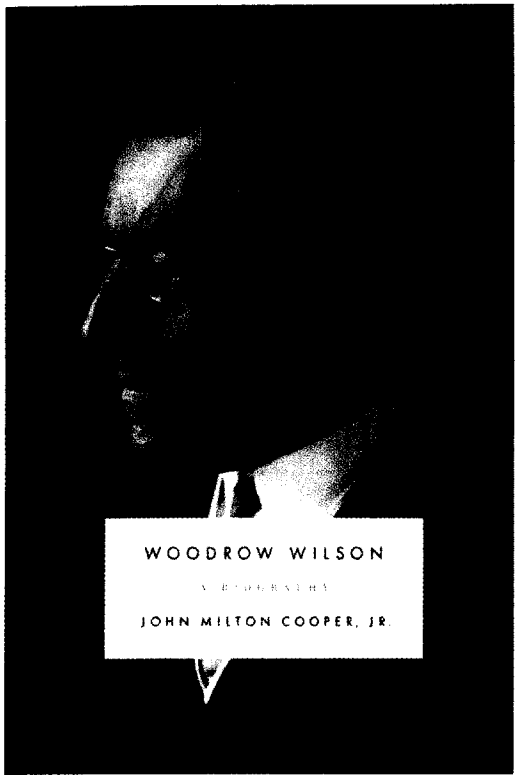
Woodrow Wilson: A Biography
By John Milton Cooper Jr.
Knopf, 2009



REVIEW BY RONALD GOLDFARB

John Milton Cooper Jr., a history professor at the University of Wisconsin-Madison and a recent fellow at the Woodrow Wilson International Center for Scholars in Washington, D.C., is the author of two other books on the 28th president of the United States: *Breaking the Heart of the World: Woodrow Wilson and the Fight for the League of Nations* (2001) and *The Warrior and the Priest: Woodrow Wilson and Theodore Roosevelt* (1983). This biography has all the facts of Wilson's extraordinary career as an academic and a politician. Wilson was an achiever—from a modest background he rose to become Princeton University's 13th president, our country's president, and governor of New Jersey in between. Yet Cooper's adoring book does not explain why Wilson is not generally considered to be in the popular pantheon of great presidents, or should be.

Wilson was a leader of the progressive movement of the early 20th century. A doctor in philosophy, teacher and writer, later college administrator, and two-term U.S. president, the liberal Wilson had another, darker side. Cooper admits that Wilson presided over "egregious violations of civil liberties," permitted "massive violations of freedom of speech and the press," and "turned a stone face and deaf ear to the struggles and tribulations of African Americans."

Wilson was a man of contradictions, not only as an academic (for 25 years) who moved to the world of politics. He was a religious man—Presbyterian—who met his first wife in church, and is the only American president buried in a church. Yet, in addition to his life of public affairs, Wilson had private ones as well while occupying very public positions, Cooper notes. He was raised in the south and shared its culture in matters of race while prospering in the northeast. He studied law, but never truly practiced. He began teaching at Bryn Mawr College for women in Pennsylvania (condescendingly) and ultimately presided over what was then the all-male institution of Princeton. He wrote books about Congress but became a governor and president, never a legislator. He was a popular lecturer and wrote serious academic books, but did not enjoy what he called "the tedious toil of what is known as 'research.'"

Wilson is well-known as the 13th president of Princeton (he also taught at Wesleyan University) though his career as an administrator there ended in personal failure as good causes he passionately pursued (an integral graduate school and residential colleges to replace clubs) were defeated. During his long marriage to his first wife, Ellen Axson, Wilson had a long, personal relationship with Mary Peck, a socialite he met in visits to Bermuda and with whom he corresponded for many years. Cooper is uncertain whether their relationship was "a full-fledged affair." Wilson frequently wrote to her ardent if stuffy letters.

Wilson's presidency at Princeton was characterized by what Cooper called an "academic civil war." While the general reader may not be interested in all the details of this battle over Wilson's attempts to democratize the university, his was the reformist, progressive view necessary for "transforming the old-style small college into a modern university." Wilson's failure to convert the moneyed interests on the Princeton board motivated him to move his career to the political stage where his admirers and critics at Princeton followed him.

