

**A Conceptual History of Equal Opportunity:  
Debating the limits of acceptable inequality in U.S. history**

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Michael Joseph Illuzzi

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## **Dedication**

This dissertation is dedicated to Jen and Clara.

## Abstract

My dissertation addresses the political problem of economic inequality, through a conceptual history of the phrase “equal opportunity,” and an evaluation of the role equal opportunity has played in debates about how (or even whether) to remedy economic inequalities. I analyzed thousands of U.S. newspapers spanning over 90 years to identify how different conceptual uses affected policy decisions made at different key periods in American history. From the Gilded Age, when reform advocates pushed equal opportunity into mainstream newspaper debates for the first time, to the 1960s when political actors made equal opportunity the preferred way to talk about most inequalities, political actors and analysts increasingly used equal opportunity as the criterion for identifying unjust inequalities that required political attention. Equal opportunity has been institutionalized in American law, governmental regulations, and popular discourse through events such as the 1954 Brown Supreme Court decision and the Civil Rights Act of 1964.

Despite these policy advances, and despite the solidity of support for equal opportunity in American political thought and popular discourse, I argue that the concept has ironically impeded efforts to address economic inequality. This is because equal opportunity invokes a metaphor that obscures the most important sources of economic inequality. Equal opportunity functions by invoking the metaphor of everyone being permitted to compete in a race. Yet most political interventions to address economic inequalities focus on historical and institutional disadvantages in laws passed in previous years. Arguing that reforms should “make up the lost ground” such disadvantages imposed under the rubric of a competitive race, however, violates Americans’ basic everyday understanding of fair competition. We do not give runners in a race a head start because they were born into poverty and had worse nutrition and we do not give a basketball team more points to start a game because they have fewer taller players. While equal opportunity provided many American political actors with an effective conceptual frame to fight some forms of discriminations, it was nonetheless ill-suited practically and normatively to address economic inequality.

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## Chapter 1

### Introduction

The impetus of this dissertation was to try to understand why the concept of equality of opportunity developed over time into an enduring and even alluring principle of faith among some Americans even as their lived experience (and their possibility for genuine opportunity) is shaped by high and growing economic inequality. As James Morone and Lawrence Jacobs have demonstrated, U.S. levels of economic inequality stand out in almost every comparison with industrialized democracies. Moreover, a growing body of scholarship has established the relationships between these economic inequalities and inequality in opportunity, defined by almost all measures, such as inequalities of health, political participation, and educational access and opportunities.<sup>1</sup>

Despite the mounting evidence of economic inequalities in the U.S., political leaders across the ideological spectrum continued to identify “equal opportunity” as our founding principle. In Trent Lott’s December 2002 apology for his controversial statements at Strom Thurmond’s birthday celebration, he argued that he was not racist because he believed in equality of opportunity. After referencing his father’s job as a sharecropper and his mother’s job as a public school teacher, he asserted:

I am humbled by the American dream because I have lived the American

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<sup>1</sup> James A. Morone and Lawrence R. Jacobs, eds., *Healthy, Wealthy, and Fair: Health Care and the Good Society* (Oxford: Oxford University Press, 2005). On political inequality, see Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady, *Voice and Equality: Civic Voluntarism in American Politics* (Cambridge, Mass.: Harvard University Press, 1995). For recent studies establishing the relationship between economic inequality and health and other social welfare opportunities see: Ichir  Kawachi and Bruce P. Kennedy, *The Health of Nations: Why Inequality Is Harmful to Your Health* (New York: New Press, 2002), Morone and Jacobs, eds., *Healthy, Wealthy, and Fair: Health Care and the Good Society*. For data on how economic inequality impedes equal educational opportunity, see The National Center for Public Policy and Higher Education, "Losing Ground: A National Status Report on the Affordability of American Higher Education," (San Jose, California: 2002), Jennifer L. Hochschild and Nathan B. Scovronick, *The American Dream and the Public Schools* (New York: Oxford University Press, 2003).



dream. To those who believe I was implying that this dream is for some and not for all, I truly apologize.

I will dedicate myself to undo the hurt I have caused and will do all that I can to contribute to a society where every American has an equal opportunity to succeed.

He stated his agreement with President Bush's statement that every day of segregation "was unfaithful to our founding ideals." He later defined these common ideals:

There may be disagreement on the best ways to ensure that every American of every color has a fair and equal chance at life, but our goals are the same:

1. A colorblind society where every American has an equal opportunity to succeed.
2. An end to entrenched poverty and joblessness that have plagued minority communities.
3. A good education for every child that gives them a real chance for a good life and that rejects the soft racism of low expectations.
4. Strict enforcement of the civil rights laws on the books to guarantee equality and punish racism.

It was remarkable to me how similar this argument from a Republican Senate leader was to a then Democratic Senate leader with presidential aspirations.

In January 2003, I listened to a broadcast of Senator Joe Lieberman's launch of his 2004 campaign for President on the steps of the public high school he attended in Hartford. He announced: "I believe in the American Dream, the promise of freedom and opportunity that drew my grandparents here from overseas, enabled my parents to work their way into the middle class and made possible the extraordinary opportunities I have had." He made the American Dream the repeated refrain of the speech, arguing that he

could “restore the full measure of the American Dream in every heart and household” and connecting it to international security, economic stimulus programs, and toleration of faith and values. He argued that the purpose of his campaign was to move the nation and his party “closer to its founding ideals of equal opportunity for all.”<sup>2</sup>

Hearing Lieberman’s speech and seeing the many echoes of Lott’s speech in a very different political context raised a series of related questions: how could both Lott and Lieberman, leading national politicians from opposing parties (at this time) who advocated quite different sets of public policies, identify equal opportunity as America’s founding ideal? Why did the increasing levels of economic inequality not constitute a contradiction of the ideal of equal opportunity? What role does this concept play in American political culture and American political decision-making? These questions form the focus of the present study.

Equality has served as an important normative principle of justice in American history, beginning with the Declaration’s assertion that “all men are created equal.”—Elizabeth Cady Stanton, Abraham Lincoln, Edward Bellamy, W.E.B. Dubois, and John Dewey, among others, identified equality as a founding ideal of the American republic and argued that to preserve this ideal the U.S. government had to pass political reforms.<sup>3</sup> Even those who critiqued this foundational principle acknowledged its importance. John C. Calhoun called it “the most false and dangerous of all political errors” and William

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<sup>2</sup> From Senator Joe Lieberman’s launch of his candidacy for President on January 14, 2003.

<sup>3</sup> Edward Bellamy, *Looking Backward: 2000-1887* (New York: Signet Classic, 2000), 204, John Dewey and Jo Ann Boydston, *The Later Works, 1925-1953*, 17 vols. (Carbondale London: Southern Illinois University Press; Feffer & Simons, 1981), 48-49, W.E.B. Dubois, *The Philadelphia Negro: A Social Study* (New York: Schocken Books, 1987 [1899]), 389, Abraham Lincoln and William E. Gienapp, *This Fiery Trial: The Speeches and Writings of Abraham Lincoln* (New York: Oxford University Press, 2002), 184, Anne Firor Scott and Andrew MacKay Scott, *One Half the People: The Fight for Woman Suffrage* (Urbana: University of Illinois Press, 1982), 61.

Graham Sumner ended his famous treatise, *What Social Classes Owe to Each Other*, by identifying the belief in equality as the greatest threat to civilization.<sup>4</sup> By the time Dubois wrote *The Philadelphia Negro* (1899) a fantastic sleight-of-hand occurred in which equal opportunity replaced equality as a foundational principle of American government. Despite the continued ambiguity of the term “equality of opportunity”—opportunity to do what?—I hypothesized that this narrowing of meaning had consequences for subsequent attempts to address economic inequalities.

In order to explore my hypothesis, I decided to use newspapers to look at the continuing debate surrounding equality in America. Taking advantage of the expanded availability of historical newspapers via electronic databases such as the Early American Newspapers and ProQuest Historical Newspapers, I examined all the uses of the terms “equal opportunity,” “equality of opportunity,” and “inequality” in mainstream U.S. newspapers available in these databases. Looking at search results from the database and the historical knowledge I gained from my initial investigation of American political thought, I identified three major time periods of conceptual innovation: the Gilded Age/Progressive Era (1870-1914) (when the terms “equal opportunity” and “equality of opportunity” first came into widespread use), the New Deal and Second World War (1932-1944) when political leaders used the terms less but still passed large social welfare programs, and the 1960s (1960-1968) when uses of the terms skyrocketed and dwarfed the use of other terms in debates over all sorts of different inequalities.

While using historical newspapers entailed some drawbacks, they also constituted the best available and underutilized source for analyzing the conceptual history of equal

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<sup>4</sup> William Graham Sumner, *What Social Classes Owe to Each Other* (Caldwell, Idaho: Caxton Printers, 1952), 145.

opportunity. The main drawback is that the newspapers are not an accurate representation of larger societal uses of the concepts, as they were written for the most part for American elites and contained the debate of these same elites. To overcome this deficiency, I have used secondary historical works to ensure that my analysis does not simply reproduce the various news biases of the time periods in which I studied.

Despite this drawback, the newspapers hold distinct advantages over the traditional sources of conceptual history. Most conceptual history relies on elite philosophical analysis (such as the Federalists, Tocqueville, Lincoln, and Dewey) for their sources.<sup>5</sup> Relying on these works as sources means that the debate has already been filtered by the philosopher or political analyst. While reporters serve a similar role in the newspapers, the sheer number of articles included in the study and the number of reporters and political actors included in those articles as well as the use of secondary historical works ensures a wide variety of perspectives. Tocqueville famously proclaimed, “Newspapers are the only historical records in the United States.”<sup>6</sup> While perhaps a bit exaggerated, his analysis does indicate a key advantage of newspapers. Newspapers served a crucial role in the conceptual innovation I analyze. As Tocqueville noted, “Only a newspaper can put the same thought at the same time before a thousand

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<sup>5</sup> Much of the scholarship on conceptual history relies primarily on philosophical or theoretical classics. See for examples: Terence Ball, James Farr, and Russell L. Hanson, *Political Innovation and Conceptual Change, Ideas in Context* (Cambridge; New York: Cambridge University Press, 1989), Reinhart Koselleck and Todd Samuel Presner, *The Practice of Conceptual History: Timing History, Spacing Concepts, Cultural Memory in the Present* (Stanford, Calif.: Stanford University Press, 2002).

<sup>6</sup> Alexis de Tocqueville, *Democracy in America*, ed. J. P. Mayer, trans. George Lawrence (New York: Harper Perennial, 1988), 207.

readers[....]We should underrate their importance if we thought they just guaranteed liberty; they maintain civilization.”<sup>7</sup>

The inclusion of actual text of debates and speeches in the newspaper articles make the newspapers a much more accurate historical record of the actual terms used to influence debate over inequality in America than any other comparable source available for the time periods I studied. It is important to note that concepts are not always equivalent to their corresponding terms and vice versa. For example, when William Graham Sumner wrote of “equal chances” he was referring to the broad concept of equal opportunity even if he was not using the terms “equal opportunity” or “equality of opportunity.” To distinguish between the two in the remainder of the text, I put quotation marks around terms (e.g. “equal opportunity”) and leave concepts without quotation marks (e.g. equal opportunity). The electronic databases of historical newspapers allowed me to systematically follow the debates involving the terms “equal opportunity,” “equality of opportunity,” and “inequality.” Other scholars have followed the many related concepts and written useful histories on the American Dream, American liberalism, and the concept of equality. Being able to use as secondary sources the scholarship of those who have produced historical narratives of related concepts helped to ensure that following the terms did not lead me to miss an important part of the story.

While many studies have been done on the history of American liberalism, the American dream, and some on the history of equality (though not specifically equality of opportunity), no one has followed the use of the terms “equal opportunity” and “equality

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<sup>7</sup> Ibid., 517. While television and now the internet has supplanted the print media to a large extent in this function, the print media still has a large influence over the content of the television media. Furthermore, newspapers provide a consistent source base that can be compared over time.

of opportunity” that political actors have featured so prominently in their utterances on these topics. For example, J.R. Pole (1993) offers the most thorough examination of Americans’ changing uses of the concept of equality over time. While the concept of equality of opportunity reappears throughout his analysis and he devotes much of chapter 6 to it, Pole surveys all the uses of equality. Pole’s analysis is both impressive and frustrating at the same time. The extensive breadth (covering all sorts of sources from the 1700s to 1980s) and detail of his investigation provide intriguing nuggets of insight, which have provided many leads of investigation for my own project. Yet, the book fails to address adequately and directly the central question he raises in the preface to the first edition, “to explore the historical character of...the discrepancy between the public commitment [to equality] and the public concern to translate commitment into policy.”<sup>8</sup> The book lacks a comprehensive and consistent theoretical framework to investigate such a question, which may account for why in the preface to second edition (unlike the first edition) Pole does not come out and state what specific research questions the books aims to answer beyond providing an “indispensable” part of the “history of American political thought.”<sup>9</sup> Condit and Lucaites provide a second historical approach to the investigation of the rhetorical uses of the concept of equality in American history. Like Pole, they focus on all types of equality. For example, in their conclusion they try to discuss the contemporary implications of all the following types of equality: “equality before the law,” “equal protection,” “political equality,” “social equality,” “racial equality,” and

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<sup>8</sup> J. R. Pole, *The Pursuit of Equality in American History, Jefferson Memorial Lectures* (Berkeley: University of California Press, 1978), ix.

<sup>9</sup> J. R. Pole, *The Pursuit of Equality in American History*, Rev. ed. (Berkeley: University of California Press, 1993), xii.

“equal economic opportunity.”<sup>10</sup> While the authors admirably fulfill their objective to show the significant contributions made to the public meaning of equality by a full range of Euro- and African-American advocates, they do not provide a clear sustained analysis of equality of opportunity as such.<sup>11</sup>

Following the terms as opposed to the concepts enables a few crucial advantages. First, it mitigates the potential to engage in the most common pitfall of conceptual history—the “mythology of doctrines.” Quentin Skinner’s influential theory of interpretation effectively called attention to this common error. Skinner’s “mythology of doctrines” refers to the inclination of a historian to go in *set* to find a doctrine and “read in” a doctrine that the author had no intention to convey.<sup>12</sup> Connected to this problem is the tendency of historians of ideas to reify a doctrine and speak as if it is the agent of history instead of those who wielded it in their own interests. Skinner cogently explains,

As the historian duly sets out in quest of the idea he has characterized, he is very readily led to speak as if the fully developed form of the doctrine was always in some sense immanent in history, even if various thinkers failed to ‘hit upon’ it, even if it ‘dropped from sight’ at various times, even if an entire era failed (note the implication that they *tried*) to ‘rise to a consciousness’ of it. Similarly, the story of the development of such a doctrine very readily takes on the kind of language appropriate to the description of a growing organism. The fact that ideas presuppose agents is very readily discounted, as the ideas get up and do battle on their own behalf.<sup>13</sup>

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<sup>10</sup> Celeste Michelle Condit and John Louis Lucaites, *Crafting Equality: America's Anglo-African Word, New Practices of Inquiry* (Chicago: University of Chicago Press, 1993), 26-230.

<sup>11</sup> *Ibid.*, 219.

<sup>12</sup> James Tully, *Meaning and Context: Quentin Skinner and His Critics* (Princeton, N.J.: Princeton University Press, 1988), 36.

<sup>13</sup> *Ibid.*, 34-35.

Following the terms in newspaper debates helps mitigate this tendency to “read-in” the presence of the concept of equal opportunity. Front page newspaper articles almost always put the utterance in context and relate it to the intention of the author. In fact, reporters supplied many of the most revealing insights in their analysis of the political actions and speeches they were reporting on. Having this context put the agents and actors that wielded the concepts front and center and made it less likely to treat the concepts as agents that could do battle on their own behalf.

The newspapers show that lived experience of economic inequality does not contradict the dominant conception of equality of opportunity, at least not as its use has been understood. Equality of opportunity developed over time into an enduring and alluring principle of faith among some groups of Americans because it became an aspirational (yet more practical) stand-in for the Declaration’s assertion: “that all men are created equal.” As a scholar on the American Dream put it,

The way we typically square the difference between principle and reality is to cite the concept of equality of *opportunity*. The notion that everyone has the hypothetical possibility of being equal in public life is a standard we consider practical, as opposed to equality of *condition*, which we typically do not... This allows us to believe we live in a reasonably fair country that bears some relationship to its founding ideals—in this case, that ‘all men are created equal,’ as usefully ambiguous as the phrase is—and gives us the hope that our own dreams are not impossibly out of reach.”<sup>14</sup>

The use of the terms “equal opportunity” and “equality of opportunity” by political actors, activists, and analysts has not prevented increasing economic inequalities, because

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<sup>14</sup> Jim Cullen, *The American Dream: A Short History of an Idea That Shaped a Nation* (Oxford: Oxford University Press, 2003), 108.



at its core, “equality of opportunity” is a principle of non-discrimination, not one of economic rights or economic justice.

By the mid to late 1960s political actors’ use of the terms “equal opportunity” and “equality of opportunity” made them the dominant criteria for evaluating racial, gender, economic, and social inequalities in the U.S. While equal opportunity and its imbedded metaphor of the “race of life” provided many American political actors and analysts with an effective conceptual frame to fight discriminations (which accounts for much of its appeal and for its continued importance in inequality debates), it is nonetheless ill-suited practically and normatively to address social and economic inequality. I argue that political actors, analysts, and activists’ elevation of equal opportunity as the dominant criteria of evaluating injustice limited the political and institutional solutions they proposed and enacted. It also shifted political understandings of fairness from a more expansive view of economic and social rights to a more narrow focus on anti-discrimination claims.

### **I. Metaphors Govern Political Life**

One of my main contentions is that changes in the way political actors framed debates over inequalities and the terms they chose to use affected the way some Americans have thought and acted in relation to different kinds of inequality. One of the most frequent questions I have encountered in presenting my research is some variant of the following: “Of what value could it be to study the terms used in newspaper debates since they often consisted of lies and misrepresentations?” To put the argument into the

parlance of academic study of public policy, political elites use “crafted talk”<sup>15</sup> to manipulate public opinion, that is, to move Americans to ‘hold opinions that they would not hold if aware of the best available information and analysis’ (Zaller 1992, 313).”<sup>16</sup> The underlying concern, then, is that studying the terms of debate in newspaper articles is merely a study of political strategy not necessarily connected to widely held views of social justice. If a change in political rhetoric is merely a carefully crafted repackaging of the same policies, it would not indicate any significant political change. However, I would like to offer three rejoinders to this critique here: (1) the very power of crafted talk underlines the importance of terms to thinking and acting; (2) rhetoric and theory are not separate entities and cannot be easily distinguished in practice; and most importantly (3) words are so central to human thinking that changes in the words used almost necessarily indicate a change in the way an audience perceives a topic of importance.

Even if the charge that “crafted talk” amounts to political manipulation has merit (and I think it does in many contexts), the presence of manipulation does nothing to discredit the importance and power of language to influence the way citizens think about political problems. On the contrary, the very power of crafted talk underlines the importance of terms to thinking and acting. The change in terms may amount to manipulation (in the sense that with more information the audience would think differently), but that does not make the effects of the change in terms any less powerful. “Back in November, 1967, [William F.] Buckley wrote in an essay on Ronald Reagan, ‘they say that his accomplishments are few, that it is only the rhetoric that is

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<sup>15</sup> See Lawrence R. Jacobs and Robert Y. Shapiro, *Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness, Studies in Communication, Media, and Public Opinion* (Chicago, IL.: University of Chicago Press, 2000).

<sup>16</sup> *Ibid.*, xv.

conservative. But the rhetoric is the principal thing. It precedes all action. All thoughtful action.”<sup>17</sup> What I think Buckley was saying was that before Reagan could make any headway in advancing the conservative policies suggested by Goldwater, he needed to reframe the debate, the terms that were used, and thereby change the way people thought about the role of government in their lives.

The debate over the change in language of the “estate tax” or “death tax” provides an illustrative example. Even as the most paradigmatic example of crafted talk in recent political memory, it demonstrates how changes in the terms of the debate change both the proposed political action and the normative evaluation of the social justice of the proposed action. Frank Luntz is a corporate consultant, pollster, and political consultant to Republicans whose “specialty is testing language and finding words that will help his clients sell their product or turn public opinion on an issue or a candidate.”<sup>18</sup> Luntz is largely credited with changing the term “estate tax” to “death tax.” In an interview with PBS’s *Front Line*, Luntz argued:

Look, for years, political people and lawyers -- who, by the way, are the worst communicators -- used the phrase "estate tax." And for years they couldn't eliminate it. The public wouldn't support it because the word "estate" sounds wealthy. Someone like me comes around and realizes that it's not an estate tax, it's a death tax, because you're taxed at death. And suddenly something that isn't viable achieves the support of 75 percent of the American people. It's the same tax, but nobody really knows what an estate is. But they certainly know what it means to be taxed when you die. I argue that is a clarification; that's not

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<sup>17</sup> George Packer, "The Fall of Conservatism," *The New Yorker*, May 26, 2008, 50.

<sup>18</sup> Frontline, *The Persuaders* (WGBH educational foundation, 2004 [cited May 29, 2008]); available from <http://www.pbs.org/wgbh/pages/frontline/shows/persuaders/interviews/luntz.html>.

an obfuscation.<sup>19</sup>

Despite Luntz's contention, critics have attacked the new Republican term "death tax" as obfuscating. For instance, the Brookings Institute noted:

Well, the estate tax may be appropriately called a "death tax" for the super rich, but for the vast majority of Americans, there is no tax due at death. The total U.S. population stands at nearly 300 million, and in recent years there have been around 2.4 million total deaths per year. The Urban-Brookings Tax Policy Center estimates that this year, with the estate-tax exemption level up to \$2 million (or \$4 million per married couple), there will be only 12,600 taxable estates. In other words, a mere one-half of 1 percent of deaths (or 1 in 200) will be assessed any estate tax. Calling this a "death tax" — as if it applies to all, or even many, Americans who die — is truly false advertising.<sup>20</sup>

The lesson of this example is not that words do not matter because they can be used to manipulate or mislead, but rather that the terms of the debate matter so much that we cannot be complacent about their use. Crafted talk is so powerful because it literally changes the way we frame a problem. In this case, the frame shifts from viewing the tax as a redistribution of the wealth of the richest to benefit society to the idea that the average American is taxed just for dying. The reason why the framing of terms matters is that if the intended audience accepts the new usage (even if it is obfuscating) they also accept the new framing that comes with it. Quentin Skinner explains that only those actions that "can be claimed with some show of plausibility to meet such agreed criteria

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<sup>19</sup> Ibid.([cited]).

<sup>20</sup> Diane Lim Rogers, *'Death Tax' Repeal Unfair to Those Who Owe 'Birth Tax'* (Brookings Institute, 2006 [cited May 29, 2008]); available from [http://www.brookings.edu/opinions/2006/0531taxes\\_rogers.aspx](http://www.brookings.edu/opinions/2006/0531taxes_rogers.aspx).

as there may be for the application of the term” have a chance of being accepted.<sup>21</sup> The change in the use of terms across the political spectrum, therefore, is indicative of a change in thinking because it indicates a new contextualization of an accepted term. Given the use of and abuse of language in political debate, it may be tempting to think that there is a separation between political rhetoric and political theory, but as Alastair MacIntyre has argued, “political theories are, by and large, articulate, systematic, and explicit versions of the unarticulated, more or less systematic and implicit interpretations, through which plain men and women understand this experience of the actions of others in a way that enables them to respond to it in their own actions.”<sup>22</sup> Political theories are “maps which make it possible to move about in the political landscape with some hope of implementing one’s intentions.”<sup>23</sup> People can use different concepts and theories to orient themselves to different aspects of life. We all use these mental maps consciously or unconsciously to make our way and navigate through the political landscape. Altering the terms of debate alters the map we apply in that debate. Although equal opportunity can sometimes be used as part of “crafted talk,” that very talk is what influences which mental map we use to navigate that particular problem.

Categorization is central to the way people make sense of the world. Cognitive science and conceptual history have explained that the use of concepts or categorization is the “main way that we make sense of experience.”<sup>24</sup> It is striking how trial and error has brought these two very independent research traditions to similar conclusions.

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<sup>21</sup> Ball, Farr, and Hanson, *Political Innovation and Conceptual Change*, 21.

<sup>22</sup> Alasdair MacIntyre, “The Indispensability of Political Theory,” in *The Nature of Political Theory*, ed. David Miller and Larry Siedentop (Oxford [Oxfordshire]; New York: Clarendon Press, 1983), 23.

<sup>23</sup> *Ibid.*, 32.

<sup>24</sup> George Lakoff, *Women, Fire, and Dangerous Things: What Categories Reveal About the Mind* (Chicago: University of Chicago Press, 1987), xi.

Cognitive science and conceptual history argue that categorization and conceptual innovation are central to how humans think, function, and understand the world. George Lakoff (a cognitive scientist) asserts, “There is nothing more basic than categorization to our thought, perception, action, and speech”<sup>25</sup> and Ball, Farr, and Hanson (conceptual historians) maintain, “who and what we are, how we arrange and classify and think about our world – and how we act in it – are deeply delimited by the argumentative and rhetorical resources of our language” and “to alter concepts...is to alter behavior.”<sup>26</sup>

Lakoff and conceptual historians agree that conceptual innovation is indicative of changes in the way people make sense of experience. The criteria for the application of a concept application “cannot be changed at will or by whim.”<sup>27</sup> Lakoff explains, “When categories get extended in the course of history, there has to be some sort of cognitive basis for the extension.”<sup>28</sup> Reinhart Koselleck explains some of the limitations on conceptual innovation: “A new concept may be coined to articulate experiences or expectations that never existed before. But it can never be too new not to have existed virtually as a seed in the pregiven language and not to have received meaning from its inherited linguistic context.”<sup>29</sup> Conceptual change, therefore, reveals changes in the way individuals think and understand their place in relation to the larger societal context. Looking at the creation and changes in the uses of a central legitimating concept, therefore, also reveals changes in the larger society, where actors choose to employ new interpretations of words to suit their needs.

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<sup>25</sup> Ibid., 5.

<sup>26</sup> Ball, Farr, and Hanson, *Political Innovation and Conceptual Change*, 2.

<sup>27</sup> Ibid., 3.

<sup>28</sup> Lakoff, *Women, Fire, and Dangerous Things: What Categories Reveal About the Mind*, 111.

<sup>29</sup> Koselleck and Presner, *The Practice of Conceptual History: Timing History, Spacing Concepts*, 30-31.

The cognitive science and conceptual history literatures also agree that political life is predisposed to studies of conceptual change, because politics is a domain of experience where changing metaphors play a central role. Lakoff explains how humans have some preconceptual structures to understand the world. For example, neurophysiologists have found a biological basis for the perception of primary colors. Humans have six types of cells on the neural pathways between the eye and the brain that perceive primary colors (red, blue, green, yellow and red) and brightness (e.g. black and white), which accounts for why primary colors are nearly universal in human language, whereas secondary colors vary greatly from one culture to another.<sup>30</sup> Lakoff, however, says that many of our most important conceptions involve human imagination. “In domains where there is no clearly discernible preconceptual structure to our experience,” writes Lakoff, “we import such structure via metaphor.”<sup>31</sup> People do not have many preconceptual structures (to use the words of Lakoff) to understand politics. In his book, *Contested Truths*, Daniel Rodgers points out how the most important political terms are rather abstract metaphors. Since politics is plural by definition, it necessarily assumes the generalization of problems to an abstract level (beyond individual everyday perception):

But if words unify and mobilize, they have a still greater, hidden power as well.

Words legitimize the outward frame of politics; they create those pictures in our heads which make the structures of authority tolerable and understandable.

Thus human beings come to talk of the sacredness of the king’s body, the sovereignty of the people, or the destiny of nations—word pictures all, tissues of metaphor, but essential to the reconciliation with realms of power beyond their reach. ‘Fictions,’ Edmund Morgan has called them: acts of political make-

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<sup>30</sup> Lakoff, *Women, Fire, and Dangerous Things: What Categories Reveal About the Mind*, 26-28.

<sup>31</sup> *Ibid.*, 303.

believe. But of all the functions of political talk, the superimposition of some believable sense and enduring legitimacy on top of the chaotic motions of day-to-day power is the least dispensable. Let the citizens believe that the law is a thing of logic (rather than the whim of men called judges), that their government is a democracy (though only a fraction of the people rule, that human beings were born with rights (though it is plain that they are born to the powerlessness of infancy), and their words have consequences.<sup>32</sup>

The point is not that political metaphors are misleading (though as we saw in the discussion of “crafted talk” this can be the case), but rather metaphoric extensions (despite their flaws) are indispensable for the organization of communal life.<sup>33</sup> As Lakoff asserts, “Trees and rocks may exist independently of the human mind. Governments do not.”<sup>34</sup> Yet, governments and the “tissues of metaphor” are no less real or important to human experience than trees and rocks. Rodgers points out, “[e]ven now the national equivalent to the crown jewels, sealed in lead and helium, watched by sentries at arms, is the Declaration of Independence: pure words.”<sup>35</sup> Using newspapers as the primary source to trace the conceptual history of equal opportunity in the U.S. served as a way to investigate a diverse set of actors’ arguments and identify the central

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<sup>32</sup> Daniel T. Rodgers, *Contested Truths: Keywords in American Politics since Independence* (New York: Basic Books, 1987), 5.

<sup>33</sup> Lakoff 1987 provides a fascinating example of how meaning is embedded in even the most everyday, concrete words.

“Normal: She is a mother, but she isn’t a housewife.

“Strange: She is a mother, but she’s a housewife” (81).

“Normal: She is a mother, but she has a job.

“Strange: She is a mother, but she doesn’t have a job” (81).

Studies have shown that the best example of a mother or the central case where all the models converge, includes a mother who is and always has been female, and who gave birth to the child, supplied her half of the child’s genes, nurtured the child, is married to the father, is one generation older than the child, and is the child’s legal guardian” (83). The closer a given utterance comes to satisfying all these different criteria the more accepted will be the usage, or the more representative is the mother. The example, shows how some grammar does not even make sense because of the conventional thinking about who and what mothers are.

<sup>34</sup> Lakoff, *Women, Fire, and Dangerous Things: What Categories Reveal About the Mind*, 208.

<sup>35</sup> Rodgers, *Contested Truths: Keywords in American Politics since Independence*, 6.



metaphor(s) used to make sense of inequality by an American audience. The usage of terms in the context of newspapers does not offer an exhaustive analysis of all the ways in which the concept of equal opportunity was employed by political actors, but it does offer a revealing look into the central metaphors used by a wide variety of actors and how these frameworks were understood by the audience of these actors. Furthermore, the newspapers provide the context and a consistent relating of the concepts and metaphors to the changing political problems of the day, providing a catalogue of how changes in the terms of debate corresponded with changes in policies or the alternatives considered.

## **II. Research Approach to Conceptual History**

There are three main “schools” of conceptual history: the Cambridge school of Peter Laslett, John Dunn, J.G.A. Pocock and most especially Quentin Skinner, a predominantly German approach, *Begriffsgeschichte*, associated with Reinhart Koselleck and what could be called a critical conceptual history approach of scholars such as Terence Ball and James Farr. While there are significant differences in their approach, the approaches are complementary. For example, the Cambridge School is well-known for its emphasis on understanding the linguistic and intellectual context of a given text.<sup>36</sup> The *Begriffsgeschichte* approach emphasizes the necessity of understanding the political, social and economic contexts of conceptual usage.<sup>37</sup> A third approach could be labeled “critical conceptual history.” The emphasis of authors like Terence Ball and James Farr is that conceptual histories can provide “valuable critical purchase on modern moral and

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<sup>36</sup> Tully, *Meaning and Context: Quentin Skinner and His Critics*, 61-63.

<sup>37</sup> Koselleck and Presner, *The Practice of Conceptual History: Timing History, Spacing Concepts*, 23.

political disputes.”<sup>38</sup> My own approach to the historical study of concepts draws mostly from the Cambridge School and what I am calling the “critical conceptual history” tradition.

To understand the changing meaning of the central metaphors of equal opportunity, I traced the relations between a given utterance of “equality of opportunity” and the wider linguistic context as “a means of decoding the actual intention of the given writer.”<sup>39</sup> To understand the wider linguistic context I used a variety of historical, sociological, and legal secondary sources of the time periods I studied. I also traced the change in the usages of “inequality” to better understand both the alternative terms used to discuss inequality and what constituted the parallel and competing arguments over inequality.

In analyzing the articles from my searches of the electronic databases of historical newspapers, I sought to come up with a systematic qualitative approach to interpretation. One of the main ways conceptual historians perform their work is to understand the context of specific utterances; was it used by a specific political party, was the connotation positive or negative during this time period, was it a novel use or commonplace use, was the term settled or undergoing conceptual change during the time period of the utterance? Therefore, during my analysis of the newspaper articles, it was very important to not abstract the utterances from the context.

I decided that keeping a log of utterances with sufficient description of context would enable me to both understand the meaning of the utterance to the speaker and

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<sup>38</sup> Ball, Farr, and Hanson, *Political Innovation and Conceptual Change*, 4, Robert W. Martin, "Context and Contradiction: Toward a Political Theory of Conceptual Change," *Political Research Quarterly* 50, no. 2 (1997): 423.

<sup>39</sup> Tully, *Meaning and Context: Quentin Skinner and His Critics*, 64.

understand its relative prevalence within the newspaper debates. Instead of coming up with a decision rule for how many lines before or after an utterance would be included in my analysis I decided to include as much content as I thought was necessary to provide the context of the utterance. For example I noted who was the speaker, what was his or her political affiliation, if known, what was the arena in which the utterance was made, and what role did the utterance play (was it a closing line of a speech, etc.). Most newspaper articles set the stage for the content of the article in the first paragraph or two, and so I usually included this in the log. I then included a quotation of the utterance, usually including the whole paragraph in which the utterance occurred, sometimes considerably more of the text if I thought it was necessary to understand that utterance. At the end of each search, therefore, I had a document with a chronological list of every utterance that met my search criteria along with the accompanying context. I then could sort the utterances based on salient differences. This allowed me to notice changes over time in conceptual uses, how comparative political actors responded to these uses and with what terms, and compare the assumptions on which arguments were based. This also allowed me to compare the changes of utterances of “equal opportunity” and “equality of opportunity” to the utterances of “inequality” and note changes over time.

### **III. Equal Opportunity as an American Civic Ideal – A More Complex Truth**

As I read the newspaper articles and saw how the authors used the terms “equal opportunity” and “equality of opportunity,” I realized that equal opportunity was usually the operative concept (and central metaphor) in both the American Dream and the descriptions of America’s “liberal” tradition, and that my project had an original and practical contribution to make in both literatures. The literature on the American Dream,

America's liberal tradition, and my own study on equal opportunity share a common goal. They posit that people's belief in the ideal of the American Dream, liberalism, or equal opportunity acts as a binding agent holding together society. Whether viewed as a "shared ground" and a "glue,"<sup>40</sup> a "social *ethos*" and a "cement in the structure of this great and disparate nation,"<sup>41</sup> "the dominant, more or less culturally universal scheme by which the social order is understood and explained,"<sup>42</sup> or as an almost unconscious "religion of opportunity"<sup>43</sup> that operates as a "unique nationalism: national liberalism,"<sup>44</sup> the function of a binding ideal for a diverse nation is virtually the same. In this section, I use Rogers Smith's conception of a "fighting faith" to express this idea. By "fighting faith," Smith is referring to a unifying ideology that could support a sense of national unity. A "fighting faith" must articulate why "any group of human beings should think of themselves as a distinct or special people" "without suppressing legitimate variety."<sup>45</sup> I prefer the term "fighting faith" because it simultaneously denotes the diversity of concepts included in American liberal democratic *traditions* and at the same time the very real power political actors are able to wield in justifying their actions in reference to certain principles as opposed to others. For instance, leaders of the African American freedom movement literally fought and even died for the "fighting faith" of equality of opportunity.

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<sup>40</sup> Cullen, *The American Dream*, 189.

<sup>41</sup> Gunnar Myrdal, Richard Mauritz Edvard Sterner, and Arnold Marshall Rose, *An American Dilemma: The Negro Problem and Modern Democracy*, 1st ed. (New York: Harper & brothers, 1944), 3.

<sup>42</sup> Jennifer L. Hochschild, *Facing up to the American Dream: Race, Class, and the Soul of the Nation*, *Princeton Studies in American Politics* (Princeton, N.J.: Princeton University Press, 1995), 6.

<sup>43</sup> Louis Hartz, *The Liberal Tradition in America: An Interpretation of American Political Thought since the Revolution*, [1st] ed. (New York: Harcourt Brace, 1955), 225.

<sup>44</sup> *Ibid.*, 292.

<sup>45</sup> Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History*, *Yale Ispis Series* (New Haven, CT: Yale University Press, 1997).

Scholars writing on the American Dream or America's liberal tradition do not necessarily see these unifying ideologies as beneficial, but they see the need to either work within the existing ideological structure or the need to try to change understanding of the American Dream or America's liberal tradition. Scholars use these concepts in one of two ways. First, there are those who seek to use the gap between the ideals of the American Dream or American liberalism and some political policy or condition they seek to change. For instance, Gunnar Myrdal used the "American Creed" to call his readers' attention to how racial segregation and discrimination towards African Americans during the 1940s was contradictory to the avowed principles that almost all Americans espoused.<sup>46</sup> Second, there are those scholars who seek to trace the history of these concepts to emphasize that there are aspects of it that do not play a strong enough role in the historical narratives, or to reveal limitations in the way people think about it in order to lift them out of complacency.<sup>47</sup> This study falls closer to this second approach, because it exposes the significant limitations the usage of the term "equal opportunity" entails, while simultaneously appreciating the valuable work it does in limiting various types of discrimination.

The American Dream as well as the conceptualizations of American liberalism are extensions of the metaphor of an individualistic competitive race at the center of the concept of equal opportunity. While Jennifer Hochschild, Andrew Cullen, and Cal Jillson have variations in their descriptions of the American Dream—most notably

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<sup>46</sup> For more recent examples, see Jennifer Hochschild's series of works on poverty, schooling, and racism that use the American Dream as a normative criterion to impeach political, social, and economic conditions in America.

<sup>47</sup> Louis Hartz's *The Liberal Tradition* and Rogers Smith's *Civic Ideals* serve these purposes for the liberal tradition and Andrew Cullen's *The American Dream: A Short History* and Cal Jillson's *Pursuing the American Dream: Opportunity and Exclusion Over Four Centuries* adopt this strategy toward the American Dream.

Cullen’s identification of five interrelated variations of the dream<sup>48</sup>—they all see equality of opportunity as a central part of the American Dream.<sup>49</sup> The concept of the American Dream virtually always invokes the metaphor of people having an equal opportunity to compete and go as far as their talents and perseverance will take them.

Equal opportunity’s metaphor of an individualistic competitive race also frames the debate over the content of America’s “liberal” tradition. While I whole-heartedly agree with most of Rogers Smith’s criticisms of the liberal tradition literature and his overall general political concerns that such conceptions can promote racism and nativism, I want to suggest how a reevaluation of Louis Hartz’s and Gunnar Myrdal’s projects can aid the political and intellectual project that Smith challenges scholars to undertake.

Smith contends that there needs to be “fighting faiths” that can serve as a unifying ideology that could support a sense of national unity. The conceptual history suggests that equal opportunity has effectively served as one of these fighting faiths – one that can combat discrimination based on race, religion and gender. Myrdal and Hartz both identified equal opportunity as a central American Creed that for better or worse served the role of a “fighting faith.” However, equal opportunity is not the only fighting faith, as Myrdal and Hartz suggested.

Gunnar Myrdal’s seminal study *The American Dilemma* closely connected equality of opportunity to the content of the American Creed that defined American liberalism. As he explained in chapter 9 the “principle chasm between American ideals

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<sup>48</sup> Cullen (2003) argues that there is not one American Dream, but five interrelated American Dreams: the puritan dream of ascetic community, the dream of upward mobility, the dream of equality, the dream of home ownership, and the dream of taking great risks for great gain (e.g., Hollywood and Las Vegas).

<sup>49</sup> Cullen, *The American Dream*, 189, Hochschild, *Facing up to the American Dream: Race, Class, and the Soul of the Nation*, 16-18, Calvin C. Jillson, *Pursuing the American Dream: Opportunity and Exclusion over Four Centuries, American Political Thought* (Lawrence: University Press of Kansas, 2004), 5.

and practices” was “*that Negroes shall be awarded equal opportunities*” as this is one of the American Creed’s “most specific and longest established precepts” and this “value premise must direct every realistic story of the Negroes’ economic status in America.”<sup>50</sup> The conception of “fair opportunity” or what he elsewhere terms “equality of opportunity” becomes the chief evaluative criteria in the American Creed with which he impeaches the economic and social inequalities of African Americans.<sup>51</sup> Myrdal also connects “equality of opportunity” explicitly with Abraham Lincoln’s “race of life” and says this metaphor expresses the content of equality of opportunity in “concrete and pertinent terms.”<sup>52</sup>

Louis Hartz also identified equal opportunity and its competition metaphor as the content of American liberalism. He argued that the Whigs of the early to mid 1840s helped consolidate Lockean liberal principles into a distinctive Americanism premised on the belief that the American Dream of wealth and success was within the reach of all Americans.

For if they gave up Hamilton’s hatred of the people, they retained his grandiose capitalist dream, and this they combined with the Jeffersonian concept of equal opportunity. The result was to electrify the democratic individual with a passion for great achievement and to produce a personality type that was neither Hamiltonian nor Jeffersonian but a strange mixture of them both: the hero of

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<sup>50</sup> Myrdal, Sterner, and Rose, *An American Dilemma: The Negro Problem and Modern Democracy*, 214.

<sup>51</sup> In the chapters dealing with economic and social inequality, including chapter 9 “Economic Inequality,” chapter 28 “The Basis of Social Inequality” and chapter 31 “Caste and Class” equality of opportunity becomes the central meaning of the American Creed that he uses to impeach economic and social practices that discriminate against African Americans, or as Myrdal puts it in Chapter 28: “Our main premise is in this part again the precept of *equality of opportunity* in the American Creed” *Ibid.*, 573.

<sup>52</sup> *Ibid.*, 671.

Horatio Alger.<sup>53</sup>

Hartz argues that the “relentless running of the Lockean race” represented by Horatio Alger “became the only valid ways of thought.”<sup>54</sup> Only by overcoming our irrational faith in this “Lockean race” could Americans, according to Hartz, avoid the red scare mentality and the imperialistic desire to remake the world exactly in our image.<sup>55</sup>

I embrace Smith’s “multiple competing traditions” view of American political culture that sees a diversity of traditions, including different forms of liberalism, republicanism, and what he calls “inegalitarian ascriptive traditions” of Americanism. However, I think there would be a danger in equating all of the multiple competing traditions of American political culture.<sup>56</sup> The danger in dismissing the importance of the concept of equal opportunity lies in discounting the very significant gains in the area of anti-discrimination achieved by political actors through the use of this fighting faith, and ignoring the limitations imposed by the framework of “equal opportunity” in debates over inequality. It is unlikely that it is a coincidence that the “one tradition” view of Myrdal and Hartz took hold during the late 1940s through the 1960s—relatively the same time period in which political actors and analysts made the terms “equal opportunity” and “equality of opportunity” the dominant way to discuss inequalities in America. The error Myrdal and Hartz made was to minimize the importance of other rival American traditions, such as alternative understandings of liberalism, republican traditions, and nativism, racism, and sexism. They also wrongly assert the power of the influence of liberal ideology stretched back across American history. The reason for these errors, I

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<sup>53</sup> Hartz, *The Liberal Tradition in America: An Interpretation of American Political Thought since the Revolution*, 111-12.

<sup>54</sup> *Ibid.*, 219.

<sup>55</sup> *Ibid.*, 288-301.

<sup>56</sup> I am not here claiming that Smith is guilty of this.



believe, is they engaged in what Skinner called the “mythology of doctrines,” which I described earlier. Both authors make the one tradition view into a larger than life actor that drives the American history they describe. The “triumphal” American Creed in Myrdal’s analysis becomes an almost heroic protagonist fighting discrimination and “winning” the fight for equality.<sup>57</sup> Similarly, in Hartz’s *Liberal Tradition in America*, he paints a picture of historical actors serving the ends of the epic character of Horatio Alger.<sup>58</sup> Myrdal’s and Hartz’s discourse can be seen as merely embellishments dramatizing larger trends in American political thought. After all, all theorizing attempts to bring clarity by bringing out certain events and leaving out others. Hartz and Myrdal developed the heroic characters of the Creed, equality, and Horatio Alger as simplifying stand-ins for the various different groups of Americans who used these concepts in their everyday social, political, and economic lives. Yet, the anthropomorphizing of concepts leads them to find coherence that is not there in the history of the uses of a concept and to discount the debates about the concept that complicate the history they analyzed, such as republicanism and the ascriptive traditions that Smith finds so prevalent in the history of citizenship law.

Despite these errors, I want to suggest how a reevaluation of Hartz’s and Myrdal’s projects can help advance the project that Smith challenges scholars to undertake. I understand Smith’s chief concern over the liberal tradition to be the claim that it is *the* dominant tradition.<sup>59</sup> His concern is that a Hartzian or Myrdallian conception of

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<sup>57</sup>Myrdal, Sterner, and Rose, *An American Dilemma: The Negro Problem and Modern Democracy*, 9.

<sup>58</sup>Hartz, *The Liberal Tradition in America: An Interpretation of American Political Thought since the Revolution*, 204-05.

<sup>59</sup>Smith is not, however, rejecting the importance of liberal traditions. For instance, in his Epilogue from *Civic Ideals*, he writes, “I nonetheless believe that there are powerful if not self-evident reasons to decide in

America as a liberal nation mistakenly favors one tradition while discounting other competing traditions (e.g., republicanism, liberalism, and especially, in Smith's view, racism, nativism, and sexism). Smith is concerned that the content of the liberal myth provides no convincing reason for "why any group of human beings should think of themselves as a distinct or special people."<sup>60</sup> Ascriptive inegalitarian traditions, on the other hand, perform this task quite well, which Smith argues, accounts for the resurgence of nativist and racist doctrines in the last few decades.

One way to take up the challenge posed by Smith is to build on the historical liberal *traditions* that political leaders, activists, analysts have successfully employed in past reform efforts.<sup>61</sup> The limited contention that equal opportunity served as a dominant normative principle in debates over inequality during the 1960s can easily fit alongside a more general view of the presence of multiple American traditions. Furthermore, understanding the comparative popularity and power of concepts in different time periods should help in evaluating which fighting faiths can serve what purposes in the present. The conceptual history of "equal opportunity" and "equality of opportunity" suggest that given a more limited role of promoting anti-discrimination these terms can provide an important source of national identity connected to national history. These terms can provide a sense of unique belonging because they have powerful associations to American tradition and history. The individualistic competitive metaphor of the Lincolnian "race of life" has provided a popular and repeated fighting faith used by

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favor of what I take to be the basic commitment of liberal democratic thought: to protect and enhance all persons' capacities for personal and collective self-governance" Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History*, 489.

<sup>60</sup> *Ibid.*, 473,9.

<sup>61</sup> *Ibid.*, 484.

politicians, political actors, and analysts to serve as a justification for all sorts of policies, which is why the American Dream is so powerful and so frequently invoked.

Abandoning this concept seems both impractical and unwise.

#### **IV. Equal Opportunity as Fairness? Denied Inheritance**

The challenge of discovering a normative principle of justice in America has frequently centered on how to eliminate hereditary privilege. T.H. Marshall's tripartite theory of citizenship, Judith Shklar's reflections on the right to earn as a part of American citizenship, John Rawls' theory of justice as fairness, Sheldon Wolin's desire to make citizenship into a birthright instead of a contract, and the normative reflections specifically on equality of opportunity all start from the premise that an agreed American standard of fairness is the elimination of hereditary privilege, usually to promote meritocracy. These studies have used the concept of equality of opportunity as the way of explaining how the seemingly contradictory principles of status equality, established by full citizenship rights, and economic inequality coexisted in American practice and discourse. The basic answer has been that citizenship establishes status equality that puts a stamp of legitimacy on economic inequality. Equal opportunity is not a particularly fair theory of justice, because it obscures the role of inheritance—of talent, of resources, of wealth, and of past historical decisions. While some have proposed to reject this principle outright and others have proposed to reform this principle through the addition of modifiers and qualifications of this concept, I suggest that we recognize equal opportunity as a useful normative principle in the battle against discrimination, while finding new normative concepts to frame the debate over economic and social inequalities.

T.H. Marshall's *Citizenship and Social Class* (1950)—arguably the most influential explanation for how citizens reconcile the great inequality produced by the economic system with the status equality needed to legitimate the political order—is a good starting point to reveal what is at stake in the adoption of equal opportunity as a theory of political and economic justice. T.H. Marshall's provocative answer to how opposing principles of status equality established by fully constituted citizenship rights reconciled with an economic system of inequality was the following: “Status differences can receive the stamp of legitimacy in terms of democratic citizenship provided they do not cut too deep, but occur within a population united in a single civilization; and provided they are not an expression of hereditary privilege.”<sup>62</sup> In other words, economic inequalities are legitimate as long as the democratic government secures equal status. Equal status, however, is a relative concept based on the prevailing notions of what rights and duties are needed to secure this equal status. Marshall posited a progressively enlarging notion of what rights are required to secure this equal status. The development very loosely follows the following progression: in the eighteenth century the prevailing notion was civil rights (e.g., freedom of speech, thought and faith, equality under the law, etc.), in the nineteenth century, political rights (e.g., the right to participate in the exercise of political power), and in the twentieth century, social rights. Marshall's claim that equal status in the twentieth century included social rights, including “the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the

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<sup>62</sup> T.H. Marshall, *Citizenship and Social Class, Pluto Perspectives* (Pluto Press 1992., 1992), 44.

standards prevailing in the society” was his greatest and most controversial contribution.<sup>63</sup>

For Marshall, the standard for defining this equality of status in the twentieth century, the age of social rights, was equality of opportunity.<sup>64</sup> This principle helped reconcile the two different, but related normative standards of economy and politics whose common goal is to “remove inequalities which cannot be regarded as legitimate.”<sup>65</sup> The citizenship standard of legitimacy is “social justice,” while the economic system’s standard of legitimacy is “social justice combined with economic necessity.”<sup>66</sup> Equal opportunity becomes the principle of justice ensuring a fair meritocratic system:

The right of the citizen in this process of selection and mobility is the right to equality of opportunity. Its aim is to eliminate hereditary privilege. In essence it is the equal right to display and develop differences, or inequalities; the equal right to be recognized as unequal. In the early stages of the establishment of such a system the major effect is, of course, to reveal hidden equalities—to enable the poor boy to show that he is as good as the rich boy. But the final outcome is a structure of unequal status fairly apportioned to unequal abilities.<sup>67</sup>

Market price and free bargaining were tempered by “the declaration of rights” and “social justice.” Marshall worried that “the preservation of economic inequalities has been made more difficult by the enrichment of the status of citizenship,” which in turn, could

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<sup>63</sup> Ibid., 8.

<sup>64</sup> Marshall uses equality of opportunity most explicitly in relation to education and occupation. Yet, the concept also seems to anchor his broader claims of the universal status of citizenship, as he sees the “stabilization of certain status differences chiefly through the linked systems of education and occupation” Ibid., 44.

<sup>65</sup> Ibid., 45.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid., 38.

undermine the incentive of people to work hard.<sup>68</sup> Yet, he still thought that social rights were firmly established and included an increasing set of social benefits.