In this 600-page book, Cooper offers only one chapter, a mere 20 pages, to Wilson's governorship of New Jersey that catapulted him to the presidency. The 53-year-old political neophyte's rise was meteoric and remarkable—a progressive pushed by state conservatives and cheered into office by "machine supporters and Princeton students." He won the governorship by a wide margin and had a successful regime early on, ending in a more contentious fashion, though he had by 1912 earned a national reputation as a progressive executive. Cooper concludes: "Troubles in New Jersey and unpleasant reminders from Princeton now faded as Wilson set out on the greatest adventure of his life" into national and international politics.

In 1912 Wilson's reputation as a progressive—and the opportune timing in national politics—catapulted him to be the Democratic Party's candidate (after 46 ballots at the convention) for president. He won a four-way race against a former president (Theodore Roosevelt); a sitting president, William Howard Taft; and the Socialist Party's Eugene V. Debs (who won 6 percent of the vote). Cooper concludes that Wilson would have trounced Taft if he ran only against the latter, "but nearly everyone assumed he would have lost to Roosevelt."

Wilson's presidency was in a quieter time—he wrote his own speeches, golfed regularly, and dated privately in his second term after his wife died. Cooper claims, excessively, that Wilson's first term domestic record "would rank him among the greatest legislative presidents in the 20th century, perhaps in all of American history." He did succeed in creating the Federal Trade Commission, pushed for tariff reform, ensured the passage of the Clayton Antitrust Act, fought for workers' compensation and improved work days, and made the remarkable appointment of Louis Brandeis to the U.S. Supreme Court.

At the same time, wars with Germany and Mexico were brewing, and his wife of 30 years died. Reluctant to take his unwilling nation to war, Wilson called frequently for an association of nations to band together against war. Wilson poured out his heartfelt feelings in letters to Peck, the woman with whom he had "emotional intimacy, but never a hint of romance," and later to his soon-to-be second wife Edith Galt, a 42- year-old widow with whom he corresponded daily as they courted. Cooper states—one wonders how he knows—that Wilson, at 58, hadn't "cooled his

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York Daily News, which then enjoyed a circulation of more than 1 million, said: "We do not see how old judicial gentlemen . . . can forever be permitted to override the will of the people as expressed through the people's own elected Legislatures, Congress and President." H. L. Mencken, prominent among FDR's journalistic critics, disagreed. He proposed a new Constitution: "Section One. All governmental power of whatever sort shall be vested in the President of a United States." When Roosevelt's court-packing bill was read in the Senate, Vice President John Nance Garner made a show of holding his nose and making the thumbs-down sign.

Then, to the surprise of almost everyone in the county, the Court did an abrupt about-face. In the space of about two weeks, the justices rendered a series of opinions that tacitly reversed past decisions negating New Deal legislation. Perhaps most notable was its upholding of the Wagner Act, which led to the creation of the National Labor Relations Board. There were cases where the Court simply reversed its own prior rulings: in the 1920s it struck down a minimum wage for women in the District of Columbia. In 1937, barely a decade later, it upheld the constitutionality of a minimum wage in Washington State.

The string of reversals caused support for FDR's plan to cool rapidly. Senator James Byrnes of South Carolina, a key Roosevelt backer, commented, "Why run for a train after you've caught it?" Quoting a "Washington wag," *Time* magazine added: "Why shoot the bridegroom after a shotgun wedding?"

So what heed should the current Court pay to public opinion, at a time when the country reverberates with high-decibel rancor? One of the targets of the so-called "tea bag revolution" is "The Damned Meddling Court," to quote a placard I saw recently downtown.

Friedman won't argue with the fellow carrying the sign. "In a sense," he writes, "today's critics of judicial supremacy are right: the Supreme Court does exercise more power than it once did. In another sense, though, they could not be more wrong. The Court has this power only because, over time, the American people have decided to cede it to the justices." But, he warns, "The grant of power is conditional and could be withdrawn at any time. The tools of popular power have not dissipated; they simply have not been needed." Even so, over time Court decisions "tend to converge with the considered judgment of the American people."