Like Marshall, Judith Shklar saw the legitimacy of democratic citizenship in relation to the equality of status or “social standing” it confers and sees the legitimacy based on “the rejection of hereditary distinctions.”<sup>69</sup> Shklar argued the rejection of hereditary distinctions in American history took on a uniquely American interpretation of avoiding being a slave or an aristocrat.<sup>70</sup> While education and voting were important to ensure independence, Shklar argued that Americans’ embrace of personal effort in the “race of life” presupposes a “right to earn” for only this would establish equal social standing.<sup>71</sup> As she explains, “It is in the marketplace, in production and commerce, in the world of work in all its forms, and in voluntary associations that the American citizen finds his social place, his standing, the approbation of his fellows, and possibly some of his self-respect.”<sup>72</sup> Concern that the prevention of hereditary privilege required a much more fair distribution of goods than formal equality of opportunity also motivated the most influential American theory of democratic justice—John Rawls’ *Theory of Justice* (1971).

John Rawls’ theory of justice as fairness is a theory of how to transform the dominant standard of formal equality of opportunity into a principle that assures equal

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<sup>68</sup> Ibid., 45.

<sup>69</sup> Judith N. Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, Mass.: Harvard University Press, 1991), 61.

<sup>70</sup> Ibid., 64.

<sup>71</sup> Ibid., 77.

<sup>72</sup> Ibid., 63.

citizenship.<sup>73</sup> Thus Rawls develops his theory of justice as fairness as a general normative standard of justice to ensure a fair adjudication among fundamental liberties.<sup>74</sup>

His two principles are the following:

*First Principle*

Each person is to have an equal right to the most extensive total system of basic liberties compatible with a similar system of liberty for all.

*Second Principle*

Social and economic inequalities are to be arranged so that they are both:

(a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and;

(b) attached to offices and positions open to all under conditions of fair equality of opportunity.<sup>75</sup>

The first principle applies mainly to securing civil liberties protected in the Bill of Rights—freedom of speech, association, the vote, equality under the law, etc. It is useful to view the second principle as all the modifications to the principle of equality of opportunity necessary to ensure a fair theory of justice. In his argument for his two principles, Rawls takes primary aim at the “system of natural liberty” that requires “formal equality of opportunity.” As he notes, “Equality of opportunity means an equal chance to leave the less fortunate behind in the personal quest for influence and social position.”<sup>76</sup> He then introduces the “liberal interpretation” of equality of opportunity, which he calls the “principle of fair equality of opportunity.” As he explains, “The

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<sup>73</sup> My analysis here is greatly indebted to John Schaar’s insightful article John H. Schaar, “Equality of Opportunity and the Just Society,” in *John Rawls’ Theory of Social Justice: An Introduction*, ed. H. Gene Blocker and Elizabeth H. Smith (Athens: Ohio University Press, 1980).

<sup>74</sup> John Rawls, *A Theory of Justice* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1971), 97.

<sup>75</sup> *Ibid.*, 302.

<sup>76</sup> *Ibid.*, 106-07.

thought here is that positions are to be not only open in a formal sense, but that all should have a fair chance to attain them.”<sup>77</sup>

While he sees this as a moral improvement over formal equality of opportunity, he still thinks it needs two further amendments or explications. First, the lottery of skills and talents is “arbitrary from a moral perspective.”<sup>78</sup> He argues, “There is no more reason to permit the distribution of income and wealth to be settled by the distribution of natural assets than by historical and social fortune.”<sup>79</sup> I take this to mean that a fair equality of opportunity needs to take into account that the accident of being born into an economically disadvantaged family confers disadvantages in the ‘race of life.’ This is why Rawls argues that a fair equality of opportunity has to be supplemented with the principle of redress. Rawls writes: “Thus the principle holds that in order to treat all persons equally, to provide genuine equality of opportunity, society must give more attention to those with fewer native assets and to those born into the less favorable social positions. The idea is to redress the bias of contingencies in the direction of equality.”<sup>80</sup> Second, Rawls introduces the difference principle as a way to address the arbitrary advantages that accrue to some because of the circumstances of their birth. The family exerts a very strong influence on the chances an individual has, but to eliminate this influence one would have to eliminate the institution of the family itself, which is obviously not feasible or desirable.<sup>81</sup> Rawls explains:

Assuming the framework of institutions required by equal liberty and fair equality of opportunity, the higher expectations of those better situated are

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<sup>77</sup> Ibid., 73.

<sup>78</sup> Ibid., 74.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid., 100-01.

<sup>81</sup> Ibid., 74.



just if and only if they work as part of a scheme which improves the expectations of the least advantaged members of society. The intuitive idea is that the social order is not to establish and secure the more attractive prospects of those better off unless doing so is to the advantage of those less fortunate.<sup>82</sup>

Rawls' proposed theory of justice seeks to work with the dominant principle of formal equality of opportunity and change it radically through the difference principle and the theory of redress as the only way to ensure that equality of opportunity is "fair" and prevents hereditary privilege.

Sheldon Wolin's *The Presence of the Past* (1989) provides perhaps an even more fundamental challenge. Wolin argues that the social justice concept of equal opportunity that frames debate over the social contract is fundamentally flawed because it is "antihistorical" and denies the influence of historical inheritance. The equal opportunity frame needs not to be modified, but rather abandoned completely. As Wolin puts it:

We tend to assume that equality represents a condition we are trying to recapture, that once we were equal, as in the moment before the contract, and so the task is to eliminate barriers, such as segregation or sex discrimination. When this is done, equality is restored because equality has come to be identified with equal opportunity. But equal opportunity merely restarts the cycle of competition in the race, and races are designed to produce a single winner. Then it becomes obvious that social competition cannot be compared to a footrace between trained athletes; that the race for education, jobs, income, and status is rarely between equals, but between those with greater advantages and those with greater disadvantages.<sup>83</sup>

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<sup>82</sup> Ibid., 75.

<sup>83</sup> Sheldon S. Wolin, *The Presence of the Past: Essays on the State and the Constitution, The Johns Hopkins Series in Constitutional Thought* (Baltimore: Johns Hopkins University Press, 1989), 142.

The “race of life” metaphor, Wolin argues, does not and cannot secure equal social standing (as Shklar or even Rawls believed) because the individualistic competition metaphor ignores the advantages that certain competitors inherited and the disadvantages other competitors inherited. Conveniently, it absolves citizens from taking responsibility for past wrongs committed by the political community.<sup>84</sup> Furthermore, according to Wolin’s theory, even if the polity guaranteed a “right to earn” it would not confer equal social standing as this has to be based on participation in governance (beyond voting or office holding)<sup>85</sup> otherwise the polity becomes solely a political economy and a sham democracy. The scholars who have written works specifically on equality of opportunity largely agree with the respective critiques of Rawls, Shklar, and Wolin which posit that the concept of equality of opportunity has to either be modified or rejected entirely to be a fair theory of justice.

John Schaar has written the most influential articles on the concept of equality of opportunity in which he argued that it inevitably provides an ideological defense of status-quo arrangements of domination.<sup>86</sup> Schaar asserts, “not all talents can be developed equally in any given society” as each society will only reward the “dominant values, institutions, and goals of his society.”<sup>87</sup> Second, Schaar argues that the concept buttresses “the competitive capitalistic spirit and not the democratic spirit.”<sup>88</sup> Third, it

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<sup>84</sup> For example, “It soothes us with the knowledge that we were not there when blacks were treated as a species of property; when Indians were massacred and deprived of their ancestral lands; when suffragists were attacked and humiliated; when the early strikes of workers were broken by the combined force of government and business corporations; when the liberal government of FDR refused to admit refugees from Hitler’s Germany; or when the Bomb was dropped, not once but twice” *Ibid.*, 145.

<sup>85</sup> Wolin says by this he means, “originating or initiating cooperative action with others” *Ibid.*, 150.

<sup>86</sup> John H. Schaar, “Equality of Opportunity, and Beyond,” in *Equality*, ed. J. Roland Pennock and John William Chapman (New York: Atherton Press, 1967), 230-31.

<sup>87</sup> *Ibid.*, 230, 31.

<sup>88</sup> *Ibid.*, 231.

will increase inequalities among men,<sup>89</sup> “is the product of a competitive and fragmented society, a divided society, a society in which individualism, in Tocqueville’s sense of the word, is the reigning ethical principle”, and “it extends the marketplace mentality to all the spheres of life.”<sup>90</sup> Thus, the popularity of equality of opportunity, according to Schaar, helps explain Americans’ tolerance of inequality, because it accounts for why more democratic conceptions of politics have lost ground to the competitive ethic of markets.<sup>91</sup> In a later work, Schaar tacitly admits the difficulty of finding a better formulation that will work in practice. He praises John Rawls as addressing “the most important practical political questions of our time” and for providing the “most comprehensive and sophisticated effort in recent social theory to formulate what can properly be called a democratic and even socialist ethic.” Yet, he ultimately concludes that Rawls’s theory of justice does not “appreciate fully...the passion for distinction and the place that passion occupies both in the lives of individuals and social orders, and in the formulation of patterns of distributive justice.”<sup>92</sup>

John Stanley responds directly to Schaar arguing that he errs in evaluating the doctrine of equality of opportunity solely “in light of the misuse to which it has been put in contemporary society” and failing to recognize that it is possible for democracy to reconcile itself with the principle of equal opportunity.<sup>93</sup> In other words, Stanley argues that that hierarchy and democracy can co-exist and that “a genuinely democratic

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<sup>89</sup> Ibid.

<sup>90</sup> Ibid., 237.

<sup>91</sup> Ibid., 243.

<sup>92</sup> Schaar, "Equality of Opportunity and the Just Society," 166, 71, 82.

<sup>93</sup> John Stanley, "Equality of Opportunity as Philosophy and Ideology," *Political Theory* 5 (1977): 73.

community must include some kind of equality of opportunity principle in its day-to-day conduct.”<sup>94</sup>

Other scholars have pointed out distinctions that they think should be made between *equalities* of opportunity. In effect, like Rawls’ “fair equality of opportunity” they are proposing ways in which equal opportunity can promote justice if proper distinctions are made.<sup>95</sup> Lawrence Joseph argued that scholars need to distinguish “formal equality of opportunity” (“a principle of non-discrimination or procedural fairness”) from “compensatory equality of opportunity,” which requires both that “individual achievement be a reflection of individual ability and effort alone *and* that the development of one’s capacities not be hampered by the social position into which one is born.”<sup>96</sup> Second, to answer “equality of what” they must distinguish between “‘competitive equality of opportunity,’ i.e., an equal opportunity to compete for desirable social positions (on the basis of merit) and (2) ‘developmental equality of opportunity,’ i.e., an equal opportunity to develop one’s talents and abilities to the fullest.”<sup>97</sup> Likewise Douglas Rae devotes a chapter to “equalities of opportunities.” The authors propose a distinction to be made between “prospect-regarding” and “means-regarding” equalities of opportunity. Prospect-regarding equal opportunity means that two persons have equal opportunities for X if each has the same probability of attaining X. Means-regarding equal opportunity means that two persons have equal opportunities for X if each has the

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<sup>94</sup> Ibid.: 70-71.

<sup>95</sup> One problem with using some of these distinctions in a study of historical uses of the concept is that “prospect-regarding” equality of opportunity, “developmental equality of opportunity,” or “compensatory equality of opportunity” have either largely been discredited in popular discourse or have never enjoyed widespread support.

<sup>96</sup> Lawrence Joseph, “Some Ways of Thinking About Equality of Opportunity,” *The Western Political Quarterly* 33 (1980): 394.

<sup>97</sup> Ibid.: 398.

same instruments for attaining X.<sup>98</sup> These authors point out these distinctions to expand the meaning of equal opportunity beyond its usual association with formal equality.

Scholars such as Marshall, Shklar, Rawls, and Wolin have engaged with the concept of equality of opportunity because they consider it the established American way of dealing with hereditary privilege. Rawls, Joseph, Stanley, and Rae all sought to modify this concept through the use of modifiers for the type of opportunity such as “fair,” “compensatory,” and “developmental” opportunity. The goal is to make up for the failure of the metaphor of the individualistic competition of equality of opportunity to account for the historical advantages accrued by some individuals over others. In other words, some competitors have unfair advantages due to hereditary privilege—the family they were born into, the genes they inherited, and the discriminations and privileges bestowed by previous laws and political decisions on some and not others, etc.

In the end, while Rawls and others make convincing arguments that their changes to equal opportunity would make the concept a more fair theory of justice by eliminating more hereditary privilege, I think the effort is misplaced. Equal opportunity functions through the invocation of everyone having an equal opportunity to compete in a race. Fair, compensatory, and developmental opportunity seeks to favor those runners or participants that have some historical disadvantages. This notion, however, violates our basic everyday understanding of fair competition. We do not give competitors in a running race a head start because they were born into poverty and had worse nutrition, we do not give a basketball team more points to start a game because they have fewer taller players, we do not have one set of rules for African American athletes and another for

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<sup>98</sup> Douglas W. Rae et al., *Equalities* (Cambridge, Mass.: Harvard University Press, 1981), 81.

Caucasian athletes just because African Americans have a very long tradition of facing discrimination and persecution. It is possible to construct arguments for these changes, but they violate the deeply ingrained sense of justice that pervades our common understanding of fair competition.

While equal opportunity has served as the standard that puts a stamp of legitimacy on economic inequality, there are other concepts that have and could again serve as criteria for reducing hereditary privilege and that would promote different institutional arrangements.<sup>99</sup> Equality of opportunity is an effective criterion of fairness only if your chief goal is to promote non-discrimination; it is not an effective criterion of fairness to address concerns about economic inequality because its central metaphor of a competitive individualistic race obscures and denies the importance of the individual competitors' inheritance.

Nonetheless, a complete rejection of equal opportunity in normative debates over social justice (as suggested by Schaar and Wolin) is also likely to be counterproductive. In advocating for changes to an American theory of justice, it is necessary, I think, to understand why the concept of equality of opportunity that Wolin and Schaar find so deficient has earned acceptance. First, social movements and political leaders have often used the concepts in inspiring fights against different kinds of discrimination, and a wholesale rejection of the concept is unlikely to gain widespread support. By explaining the past appeal and function of equal opportunity, I am suggesting that the first step to developing a fairer theory of justice is to make a distinction between the anti-

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<sup>99</sup> Shklar's suggestion that the "right to earn" is implicit in American's historical disdain for aristocracy is one case in point. Franklin Delano Roosevelt's argument that economic insecurity caused by economic inequality is as big a threat to our national security as international security threats is another.

discrimination function of equal opportunity (that I see no reason to abandon or challenge) and its use to fight efforts to address economic inequalities.

Preventing different forms of hereditary privilege has been a main task of an American theory of justice. However, it is not helpful to put equal opportunity as the central concept (and thus the metaphor of the “race of life”) at the center of this theory. Political actors and analysts have made equal opportunity into an important normative criterion, and I think political actors can continue to use the concept to promote the first of Rawls’ two principles of equal liberties (as political actors have successfully put it to this use in the past). Yet, the argument that social and economic inequalities undermine equality of citizenship and promote unfair hereditary privilege requires different concepts and metaphors than that of a competitive individualistic race, as political actors and analysts have continuously used equal opportunity to block attempts to reform social and economic inequality.

## **V. Organization of Dissertation**

Chapters 2 and 3 show how it was ambitious reform groups—Henry George’s single-taxers, Croly’s progressives, and Edward Bellamy’s nationalists—that introduced “equality of opportunity” and “equal opportunity” into mainstream newspaper debate. Like Rawls, these social activists (and theorists in their own right) believed that they could alter the meaning of equality of opportunity to accomplish their ambitious reforms. The outcome for all these groups was far more modest. The conceptual limitations of the metaphor and the bully pulpit of the U.S. Presidency enabled the Progressive Presidents William Howard Taft and Theodore Roosevelt to co-opt the concept as proof of their

commitment to reform without having to confront the extent of changes desired by these reformist groups.

Chapter 4 explores Franklin Delano Roosevelt's fight against equal opportunity. It is not that FDR never used the terms "equality of opportunity" and "equal opportunity" but after the election campaign of 1936 he used other conceptual frameworks to justify his economic reforms, and it was his opponents who attacked these reforms saying they would undermine the equality of opportunity that supported the "American system." While FDR found the metaphor of the "race of life" ill-suited to his advancement of economic rights, African American groups found the metaphor well-suited to exposing how racial discriminations blocked their opportunities to compete on equal ground.

Chapter 5 argues that while the 1960s are often seen as the age of revolution and social change, political leaders and activists buried economic rights in part through the adoption of the conceptual framework of equality of opportunity and its metaphor of the "race of life."

This dissertation seeks to understand the framework of the debates surrounding equal opportunity over time, and to understand how it simultaneously functioned as both a useful paradigm advancing the rights of the victims of discrimination, and a limiting concept which prevented the redress of America's vast economic inequalities. The results of both the successes and failures of the concept of equal opportunity are apparent in contemporary political discourse, and help to explain, at least in part, why some groups of Americans are willing to tolerate such high levels of economic inequality while concomitantly demonstrating a high level of attentiveness to other kinds of discrimination.



## Chapter 2

### Equal Opportunity 1870-1907 – Defending Calls for Reform

#### I. Introduction

Before the Progressive Era (1900-1914), U.S. political actors and analysts rarely used the terms “equal opportunity” and “equality of opportunity.” By 1912, the progressive presidents William Howard Taft and Theodore Roosevelt were asserting that these terms were central to the meaning of American democracy and the ideal of government. In the years from 1870-1907, it was some of the most radical reformers in the U.S. who introduced the terms “equal opportunity” and “equality of opportunity” into mainstream newspaper debate. They used the terms to justify very ambitious reform proposals, including some anarchists’ call to dissolve the state, single-taxers’ drive to pass a property tax so high that land speculation and absentee ownership would cease to exist, Bellamites’ ideal of a state-run economy, and moderate reformers’ proposals for trust busting, better workers’ rights laws, and elimination or reduction of the tariff. These reform groups defended their proposals using the terms “equal opportunity” and “equality of opportunity,” believing that the concept could be both an appealing and safe principle to the wider public and yet sufficiently robust to justify their proposals. Ultimately, the conceptual history suggests that it was much more appealing and safe than robust. Reformers succeeded in popularizing the concept and attaching it to the positive connotations of the Declaration of Independence, but failed in their argument that affirming belief in this principle necessitated the large economic reforms they demanded.

The analysis of this chapter emerged out of three separate searches of online databases of early American periodicals that sought to go into increasing depth to reveal

the origins of the terms' emergence.<sup>100</sup> For reasons of analytical clarity my presentation combines my searches and presents analysis chronologically. After setting the general historical background, I describe the history of the terms “equal opportunity” and “equality of opportunity” through the groups that shaped their emergence and meaning.

## **II. Some Historical Context for the Emergence of Equal Opportunity**

The term “equal opportunity” was used as far back as 1755 in American newspapers, but only rarely, and usually in the context of having an equal opportunity in economic transactions, having equal educational opportunities, or (rarely) having equal opportunity to hold office.<sup>101</sup> The terms “equal opportunity” and “equality of opportunity” only emerged in a widespread and consistent basis in mainstream newspaper debates on inequality toward the end of the Gilded Age (1870-1890), and the beginning of the Progressive Era (1900-1914).<sup>102</sup> A search of ProQuest’s American Periodical Series Online (APS) indicated how political actors popularized the use of the terms “equal opportunity” and “equality of opportunity” during the end of the Gilded Age and into the Progressive Era.<sup>103</sup>

The period of 1870-1890 is the only era of American history “commonly known by a derogatory name,” the Gilded Age—as people saw the economic inequalities

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<sup>100</sup> For information on these searches, see Appendix A.

<sup>101</sup> This statement arises from newspaper searches of the Early American Newspaper index provided by Readex. I read through all the newspaper articles with the terms “equal opportunity” or “equality of opportunity” and the articles that came up under a search for “inequality” and “justice” for the years 1755-1840. It is also consistent with the 19 APS articles that come up with the search “equal opportunity” OR “equality of opportunity” AND “inequality” 1800-1870.

<sup>102</sup> Note that this does not mean that equal opportunity became the preferred way of talking about inequality during this period (my research suggests that this development had to wait until the 1960s). Rather, I argue it is the first widespread emergence of the term in mainstream debates over inequality.

<sup>103</sup> I could not use the Pro-quest historical newspapers database to do this search because most of the papers included do not go back before 1860. The APS database allows full-text searches of over 1,100 periodicals that first began publishing between 1740 and 1900, including special interest and general magazines, literary and professional journals, children's and women's magazines, and many other historically-significant periodicals. The database covers a very wide diversity of magazines from across the country.

tarnishing the seeming outward prosperity.<sup>104</sup> Companies battled for the first time to control entire industries, and this time witnessed the rise of Andrew Carnegie's U.S. Steel, John D. Rockefeller's Standard Oil, and J.P. Morgan's Northern Securities Corporation. Four thousand firms vanished into larger corporations between 1897 and 1904 alone.<sup>105</sup> "By 1890, the richest 1 percent of Americans received the same total income as the bottom half of the population and owned more property than the remaining 99 percent."<sup>106</sup> Perhaps not staggering to our own contemporary sensibilities, these inequalities were jolting to the American nation and set off a nationwide debate over liberty and equality that culminated in the progressive movement.

The Progressive Era (1900-1914) is a rather amorphous catch-all concept that incorporates a period of chaotic change (riotous strikes, great technological breakthroughs, the accumulation of wealth, a great rise in inequality, agrarian revolts, electoral corruption and then reform, a rise in the belief of science, a tumultuous period of boom and bust economic cycles, etc.). It was progressive because it rejected the deterministic implications (though not the theories themselves) of the associated theories of classical economics and Darwinism applied to social life.<sup>107</sup> The common thread, as suggested by the name "progressive," was the belief that man (through the means of technology, science, and government regulation) could control his environment to make a better life.<sup>108</sup> The historiography portrays progressivism as a temporary movement of

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<sup>104</sup> Eric Foner, *Give Me Liberty! An American History* (New York: W.W. Norton, 2004), 614.

<sup>105</sup> *Ibid.*, 597.

<sup>106</sup> *Ibid.*, 602.

<sup>107</sup> Richard Hofstadter, *Social Darwinism in American Thought* (Boston: Beacon Press, 1992), 204.

<sup>108</sup> For the connection between the development of faith in science and demands for reform see *Ibid.*, 30, 36, James T. Kloppenberg, *Uncertain Victory: Social Democracy and Progressivism in European and American Thought, 1870-1920* (New York: Oxford University Press, 1986), 319, 84.

citizens, especially the struggling middle class, to redress the unfairness of economic inequalities that citizens saw as undermining central tenets of U.S. democratic politics.<sup>109</sup> As I will show, equal opportunity gained traction as a tool in political debate because it successfully articulated the presence of fixable “artificial” inequalities—inequalities created by unfair political and economic decisions. Nonetheless, mainstream political leaders successfully rejected many of the assumptions of progressive groups about which inequalities were unfair and artificial. It is the failure of these assumptions that accounts for the historiography’s pessimistic evaluation of the outcomes of the movement. For instance, Goodwyn’s ironic title *Democratic Promise* and Kloppenberg’s title *Uncertain Victory* are meant to indicate that progressivism’s historical significance lay in its being a great democratic revival that never accomplished its egalitarian goals. Goodwyn concludes, “The egalitarian current that was part of the nation’s wellspring became not a constantly active source of ideas, but a curious backwater, eddying somewhere outside both the conveyed historical heritage and the mainstream of modern political thought that necessarily built upon that heritage.”<sup>110</sup> Looking at this “curious backwater” can reveal a lot about both how we talk about inequality and the inability to inspire the political will to do something about it.

### **III. The Defensive Appropriation and Popularization of Equal Opportunity**

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<sup>109</sup> Lawrence Goodwyn, *Democratic Promise: The Populist Moment in America* (New York: Oxford University Press, 1976), xxi, 550-52, Hofstadter, *Social Darwinism in American Thought*, 202-04, Kloppenberg, *Uncertain Victory: Social Democracy and Progressivism in European and American Thought, 1870-1920*, 278, 82, 83, 397, and 415. McGerr has a slightly different take on this arguing that the enemy that Progressivism fought was individualism Michael E. McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870-1920* (New York: Free Press, 2003), 13, 16, 42, 59.

<sup>110</sup> Ibid. 552. See Kloppenberg 1986, 415 for similar sentiments

Socialism, even as it was beginning to become more popular among many workers, stood as a specter scaring both opponents and proponents of reforms to address inequality. About forty percent of the articles in my search that argue for reforms to address inequality distinguish their reform plans from communism or socialism. Virtually none of these reform advocates argued that socialism was the way to address these inequalities or gave a positive evaluation of socialism. What is remarkable is that even groups like the Bellamites and single-taxers that were calling for changes far more extensive than the most social democratic Nordic countries of today used an almost identical rhetorical strategy as more moderate reformers to defend their plans. All the reform groups argued that their plans promoted equal opportunity as a way to address the problems created by inequalities, but at the same time avoided the loss of individual liberty that they thought would accompany communism, state socialism, or more radical versions of socialism. The popularization of equal opportunity by reform advocates was a defensive strategy to avoid being connected with undesirable groups and ideas. In the following paragraphs, I seek to point out concrete examples of the parallel strategies used by these disparate reformers.

Anarchists were a fairly heterogeneous group, some calling for revolution and others calling for nothing more than an end to government sponsored monopoly. The individualist anarchists—who were the main anarchist strain using the terms “equal opportunity” and “equality of opportunity” in debates over inequality—were almost always calling for gradual reform and the maintenance of private property. Individualist anarchists often used the label of egoist and individualist to emphasize their contrast from socialists who stressed cooperation. Victor Yarros, a leader of the individualist

movement within anarchism during this period, explained anarchism as a mainstream idea by couching it in the language of equal opportunity and contrasting it with socialism:

In a word, have we all equal liberty and equal opportunity—which is what Individualism means? To put the question is to answer it. No, we have not even a decent apology for that. What the Fabian Socialists are entitled to affirm is that a system in which land is monopolized by a few and the many are obliged to pay large sums, large portions of their labor product, for the privilege of living on the earth; in which credit is monopolized and owners of a certain form of wealth levy tribute upon all others in the shape of interest; in which the enormous benefits of invention and division of labor are caused to flow into the pockets of a privileged minority;—that such a system is irreconcilable with the common weal. And in this all the consistent individualists would concur, for this is what they have been insisting upon all along. But they are not entitled to demand, in the interest of the common weal, ‘the replacement of private capital by collective capital,’ the ‘cooperative organization of national work upon the basis of collective property of the sum of all the members of society in the instruments of production.’ This demand could only be legitimately made (to speak merely from the standpoint of economic wellbeing) upon a successful demonstration of the irreconcilability of the common weal with a system of real individualism, with equal liberty and equal opportunity realized. Unless it is plainly shown that the abolition of all legal monopolies, including that of land, and the recognition of the principle of free competition in the largest sense, would still leave the laborers at the mercy of idlers, and would still permit some to live without working and condemn others to work without reaping the entire product, there can be no valid scientific reason for advocating the abandonment of free contract and instituting compulsory

cooperation and common ownership of capital.<sup>111</sup>

Yarros and other individualist anarchists identified the state as the cause of inequality, and gradually worked to lessen its power and influence to address inequality.

The single-tax movement also used equal opportunity as a defensive move to defend themselves from being grouped in with revolutionary strains of socialism. The “single tax” movement was started by Henry George during the Gilded Age to address its vast economic inequalities. The single tax was designed to replace other taxes by a levy on increases in the value of real estate. “The single tax would be so high that it would prevent speculation in both urban and rural land. This, George argued, would make land readily available to aspiring businessmen and to urban workingmen seeking to become farmers.”<sup>112</sup> Single-taxers who used the terms “equal opportunity” in discussions over inequality also engaged in defensive maneuvers touting their belief in individual liberty and underlining the distinctions between their views based on equal opportunity and those of socialists that they implied were based on other views of equality. In an article from 1891, a group of 500 single-taxers came together from thirty-five states and in their “new declaration of rights” they explained:

We are individualists mainly. Let that be understood at the start. We stand unalterably opposed to the paternal idea in government. We believe in fewer laws and juster interpretation thereof. We believe in less interference with individual liberty, less protection for the rapacious demands of the few, and more freedom of

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<sup>111</sup> Victor Yarros, "Unscientific Socialism," *Liberty (Not the Daughter but the Mother of Order)*, July 26 1890. Interestingly, Victor Yarros in the 1930s considered himself a social democrat and strongly supported the New Deal. He saw the state not as the source of inequality, but as a way to address inequality. Roderick T. Long, *Rothbard's "Left and Right": Forty Years Later* (Ludwig von Mises Institute, 2006 [cited May 1 2006]); available from <http://www.mises.org/story/2099>. Evidently, by that time the evidence had convinced him that “free competition” would not be enough, and the state needed to step in.

<sup>112</sup> Foner, *Give Me Liberty! An American History*, 626.

action on the part of the many[.....]

Desperate need makes desperate deed, as in the pleasant America of ours, where undue special privilege to rob the millions is given to a few favored sons of a government yet filled with insidious survivals of paternalism.

The conference began therefore by stating its belief in equality – not in equality of powers, not equality of virtue, not equality of possessions, but *equality of opportunity*, opportunity to acquire virtue, wisdom, and a competency. This is what Jefferson would have said, could he have written the Declaration according to his own ideas of what freedom should be[.....] *All men are born free and equal in opportunity, to live, to labor upon the earth, and to enjoy the fruits of their own industry.*

This is the reading which we, as single-tax men, put in this latest continental congress, upon that immortal and hollow sounding instrument[.....]

The age of socialism is not coming on, but departing. The past, the tribal state, the feudal age, was the age when the individual belonged to the state, and forcible cooperation was at its greatest. Individuality counted for little. Names were of little account save among the rulers[.....]

No, free competition is not the evil. There is no free competition, and never has been, and never will be, till all men are put on an equality as regards natural opportunities.

If the pressure of the air were only upon one side of the body, man would be crushed to the earth, but the pressure being equally exerted on all sides, he is as free to move as if no pressure existed. So of competition. It is not an evil if it is free and universal.<sup>113</sup>

This argument is remarkable. Single-taxers believed in massive wealth redistribution—albeit through a single tax that would eliminate all other taxes. Their proposals would amount to a massive appropriation and redistribution of land, ending the very idea of land speculation and rental properties. Yet, they couch their argument in the language of

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<sup>113</sup> Hamlin Garland, "A New Declaration of Rights," *The Arena*, January 1891. (Author's emphasis).



classical economists—“we are individualists mainly,” “we are free-traders” and “opposed to the paternal idea of government”—and in this context they use equal opportunity to contrast themselves with socialism.<sup>114</sup>

Even the followers of Edward Bellamy, the author of the utopian novel *Looking Backwards*, who advocated a version of a state-run economy (though calling it nationalist, rather than socialist) felt pressure to distinguish themselves from socialism. Even those most sympathetic to Bellamy’s ideas were uneasy with certain aspects of socialism and communism. For instance, in 1889 Helen Campbell—an award winning author, a settlement house worker, journalist, and activist—explained both the profound effect Bellamy’s utopian novel had on American society and why, despite her sympathies with many of Bellamy’s ideas, she rejected nationalism.<sup>115</sup> She argued Bellamy’s nationalism would “destroy individual liberty.” She argued it would disrupt “the right to all private property honestly earned” and undermine a system in which “payment to individuals should be proportioned to merit.” Finally, Bellamite nationalism would undermine equal opportunity: “From rich to poor, from poor to rich, till once more the balance hangs true;--till the equality of opportunity for all, demanded by the principles which made the Republic, again shows itself, and the hideous anomalies of to-day are a memory only. This is the higher education, and without it not one engine of the present

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<sup>114</sup> Ibid.

<sup>115</sup> According to Beryl Satter, Helen Campbell (1839-1918) “helped to launch the home economics movement,” “helped to convince social-purity leaders that there was a link between exploitative economic conditions and prostitution,” “won an award [in 1891] from the American Economic Association for her monograph ‘Women Wage-Earners,’” “worked with her dear friends Charlotte Perkins Gilman (then Stetson) and Paul Tyner, a reform journalist, to put out a Populist-Socialist-woman-movement journal entitled the *Impress*,” worked at a Chicago settlement house, and “frequently contributed articles to the Bellamyite monthly the *Nationalist*, the *American Fabian*, and especially Benjamin Flower’s *Arena*” Beryl Satter, *Each Mind a Kingdom: American Women, Sexual Purity, and the New Thought Movement, 1875-1920* (Berkeley: University of California Press, 1999), 198.

vast system moves to any end but final destruction.”<sup>116</sup> Campbell sees equal opportunity as the only response to the inequalities of the day that would avoid the destruction of individual liberty. In effect, Campbell and many of Bellamy’s critics rejected the argument that utopian nationalism was needed to uphold equal opportunity.

Bellamy, himself, was clearly cognizant of such criticisms, as his skillful redefinition of a centrally directed economy as simply a better form of nationalism attests. In fact, Bellamy himself had tried a similar tactic as Campbell, the individualist anarchists, and single-taxers in *Looking Backward* (1888). In it, Bellamy writes, “The equal wealth and equal opportunity simply made us all members of one class, which corresponds to the most fortunate class with you. Until this equality of condition had come to pass, the idea of the solidarity of humanity, the brotherhood of all men, could never have become the real conviction and practical principle of action it is nowadays.”<sup>117</sup> Bellamy argues that equality of opportunity requires equality of incomes; otherwise, there could never be equal opportunity for education, culture, and occupational choice. People with more wealth and born into positions of higher social standing would always have unequal opportunities in these areas. Bellamy’s defenders tried to argue just this point, while keeping the contrast with socialism at the forefront of their defense. For instance, in an 1896 editorial entitled “Correspondence. Co-operation, Not Communism” a Bellamy supporter, Frances Russell, quotes a personal letter he received from Bellamy: “Far from considering private property a mistake, I [Edward Bellamy] consider it the right of every human being to be guaranteed an adequate basis of economic provision indefeasibly attached to him personally, and favor the public administration of economic

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<sup>116</sup> Helen Campbell, "Certain Convictions as to Poverty," *The Arena* I, no. 1 (1889).

<sup>117</sup> Bellamy, *Looking Backward: 2000-1887*, 103.

affairs as the only practicable means of furnishing this guarantee.”<sup>118</sup> Russell then reiterated Bellamy’s own argument that to “establish a full equality of opportunity” there needs to be “equality of income.”<sup>119</sup>

Less radical reformers also used equality of opportunity as a way to address inequalities while appealing to those wary of socialism. Lester Ward, one of the founders and the first president of the American Sociological Association and a progressive opponent of William Graham Sumner’s social Darwinist ideas, illustrates this tactic. In the closing lines of his book, Ward adopts the same strategy of contrasting his reform plans with that of socialism:

This general social art, the scientific control of the social forces by the collective mind of society for its advantage, in strict homology with the practical arts of the industrial world, is what I have hitherto given the name Sociocracy. It has sometimes been confounded with socialism, and I cannot perhaps better conclude this work than by briefly pointing out wherein, so far as I understand what socialism is, this differs from it, and also from the prevailing competitive régime or individualism. This can only be done at this stage by a few antithetical propositions whose elaboration is for the present postponed:

1. Individualism has created artificial inequalities.
2. Socialism seeks to create artificial equalities.
3. Sociocracy recognizes natural inequalities and aims to abolish artificial inequalities.
4. Individualism confers benefits on those only who have the ability to obtain them, by superior power, cunning, intelligence, or the accident of position.
5. Socialism would confer the same benefits on all alike, and aims to secure equality of fruition.

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<sup>118</sup> Frances Eldredge Russell, "Correspondence. Co-Operation, Not Communism," *Outlook* June (1896).

<sup>119</sup> *Ibid.*

6. Sociocracy would confer benefits in strict proportion to merit, but insists upon equality of opportunity as the only means of determining the degree of merit.

A cycle is thus completed. Sociocracy is a return to nature from which society has departed.<sup>120</sup>

Ward's analysis highlights that equal opportunity was a concept that reformers used to identify the type of inequalities—artificial ones—that the government should seek to redress. Reformers sought to make their programs seem as moderate as possible by contrasting it with socialism or communism which they often asserted had a more extreme view of equality that would ignore merit, and (to use a phrase of the time) “level down,” i.e. bring those with superior merit down and place them on an equal level with people that had inferior abilities or character.

Many of the major reform groups during the late 19<sup>th</sup> century, including individualist anarchists, single-taxers, Bellamites, and early progressives, all illustrated a remarkably similar political strategy in justifying their different solutions to problems of inequality; they all operated on the basis of the metaphor of individualistic competition in a race. Everyone should have equal opportunities to compete and go as far as their skills and perseverance will take them. On this score, equal opportunity and the metaphor of the “race of life,” operate by distinguishing artificial inequalities (i.e. those unfair blockages to competition) from natural inequalities (due to the skill and perseverance of the competitors). The reform groups surveyed above all sought to address artificial causes of inequality while refraining from interfering with inequalities due to the “natural” inequalities in the character and abilities of men.

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<sup>120</sup> Lester F. Ward, *Outlines of Sociology* (London: The Macmillan & CO., LTD, [1897] 1913), 293-94.

The common strategy was to use “equal opportunity” and “equality of opportunity” and extend their meaning to include additional factors into the category of “artificial inequalities.” Individualist anarchists targeted a corrupt state, single-taxers targeted idle land due to speculation, and the “unearned” wealth of rent and stock gains, Bellamites targeted the monopolistic capitalist system, and Ward and other late 19<sup>th</sup> century progressives focused on the legislative supports to monopolies, the unequal bargaining force of workers negotiating contracts, and the immense accumulated power of monopoly trusts. In each case, the reform group argued that the elimination of the source of the artificial inequality—whether the state, land speculation, the capitalist system, or monopoly trusts—would successfully bring the system back into balance and eliminate all unfair inequalities.

These reform groups saw equal opportunity as a much more appealing concept than socialism to explain their aims and delimit the extent of their reforms for at least two reasons. First, as the extended quotes above attest, the reform groups that used the concept continuously stressed that their reform plans promoted “individual liberty.” The individualist anarchist leader Yarros characterized his goals as a “real system of individualism.” The single-tax declaration asserted, “We are individualists mainly. Let that be understood at the start.” The Bellamite sympathizer who rejects Bellamy’s nationalism rejected it on the grounds, “I have as hearty a dislike to any system of communism, or anything which destroys individual liberty.” Bellamy’s own argument is that what he deemed the brutal and unfair competition in the economic system of the day impeded individual liberty, and it was only by equalizing incomes that each person would

have the ability to “serve the world according to their gifts.”<sup>121</sup> It is Ward’s notion of “sociocracy,” however, that points to the common ground of these notions of individualism. “Sociocracy would confer benefits in strict proportion to merit, but insists upon equality of opportunity as the only means of determining the degree of merit.”<sup>122</sup>

Equal opportunity is a concept inherently about individualistic competition in a race. As John Schaar, a steadfast critic of the concept, has pointed out, “whereas it seems to defend equality, it [equal opportunity] really only defends the equal right to become unequal by competing against one’s fellows.”<sup>123</sup> Furthermore, the competition is an individual one, where individuals are given equal opportunities to use their abilities to improve their own conditions. Implicitly or explicitly, the reformers during 1870-1900 exhibited the belief that socialism provided an equality of reward that was unmerited. Socialism, according to critics, placed mediocrity on a level with excellence. In doing so, critics of socialism continued, it was impeding those with good character and high abilities, bringing them down to a level of people that merited less, and thereby preventing these people from fully developing their individual skills and potentials to the benefit of society.

Second, the reform groups that used equal opportunity continuously stressed that their reform plans, unlike socialism, did not involve compulsion, especially not forcing those with greater abilities and character to be equal to those with lesser abilities and character. By promising to raise the whole working class up, socialism—according to these reformers—would establish an equality that did not make distinctions between

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<sup>121</sup> Bellamy, *Looking Backward: 2000-1887*, 204.

<sup>122</sup> Edward M Colie, "An Ingenious and Suggestive Speculator," *The Bookman*, September 1898.

<sup>123</sup> Schaar, "Equality of Opportunity, and Beyond," 241.

differences in abilities, character, and effort. It would compel those of greater abilities to be on the same level as those with less merit. Reformers articulated this criticism as socialism demanding compulsory membership in a false state of equality: “there can be no valid scientific reason for[...] compulsory cooperation and common ownership of capital,”<sup>124</sup> “the individual should be, not a compulsory member of a great industrial army,”<sup>125</sup> and “[s]ocialism seeks to create artificial equalities.”<sup>126</sup> Yet, reformers argued the current system was clearly not due exclusively to differences in abilities and character. Socialism went too far by seeking to address inequalities due to differences in merit, but, reformers asserted, there were clear man-made sources of inequality based on force, fraud, and social conditions that had nothing to do with inequalities of merit. Equal opportunity was the criteria they articulated as a means of distinguishing these artificial sources of inequality from the natural ones that would develop wherever individuals with differing skills competed with one another. The reform groups making this point were the first ones to bring “equal opportunity” and “equality of opportunity” into the mainstream media debates.

#### **IV. 1870-1900 – The Response by Reform Opponents**

A review of the articles of the APS database of periodicals for the years of 1870-1900 reveal that the reform opponents were at first on the defensive, grappling with new strategies to attack the reformers’ new appropriation of “equal opportunity.” The terms

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<sup>124</sup> Yarros, "Unscientific Socialism."

<sup>125</sup> Campbell, "Certain Convictions as to Poverty."

<sup>126</sup> Ward, *Outlines of Sociology*, 293. Lester Ward is using a turn of words here. As I mentioned it was a common strategy of reformers who used the concept of equal opportunity to show how the offending inequalities were those not due to differences in merit, but rather due to special privileges provided by government to the powerful or unequal bargaining power. In this quote, he is saying that the socialists were likewise creating artificial inequalities, because they were providing those with less merit special privileges by putting them on the same level (economically) with those with more merit.

“equal opportunity” and “equality of opportunity” were those used most often by authors and groups supporting reform.<sup>127</sup> Critics who used “equal opportunity” were mostly responding to reform advocates. Many of the opponents’ articles were responses to books and articles,<sup>128</sup> proposed legislation,<sup>129</sup> identified groups of reform advocates (anarchists, socialists, communists),<sup>130</sup> or specific principles of reformers (e.g. labor theory of value).<sup>131</sup>

Opponents of reform generally saw the terms “equal opportunity” and “equality of opportunity” as the intellectual domain of the reform advocates and they sought to attack the terms or reduce their meaning to equality before the law. Most opponents simply implied that equality of opportunity was tantamount to equality under the law, and this equality of law already existed. For instance, in 1900 a reform opponent argued: “There is absolute equality of opportunity in the world. Wherever you find men you will find there is absolute equality of opportunity among them. But there is inequality of capacity for taking advantage of opportunity, and this difference makes the difference in

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<sup>127</sup> Fifty-two out of the 90 articles in my search of the APS database for 1870-1900 that used the terms called for reforms to address inequalities, while only 21 usages were by people arguing against reform movements, and many of these articles argue that equal opportunity has already been achieved and therefore no reform was necessary or that the concept had little value as a principle to address inequalities, since, they argued, equal opportunities for unequal people would lead to the same levels of equal opportunity that were present at the time.

<sup>128</sup> See: Arthur T. Hadley, "Literature. Sidwick's Political Economy," *The Independent* 35, no. 1827 (1883), William H. Hudnut, ""Social Extremes"," *New York Evangelist* 67, no. 45 (1896), W. Kirkus, "Sentimentalism and Political Economy," *The New World* 4, no. 14 (1895), "Literature," *The Independent* 30, no. 1569 (1878), W.H. Mallock, "Altruism in Economics," *Forum* XXI, no. 6 (1896), "Notes," *The American Law Review* 24 (1890), Henry Taylor, "Mr. Mill on the Subjection of Women," *The Eclectic Magazine of Foreign Literature*, May 1870.

<sup>129</sup> Perry Belmont, "Democracy and Socialism," *The North American Review* 164, no. CCCCLXXXV (1897), John H. Finley, "How Not to Help the Poor," *The Chautauquan* 18, no. 6 (1894), "The Theory of Progressive Taxation," *American Economic Association*. 9, no. 1&2 (1894).

<sup>130</sup> "Anarchy and the Anarchists," *The Open Court, a Quarterly Magazine* 1, no. 17 (1887), Edward Atkinson, "Remedies for Social Ills," *Forum*, April 1889, John P. Irish, "The Individualist's Answer," *Overland Monthly and Out West Magazine* XXXV, no. 210 (1900).

<sup>131</sup> W.H. Mallock, "Wealth and the Working Classes," *The Eclectic Magazine of Foreign Literature* 46, no. 4 (1887), "A Social Philosophy," *The Independent* 50, no. 2566 (1898).



progress between different individuals.”<sup>132</sup> A few came out and made the reduction of equal opportunity to equality under the law explicit, such as in “it [equal opportunity] means no more than that the shield of civil and criminal jurisprudence should be thrown over all alike.”<sup>133</sup> As one might expect, virtually all the authors who asserted there was at that time already an equality of opportunity—by which they were referring to equality in the eye of the law—opposed reforms. Reform advocates, on the other hand, asserted the absence of equal opportunity, which required their proposed change.

The other strategy adopted by reform opponents toward the use of “equal opportunity” and “equality of opportunity” was to attack the terms outright.<sup>134</sup> W.H. Mallock, for example, attacked Benjamin Kidd, the best-selling author of a social Darwinist political tract who believed evolution was gradually bringing the triumph of equal opportunity, in this way:

Many people, who realize the disastrous results that would ensue were the state to aim at producing an absolute economic equality, who realize that in this way not only would idleness be encouraged, but exceptional talent discouraged, imagine, as Mr. Kidd does, that they have found a way out of their difficulty by the celebrated modern doctrine of equality of opportunity. The idea expressed in this phrase is sometimes intended to include, and indeed primarily to mean, an equality of opportunity of performing some kind of labor, which will secure for a man his daily bread, and keep him from theft or begging: but it usually means something that is very much more limited, namely, an equality of opportunity of using not mere average faculties, but faculties which are above the average and which, if a fitting opportunity were given them, would enter the arena of life’s larger prizes,

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<sup>132</sup> Irish, "The Individualist's Answer."

<sup>133</sup> Taylor, "Mr. Mill on the Subjection of Women.". See also: "Anarchy and the Anarchists.", Atkinson, "Remedies for Social Ills.", "The Theory of Progressive Taxation."

<sup>134</sup> This was especially popular among opponents who supported social Darwinist ideas.

and thus not only would secure a just reward for themselves, but for the community generally a higher standard of performance by increasing the intensity of competition in all the higher kinds of work. This is emphatically the view that is set forth by Mr. Kidd; and in this instance, as in so many others, he is merely expressing in somewhat novel language a view which has long been common to the whole body of our more sanguine and emotional reformers. The ideas of such persons contain a modicum of truth; but the truth, such as it is, is not only much exaggerated, but vitiated by certain definite fallacies which render it false and misleading [...].

The real condition of things at which reform should aim, is not the indiscriminate securing of equal opportunity for all, or the stimulation in all of an equal desire to rise; but the restriction of these opportunities and ambitions to those whose exceptional vigor of character or intellect will enable them to use the one and to fulfill the other.”<sup>135</sup>

Mallock’s quote illustrates the common elements of attack that opponents used against the concept of equal opportunity. Reform opponents emphasized that the implementation of programs to increase equal opportunity would give workers what they did not merit, would undermine the incentive for the talented to work hard, and would prevent the progress that was based on the competitive struggle where the most talented and hardest working succeeded.

Reform advocates, on the other hand, attempted to defend the terms “equal opportunity” and “equality of opportunity,” from detractors like Mallock. By this time, reformers had set the goal of ridding the country of “artificial” inequalities. As one reformer put it:

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<sup>135</sup> Mallock, "Altruism in Economics," 6,9.. For other examples see: Belmont, "Democracy and Socialism.", "Houghton, Mifflin & Co.," *The Critic: A Weekly Review of Literature and the Arts* 28, no. 812 (1897), Kirkus, "Sentimentalism and Political Economy.", "A Social Philosophy."

Only upon the supposition that environment affords equal opportunities for all can we possess a test of personal fitness. Then only should we be justified, after due allowance for accidental causes, in attributing the evil plight of the poor or the unemployed to personal defects of character; then only would the scientific treatment consist, wholly or chiefly, in the moral training of the individual. As matters actually stand, the philosophy which finds the only momentum of social reform in the moral energy of the individual members of the masses is just that smart sophistry which the secret self-interest of the comfortable classes has always been weaving in order to avoid impertinent and inconvenient searching into the foundations of social inequality.<sup>136</sup>

Most reform advocates who used equal opportunity in arguments over inequality used the term as an articulation of their demands.

In order to make the concept more palatable for skeptics many reform advocates began arguing that the concept was the practical meaning of justice and liberty in a democratic society. One strategy to accomplish this task was to define the practical meaning of the Declaration of Independence as being equality of opportunity.<sup>137</sup>

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<sup>136</sup> Hobson, "The Social Philosophy of Charity Organizations," *The Eclectic Magazine of Foreign Literature* December (1896): 12-13.

<sup>137</sup> Reform advocates are indebted to Abraham Lincoln for the success of this tactic. From the mid-1850s on, Abraham Lincoln made the proclamation that "all men are created equal" the centerpiece of his political platform. His speeches and letters are littered with references to the Declaration and to equality. In a speech at Peoria in 1854, for example, Lincoln made one of his many explicit calls for the "re-adoption" of what he saw as the country's founding principles: "Our republican robe is soiled... Let us re-adopt the Declaration of Independence, and with it, the practices, and policy, which harmonize with it... We shall have so saved it, that the succeeding millions of free happy people, the world over, shall rise up, and call us blessed, to the latest generations" (34). Lincoln continuously used the positive associations of the Declaration to his rhetorical advantage. Thus, in a letter to Joshua Speed of August 24, 1855, he argues: "As a nation, we began by declaring that 'all men are created equal.' We now practically read it 'all men are created equal, except negroes.' When the Know-Nothings get control, it will read 'all men are created equal, except Negroes, and foreigners, and catholics'" Lincoln and Gienapp, *This Fiery Trial: The Speeches and Writings of Abraham Lincoln*, 37. In this letter, he invokes the Declaration's famous preamble to convince his reader that the nation had swayed from its founding principles and was headed down a dangerous path. Lincoln also went a long way in connecting the Declaration's meaning to the

It has become popular in certain literary circles in these latter days to ridicule the Declaration of Independence as a document voicing the 'glittering generalities' of a false political philosophy. Inasmuch as the principle on which all our written constitutions are based is enunciated in the Declaration, a word is necessary on this subject. It is easy enough to show the apparent absurdity of such general and unqualified statements as that 'all men are created equal,' by calling attention to the palpable fact that men are born, on the contrary, to all sorts and conditions of physical, social, mental, and political inequality. This, however, is but the hyper-criticism of a bastard Americanism, masquerading in the garb of the scholar, but intellectually too small and technical to comprehend the robust wisdom and intention of the fathers. Thomas Jefferson, John Adams, Benjamin Franklin, and the other great men who attached their names to the immortal Declaration intended the assertion of no such self-evident absurdity as that which their sapient critics hold up to ridicule. The equality which they asserted is one which no intelligent American to-day will dare deny; it was the equality of all men before the law, and the rightful demand of all men for equality of opportunity in the exercise of their respective natures.<sup>138</sup>

The reformer quoted above acknowledged that equal opportunity means equality before the law (which was the critics' contention), but *also* the need to remedy inborn advantages. Advocates for reforms to address inequality wrapped their reform programs

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competitive ethic implied in the term equal opportunity. Lincoln defined the meaning of the Civil War as a fight to ensure equal opportunities for all Americans, without using this term. For instance in a speech to the 166<sup>th</sup> Ohio Regiment during one of the darkest moments of the Civil War in 1864, Lincoln told the soldiers: "I am a living witness that any one of your children may look to come here as my father's child has. It is in order that each of you may have, through this free government which we have enjoyed, an open field and a fair chance for your industry, enterprise, and intelligence; that you may all have equal privileges in the race of life, with all its desirable human aspirations. It is for this that the struggle should be maintained....The nation is worth fighting for, to secure such an inestimable jewel."