Of course, there are times when public opinion and the courts are at odds. The Court might "get ahead of the American people on some issues, like the death penalty or perhaps school desegregation. On others, such as gay rights, it will lag behind," he writes. The Court took a public relations beating for its decision in the *Bush v. Gore* election case. But as Friedman points out, "more than 60 percent of the country said it was the Court's job to resolve the matter, compared with only 17 percent for Congress." And a year after the decision, "the Court again was running at high levels of support among Republicans and Democrats alike," Friedman notes.

Friedman's book is dense with details—he has an even 200 pages of chapter notes—and is perhaps a bit weighty for the lay reader. But his background and his conclusions are well-versed. It is definitely recommended reading for any lawyer who has business before the Court.

Joe Goulden is the author of several books on the law, most recently The Money Lawyers.

Note

1 For a superb study of how the plan went belly up, *see* Burton Solomon, *FDR v. the Court* (2009).

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physical desire. . .he had the sexual appetite of a man half his age."

In a close election, Wilson won a second term in 1916 by defeating Charles Evans Hughes, a former New York governor who resigned from the Supreme Court to run. In words loaded with modern relevance, Wilson urged that America be a nation exemplary for being "so right that it does not need to convince others by force that it is right." He said that "If my re-election as President depends upon my getting into war, I don't want to be President." He added, "I will not be rushed into war, no matter if every last Congressman and Senator stands up on his hind legs and proclaims me a coward....I am for peace," even while the world is on fire with "things I cannot control—the actions of others."

High-minded rhetoric though that was, Wilson was dragged into war fearing "the uselessness of this mechanical slaughter." When his private diplomatic efforts at mediation, through his longtime private counselor Colonel Edward M. House, failed and submarine attacks on American ships increased, his unanimous cabinet pressed for war, and Wilson went to Congress pleading to make the world "safe for democracy." It was, Cooper states, "the greatest speech of his life." Congress quickly declared war. Economic mobilization, a national draft, incursions on civil liberties (denial of mail privileges to critical press and invocation of the Espionage Act), and continued racial inequities followed, though women's suffrage evolved and finally was ratified in 1920, along with the Prohibition. In 1918 Wilson delivered his "Fourteen Points" speech, outlining the peaceful conditions he sought for "peace without victory."

Cooper offers little information or insight into Word War I (126,000 American men died in combat), but devotes much to Wilson's failed attempt to bring to life his dream for a League of Nations. Wilson's ideas were visionary and admirable, but his political skills—or lack of them—led to the crushing defeat of his dream for an institution for international justice and peace. Wilson's stubbornness, unwillingness to compromise, and political partisanship allowed his congressional enemies to block U.S. participation in the league. With statesmen, as with his faculty colleagues at Princeton, Wilson's adamant integrity prevented the reforms he initiated from becoming reality.

Wilson lived abroad longer than any American president, tending to the creation of the League of Nations. His domestic programs and political alliances at home suffered. On his return, his spirit broken, his health failing, he suffered a stroke that eclipsed the final months of his second term (from October 1919 until the election of Warren Harding in late 1920 and inauguration in March 1921). The cabinet worked independently, his political opponents frustrated his legislative goals, a wounded caretaker he existed in seclusion. It was, Cooper wrote, "the worst crisis of presidential disability in American history." His wife, doctor, and a few close aides managed the presidency as Wilson lived a delusional life in the White House. Even his admiring biographer concludes: "By any reasonable standard, Wilson was not functioning as president. . .He should not have remained in office." The Republicans took over the White House at the next election.

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era. Law, per se, was not discussed, and certainly not cases, but issues and sports were another matter. Food, wisdom, and wit were plentiful. No one needed to say what was implicit—that what was said there stayed there.

Milt got me into the game that Sunday as a pinch runner, and I showed up for just about every game thereafter, at first riding my bike from my home on 30th Place, down Military Road and, depending on how I felt, either up Snake Hill right into the ballfields at Carter Barron Ampitheatre or up Missouri Avenue and down 16th to Kennedy Street. I loved to bike and then fly over the hump that separated the fields from the sidewalk.

When I became a "regular," I always played on the team opposing Kronheim's. That "good local pitcher" that Jake referred to in his November article was Aaron Silverman, who pitched in the minor leagues. There were other minor leaguers in the game, along with at least one player, a left fielder, who played in the major leagues for a short while.