<sup>138</sup> Lewis G. Janes, "The Place of the Written Constitution in Our American System," *American Magazine of Civics*, January 1897. For other examples see: Campbell, "Certain Convictions as to Poverty.", B.O. Flower, "A New Social Vision," *The Arena* 9, no. 4 (1894), Garland, "A New Declaration of Rights.", Francis Parkman, "The Failure of Universal Suffrage," *The North American Review* CXXVII, no. CCLXIII (1878).

in the garb of the Declaration of Independence. At the same time critics were trying to label their ideas as out of place in a land such as America, reform advocates sought to further separate themselves from socialists and communists by arguing that they were returning to the founding principles expressed by Jefferson in the Declaration and from which America had since swayed. Opponents of reform, on the other hand, rarely mentioned the Declaration in their arguments. Furthermore, when they did, they tended to criticize the Declaration for being an overly vague euphemism, like this book review from 1898:

Many readers will heartily welcome a plea on the side of inequality, especially a plea by so able and scholarly an advocate as Professor [George] Harris. As he says, in this country and in this modern world we hear equality shouted on every side. It is the catchword of every scheme of an actual utopia, the last resource of every demagogue, and the vague ideal of all sentimentalists. It is enshrined in the Declaration of Independence and hallowed by all our patriotic traditions. But, as Professor Harris bluntly intimates, it covers more ignorance, more folly and more humbug than any other formula in use [...] To clear the ground Professor Harris begins with an examination of some popular fallacies of equality. He wastes no time over the materialistic ideal of absolute and universal equality of possessions, but devotes himself to a most careful and, in our judgment, extremely able criticism of the demands for 'equality of opportunity,' and a 'fair chance'”<sup>139</sup>

These critics of reform sought to reign in what they saw as an overly expansive definition of equality.

Another more moderate challenge to the reformers came from many groups of Christians.<sup>140</sup> While accepting “equality of opportunity” as the meaning of the

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<sup>139</sup> "A Social Philosophy."

Declaration of Independence or as a founding principle, the vast majority of responses from Christian press organs asserted that government reform to address social and economic inequality was unnecessary or harmful. They reiterated that “the only way to raise the general standard of living and to benefit the community as a whole, is to develop the personal character and capacity of each and every member of it.”<sup>141</sup> Many Christians embraced this view and thought that the solution to the problem was to improve personal character through spiritual renewal.<sup>142</sup> In other words, society was in greater need of more pious Christians than it was of government instituted reform. Moreover, government instituted reform also could diminish the role of the church, since the government would become bigger and more powerful and intervene in an area for which Christian charity had historically been responsible. Including only those Christian authors who were using the progressive principle equal opportunity in debates over inequality, skewed my search toward reform advocates. Yet, even over-representing Christians predisposed to supporting reform proposals, the articles still largely concur with William Hudnut’s assertion: “nothing can change this [social inequality] but to change man’s heart.”<sup>143</sup>

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<sup>140</sup> Eighteen of the 90 articles in my search of the APS database were from Christian press organs. This paragraph is based on those articles, and background information on the history of these sects during this time period.

<sup>141</sup> Atkinson, "Remedies for Social Ills."

<sup>142</sup> See Robert F. Bishop, "Art. Iii.--after Capitalism, What?" *The Methodist Review* 12, no. 3 (1896), "Books and Authors," *Christian Union* 31, no. 18 (1885), Alexander Harris, "Art. Ii.--Dominion and Subordination the Normal Relations of Society," *Mercersburg Review*, October 1877, Francis W. Howard, "Socialism and Catholicism," *The Catholic World* 65, no. 390 (1897), Hudnut, ""Social Extremes".", Reuen Thomas, "The Inequalities of Life. A Sermon," *Outlook* 51, no. 4 (1895).

<sup>143</sup> Hudnut, ""Social Extremes"."

## V. 1884-1907<sup>144</sup> – Groundswell of Protest and the Contested Appropriation of Terms

When the radical reformers' terms "equal opportunity" and "equality of opportunity" entered into mainstream newspaper accounts, the terms lost their critical edge and more moderate reformers successfully co-opted them. Moderates remade the concept into a safe justification for much more limited reform. The moderate reformers cooptation rejected the radical implication of the terms and even turned the tables on the reformers by using the concept of equal opportunity to attack the more radical reforms of the single-taxers, Bellamites, and anarchists.

It was not until the period between 1884 and 1907 that mainstream newspaper accounts reflected the rising tide of protest against inequality in the periodicals and both reform opponents and reform advocates began experimenting with different strategies for the appropriation and use of the terms of "equal opportunity" and "equality of opportunity." It was only during this time period that the majority of the uses of the terms were concerned with the unrest over growing economic inequality.<sup>145</sup> Like the uses from the periodicals from 1870-1900, the uses of the terms in the newspapers from 1884-1907 largely consisted in their appropriation as a defense of reform proposals against attacks of being too radical or leading to communism. Yet, for the vast majority of reformers appearing in mainstream newspaper debates the scope of the reforms was

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<sup>144</sup> There were no articles that came up in ProQuest for my search for "equal opportunity" or "equality of opportunity" and "inequality" between 1870-1884.

<sup>145</sup> Four of the forty articles turned up in my search of ProQuest newspapers for the terms "equal opportunity" or "equality of opportunity" and "inequality" during these years used the older idea of equal opportunity in economic transactions, two denied that there were any barriers to equality of opportunity at all, and the other 34 responded in various ways to the growing unrest over inequality.

much more limited than their single-taxer, Bellamite, and individualist anarchist predecessors.

Nonetheless, a relatively small number of the articles<sup>146</sup> were by political actors advocating quite radical reform proposals that sought to appropriate the terms “equal opportunity” and “equality of opportunity” as having necessarily radical implications. Despite their few numbers, these articles demonstrate the degree of openness in the meaning of the terms during this time period. Gaylord Wilshire directly laid claim to the concept as a specifically socialist concept:

Some time ago President Roosevelt was voicing socialistic ideas in his plea for a “square deal,” and then Mr. Bryan came along and patted him on the back and said, “Them’s my sentiments;” and now the President at the Union League Club banquet, not only advocates socialistic doctrines, but he does it in socialistic language, “equality of opportunity.” For years we socialists have used that identical phrase to explain to our opponents our interpretation of the “self-evident truth” in the Declaration of Independence that “all men are created equal.” Now, I do not know how the President proposes to get his “square deal” or his “equality of opportunity,” but I can tell him one thing, and that is that wherever we have equality of opportunity to-day we have “equality of ownership,” and that wherever we have inequality of ownership we find inequality of opportunity....It must follow, therefore, that if President Roosevelt honestly wants “equality of opportunity” he must earnestly and consistently strive for “equality of ownership.”<sup>147</sup> Socialism means equality of opportunity. It means that every man shall have a chance to paddle his own canoe, and it means that the man shall have an opportunity of owning the canoe as well as the paddle. If he does not choose to

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<sup>146</sup> Only five of the 34 articles exhibited this strategy.

<sup>147</sup> W.S. Boyd, "Equality of Ownership. A Condition Precedent to the True Equality of Opportunity," *The Washington Post*, March 6 1905.



paddle then it is his own fault if he gets nothing.”<sup>148</sup>

In this quote, Wilshire seeks to paint socialism as the fairest embodiment of the individualistic competitive race. Equal opportunity, he argued, necessitates “equality of ownership.”

A pair of articles<sup>149</sup> voiced the views of Samuel “Golden Rules” Jones,<sup>150</sup> who as mayor of Toledo Ohio from 1897 to 1905, advocated many radical reforms, such as “the abolition of political parties by direct nomination of candidates,” “public ownership of all public utilities,” “a living wage for unskilled labor,” and “immediate measures for the relief of the unemployed.”<sup>151</sup> Jones’ contemporaries often identified him with radical labels, such as anarchist or socialists, even though he did not neatly fit into any of these categories. Jones used the concept of equal opportunity to justify his reform agenda:

Certainly, no reasonable person will contend that this is the goal that we have been struggling for; that the inequalities that characterize our rich and poor represent the ideas that the founders of this Republic saw when they wrote that ‘All men are created equal,’ and the new patriotism is already planning for and opening the way to better things, to a condition of life under this Government, when every child born in it will have equal opportunity

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<sup>148</sup> Gaylord Wilshire, "What Socialism Gives to Genius," *New York Times*, February 16 1907.

<sup>149</sup> Of the two articles on Jones, one is quoted in the text above and the other is a letter to the editor defending Jones against attack: “I think you misquote Mr. Jones when you credit him with saying that all men are endowed with equal natural gifts and capacities. What Mr. Jones aims at bringing about is equality of opportunity; being an intelligent man, he knows full well that there will always be inequality of ability” A.C. Adams, "The Plans of S.M. Jones," *New York Times*, March 13 1899.

<sup>150</sup> Samuel Jones became mayor of Toledo after he made his fortune in the Ohio oilfields and then underwent a religious awakening which caused him to run his factory according to the “Golden Rule.” He was elected as the Republican mayor of Toledo in 1897, but then ran as an independent who called for the abolition of political parties. Bill Kaufman, *Toledo's Golden Rule* (The American Enterprise Online, March 30, 2006 [cited]; available from [http://www.taemag.com/issues/articleid.18475/article\\_detail.asp](http://www.taemag.com/issues/articleid.18475/article_detail.asp).

<sup>151</sup> "Jones before the Ohio Voters," *New York Times*, November 6 1899.

with every other child to live the best possible kind of life that he or she can live.<sup>152</sup>

Reformers such as the socialists above and “Golden Rules” Jones sought to put their respective reforms in the mainstream of American values, using the growing popularity of the concept of equal opportunity as leverage for greater demands for reform.

Ultimately, the attempts by reformers to use the term to support their far-reaching reforms failed, as more moderate reformers successfully appropriated the terms.

These few radical attempts at conceptual innovation were taken seriously enough by the editors of the *New York Times* and *Washington Post* to compel them to issue refutations of the concept of equal opportunity as utopian. The *New York Times* editors responded to Jones’ campaign by claiming that he “expects to make Ohio a terrestrial paradise.”<sup>153</sup> They stated that “men who have studied such things most deeply” agree that this is untenable, too radical, and would require “a great change in the nature of individual man.”<sup>154</sup> They reason, “If these changes are not wrought, ‘equality of opportunity’ will not save society, for the inequalities of character and capacity will speedily restore the heartrending contrasts of riches and poverty, of good fortune and hard luck, of happiness and misery, just as we see them in the wretched and anti-Jones condition of the world to-day.”<sup>155</sup>

An exchange of editorials between two northeast editorial boards also illustrates the debate. The *Hartford Times* argued:

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<sup>152</sup> "American Municipalities. League Holds Its Third Annual Meeting at Syracuse--Mayor Jones on Patriotism," *New York Times*, September 20 1899.

<sup>153</sup> "Jones before the Ohio Voters."

<sup>154</sup> Ibid.

<sup>155</sup> Ibid. The ire that Jones provoked in the *New York Times* editors is revealed in the irony in the closing line from the end of the article: “If he is a perfectly sincere believer in his principles, nothing but an incredible modesty can prevent him from seeing that he is simply the greatest regenerating force that has appeared on the earth since the Saviour of mankind.”

What the American voter wants from the political orator who undertakes to instruct him is not a lot of airy conversation about plutocrats and aristocrats, but definite ideas as to practicable and righteous measures for the maintenance of the equality of opportunity for all citizens and the equal distribution of the burdens and advantages of government on all.’—Hartford Times (Dem.).

*The Washington Post* editors responded to the *Hartford Times* article with fiery criticism:

According to our Hartford contemporary, the American voter when he goes to hear a political orator wants that which is as impossible as inter-planetary communication by railway mail. Since men are created with unequal capacities—capacities quite as widely different as the fortunes they achieve—and since the conditions under which human beings are born and the environments into which their birth ushers them are as unequal as their capacities, it is manifestly absurd to look or hope for measures that will equalize opportunities and burdens. Not here, not in this life, but in the hereafter, will the equalizing be attended to, if, indeed, that process may be set down as a feature of the Eternal Plan.<sup>156</sup>

In effect, *The Post* argues that the *Hartford Times* knows not what it is asking for: “We know that the Hartford Times aims to be conservative. It has no sympathy with the roaring rant of those demagogues whose trade is to inflame the passions of the poor against the rich, to make the possession of wealth appear as evidence of crime. All that is abhorrent to our Hartford contemporary. Nevertheless, in the sentence quoted above our contemporary preaches the doctrine of the most advanced socialists.” Justifying their reasoning, they continued:

The Post does not contend that there is no room for improvement in the laws affecting the income and taxation of the American voter. Some of those laws are oppressive and there will be no cessation of clamor for reform until the

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<sup>156</sup> "Not for This World," *The Washington Post*, August 2 1902.

movement succeeds. But it is a fact, nevertheless, that no country has ever afforded greater opportunities or rewards for honest effort than this country of ours. We may still work toward, but may not hope to attain the celestial ideal, “equality of opportunity for all citizens and the equal distribution of the burdens and advantages of government on all.”<sup>157</sup>

In the examples from the editorial boards for *The Washington Post* and the *New York Times*, both were explicitly responding to what they perceived as dangerously radical reformers who have couched their radical reform proposals in reasonable language. Their response is not unique in its reasoning that the proposed reforms were untenable because they denied inequalities of characters and abilities—this is a common thread running throughout responses to advocates of reform—but rather for their rejection of the term “equal opportunity” as utopian (“terrestrial ideal”) or “socialistic.” The passionate responses of the editors indicate the open-ended dimensions of the debate at this time and the desire to shape the discourse from the outset. Hard-hitting critiques of equal opportunity itself became less necessary and almost unheard of in later periods, as moderate progressives successfully neutralized the radical progressive challenge, as they frequently invoked the term and explained how it was a safe alternative to socialism.

While radical reformers sought to extend the meaning of equal opportunity to encompass their ambitious reform proposals, it was the moderate reformers use of the terms that stuck with the public and ended up backfiring against the more radical reformers. As equal opportunity was co-opted it was also stripped of the radical implications asserted by the individualist anarchists, national Bellamites, and single-taxers. The overwhelming majority of the uses of these terms in mainstream newspapers

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<sup>157</sup> Ibid.

came from moderates who used equal opportunity as a compass to chart a path that avoided the Charybdis of socialism and/or communism and yet avoided the evils of the Scylla lurking in the trusts and legislation for the wealthy few. Holding up equal opportunity as the meaning of democracy,<sup>158</sup> the “American idea,”<sup>159</sup> and the “blessings” of the “Creator,”<sup>160</sup> moderates proposed modest reforms (reforming the tariff, providing limited housing assistance with those with work) that would overcome obstacles to opportunity created by fixable social conditions or corrupt laws while dismissing more far-reaching reforms as un-American and against human nature. The usefully ambiguous, yet overwhelmingly approved, principle of equal opportunity became the concept invoked in judgments over whether an inequality resulted from “the very nature and constitution of men”<sup>161</sup> and therefore was unfixable or whether it was “largely the result of social conditions which have arisen through the selfish and grasping efforts of men”<sup>162</sup> and therefore easily correctible. On this score, laws that favored a few over the rest were clearly the result of “grasping efforts of men.” On the other hand, moderate reform advocates asserted, socialism advocated an equality of conditions “irrespective of ability or merit” and therefore “contrary to the necessary differences among men.”<sup>163</sup>

The argument took a very similar formulation across speakers. First, in one way or another, the speaker would address the groundswell of protest. Sometimes popular concern is acknowledged explicitly but not labeled, like when President Harrison called for tax reform by referencing the “great agitation” of his time and acknowledging that

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<sup>158</sup> "Address by Edgar A. Bancroft," *Chicago Daily Tribune*, January 21 1893.

<sup>159</sup> J.G. Batterson, "Workingmen's Homes. Thoughtful Paper by Hon. J.G. Batterson. Importance of the Home to Civilization," *The Hartford Courant*, October 17 1894.

<sup>160</sup> "What Some of the Chicago Preachers Said," *Chicago Tribune*, August 24 1896.

<sup>161</sup> "Address by Edgar A. Bancroft."

<sup>162</sup> "What Some of the Chicago Preachers Said."

<sup>163</sup> *Ibid.*

there was a “feeling that some men are handicapped, that the race is sold; that the old and much vaunted equality of opportunity and of right has been submerged.”<sup>164</sup> Most commonly authors set up their own less ambitious proposals calling for equal opportunity by contrasting it with the socialistic principles they were *not* calling for.<sup>165</sup> They then propose a moderate reform to bring about more equal opportunity. Some of those proposals included the enforcement of the personal property tax, the equalization of real estate assessments, reform of the civil service, fair trade provisions, better law enforcement, and the prevention of monopolies.<sup>166</sup> These reformers picked easily identified causes of “artificial advantage” (e.g., tax shirkers, tariff provisions that favored politicians’ friends, and monopolies) and argued these reforms would redress the causes of inequalities of opportunity. In effect, these moderate reformers identified instances in which they thought they could prove that the government (as umpire over the individualistic competitive race) had given special privileges to some competitors and not others. The underlying assumption was that it was government corruption and

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<sup>164</sup> Some of the articles that reported the speech are the following: "Benjamin Harrison. Another of His Striking Speeches. First a Tribute to Washington. Then a Practical Talk to Rich Americans.," *The Hartford Courant*, February 23 1898, "Harrison on Tax Dodging. The Ex-President Declares in Chicago That the Well-to-Do Endanger the Country," *New York Times*, February 23 1898, "Harrison Speaks at Auditorium. Ex-President Handles the Burden of Government Interestingly. Pays His Respects to Rich," *The Atlanta Constitution*, February 23 1898, "'Obligations of Wealth." Ex-President Harrison Addresses Union League Club at Chicago," *Los Angeles Times*, February 23 1898.

<sup>165</sup> "Cleveland at Newark Lashes the Trusts," *New York Times*, November 5 1904, "Cleveland Pours Caustic on the Tariff Barons," *The Atlanta Constitution*, November 5 1904, "Grover Cleveland," *The Washington Post*, November 5 1904.; "Railroad Rate Legislation," *Los Angeles Times*, September 27 1905.; "Aid the Taft Boom," *The Washington Post*, April 27 1907.; "Right of Inequality," *Wall Street Journal*, May 16 1907.; "New Novels That Attract Attention," *The Hartford Courant*, December 20 1905.

<sup>166</sup> "Aid the Taft Boom.", "Cleveland at Newark Lashes the Trusts.", "Cleveland Pours Caustic on the Tariff Barons.", "Grover Cleveland.", "Harrison on Tax Dodging. The Ex-President Declares in Chicago That the Well-to-Do Endanger the Country.", "Harrison Speaks at Auditorium. Ex-President Handles the Burden of Government Interestingly. Pays His Respects to Rich.", "New Novels That Attract Attention.", "'Obligations of Wealth." Ex-President Harrison Addresses Union League Club at Chicago.", "Railroad Rate Legislation.", "William Pierces Republicans by His Keen Shafts of Ridicule," *The Atlanta Constitution*, July 7 1904, "Williams' Speech. Disputes Root's Claims of Republican Achievements," *The Washington Post*, July 7 1904.

mismanagement as well as the perversion of competition by monopolies that was the primary cause of inequalities of opportunity, and if these were addressed so too would the inequalities.

A variation of this formulation that many moderate reform advocates employed was responding to the growing unrest over inequality, but not directly contrasting themselves with populists, socialists, or anarchists.<sup>167</sup> Most of these articles cite the protective tariff (implicitly or explicitly) as impeding the foundational American political principle of equality of opportunity. In a speech to celebrate Lincoln's birthday, Theodore Roosevelt lays out the general logic of the arguments in these articles:

Equality of opportunity before the law—there can be no other basis of free government and true prosperity. We cannot secure equality of intellectual endowments. One man is born strong and another weak, one capable and the other incapable, and these inequalities cannot be wiped out, although they may be, in a measure, bridged.

But to these inequalities, which nature in her mysterious processes, imposes, let not man, in his greed and ambition, establish man-made inequalities, laws and methods giving to the few privileges denied to the many.<sup>168</sup>

The text of the Democratic Party platform provides a good explanation of why and how the tariff became the target aimed at by so many mainstream politicians and analysts during this period:

This monstrous perversion of those equal opportunities, which our political institutions were established to secure, has caused what might once have been infant industries to become the greatest combinations of capital that the world has ever known. These especial favorites of the government have, through trust

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<sup>167</sup> Nine of the 34 articles demonstrated this approach.

<sup>168</sup> "Review and Outlook. Equality of Opportunity," *Wall Street Journal*, February 15 1905.

methods, been converted into monopolies, thus bringing to an end domestic competition which was the only alleged check upon the extravagant profits made possible by the protective system. These industrial combinations, by the financial assistance they can give, now control the policy of the republican party.<sup>169</sup>

The tactic of individuating “artificial,” “man-made” barriers to equal opportunity as worthy of reform and contrasting it (implicitly or explicitly) with insuperable “natural” inequalities was taken up by the Progressive presidents who dominated political debate during the period of time from 1908-1914.

## **VI. Conclusion**

From 1870-1900 reform advocates such as individual anarchists, single-taxers, Bellamites, and moderate progressives pushed the terms “equal opportunity” and “equality of opportunity” from the margins of radical discourse into mainstream newspaper debate for the first time. The common strategy used by all of these groups was to extend the meaning of “equal opportunity” and “equality of opportunity” to include additional factors into the category of “artificial inequalities.” They argued that the unprecedented economic inequalities violated the equal opportunity, which they suggested was the meaning of Declaration of Independence and a foundational principle.

Yet, when authors in the newspaper debates of 1884-1907 picked up the terms, the overwhelming majority greatly limited the scope of this extension. During 1884-1907, political actors struggled to appropriate the concept and its positive associations to the Declaration to their respective political programs. Socialist reform advocates and

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<sup>169</sup> "Text of Platform as Adopted by the Democratic Convention," *The Atlanta Constitution*, July 9 1904. For other statements of similar ideas see, "Among the New Books," *Chicago Daily Tribune*, June 20 1900, "Planks on the Tariff. Most Democratic Conventions Were Conservative," *The Washington Post*, June 6 1904.



others advocating ambitious reform agendas tried to lay claim to the concept as they argued that the concept necessarily implied far-reaching reforms. In the end, however, the moderate reformers' use of the terms "equal opportunity" and "equality of opportunity" as a contrast to socialism became a popular and accepted formulation, restricting the possible reach of the terms' application. The success of the moderate reform advocates' appropriation of the terms narrowed and focused the debate over inequality as debate shifted to the distinction between "artificial" and "natural" inequalities.

Radicals groping for a justification for reforms seized on a conceptual framework that diverted attention away from the sources of inequalities that concerned them. Adopting the metaphor of a race that is at the heart of the terms "equal opportunity" and "equality of opportunity," meant the adoption an individualist, competitive framework. This framework first assumes that the rules of the competition are not open to debate and are fair. The parent of a child who is on a football team with smaller players might become frustrated that his or her child cannot seem to win against stronger opponents, but (s)he will probably not blame the rules that establish the rules that make strength so important to the game. This is significant because what the individualist anarchists, single-taxers, and Bellamites were attempting to do was change the rule book. The individualist anarchist was seeking to eliminate the government altogether, the single-taxers were attempting to radically alter the past rules or legislation governing land, and the Bellamites were seeking to change 150 years of practice and law governing the economic exchange of products and services. Second, and related to this, the metaphor of a competition effectively erases the effects of history and past discriminations. In the

Olympics, we do not give head-starts to runners just because they were born into poverty or unstable regimes or were orphans. For the radical reformers, however, the source of the economic inequalities was the history.

The moderate co-opters of the terms “equal opportunity” and “equality of opportunity” effectively deployed the metaphor to advocate for change in terms that fit Americans’ everyday understanding of competition. They argued that the umpire—the government—had unfairly privileged some competitors over others and this was the cause of the unprecedented economic inequalities. Inequalities that were due to fraud or force on the part of the government or business were fixable blockages to equal opportunity, and therefore contrary to the nation’s founding principles. As William Howard Taft and Theodore Roosevelt would soon prove, moderate reformers could use the principle of the radical reformers of the Gilded Age to prove their reformist credentials while advocating much less radical reforms.

## **Chapter 3**

### **Equal Opportunity as a New Consensus on Preventing Hereditary Privilege**

**(1908-1914)**

#### **I. Introduction**

As discussed in the previous chapter, very ambitious reform groups such as the single-taxers, Bellamites, and individualist anarchists introduced the terms “equal opportunity” and “equality of opportunity” into mainstream political newspaper debate. Theodore Roosevelt and William Howard Taft, however, popularized and stabilized the meaning and usage of the terms. They helped establish equality of opportunity as a favored criterion for combating hereditary privilege, so much so that by 1914 both major political parties embraced “equality of opportunity” as both a slogan and goal and both argued that the other party’s policies would undermine this equality of opportunity. Some Democrats claimed that the tariff was giving unfair opportunities or “special privileges” to some large and already wealthy corporations. Some Republicans claimed that progressive taxes, labor laws, and some poor relief laws were giving special privileges to the working class and poor. More significant than their differences, however, was the formation of a new consensus that having an equal opportunity in an individualistic competitive race was a foundational political principle and the way to prevent hereditary privilege. This consensus not only prevented class analysis but more importantly made government discrimination and favoritism the focal point of efforts to address inequalities.

#### **II. Appropriation of Equal Opportunity to Deal with New Inequalities**

While political actors and analysts continued to use equal opportunity to refer to a variety of things in the political world—educational opportunity, political opportunity, opportunity for women, opportunity in business, opportunity for government contracts or tariff provisions, the open door policy, etc.—from 1905-1914 they increasingly employed it as a proposal for dealing with the economic inequalities created during the Gilded Age.<sup>170</sup> The unprecedented economic inequalities created during the Gilded Age provoked fear of a new type of hereditary privilege based on wealth rather than titles of nobility. Both national parties adopted “equality of opportunity” as the criterion for distinguishing unfair special privileges from earned ones, and then sought to convince the public that their meaning of the term was the right interpretation.

It is important to note that equal opportunity was a relatively uncommon way to talk about inequality during this period, that is to say, most people writing about different forms of inequality during the period did not employ the terms “equal opportunity” or “equality of opportunity.” My search of newspaper articles that had usages of “inequality” during the period 1870-1914 revealed that there were a variety of evaluative criteria that people were relying upon in their debates over inequality.<sup>171</sup> For instance, one of the two most popular topics in the newspaper articles that contained the term “inequality” was inequality of representation.<sup>172</sup> In debates over inequality in representation, authors most often based their arguments on the principle of one man, one vote (and thereby criticized the existence of elected officials representing very unequal

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<sup>170</sup> See Figure A1 in Appendix A for a breakdown in the changes of uses.

<sup>171</sup> I analyzed the articles in which inequality or equal opportunity was used in the four newspapers available in a searchable database for this time period of 1870-1914 (*Atlanta Constitution*, *Chicago Tribune*, *Hartford Courant*, and *The New York Times*). In total I analyzed the 483 articles that used that used “inequality.”

<sup>172</sup> The other was inequality of taxation (including tariffs).

numbers of people in different districts) or the transgression of state or national institutions (for instance section II of the 14<sup>th</sup> Amendment). Also, at the same time that many Democratic politicians were using “equal opportunity” as a way to attack the special privileges of the tariff, there were many other people arguing that the tariff was plainly unconstitutional, since the constitution required an equitable basis for a direct tax.<sup>173</sup> Nonetheless, despite the variety of evaluative criteria available and in use, “equal opportunity” began to catch on to deal with an unprecedented problem that was largely unanticipated by the national and state constitutions.

In general, many more articles had authors who based their arguments on concepts other than equal opportunity. The reason why equal opportunity became appealing for some people was that they could not easily and explicitly address the new rise in economic inequality during the Gilded Age through provisions in state or even the national constitution or other generally accepted political principles, and they were reluctant to embrace the class distinctions present in socialist theories.

The Progressive era was the first time Americans dealt with the threat of a new type of economic hereditary privilege that accompanied the creation of the captains of industry or robber barons. The most powerful image in Revolutionary times was the prevention of feudalism with its titles of nobility and inheritance of political power. Both the Articles of Confederation and the Constitution included prohibitions on titles of nobility.<sup>174</sup> Alexander Hamilton—not known for his anti-aristocratic political beliefs—argued in the *Federalist 84*: “The establishment of the writ of *habeas corpus*, the

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<sup>173</sup> This was the same argument that Republicans initially used to reject the progressive income tax.

<sup>174</sup> The Constitution contains two nobility clauses in Article I. The “federal” clause provides that “No Title of Nobility shall be granted by the United States.” Similarly, the “state” clause provides that “No State shall...grant any Title of Nobility.”

prohibition of *ex post facto* laws, and of TITLES OF NOBILITY [...] are perhaps greater securities to liberty and republicanism than any it [the Constitution] contains.”<sup>175</sup> Early Americans passed laws against holding titles of nobility and abolished primogeniture to prevent the most egregious examples of inheritance of privilege. Furthermore, the proudest moments in American history can easily be seen through the lens of rooting out inherited privilege. As law Professor Carleton Larson argues: “Indeed the seminal event of American constitutional history—the emancipation of slaves and the passage of the Reconstruction Amendments—is itself fundamentally about the rejection of hereditary privilege.”<sup>176</sup> Yet, trying to distinguish hereditary privilege from the privileges earned by hard work, skill, and perseverance became more difficult as it became more feasible for parents to bestow privileges on their children not through noble titles but rather through monetary inheritances and/or the provision of opportunities (education, job, or otherwise) that other parents did not have the power or wealth to bestow.

The second reason why equal opportunity rose in popularity during this time period was that socialism first became a credible threat to the Democratic and Republican parties.<sup>177</sup> “By 1912, the Socialist Party claimed 150,000 dues-paying members, published hundreds of newspapers, enjoyed substantial support in the American Federation of Labor, and had elected scores of local officials.”<sup>178</sup> As I showed in the previous chapter, moderate reformers frequently used the terms “equal opportunity” and “equality of opportunity” to draw a contrast between themselves and socialists, and

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<sup>175</sup> Jacob Ernest Cooke, *The Federalist*, [1st ed. (Middletown, Conn.: Wesleyan University Press, 1961), 577.

<sup>176</sup> Larson F.W. Carlton, "Titles of Nobility, Hereditary Privilege, and the Unconstitutionality of Legacy Preferences in Public School Admissions," *Washington University Law Review* 84, no. 6 (2006): 1409.

<sup>177</sup> By the election of 1912, socialism became an established presence in America, reaching its greatest influence during this period. Foner, *Give Me Liberty! An American History*, 691-92.

<sup>178</sup> *Ibid.* 692.

William Howard Taft and Theodore Roosevelt repeatedly used this strategy in their political campaigns (even against each other).

Equal opportunity proved an ideal contrast to the class distinctions of socialist analysis and its associated terms of “equality of conditions” and “equality of incomes.” For instance, the Socialist party leader Eugene Debs rarely used the terms “equal opportunity” and “equality of opportunity,”<sup>179</sup> because as he poignantly put it in a 1918 speech:

you will find that almost all of them [members of Congress] claim, in glowing terms, that they have risen from the ranks to places of eminence and distinction. I am very glad I cannot make that claim for myself. I would be ashamed to admit that I had risen from the ranks. When I rise it will be with the ranks, and not from the ranks.<sup>180</sup>

The notion of ranks rising conflicted with a belief that there were no fixed ranks or classes in the U.S. In contrast, equal opportunity is an inherently individualistic and competitive term. The opinion expressed in most newspaper articles of the day was that socialism denied the rights of the individual by forcing those with more ability or perseverance down to the level of the lazy or ungifted. Socialism’s separation of the public into laborers and capitalists forced a distinction that was out of place, the argument went, in a country where a laborer had an equal opportunity through competition to become an owner. Equality of opportunity was a concept that denied the existence of

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<sup>179</sup> In order to ascertain if Debs used the term I searched all the ProQuest newspapers for “Debs” and the terms “equal opportunity” or “equality of opportunity.” Not finding anything, I then searched and read every newspaper article in the database that “Debs” was in the headline and talked about “equality” or “inequality.” Since the newspapers did not reproduce that many of his speeches (at least not in his own words), I then tried to read the speeches I could find online: The Canton speech in 1918, his statement to the court upon being convicted of violating the Sedition Act, *Unionism and Socialism* (a pamphlet authored by Debs), and the Speech to the Conference for Progressive Political Action, Feb. 21, 1925.

<sup>180</sup> Eugene Debs, *The Canton, Ohio Speech, Anti-War Speech* (E.V. Debs Internet Archive, 2001, 1918 [cited May 1 2006]); available from <http://www.marxists.org/archive/debs/works/1918/canton.htm>.

fixed classes that needed to organize, instead all that was needed was for the playing field to be leveled so the individual himself could raise himself up to be an owner or entrepreneur.

Political leaders used terms “equal opportunity” and “equality of opportunity” as a sort of a meta-constitutional principle, arguing that laws should uphold the spirit of the American political experiment (even if they did not violate the letter of the Constitutional prohibition on titles of nobility). Both major parties agreed with this line of argument but battled over how to define this open-ended concept of equality of opportunity. It was Taft and Roosevelt who successfully controlled and co-opted the definition of these terms.

### **III. The Appropriation of Equal Opportunity by the Progressive Presidents**

#### **Theodore Roosevelt and William Howard Taft**

During this period, William Howard Taft and Theodore Roosevelt were the main political figures who used the terms “equal opportunity” and “inequality” in mainstream newspapers.<sup>181</sup> Their use of the terms was especially prevalent during the campaign of 1912 among Taft’s Republican party, Roosevelt’s Bull Moose party, Woodrow Wilson’s Democratic party, and Eugene Debs’s Socialist party. The campaign “became a national debate on the relationship between political and economic freedom in the age of big business.”<sup>182</sup> Taft and Roosevelt succeeded in stabilizing the meaning of the term

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<sup>181</sup> Of the 44 articles returned in my ProQuest search of articles with “equal opportunity” or “equality of opportunity” and “inequality” from 1908-1914, 24 were articles about Taft or Roosevelt, with the vast majority being coverage of their political speeches.

<sup>182</sup> Foner, *Give Me Liberty! An American History*, 713. During the nominating conventions, Roosevelt and Taft use the concepts frequently, while Wilson only used it once, and Debs not at all. See: “The Nominating Speeches Made at Baltimore Convention,” *The Hartford Courant*, June 28 1912. My search also did not turn up any newspaper articles in which Eugene Debs used the terms “equal opportunity” or “equality of opportunity” and “inequality.”



through their popularity, ability to dominate newspaper discussion, and skillful use of many of the rhetorical strategies pioneered by the reform groups combined with some of the arguments of the reform opponents of the late 19<sup>th</sup> century.

To understand their strategic choices in appropriating “equal opportunity” and “equality of opportunity,” it is necessary to understand the context in which they took place. By 1908-1912, there were virtually no “anti-progressive” candidates running for office; no national candidate was running on an anti-reform platform. The vast economic inequalities that had arisen so quickly during the Gilded Age and Progressive Era forced all candidates to campaign for some level of reform. Though Taft and Roosevelt tried to distinguish themselves from each other throughout this period (especially during the campaign of 1912), they fought over the centrist ground. Taft and Roosevelt both recognized the need to address man-made inequalities but also tried to avoid the dangers of more progressive ideas that would undermine property rights and bring everyone to a “dead” level of uniformity.

On the whole, Taft and Roosevelt sought to prove their progressive credentials to an anxious populace that increasingly demanded that politicians do more to address the problems of inequalities. At the same time, however, they fought to gain support from those who wanted the most moderate amount of change. Unlike 1870-1900 when progressive reform advocates used the terms “equal opportunity” and “equality of opportunity” to support some of the most ambitious reform programs, during 1908-1914 the terms were being used by moderate politicians advocating the *least* ambitious reforms. Since other candidates were running on platforms of greater promised change,

Taft and Roosevelt both reiterated many of the arguments of reform opponents to make the case that only moderate reform was prudent.

Their successful appropriation of “equal opportunity” and “equality of opportunity” for the defense of their agendas involved a skillful modification of the formula they took from the moderate reformers. The moderate reformers of 1884-1907 used equal opportunity as a strategy to defend themselves against attacks that their goals were too radical. To this Taft and Roosevelt added the defensive function of the terms used by the most moderate reform *opponents* from 1870-1900. Following reform opponents, they argued the U.S. had already largely succeeded in achieving equal opportunity, and that too radical a change would give workers what they did not merit, would undermine incentives for work, and would prevent the economic progress resulting from the competitive struggle in which the most talented and industrious succeeded. As the politicians campaigning for the least amount of reform, Taft and Roosevelt found the moderate reform opponents’ position from 1870-1900 a powerful way to distinguish themselves from other candidates and parties. Roosevelt’s and Taft’s redefinition of equal opportunity drew from both the arguments of both the advocates and opponents of reform. They constantly maneuvered between the two positions to strike a chord with the public.

Taft and Roosevelt attempted to limit the reform implications of equal opportunity in their respective speeches. For example, in a 1910 speech in Paris that was widely covered in U.S. newspapers, Roosevelt argued:

The deadening effect on any race of the adoption of a logical and extreme socialistic system could not be overstated; it would spell sheer destruction; it

would produce grosser wrong and outrage, fouler immorality than any existing system. But this does not mean that we may not with great advantage adopt certain of the principles professed by some given set of men who happen to call themselves socialists; to be afraid to do so would be to make a mark of weakness on our part[....] We are bound in honor to strive to bring ever nearer the day when, as far as is humanly possible, we shall be able to realize the ideal that each man shall have an equal opportunity to show the stuff that is in him by the way in which he renders service.<sup>183</sup>

It is rare to find such explicit references to the concepts politicians draw on for their proposals. Roosevelt took an apparent jab at more radical progressives when he claimed that “some given set of men who happen to call themselves socialists” were professing equality of opportunity as a principle of their thought, and that the “ideal,” if interpreted differently, could be “adopt[ed]” and used with “great advantage.” Later in the speech, Roosevelt contrasted his interpretation of equality of opportunity as “preventing the inequality that is due to force and privilege” from the socialist interpretation, which he argued implied “equality of reward” for “inequality of service.” Roosevelt praised the meritocracy of the term “equal opportunity” and used this to attack the extreme “socialist” understanding of equality that he argued would prevent the most skilled and the most ambitious from achieving their potential.

Taft also attempted to limit the reform implications of the term “equality of opportunity.” In a 1912 speech during the Republican nomination campaign he argued:

The futility of every socialistic scheme which destroys the right of property for the uplift of humanity is that it is impossible to find a sufficiently strong motive

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<sup>183</sup> "Man's Rights Come First. Those of Property Must Yield, Says Roosevelt. Declares Both Are Identical, However, in Long Run," *Boston Daily Globe*, April 24 1910.

for labor or for saving. Without this the wealth of the world could not increase to meet the demands for the living and comfort and increased physical happiness of the growing population. But while we would not part with the right of property, and while possibly in certain directions we might be willing to modify the character of its use where it has turned out to be an abuse, as in the case of the anti-trust law, what we are all struggling for, what we all recognize as the highest ideal in society, is equality of opportunity for every member born into it.<sup>184</sup>

At the onset of the 1912 campaign, Taft sought to wrest the title of progressive from other more progressive or radical candidates. He even insisted at a speech to students on the same day as the above speech to be introduced as, “chief Progressive of the Nation.”<sup>185</sup> His statement that “what we are all struggling for, what we all recognize as the highest ideal in society, is equality of opportunity for every member born into it” sought to co-opt the concept of equality of opportunity from more ambitious reform organizations. Like Roosevelt, Taft then moved quickly to put the limitations on this principle that distinguish his progressivism from the dangerous “socialist” version. Unlike socialism, which sought a “perfect equality of opportunity [that] is impossible” because it attempted to redress inequalities produced by innate inequalities of character and ability, his progressive program eliminated “artificial restraints and obstructions” to achieving equality of opportunity. Taft argued that the most the government could do was remove obstructions from the playing field and let people compete.

Like the reform advocates before them, Taft and Roosevelt used equal opportunity as a way to distinguish themselves from socialists. Yet they also engaged in red-baiting, extending the label of socialist to almost anyone who had more radical

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<sup>184</sup> "Chicago Hears Taft in Talk Full of Fight," *Chicago Daily Tribune*, March 10 1912.

<sup>185</sup> "Taft for Popular Rule with Reason," *New York Times*, March 10 1912.

reform plans than their own. Throughout the period of time between 1908 and 1914, Roosevelt and (especially) Taft continuously acknowledged the intensification of demands for reform and defined themselves in distinction to socialism.<sup>186</sup> They both used the same two arguments against socialism: (1) socialism did not recognize the differences that human nature created<sup>187</sup> and (2) “[s]ocialism involves the taking away of the motive for acquisition, saving, energy, and enterprise.”<sup>188</sup>

They used socialism as a “red herring,” distracting attention from debates over more ambitious reformist platforms. They did this by trying to push anyone advocating more radical reforms than themselves into the category of radical socialist. The expression “red herring” refers to the English hunting practice of throwing a hunting dog

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<sup>186</sup> For articles in which Taft and Roosevelt explicitly talk about socialism see: "Chicago Hears Taft in Talk Full of Fight.", "Colonel Roosevelt Lectures on Citizenship at Paris Sorbonne," *Wall Street Journal*, April 25 1910, "Equality in Opportunity. Mr. Roosevelt Says He Stands for This. Reward, However, Should Fit Service Rendered," *Boston Daily Globe*, July 12 1908, "Issues That Confront Voters in Presidential Campaign," *The Hartford Courant*, August 2 1912, "Man's Rights Come First. Those of Property Must Yield, Says Roosevelt. Declares Both Are Identical, However, in Long Run.", "President on Reward. Says It Should Depend on Service of the Individual. Calls Socialism Deadening," *The Washington Post*, July 12 1908, "President Taft's Speech," *Los Angeles Times*, August 3 1912, "Roosevelt Attacks Socialist Ideal," *New York Times*, July 12 1908, "Roosevelt Idea of Good Citizen," *New York Times*, April 24 1910, "Taft and Root Assail Radicals," *New York Times*, August 2 1912, "Taft Claims Lead in Real Progress," *The Washington Post*, March 10 1912, "Taft for Popular Rule with Reason.", "Taft Pours Hot Shot into Camp of the Progressives," *Wall Street Journal*, August 2 1912, "Taft Sees Disaster to Country in a Victory of His Opponents," *The Washington Post*, August 2 1912, "Taft Warns Capital and Socialism, Too," *New York Times*, April 19 1908, "Taft, Accepting Nomination, Says Foes Are Menace," *Chicago Daily Tribune*, August 2 1912.

<sup>187</sup> For some examples, see "Chicago Hears Taft in Talk Full of Fight.", "Colonel Roosevelt Lectures on Citizenship at Paris Sorbonne.", "Equality in Opportunity. Mr. Roosevelt Says He Stands for This. Reward, However, Should Fit Service Rendered.", "Man's Rights Come First. Those of Property Must Yield, Says Roosevelt. Declares Both Are Identical, However, in Long Run.", "Roosevelt Attacks Socialist Ideal.", "Roosevelt Idea of Good Citizen.", "Taft and Root Assail Radicals.", "Taft Warns Capital and Socialism, Too."

<sup>188</sup> "Issues That Confront Voters in Presidential Campaign.", "Taft and Root Assail Radicals.", "Taft Sees Disaster to Country in a Victory of His Opponents." The characteristic way Roosevelt made this point was contrasting equal opportunity with equality of reward. See: "Equality in Opportunity. Mr. Roosevelt Says He Stands for This. Reward, However, Should Fit Service Rendered.", "President on Reward. Says It Should Depend on Service of the Individual. Calls Socialism Deadening.", "Roosevelt Attacks Socialist Ideal." See also "Colonel Roosevelt Lectures on Citizenship at Paris Sorbonne.", "Man's Rights Come First. Those of Property Must Yield, Says Roosevelt. Declares Both Are Identical, However, in Long Run.", "Roosevelt Denies Third Party Report," *New York Times*, March 29 1912, "Roosevelt Idea of Good Citizen.", "Roosevelt on the Right to Rule," *The Hartford Courant*, March 29 1912.

off the scent by dragging “an odoriferous meat, such as a red herring, a dead cat, or the like across a fox’s trail.”<sup>189</sup> Red herrings had a much stronger smell than even a dead cat, so it was the most effective way to throw the dogs of the true target. Aiming their attacks at equality of incomes, or equality of conditions, might have acted like a dead cat to throw off the scent of an open-minded discussion of reform, but socialism was the most effective distracter. Roosevelt was somewhat more circumspect than Taft in his use of the socialist label, but he also tried to group anyone pressing for reforms more ambitious than his as promoting socialist principles.

Taft and Roosevelt made the argument that there were only two political paths possible—their moderate progressive path that corrected the inequalities but maintained what they posited as all the great characteristics bequeathed by the founding fathers, or a destabilizing reform agenda that would lead to socialism. They effectively tried to rule out any middle ground between their positions and the socialists. Taft made this the principal strategy of his 1912 campaign from the kickoff of his nomination campaign, in which he tried to co-opt the ground of progressivism. Even the newspaper articles from 1912 identify this discursive strategy:

He eliminated from consideration as real Progressives those who look to Socialism for relief from present-day evils in Government, declared that his ‘distinguished predecessor’ deserved most of the credit for awakening the public to the need for action, and argued that ‘progressive is that progressive does,’ pointing to some of the achievements of his administration as proof that it was qualified under that definition.<sup>190</sup>

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<sup>189</sup> For the etymology of the term “red herring” see: “Queries and Answers,” *New York Times*, September 15 1935.

<sup>190</sup> “Taft for Popular Rule with Reason,” 1. See also “Taft Claims Lead in Real Progress.”

At the outset of the campaign for the Republican nomination, Taft was trying to establish the ground of progressivism to be that pursued by Roosevelt's Presidency, and therefore relegate more ambitious reform programs to more radical categories.<sup>191</sup>

Roosevelt employed a similar discursive strategy in the time period 1908-1914 by frequently referring to his policy as going as far as possible towards achieving equal opportunity without crossing over into giving inequality of merit an equality of reward. He repeatedly identified inequality of merit as the substance of socialist thought.<sup>192</sup> For instance, in a 1908 speech he tried to claim the middle ground by stating: "But in securing immeasurable equality of opportunity, let us no more be led astray by the doctrinaire advocates of a lawless and destructive individualism than by the doctrinaire advocates of a deadening socialism."<sup>193</sup> The "lawless and destructive individualism" referred to the ruthless pursuit of wealth that through fraud and corruption between government and some selected individuals produced the unprecedented inequality bemoaned by the public. The "deadenning socialism" referred to political opponents' efforts to address inequality, as they would inevitably punish the most talented and industrious by taking from them and giving to the less talented and industrious. Roosevelt frames two extremes so that his policy proposals shine forth as the golden mean.

After receiving the nomination and fearing Roosevelt's formation of a new party, Taft went even further than he had at the start of the campaign in his suggestions that

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<sup>191</sup> For examples, see: "Chicago Hears Taft in Talk Full of Fight.", "Taft and Root Assail Radicals."

<sup>192</sup> Sometimes, Roosevelt called this "extreme" or "advanced" socialism, but other times he just labeled this idea socialist.

<sup>193</sup> "Equality in Opportunity. Mr. Roosevelt Says He Stands for This. Reward, However, Should Fit Service Rendered."

anything beyond what he proposed would lead to socialism. Taft's language was stronger because his policy platform was less radical than Roosevelt's. Taft saw Roosevelt gaining support for his Bull Moose Party on the same popular front that Taft thought he needed to win. Taft responded by grouping Roosevelt and Wilson together and accusing them of having socialistic leanings, as the *Chicago Tribune* reported: "Both Roosevelt and Wilson, he [Taft] holds, are headed straight toward socialism, and he invited Democrats as well as Republicans to join in heading off what he believes is a menace to the republic."<sup>194</sup> Having won the nomination but lost the majority of his party's support to Roosevelt's upstart Bull Moose Party, Taft was in a fairly desperate situation. He tried to attack Roosevelt using the campaign strategy he started at the beginning of the nomination process; namely, labeling himself as the only candidate without socialist leanings. This approach was in stark contrast to his portrayal of Roosevelt at the start of the nomination process as his "'distinguished predecessor' [who] deserved most of the credit for awakening the public to the need for action." Taft felt compelled to abruptly change his evaluation of Roosevelt, because he realized that he could not win the presidential election by competing for the same votes as the Bull Moose party. He had to convince the voters that only his policies would achieve equal opportunity without risking socialism.

Taft and Roosevelt's skillful technique of tacking between the arguments of reform advocates and opponents was also displayed in their assumption of equal opportunity as a goal of their reform programs. While the reform advocates of 1870-

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<sup>194</sup> "Taft, Accepting Nomination, Says Foes Are Menace," 1. The *New York Times* echoed the *Tribune's* evaluation of Taft's speech: "The forced division of property, which, according to his [Taft's] interpretation, both Col. Roosevelt and Gov. Wilson favored was but a disguised socialism" "Taft and Root Assail Radicals," 2.



1900 often used equal opportunity as a demand or an ideal that could be achieved, Taft and Roosevelt made it into an unreachable ideal. Taft called for “making broader and wider and more perfect the equality of opportunity”<sup>195</sup> while Roosevelt associated it with the Declaration and called it “a standard maxim for free society which should be familiar to all—constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people, everywhere.”<sup>196</sup> The implication is that the principle is not fully practicable without endangering the relatively healthy established political and economic institutions.<sup>197</sup> Taft and Roosevelt argued that if pushed too quickly, reforms would endanger institutions “that have measurably succeeded in securing in the past equality of opportunity.”<sup>198</sup> “The opportunity that comes to Americans to-day is greater than that which comes to any other people in the world,” and they argued that any major reform would endanger that achievement.<sup>199</sup> A much safer route, they argued, was to aim at the ideal of equality of opportunity through programs that addressed clear identifiable discriminations that produced inequality.

Both leaders reiterated arguments of opponents of reform from the Gilded Age—namely, that the U.S. did not need to resort to extreme changes since the country already provided the most freedom and opportunity in the world, and reforms, in fact, could

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<sup>195</sup> "Chicago Hears Taft in Talk Full of Fight."

<sup>196</sup> "Man's Rights Come First. Those of Property Must Yield, Says Roosevelt. Declares Both Are Identical, However, in Long Run."

<sup>197</sup> See "Taft for Popular Rule with Reason."

<sup>198</sup> "Equality in Opportunity. Mr. Roosevelt Says He Stands for This. Reward, However, Should Fit Service Rendered."