Milton and Jake typify an era that has gone with the wind. Jake has the stories; he, too, is my friend. I soon will be gone and my hope is that during the lives of my children, there will be a Jake Stein for them to treasure. He and his stories are like magnets that pull us back to feelings and thoughts that, like a walk in the woods, burrow through our hard crust and force us to recall that we are, most importantly, simply people on a ride in space—a short ride—looking for and sometimes attaining friendship and love.

Thank God for Jake.

—Julian Tepper
Placitas, New Mexico

A Hypothetical Rooted in Reality

In response to the December 2009 cover story "The Future of Affirmative Action," here are two hypothetical test questions that illustrate the fairness and wisdom of current laws barring the use of tests to deny employment or educational opportunities.

Question One: A deuce-and-a-quarter is:

A. A model of a Buick car
B. $2.25
C. $225
D. A tennis term
E. None of the above

The correct answer is A.

This question, if asked during the 1970s and 1980s, was far more likely to be answered correctly by a black rather than a white candidate. Similarly, if asked on an examination today, it is more likely that the answer will be known to a middle-aged black person than any younger person.

Question Two: The winner of the 2008 World Series was:

A. Philadelphia Phillies
B. New York Yankees
C. Boston Red Sox
D. Chicago White Sox
E. None of the above

The correct answer is A.

Of course, there are female baseball fans who are as passionate about the game as any male fan. But it probably can be established that this question would have a disproportionate adverse impact on female job applicants.

If these questions have a disproportionate effect on white, young, or female candidates, and the questions are not predictive of successful job or academic performance, they do not belong on the examination. And examinations containing such questions should not be used because they create artificial barriers to equal opportunity based on race, gender, and age.

There is another point to be made: The purpose of any test is to identify persons likely to succeed on the job or in the classroom. If my client took and failed a firefighter test given, for example, in New Haven, Connecticut, but he or she had been highly rated as a firefighter in previous employment in, for example, New York City, each test question must be vetted to determine whether it is predictive of successful job performance in New Haven. Indeed, I would think New Haven would insist upon this since its objective is to identify and hire highly qualified firefighters.

—Melvyn R. Leventhal
New York, New York

Supreme Court Ruling Warrants Clarification

Your article on affirmative action may mislead readers on the extent to which Congress in 1991 overturned the U.S. Supreme Court's 1989 decision in *Wards Cove Packing Co. v. Atonio*.

Congress reversed the Court only insofar as the burden of proving a business justification for a selection device with a "disparate impact" now placed on the employer; it is disputed whether the legislation changes the Court's definition of such a business justification and, if so, how.

—Roger B. Clegg
President and General Counsel
Center for Equal Opportunity

Let Us Hear From You

Washington Lawyer *welcomes your letters. Submissions should be directed to Washington Lawyer, District of Columbia Bar, 1101 K Street NW, Suite 200, Washington, DC 20005-4210. Submissions are also accepted by fax at 202-626-3471 or by e-mail at communications@dcbar.org. Letters may be edited for clarity and space.*

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nations, and Beevor wins our admiration for them with this finely crafted story. The author is someone I would like to have lunch with, too.

James Srodes's biography, Allen Dulles: Master of Spies, *was named the best intelligence book of 2000 by the Association for Intelligence Officers. His e-mail address is srodesnews@msn.com.*

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In his twilight years, living on S Street NW in Washington, D.C., a depleted Wilson won the Nobel Peace Prize and ineffectively pursued law practice and writing. Wilson became "one of the best remembered and argued over of all presidents," and one senses why after reading this book. Wilson was a man who was correct and visionary in much that he advocated, though he left each great institution—Princeton, New Jersey, and the White House—with very public failures by his own standards. Why? Wilson should have been one of the most memorable public figures in American history, but his straight-laced personality undercut his public goals, despite his grand personal successes in attaining the high offices he sought. A book about Woodrow Wilson that explains that intriguing subject would be worth reading; unfortunately, this book falls short.

Ronald Goldfarb is a Washington, D.C. attorney, author, and literary agent whose reviews appear regularly in Washington Lawyer. *Reach him at rglawlit@aol.com.*