<sup>199</sup> "Taft for Popular Rule with Reason."

retard progress. Taft was especially vocal in these assertions. For example, in a 1914 speech Taft's words echoed those of reform opponents from the Gilded Age:

Inequalities are inseparable from the development of man's character and human progress. They are as essential as temptation is to virtue in any world we know [...]. One cannot suspend the economic law dependent on that human nature any more than one can suspend the law of gravitation, and these constant elements in the situation, operating against the aims of impractical reformers, however enthusiastic, will ultimately assert themselves [...]. The opportunity for success is just as great to-day as it ever was, if one brings loyalty and fidelity and intelligence and industry to the discharge of the task that he has assumed.<sup>200</sup>

Taft asserted that inequality was as natural as the laws of physics and efforts to reduce inequality were as futile as efforts to reduce the gravitational pull of earth. Economic inequality, in Taft's formulation, is largely independent of the decisions of political leaders representing their constituency. Roosevelt made similar but more moderate assertions, such as "We have made this country what it is partly because we have measurably succeeded in securing in the past equality of opportunity. That is very different from equality of reward."<sup>201</sup>

At the same time, Taft and Roosevelt used their acknowledgement of "artificial" inequalities—a position denied by reform opponents during the period 1870-1900—to buttress their argument that they were politicians that had adjusted to the needs of the day. For instance, Taft argued in his nomination acceptance speech in 1912:

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<sup>200</sup> "William H. Taft Warns against Present-Day Dangers," *New York Times*, January 25 1914. For other examples see: "Taft for Popular Rule with Reason.", "Taft Phones Speech Here from Boston," *New York Times*, April 26 1912.

<sup>201</sup> For instance: "We have made this country what it is partly because we have measurably succeeded in securing in the past equality of opportunity. That is very different from equality of reward." "Equality in Opportunity. Mr. Roosevelt Says He Stands for This. Reward, However, Should Fit Service Rendered."

The Republican party has been alive to the modern change in the view of the duty of government toward the people. Time was when the least government was thought the best, and the policy which left all to the individual, unmolested and unaided by government, was deemed the wisest. Now the duty of government by positive law to further equality of opportunity in respect of the weaker classes in their dealings with the stronger and more powerful is clearly recognized. It is in this direction that real progress toward the greater human happiness is being made.<sup>202</sup>

Like the reform advocates of 1870-1900, both Roosevelt and Taft recognized that a source of inequalities was “artificial” inequalities created by “special privilege,” “force,” and “fraud.” They also used equal opportunity to mean that any adjustment of benefits had to be due to merit. Yet the goal of their reform proposals was more limited than the majority of reform advocates using the term “equal opportunity” during the Gilded Age. They were not attacking monopoly capitalism (as were the Bellamites) or the inefficiencies of idle land caused by land speculation, or the unfairness of passive wealth that was only available to the wealthiest in society (as were the single-taxers). They limited their definition of “artificial” inequalities to the clearest abuses, such as legislation that gave special privileges to railroads and improperly conferred public franchises.

Like the reform opponents of 1870-1900, Taft, and to a lesser extent Roosevelt, argued that the only means of achieving the goal of equal opportunity was to enforce equality under the law. While the reform opponents of 1870-1900 argued that there was already equality under the law, however, Taft and Roosevelt argued that government had given certain groups special privileges and to restore equality under the law, Congress

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<sup>202</sup> "Taft, Accepting Nomination, Says Foes Are Menace."

would have to redress these mistakes. Taft speaking at his self-proclaimed “wake”, that is, after losing the election to Wilson, asserted in 1913:

I cannot help asking by what special means these reforms are to be accomplished.

In what way are we to perfect equality of opportunity except by more uniform enforcement of the law and by making the Government more economical and more efficient.

Is there any better way of helping all the people than to have the money collected for taxes spent economically to accomplish the purposes directed by law? Is this not greatly more in the interest than the eloquent exploitation of impracticable theories of reform that never can be carried out by governmental machinery but must depend for their realization upon the improvement and strengthening of individual character?<sup>203</sup>

Having limited the scope of equal opportunity to equality under the law as the goal of reform, Taft and Roosevelt sometimes took this pared down conception of equal opportunity and praised it as the ideal to be aimed at in democratic politics.<sup>204</sup>

Moreover, Roosevelt draped it in the attire of the Declaration and Lincoln’s “race of life.” It was not unusual for political parties of the day to try to connect their candidates of the day to a past party hero as way to argue for the superiority of one party’s history and principles over another. While the Democrats frequently invoked Jefferson and sometimes Grant, the Republicans’ favorite party hero was Abraham Lincoln. Roosevelt used this strategy throughout his political career. In a 1905 article from the *New York Times* entitled “Call Roosevelt Second Lincoln,” the President of the

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<sup>203</sup> "Moral Victory Consoles Taft," *Boston Daily Globe*, January 5 1913, 7.

<sup>204</sup> For example, in April 1912, Taft asserted: “But no democracy is built up on an enduring foundation if it fails to endow its citizens with equality of opportunity so far as that may be humanly possible” "Taft Phones Speech Here from Boston."

Republican Club of the City of New York introduced Roosevelt with the assertion: “I have no hesitancy in asserting that the policies inaugurated by Abraham Lincoln, and nurtured and fostered by William McKinley, have reached their most perfect development under the administration of Theodore Roosevelt.”<sup>205</sup> Roosevelt did not shy away from the association. He liked to fashion himself as the Lincoln for the problems of the 20<sup>th</sup> century.<sup>206</sup> After forming the progressive Bull Moose Party in 1912, Roosevelt gave a speech quoting Lincoln at length. Lincoln’s principles were his principles, he proclaimed, and would help solve the problems of the day:

This is essentially a people’s contest for maintaining in the world that form and substance of government whose leading object is to elevate the condition of man, to lift artificial weights from all shoulders, to clear the paths of laudable pursuit for all, to afford all an unfettered start and a fair chance in the race of life. This is the leading object of the government for whose existence we contend.

Could there be framed a better statement of the purpose of the Progressive party today, to war against privilege for an equal opportunity; or a better answer to those who accuse us of being revolutionary and destructive?<sup>207</sup>

Roosevelt’s attachment of equal opportunity to Lincoln’s “race of life” helped solidify the association between the two. Both his and Taft’s notion of the “race of life” as needing the government to ensure the destruction of special privilege removed some of the main objections from reformers. In their hands, the “race of life” was not a defense

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<sup>205</sup> "Call Roosevelt Second Lincoln," *New York Times*, February 14, 1905.

<sup>206</sup> See: Richard Henry Little, "Roosevelt Gives a Radical Creed in Kansas Speech," *Chicago Daily Tribune*, September 1 1910.

<sup>207</sup> "Roosevelt Cries War to Knife on Both Old Parties," *Chicago Daily Tribune*, February 13, 1913.

of the status quo but signified political reform that moderates across Democratic and Republican party lines could support.

Yet, more significant, however was that discussions over hereditary privilege increasingly adopted the metaphoric conceptual frame of the “race of life.” Prior to the Gilded Age, the terms “equal opportunity” and “equality of opportunity” were not explicitly connected to the idea of the race of life (or what we would call the American Dream). For instance, while Lincoln invoked both the concept of the race of life and connected it to the meaning of the Declaration of Independence he did not use the terms “equal opportunity” or “equality of opportunity.” The terms “equal opportunity” and “equality of opportunity” were used more loosely to refer to ensuring equality in business transactions, education opportunities, or distribution of government benefits—associations that could have been related to the “race of life,” but generally were not. It was only after Taft’s and Roosevelt’s skillful combination of the Democratic and Republican appropriation of the terms that they became increasingly attached to the conception of the “race of life.”<sup>208</sup>

The adoption of this “race of life” framework, however, limited the extent of reforms that could be justified using this principle, as is evidenced in the arguments made for one of their most ambitious reforms: the inheritance tax (now usually referred to as the estate tax). The inheritance tax had many supporters and generally they did not take up the equal opportunity in the “race of life” frame to justify their beliefs.<sup>209</sup> Instead,

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<sup>208</sup> I want to stress that I am making no claim that Roosevelt and Taft are necessarily fully responsible for this change. Whether they were the prime movers in this change or merely reflecting changes in the wider rhetorical environment (or both), their appropriation of the terms coincides with the change in meaning.

<sup>209</sup> Of the 311 editorials from 1901-1914 that included the search term “inheritance tax” in ProQuest Historical Newspaper database, only one of them contained the search terms “equal opportunity,” “equality

when they used philosophical justifications they compared large-scale inheritance directly to the role of sinecure for nobility.<sup>210</sup> Howard Taft also premised his argument for the inheritance tax that it would prevent hereditary privilege, or as he asserted: “it is not safe for the body politic that the power arising from the management of enormous or swollen fortunes should be continued from generation to generation in the hands of a few.”<sup>211</sup> Roosevelt did try on one occasion to justify the inheritance tax on the grounds it would provide “a measurable equality of opportunity,” but he then specified that this meant in practice providing “at least an approximate equality in the conditions under which each man obtains the chance to show the stuff that is in him.”<sup>212</sup> Asserting the right to an approximate equality in the conditions under which each man obtains the chance to show the stuff in him is very close to a guarantee of a minimum level of conditions. This example illustrates the difficulty of addressing many possible sources of hereditary privilege with the equal opportunity framework. Thinking of equal opportunity in terms of a footrace excludes changing the rules to account for circumstances the competitors experienced before the race. Roosevelt’s use of the term

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of opportunity,” or “race of life” and it did not use it in the context of discussing the inheritance tax. The newspapers included in the search were the following: *Atlanta Constitution*, *Boston Globe*, *Chicago Tribune*, *Christian Science Monitor*, *Hartford Courant*, *Los Angeles Times*, *The Chicago Defender*, *The New York Times*, *The New York Tribune*, *The Wall Street Journal*, and *The Washington Post*. It should also be noted that the majority of editorials that I found were against various inheritance taxes. On this score, it is interesting to note that both the *New York Times* and *Wall Street Journal* consistently attacked the inheritance tax in their respective editorial pages on the same grounds. They argued that the tax unfairly targeted a class of people, and was a tax that would drive the most productive residents of New York to states with lower inheritance taxes or none at all. Furthermore, the most popular arguments for its passage were more practical than philosophical. The ease of collection was the most popular justification. Another explanation that rivaled prevention of hereditary privilege was the ability to make wealthy tax shirkers pay their fair share. Nonetheless, taxes are generally not acceptable to the public just because they are easy to collect. The speed with which inheritance taxes spread across the U.S. testify to both their practicality and their reputation as being less objectionable than other taxes, because many people agreed that they helped prevent the transmission of huge fortunes for generations.

<sup>210</sup> See: "Oppose Taft Plan," *The Washington Post*, June 23 1909.

<sup>211</sup> "Slogan of Taft Sounded in Ohio," *Chicago Daily Tribune*, August 10 1907.

<sup>212</sup> "Urges Upon Newspaper Men the Importance of Economizing Nation's Resources," *The Washington Post*, June 11 1907.

“equality of opportunity” illustrated how he needed to change the meaning of the term to equality of conditions for it to make sense. It is significant that even Taft and Roosevelt—who continuously invoked “equal opportunity”—had a hard time justifying their most ambitious proposals with this concept.

#### **IV. 1908-1914 – Fight out the Boundaries of Natural versus Artificial Inequalities**

During 1908-1914, reform advocates and reform opponents accepted the conceptual frame proposed by Taft and Roosevelt. Equal opportunity was the criterion to distinguish just from unjust inequalities, and only artificial sources of inequalities should be addressed. Each, however, sought to widen or foreclose the boundaries of what was considered an artificial inequality. Like the ambitious reformers immediately preceding them, the moderate to radical reformers of 1908-1914 tried and largely failed to extend the meaning of “equal opportunity” and “equality of opportunity” to apply to a wider range of inequalities.

Reformers like Robert Ogden, a well-known merchant and philanthropist, attempted to broaden the boundaries of what might be considered an “artificial” inequality. Ogden, a “foremost worker in the field of education in the South,”<sup>213</sup> broached the subject of federal aid for schools:

Equality of opportunity is the fundamental law of our institutions. That being so, shall the child by mere accident of birth be deprived of proper educational advantages? I leave the question without reply. It is just now purely suggestive. But the inequality of opportunity as between different States constantly forces the

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<sup>213</sup> Quote taken from the opening paragraph of Ogden’s obituary in the *New York Times*: “R.C. Ogden Dies at Maine Home,” *New York Times*, August 7 1913.



question upon our consideration.<sup>214</sup>

Even very radical reforms were promoted under the premise of eliminating artificial barriers to equal opportunities. For example, a “single tax” supporter argued: ‘No man has a right to special privileges by which a land monopoly will bring him. Any man has a right to get rich if he does so by his own labor, mental and physical, but under equal opportunities to every other man.’”<sup>215</sup> In an interview published in the *New York Times*, even the radical German socialist leader, Karl Liebknecht, justified the redistribution of capital premised on the idea that artificial obstacles existed to the achievement of equal opportunity:

A great distinction should be made, of course, between earned and unearned wealth.

It goes without saying that in the case of overcapitalized corporations of wealth acquired through predatory means or mere speculation, we would proceed rather ruthlessly [...]

We do not demand equality; equality is an absurd word; but we demand equality of opportunity. If every man and woman is given the same chance in life from the start, the cleverest will secure the most agreeable positions. The lower strata, as far as intelligence goes, will do menial work”<sup>216</sup>

Whether the accident of birth to a state with poor educational facilities, land monopoly, or “unearned” wealth, the voices advocating reform sought to expand what people considered “artificial” and “man-made” or “fraud” and “force.”

The problem with trying to extend the meaning of artificial is that the reformer needed to specifically prove that the grievance was artificial, i.e., resulted from some

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<sup>214</sup> "Federal Aid for Schools. R.C. Ogden Broaches the Subject to Conference at Memphis," *The Washington Post*, April 23 1908.

<sup>215</sup> "Single Tax Expert Gives Fortune for Spreading of Plan," *Christian Science Monitor*, April 9 1910.

<sup>216</sup> Andre Tridon, "A Talk with Liebknecht, Germany's Socialist Leader," *New York Times*, October 16 1910.

clear discrimination against a particular person or group. Ogden's argument above about unequal state education systems came the closest to accomplishing this. In effect, Ogden was trying to tie taxation to ability to pay, i.e., that citizens who had less would have to contribute much more than their fair share to ensure their children had equal opportunities to obtain an education as had children from wealthier states and areas. The biggest difficulty in this argument was that unlike the progressive tax (which asked the federal government to change the existing taxation system to reflect ability to pay), Ogden's suggestion required the federal government to take up a new role. The more radical reformers had much more difficult arguments to make. The single-taxer argument ran into the problem of how the government could determine if a large landholder acquired his property through skill and hard work or advantages based on superior social status. Where exactly was the force or fraud of that acquisition process? Liebnecht's surprising argument also ran into a similar difficulty. On the face of it, Theodore Roosevelt could sign on to the general statement that unearned wealth might be a violation of equal opportunity—this was the argument Roosevelt used in favor of the estate tax. Yet, Liebnecht provided no specifics for how the government would determine what wealth was earned or unearned. The reformer had to prove discrimination or an instance of fraud or force to justify government action and reformers calling for ambitious changes struggled to fit their claims into this conceptual frame.

Critics saw these arguments for the expansion of the definition of “artificial” and “man-made” obstacles as fraught with danger. A 1911 speech by President Emeritus

Eliot from Harvard University<sup>217</sup> and a 1913 article from “Uncle Dudley” of the *Boston Globe*<sup>218</sup> articulated the main arguments against the expansion of the definition. The *Boston Daily Globe*’s headline covering Eliot’s speech—“Inequality Great Feature of Democracy’s Growth”—speaks powerfully to Eliot’s view (shared by “Uncle Dudley”) that inequality was a positive attribute of American society. Both emphasized the difficulty of overcoming natural intellectual, moral, and physical inequalities of people. As the “Uncle Dudley” article puts it: “About mental, moral and physical inequalities the world does not contend in earnest. They are in the nature of things.”<sup>219</sup> The implication was that the best of laws will never fix every undesirable inequality.

Furthermore, both believed the dangers to addressing inequalities could be far worse than the inequalities themselves. As “Uncle Dudley” said, “we can get along quite comfortably with a certain amount of inequality, but we could not surrender very much of our personal freedom and live with any degree of comfort.”<sup>220</sup> For Eliot, “the essence of democracy” was “the freedom of the development of the individual.”<sup>221</sup> The inequalities were the product of the unequal individuals competing. Therefore, it was the very inequalities that reformers wanted to fix that formed the bedrock of American democracy. Or as “Uncle Dudley” put it whimsically, “they [the inequalities] make life

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<sup>217</sup> “Sees America’s Hope in Ideals. Dr. Eliot Finds Lasting Belief in Uplift. Inequality Great Feature of Democracy’s Growth,” *Boston Daily Globe*, March 21 1911. Reprinted also in: “Inequality in Democracy,” *The Washington Post*, March 22 1911. For *The Washington Post*’s positive response to Eliot’s speech, see: “The Equal Chance,” *The Washington Post*, March 24 1911.

<sup>218</sup> Either Lucien Price or James Powers was likely the author of this article as they wrote most of the “Uncle Dudley” columns for about forty years in the late 1800s and early 1900s Erwin D. Canham, “[Untitled],” *The New England Quarterly* 45, no. 1 (1972).

<sup>219</sup> Uncle Dudley, “The Quest of Equality,” *Boston Daily Globe*, October 12 1913. For similar sentiments in Eliot, see “Sees America’s Hope in Ideals. Dr. Eliot Finds Lasting Belief in Uplift. Inequality Great Feature of Democracy’s Growth.” Reprinted also in: “Inequality in Democracy.” For *The Washington Post*’s positive response to Eliot’s speech, see: “The Equal Chance.”

<sup>220</sup> Dudley, “The Quest of Equality.”

<sup>221</sup> “Sees America’s Hope in Ideals. Dr. Eliot Finds Lasting Belief in Uplift. Inequality Great Feature of Democracy’s Growth.”

and football games interesting.”<sup>222</sup> Both downplayed the prominence of the existence of “artificial” barriers or fraud and force: “no one with eyes to see can possibly doubt” that “the mass itself has risen to higher levels.”<sup>223</sup> Eliot put it more strongly, “We have no castes, no privileged classes, no inherited titles.”<sup>224</sup> These reform opponents denied that growing economic inequalities constituted a new form of hereditary privilege. Neither argued that artificial barriers and fraud should not be addressed. Indeed, “Uncle Dudley” cited public schools, public libraries, and newspapers, which suggests that these institutions provided some beneficial corrective in overcoming such barriers. Drawing the line between “artificial” barriers to opportunity and “natural” ones proved nearly impossible to do in practice, and critics argued that even attempting to do so could endanger American democracy.

Despite the push and pull over the boundaries of artificial inequality, the very acceptance of the frame of equal opportunity as an acceptable criterion for evaluating inequalities marked an important change from previous times and this change had very real consequences.

## **V . Taft’s and Roosevelt’s Co-opted Conception Becomes Major Party Consensus**

Both the Democratic and Republican parties ended up making the same argument, i.e., securing equal opportunity was the most effective way of combating new sources of hereditary privilege. The difference between their arguments was the source of this privilege. On the one hand, as a speech by a mayor of a city in Connecticut illustrates, Republicans often claimed that Democrats were calling for class legislation: “Underlying

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<sup>222</sup> Dudley, “The Quest of Equality.”

<sup>223</sup> Ibid.

<sup>224</sup> “Sees America’s Hope in Ideals. Dr. Eliot Finds Lasting Belief in Uplift. Inequality Great Feature of Democracy’s Growth.”

the Democratic party is the idea of special privileges for special classes and masses, of rich and of poor, as if they were separated, as if they were not changing day by day. In reality all that the American citizen wants is an equal opportunity with his neighbor and with every other citizens to construct his own business and to fight his own battles.”<sup>225</sup> On the other hand, Democrats repeatedly laid claim to the term “equal opportunity” by arguing that unlike Republicans, who promoted special privileges through protective tariff measures that favored wealthy corporations, the Democrats promoted equal opportunity.

As Senator Dolliver, Republican of Iowa, noted in a tribute to Abraham Lincoln, the doctrine at root was quite similar for both parties:

Thanks be unto God, we are one nation, and even in our partisan traditions we share in the heritage of a common faith, in the institutions founded by our fathers.

As democrats we repeat the words, “Equal rights to all and special privileges to none.” As republicans we answer, “An unfettered start and a fair chance in the race of life.”

The doctrine is the same [...] <sup>226</sup>

While Senator Dolliver was papering over some differences of emphasis between the parties, his essential point is accurate and would become even more true as William Howard Taft and Theodore Roosevelt would unite these doctrines of “special privileges to none” and “fair chance in the race of life” into a conception of equal opportunity and the Declaration of Independence. Both parties chose “equal opportunity” and “equality of opportunity” as terms that signified the meaning of the American political experiment. As these became increasingly attached to the “race of life” in popular public discourse,

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<sup>225</sup> "Lake Club Unfurls First Taft Banner," *Hartford Courant*, August 4, 1908.

<sup>226</sup> "Race Problem Not Sectional, Says President," *Chicago Daily Tribune*, February 14, 1905.

other ways of framing the threat of new forms of hereditary privilege became less frequent and less popular.

## **VI. Conclusion**

As Max Weber explained in “Science as a Vocation,” the invention of a concept allowed a “handy means by which one could put the logical screws upon somebody” so that he had to admit that he knew nothing or the phenomenon being described had a certain specified meaning.<sup>227</sup> When a new term is more ambiguous than the terms it replaces, however, the debate can become less productive. During 1870-1900, equal opportunity was associated with the ideas of equality of income (the Bellamites), equal access to land (the single taxers), and the end of artificial sources of inequality (Lester Ward). While less politically popular, equality of incomes and equal access to land through a huge single tax are much more specific conceptualizations of equality than equality of opportunity.

In using the term “equal opportunity,” Gilded Age advocates of ambitious reform programs made it easier for less ambitious reform advocates or even reform opponents to claim that they agreed with the demand, but that it had already been (or almost been) accomplished. During 1870-1908, reform advocates succeeded in having their goal of equal opportunity become an ideal and even succeeded in having it equated with the meaning of the Declaration of Independence. Yet, what the terms “equal opportunity” and “equality of opportunity” meant was anything but concrete and clear, allowing Taft and Roosevelt to co-opt the terms without much trouble. Using terms that meant anything from having the rule of law in place (no matter how unjust the laws) to having

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<sup>227</sup> Max Weber, “Science as a Vocation,” in *Essays in Sociology*, ed. H.H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946).

equality of incomes, reform advocates' use of the terms "equal opportunity" and "equality of opportunity" simultaneously extended the potential reach of their message to new audiences while making it harder to put the logical screws to those who resisted more ambitious reform plans. With the ambiguity of the term (i.e. which opportunities should be equalized? How equal is equal enough?), political actors and analysts had a great deal of wiggle room for political maneuvering. The ambiguity allowed people from all over the ideological spectrum to use the terms to argue that their very different respective political agenda was needed to uphold America's founding principles. Political leaders from across the political spectrum sought to convince their listeners that the Declaration of Independence and indeed American democratic foundations were on their side as they were the ones protecting an equal opportunity in the "race of life." Taft's and Roosevelt's attachment of the individualistic competition of the "race of life" became the most influential understanding of this concept. It would take until the New Deal to really see the limits of this conceptual framework to address economic inequalities and its simultaneous potential to address inequalities.

## Chapter 4

### FDR's Fight Against Equal Opportunity

#### I. Introduction

American scholars who have worked on the rise of the American welfare state and the fate of economic rights in America largely agree that somewhere between 1930 and 1970 something went wrong for reformers who wanted progressive change. The debate continues as to when and why this decline took place. Michele Dauber argues that the New Deal was less an innovation and more of an extension of the long history of natural disaster relief programs, and was billed as such by FDR's supporters.<sup>228</sup> A host of other historians see the seeds of decline in economic rights coming under FDR's watch, most specifically with the end of the Second World War. There are two explanations provided for this in the scholarship. The first is represented by Lizabeth Cohen's *A Consumer's Republic*, which argued that the conversion from wartime to civilian economy accelerated a change in citizenship. Whereas during the Second World War people were what she called "citizen consumers" who saw the government as central in securing their consumer rights, after the war, business, unions, and the government helped foster a consensus that people were "purchaser consumers" who believed that the growth of mass market consumption was the key to conversion of the war economy.<sup>229</sup> The consumer republic then crippled any notion of economic rights, as the government's primary responsibility was to allow the markets to create goods for mass consumption. Alan Brinkley's *The End of Reform* characterized a similar change taking place during

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<sup>228</sup> Michele Landis Dauber, "The Sympathetic State," *Law and History Review* 23, no. 2 (2005).

<sup>229</sup> Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America*, 1st ed. (New York: Knopf: Distributed by Random House, 2003), 28.



the same time period as one of a switch from “reform liberalism” to “compensatory liberalism.”<sup>230</sup>

A second complementary line of criticism of the New Deal is that it produced a much less than universal welfare system that created harmful divisions.<sup>231</sup> The argument in this scholarship is that the discriminations against women and African Americans in both the G.I. Bill and the Social Security Act created a two-tiered welfare system that alienated the poor, blacks, and women from the white male breadwinner and from each other. Scholars have pointed out how conservative Southern Democrats of the New Deal coalition ensured that the Social Security Act discriminated against women and blacks by excluding the professions in which a large majority worked, such as casual laborers, housewives, agricultural workers, mothers, and domestic servants.<sup>232</sup> For these excluded groups, the benefits the government offered through programs such as ADC (precursor to AFDC) were means-tested (i.e. have to prove oneself needy) and/or morals-tested<sup>233</sup> (i.e. have to prove oneself deserving). The scholarship also criticizes the G.I. Bill of Rights for exacerbating these divisions and undermining notions of economic citizenship.<sup>234</sup>

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<sup>230</sup> Alan Brinkley, *The End of Reform: New Deal Liberalism in Recession and War*, 1st ed. (New York: Alfred A. Knopf, 1995), 265,68.

<sup>231</sup> For examples of works pointing out the shortcomings of the welfare system, see: Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America*, Linda Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare, 1890-1935* (New York: Free Press, 1994), Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th Century America* (Oxford; New York: Oxford University Press, 2001), Jill S. Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty* (New York: Oxford University Press, 1994).

<sup>232</sup> Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare, 1890-1935*, 293, Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty*, 21.

<sup>233</sup> For example, ADC applied a morals test in the sense that the “presence of a man in the house, or the birth of an illegitimate child, made the home unsuitable” and therefore ineligible for benefits Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare, 1890-1935*, 298.

<sup>234</sup> Brinkley argued: “It [G.I. Bill] reinforced invidious distinctions between ‘deserving’ and ‘undeserving’ citizens and sustained the popular belief that public generosity should be reserved for those with a special claim to public attention” Brinkley, *The End of Reform: New Deal Liberalism in Recession and War*, 259. See also Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America*, 137-41.

This chapter seeks to join a minority of scholars, including Cass Sunstein, Risa Goluboff, and to a lesser extent, Lizabeth Cohen's earlier work that argues that the New Deal represented an important change in American social policy that began to support (albeit with great flaws) a notion of economic rights which were embodied by legal rulings and institutional reform.<sup>235</sup> Brinkley, Cohen, Gordon, Kessler-Harris, and Quadagno necessarily complicate the picture, shining a light on the vast discriminations built into New Deal legislative accomplishments and exposing great flaws that plagued New Deal programs both in their operation and their fairness. Yet, I fear by focusing on the flaws, they may also obscure the uniqueness and potential in the New Deal language and policy approaches to social welfare.

FDR created a new vocabulary and a new way to frame the discussion and out of this came new institutional structures. What is different about the New Deal in American history was not that a part of the Social Security Act was means tested (as this was the norm in the previous reform efforts passed in the U.S.); it was also not that the GI Bill was not extended beyond veterans (the large civil war pension system had a similar specificity<sup>236</sup>). Rather, what was new in the New Deal was a fragile but fledgling belief that citizenship entailed some economic rights and some entitlement to economic security. Cass Sunstein noted how FDR's idea that the government had an obligation to balance out power inequalities and give workers and those with less economic power additional help began to successfully penetrate the U.S. network of legal rights and

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<sup>235</sup> See Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939* (Cambridge [England]; New York: Cambridge University Press, 1990), Risa Lauren Goluboff, *The Lost Promise of Civil Rights* (Cambridge, Mass.: Harvard University Press, 2007), Cass R. Sunstein, *The Second Bill of Rights: Fdr's Unfinished Revolution and Why We Need It More Than Ever* (New York: Basic Books, 2004).

<sup>236</sup> See Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1992).

obligations in both labor legislation and Supreme Court rulings.<sup>237</sup> Risa Goluboff explained that “the New Deal’s partial promise to provide economic security to the American people had wrought a revolution in expectations about work, working conditions, and free will.”<sup>238</sup> Much of the scholarship on economic citizenship and/or economic rights sees the New Deal as planting the seeds of a discriminatory means-tested welfare state that they see really taking root during the 1960s.<sup>239</sup> In this chapter I suggest that lumping together the 1960s welfare state with the New Deal obscures important differences.

Through an analysis of hundreds of 1930-1944 newspaper articles with the terms “equal opportunity,” “equality of opportunity,” or “inequality,”<sup>240</sup> I argue that FDR’s administrations developed a new vocabulary that was a more effective way to frame economic inequalities than the equal opportunity frame popularized by his opponents, but was also ill-suited to counter the racism of a major part of his voting block. FDR’s fight against the equal opportunity frame of his Republican opponents highlights both the potential and limitations of the competing concepts of equal opportunity and that of economic security and liberalism. The dominant metaphor of equal opportunity is that of

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<sup>237</sup> For Sunstein on labor legislation, see, Sunstein, *The Second Bill of Rights: FDR's Unfinished Revolution and Why We Need It More Than Ever.*, 26, and for Supreme Court rulings, see: Sunstein, *The Second Bill of Rights: Fdr's Unfinished Revolution and Why We Need It More Than Ever.*, 30.

<sup>238</sup> Risa L. Goluboff, "The Thirteenth Amendment and the Lost Origins of Civil Rights," *Duke Law Journal* (2001): 168.

<sup>239</sup> See footnote 4 for some illustrative examples. Brinkley (1995) and Gordon (1994) go even further by singling out the New Deal as the time period in which the government forged the structure of this welfare state Brinkley, *The End of Reform: New Deal Liberalism in Recession and War*, 10, Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare, 1890-1935*, 302-03.

<sup>240</sup> Most of the analysis in this chapter is based on a search for “equal opportunity” or “equality of opportunity” in the ProQuest Historical Newspaper database for the years 1930-1944. The search included articles that started on the front page from all the available newspapers in this database: *Chicago Tribune*, *Christian Science Monitor*, *Los Angeles Times*, *New York Times*, *The Chicago Defender*, *The Washington Post*, and *Wall Street Journal*. In total, I reviewed 527 articles in this particular search. For further information on my searches, see Appendix I.

a competitive race where everyone has an equal opportunity to go as far as their potential and perseverance will take them. On the one hand, the invocation of individual competition proved well-suited to some issues of racial discrimination by highlighting discriminations against one individual vis-à-vis another, which is why African Americans began to embrace this frame. On the other hand, however, this metaphor proved ill-suited to address economic inequalities, which is why FDR resisted its use.

## II. Rhetorical Context

Was equal opportunity a common way to discuss inequalities during this time period? Were there alternative formulations that were more popular? In what contexts was equal opportunity used and in what contexts were other formulations used? To answer questions such as these, I needed to analyze in what situations authors discussed inequalities without the use of the terms “equal opportunity” and “equality of opportunity.” Using the same newspapers and time period in the ProQuest Historical Newspapers database, I conducted a search for all front page newspaper articles that contained the term “inequality.”<sup>241</sup>

Authors usually invoked the term “equal opportunity” on the hard cases when an inequality was not explicitly illegal and also not universally accepted as unjust. On the contrary, articles that contained the term “inequality” and not “equal opportunity” or “equality of opportunity” occurred most frequently when there existed a consensus that the inequality referred to was unjust. The most frequent uses of “inequality” during the

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<sup>241</sup> In all there were 795 articles in this search. My search criteria were: “inequality” and front page from 1930-1944 using the newspapers available in the ProQuest Historical Newspapers database (*Chicago Tribune*, *Christian Science Monitor*, *Los Angeles Times*, *New York Times*, *The Chicago Defender*, *The Washington Post*, and *Wall Street Journal*). I then separated them into 12 different categories, so I could compare how the term was being used in different categories of debate.

period were centered on debates over the inequality of taxes, unequal distribution of the benefits of a government program, and the unequal effect of the War Labor Board regulations on different groups of people during the Second World War.<sup>242</sup> In all three categories, authors almost always assumed that the inequality was unjust and did not try to make an argument for their injustice. For example, in debates over the assessment of property taxes it was enough to say that lands of equal values had been unequally assessed in a state. No argument had to be made that this inequality was unjust; it was patently obvious, or at least assumed to be by the authors.<sup>243</sup> Similarly, in debates over government veterans' benefits it was enough to point out how veterans of different wars were receiving unequal treatment.

Asserting the injustice of a particular inequality which was open to debate left a speaker vulnerable to attack. For instance, there were approximately equal numbers of authors who defended the existence of economic inequality as ones who called for greater efforts to address economic inequality. When economic inequalities were raised often authors characterized attempts to address economic inequality as out of place in America.<sup>244</sup> Authors frequently connected un-American principles such as fascism, communism, Nazism, Stalinism, to the fight to change the economic system to address

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<sup>242</sup> About 20 percent of the 795 articles containing the term "inequality" used the term in references to taxes, about 16 percent used it in reference to government benefits, and about 16 percent in reference to the War Labor Board.

<sup>243</sup> Many of the tax inequality articles also referred to the tariff issue. Many legislators talked about the "inequalities" in the various tariff bills, by which they meant that it favored one industry or region over another. The implicit standard of evaluation is that to be fair the burden of taxation must fall equally on citizens across the country and across different industries. Like the property tax debates, however, this argument remains implicit in most of the articles.

<sup>244</sup> For instance, Thomas F. Woodlock, one of the leading financial writers of this time who maintained the popular *Wall Street Journal* column, "Thinking It Over," wrote seven articles from 1930-1944 defending economic inequality as an inevitable result of the natural inequalities of people and warning of the dangers of futility trying to eliminate the economic inequalities.

inequalities.<sup>245</sup> With such disagreement over economic inequalities, authors calling for reforms had to find an additional basis for their argument that an economic inequality was unjust.

## **II. The Republican Use of Equal Opportunity to Fight New Deal Reform**

During the 1930s and 1940s, American political leaders used the terms “equal opportunity” and “equality of opportunity” to fight out a battle over what constituted hereditary privilege. Like the Progressive Presidents William Howard Taft and Theodore Roosevelt, Herbert Hoover and the Republicans of this period viewed government and not wealthy owners as the chief threat to protecting hereditary privilege. Along with the prohibition on titles of nobility, Hoover viewed having an equal opportunity to compete in the economy as the essence of the “American system.”

Herbert Hoover, the only Republican President to serve during this fourteen year period, was influential in framing the Republican position even after he lost the 1932 election to Franklin Delano Roosevelt.<sup>246</sup> The individualistic competitive metaphor of the “race of life” worked very well with Hoover’s emphasis on the competition in the market being the key to preventing hereditary privilege and enabling prosperity and progress.

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<sup>245</sup> An indication of the prevalence of this is evident in a search I ran on the ProQuest Historical Newspaper databases. More than a third of the articles containing the term “economic inequality” also referred to communism, socialism, fascism, dictator, Hitler, or Stalin. There were 149 documents retrieved with the search (economic inequality) AND 1930-1944. There were 50 of these documents retrieved with the search (economic inequality) AND (communis\*) OR (socialis\*) OR (facis\*) OR (dictator) OR (Hitler) OR (Stalin) AND 1930-1944.

<sup>246</sup> Despite his shorter time in office, Hoover’s own statements and speeches invoking equal opportunity as the basis of American political foundations far outnumbered those of FDR or other Democrats in the front page articles of the American newspapers I read. Furthermore, they outnumbered the articles of all the other Republicans combined during this time period. Most of these statements reached the front pages during newspapers during his Presidency and his 1932 campaign.

For example, in an October 1930 speech—almost a year after the stock market crash of 1929—Hoover explicitly paralleled equal opportunity with the “race of life.”

From experiences in many lands I have sometimes compared some of these systems to a race. In the American system, through free and universal education, we train the runners, we strive to give to them an equal start, our Government is the umpire in its fairness.

The winner is he who shows the most conscientious training, the greatest ability, the strongest character.<sup>247</sup>

Hoover capitalized on Americans’ everyday views of competition to warn about the dangers of New Deal politics. In a competition, participants seek to ensure that the competitors and not the umpire determine the outcome of the competition. The “race of life” analogy enabled Hoover to argue that governmental programs to address economic inequalities amount to an umpire assisting some competitors in preference to others. The only exception to this umpire role of the government in Hoover’s example above is the provision of public schooling.

Hoover set up this fair race as the unique substance of “the American system” contrasting it explicitly with other systems.

Socialism or its violent brother, Bolshevism, would compel all the runners to end the race equally; it would hold the swiftest to the speed of the most backward.

Anarchy would provide neither training nor umpire. Despotism or class government picks those who run and also those who win. Whatever the merits or demerits of these other systems may be, they all mean the destruction of the driving force of equal opportunity, and they mean the destruction of our

Constitution, for our political framework would serve none of them and many

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<sup>247</sup> Richard L. Strout, "President Rededicating Nation to Basic Ideals of Founders," *Christian Science Monitor*, October 7 1930.

of its fundamental provisions are the negation of them. They mean the abandonment of the nation's spiritual heritage.<sup>248</sup>

Having established the "American system" as the bulwark of American prosperity and political foundation, Hoover then described his policies as doing the maximum possible to sustain this system.

Hoover continuously argued that the government (and not wealthy owners who could pass their wealth onto offspring) had the most menacing potential to produce hereditary privilege. Hoover's justification of this position rested on the argument that social mobility and genuine equality of opportunity to compete in the market were present. In the same speech, Hoover praised the material prosperity of America, "which has secured to the common man greater returns for his effort and greater opportunity for his future than exist in any other place on the earth."<sup>249</sup> Throughout the speech he grounded his case on the fact that social mobility was greater in America than anywhere else: "In the large sense we have maintained open the channels of opportunity, constantly refreshing leadership of the nation by men of lowly beginnings. We have no class or caste or aristocracy whose privilege limits the hopes and opportunities of our people."<sup>250</sup> Later he argued there is "profound proof, moreover, that the doors of opportunity have indeed been kept open."<sup>251</sup> He made this sweeping claim more concrete by arguing that the far higher American consumption of material goods (food, clothing, homes, cars,

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<sup>248</sup> Ibid.

<sup>249</sup> Ibid. For other articles that reported on the speech, see: "Hoover Extols Founders of "American System"," *Los Angeles Times*, October 8 1930, "Hoover Talks of Politics on His Way Home," *The Washington Post*, October 8 1930.

<sup>250</sup> Strout, "President Rededicating Nation to Basic Ideals of Founders."

<sup>251</sup> Ibid.



telephones, radios, and electricity) testified to the unparalleled productivity of the American economy.<sup>252</sup>

He then connected the cause of this unmatched prosperity to America's foundational ideals. "This unparalleled rise of the American man and woman was not alone the result of riches in lands or forests or mines; it sprang from ideas and ideals, which liberated the mind and stimulated the exertion of a people."<sup>253</sup> In his political speeches, he repeatedly defined these "ideas and ideals" as equal opportunity.<sup>254</sup> An equal opportunity to compete gave Americans, according to Hoover, the freedom to innovate and the incentive to do so.

In the two years leading up to the election of 1932, Hoover built on his idea of the "American system" in frequent speeches, arguing that the American system that prevented hereditary privilege was one in which people were largely unencumbered by the government so they could compete in the market. He emphasized how Washington<sup>255</sup> and Lincoln<sup>256</sup> were architects of this system and he repeatedly defined these founding ideals as equal opportunity.<sup>257</sup> In the election of 1932, he tried the red-

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<sup>252</sup> Ibid.

<sup>253</sup> Ibid.

<sup>254</sup> An indicative example is the following: "Yet of vastly more importance than even the machinery of government was the inspired charter of the rights of men which it guaranteed. Under them we hold that all men are created equal before the law, and that they should be safeguarded in liberty and, as we express it latterly, in equality of opportunity to every individual that he may achieve for himself and for the community the best to which his character, his ability, and his ambition entitle him." Ibid.

<sup>255</sup> See "Hits Legislative Business Tonics," *Wall Street Journal*, June 2 1931, "Hoover Calls for Renewal of Faith in American Ideals," *Christian Science Monitor*, February 23 1932.

<sup>256</sup> "Address Made by Hoover on Birthday of Lincoln," *The Washington Post*, February 13 1931, "Hoover Warns of Trend Towards Bureaucracy," *Los Angeles Times*, February 13 1931, "You Do It! Hoover to States," *Chicago Daily Tribune*, February 13 1931.

<sup>257</sup> Laurence M Benedict, "Hoover Assures Nation Slump Perils Now Past," *Los Angeles Times*, May 2 1930, "Democrats Aid Republicans in Backing Hoover Norris Bill Fight," *The Washington Post*, March 4 1931, John Herrick, "Hoover Warns of Radicals," *Chicago Daily Tribune*, November 1 1932, "Hits Legislative Business Tonics.", "Hoover Calls for Renewal of Faith in American Ideals.", "Hoover Hits Gang Life," *Los Angeles Times*, November 6 1932, "Hoover Indorses Continued Relief and New Dry Law,"

baiting approach of attempting to link FDR with socialists and calling FDR's proposals out of place in America.<sup>258</sup> Even after the election Hoover used this line of argumentation. In December, a *Washington Post* reporter notes: "the President again urged the defense and preservation of the traditional American principle of equality of opportunity."<sup>259</sup> Newspaper articles continued to cover Hoover's message after he left office. He stated in a speech in 1936,

There are other systems of liberty. But at the heart of our American system is imbedded a great ideal unique in the world. That is the ideal there shall be an opportunity in life, and equal opportunity, for every boy and girl, every man and woman. It holds that they have the chance to rise to any position to which their character and ability may entitle them. That ideal is limited or ended if this nation is to be goose-stepped from Washington.<sup>260</sup>

Republican political leaders of the 1930s and 1940s continued to argue that the New Deal was a threat to American prosperity and equal opportunity, but put increasing emphasis on the need to limit government's role to an umpire. It is on these grounds that Republican leaders charged Democrats with "economic dictatorship," "regimentation," and too much bureaucracy. The role of the government was to enforce the rules fairly and let the competition run its course without influencing the outcome. During the 1936

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*Christian Science Monitor*, August 12 1932, "Hoover Receives Engineers' Medal for Public Service," *New York Times*, April 9 1930, "Hoover Urges Bar Lead Fight for Sound Nation," *Los Angeles Times*, October 13 1932, "Hoover Voices Final Plea for Recovery Policies," *Los Angeles Times*, November 8 1932, "Hoover Wires His Thanks for Renomination," *Chicago Daily Tribune*, June 17 1932, "President Appeals for Women's Vote. To Rebuild Nation," *New York Times*, October 8 1932, "You Do It! Hoover to States."

<sup>258</sup> See his Madison Square Garden speech of November 1 for an example: Herrick, "Hoover Warns of Radicals.", "Hoover Attack Sweeping," *New York Times*, November 1 1932, "President Warns Nation of Bureaucracy's Peril," *Los Angeles Times*, November 1 1932.

<sup>259</sup> Lawrence Sullivan, "Asks 11 Per Cent Slash on Wages over \$1,000," *The Washington Post*, December 7 1932.

<sup>260</sup> "False Liberals Ruling Nation, Hoover Warns," *Chicago Daily Tribune*, March 8 1936. See also: "Constitution Day Rallies Defenders; Hoover Warns of Trend to Dictator," *Christian Science Monitor*, September 17 1935, "Hoover Asserts He Discarded Roosevelt Ideas," *The Washington Post*, October 31 1936, "Hoover Declares Freedom in Peril, Life 'Mortgaged'," *New York Times*, March 8 1936.

presidential election, the Republican nominee, Governor Alf M. Landon, frequently criticized the New Deal by saying it endangered equal opportunity and its concomitant prosperity.<sup>261</sup> For example, in a commencement speech at his alma mater, Landon argued that the Republicans needed to “overthrow the tyranny of monopoly and economic dictatorship” of the New Deal administration in order to “escape the shackles of bureaucracy.”<sup>262</sup> He concluded: “Unless we do this as Americans, and until this is done, our struggle for equality of justice under the law, equality of opportunity in every walk of life, will end only in catastrophe instead of in the victory that will vindicate our faith in ourselves and reaffirm our faith in our institutions.”<sup>263</sup>

At the same time, the Republicans increasingly confined the goal of government to being a fair arbiter or umpire. For instance, the Republican National Convention platform of 1944 asserted:

Small business is the basis of American enterprise. It must be preserved. If protected against discrimination and afforded equality of opportunity throughout the nation, it will become the most potent factor in providing employment. It must also be aided by changes in taxation, by eliminating excessive and repressive regulation and Government competition, by the enforcement of laws against monopoly and unfair competition, and by providing simpler and cheaper methods for obtaining venture capital necessary for growth and expansion.<sup>264</sup>

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<sup>261</sup> "Governor Landon's Address," *New York Times*, July 24 1936, Philip Kinsley, "I'm Going to Maine'--Landon," *Chicago Daily Tribune*, September 9 1936, "Landon Assails Trusts in Talk at Alma Mater," *The Washington Post*, June 9 1936, "Landon Demands Monopolies' End and Escape from Bureaucracy," *New York Times*, June 9 1936, "Pledges Thrifty Regime, Appeals to the Practical Progressives for Aid," *The Washington Post*, July 24 1936, "Unshackled Initiative Is Prescribed as Cure for Trade Ills," *The Washington Post*, July 24 1936.

<sup>262</sup> "Landon Assails Trusts in Talk at Alma Mater."

<sup>263</sup> *Ibid.*

<sup>264</sup> "The Republican Platform," *New York Times*, June 28 1944.

The platform argued that it was not individuals who require equal opportunity but small business owners. The government's role as umpire was defined and encompassed by the enforcement of laws and the provision of capital through government loans. As long as the government did not intervene and change the economic laws in place the market would supply the opportunities for advancement.

The Republican emphasis on limiting the government's role to being a fair umpire differed somewhat from the Progressive formulation of William Howard Taft and Theodore Roosevelt. Taft and Roosevelt recognized the need of the government to be more than an umpire. While Theodore Roosevelt had connected the terms "equal opportunity" and "equality of opportunity" to Lincoln's notion of the "race of life," this assertion had not submerged the rules of the competition and put all the emphasis on the ability and perseverance of the competitors. Taft had asserted: "Now the duty of government by positive law to further equality of opportunity in respect of the weaker classes in their dealings with the stronger and more powerful is clearly recognized. It is in this direction that real progress toward the greater human happiness is being made."<sup>265</sup> This point was certainly not conceded by the Republicans of the late 1930s and early 1940s. Even Landon's frequent attacks on monopolies during the campaign of 1936 were invocations of the government's role as an umpire that should enforce anti-trust legislation, not of government as a principle actor in the creation of the rules of competition.

### **III. FDR's Reluctant Fight Against Equal Opportunity (1930-1944)**

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<sup>265</sup> "Taft, Accepting Nomination, Says Foes Are Menace."

The Republican slogan of the “race of life” and its concomitant associations with individualistic competition forced FDR to abandon an initial embrace of the terms “equal opportunity” and “equality of opportunity” and develop a whole new vocabulary to talk about how economic inequalities threatened a new hereditary privilege.

Before the 1940s when Democrats used the terms “equal opportunity” and “equality of opportunity,” they usually used them as synonyms for unrealized founding ideals. Before 1936, FDR and his supporters argued that certain features of economic institutions failed to meet the American ideal of equal opportunity in arguments for all sorts of reform efforts to address inequality, including public works programs,<sup>266</sup> crime prevention programs,<sup>267</sup> tax policy,<sup>268</sup> regulating labor relations,<sup>269</sup> etc. The argument hinged on the claim that they needed to make changes to enable the country to live up to its founding ideals. Yet, events during the 1936 campaign seem to have convinced FDR and his supporters to find a new vocabulary to make their arguments.

During the 1936 presidential election—an election in which Republican nominee Landon was invoking equal opportunity in support of Republicans’ opposition to the New Deal—FDR made a concerted effort to argue that the Republican rhetoric was at best misleading, and at worst hypocritical. Both the platform and FDR’s nomination acceptance speech were blunt and provocative. In a jibe at Landon’s notion of “freedom of opportunity” the Democratic National Convention platform “pledged the party to a

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<sup>266</sup> Russell Owen, "New Sense of Duty Guiding President, His Chief Aides Say," *New York Times*, May 22 1933.

<sup>267</sup> Jonah J. Goldstein, "Danger Is Shown in External Crime Origins," *Christian Science Monitor*, October 16 1934.

<sup>268</sup> "Tax Move a Big Surprise," *New York Times*, June 20 1935.

<sup>269</sup> "'Ever Normal' Plan for Industry, as on Farm, Urged by Wallace," *New York Times*, November 15 1937.

‘democracy of opportunity.’”<sup>270</sup> The platform throughout criticized the Republican notion of equal opportunity for only applying to a privileged few. Robert C. Albright, staff writer for *The Washington Post*, reported: “The platform opened with a 270-word preamble, accusing the Republican Party of ‘surrender’ to the privileged, and asserting that Government obligations of equal opportunity ‘under the new leadership’ ‘will never be neglected.’”<sup>271</sup> He summarized: “The ‘issue’ it [the platform] stated as a choice between ‘a Republican Administration that has and would again regiment them in the service of privileged groups and a Democratic Administration dedicated to the establishment of equal opportunity for all of our people.’”<sup>272</sup> FDR and the Democratic Party based their criticisms on the argument that it was Republicans, not Democrats, who had created artificial classes.

FDR made this argument in dramatic fashion in his 1936 Democratic nomination acceptance speech. Roosevelt delivered his acceptance speech in Philadelphia to emphasize the Constitutional Convention and the founding principles of that generation. The thrust of his argument was that the economic inequalities during the 1930s were indicative of an economic tyranny as serious as the political tyranny under the British crown during the revolutionary period of American history. Arthur Krock of the *New York Times* reported that FDR had “defined the issue of this campaign” as follows: “The President said that, as the fathers of the Republic had achieved political freedom from the eighteenth-century royalists, so it was the function of those who stand with him in this

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<sup>270</sup> Robert C. Albright, "Constitutional Changes, If Necessary, Pledged; Courts Criticized," *The Washington Post*, June 26 1936.

<sup>271</sup> Ibid.

<sup>272</sup> Ibid.

campaign to establish the economic freedom they also sought to establish, and which was lost in the industrial and corporate growth of the nineteenth and twentieth centuries.”<sup>273</sup>

In the speech, FDR asserted that the Republicans’ invocation of equal opportunity smacked of hypocrisy. FDR sought to expose the rules buried in the metaphor of the race of life. To do so, he had to prove that government had a role beyond being an umpire. For FDR, the U.S. government standing on the sidelines as an umpire would render meaningless the political rights won in the Revolutionary war.

For too many of us the political equality we once had won was meaningless in the face of economic inequality. A small group had concentrated into their own hands an almost complete control over other people’s property, other people’s money, other people’s labor—other people’s lives. For too many of us life was no longer free; liberty no longer real; men could no longer follow the pursuit of happiness. Against economic tyranny such as this the citizen could only appeal to the organized power of government. The collapse of 1929 showed up the despotism for what it was. The election of 1932 was the people’s mandate to end it. Under that mandate it is being ended.<sup>274</sup>

FDR argued that the inalienable rights of life, liberty, and the pursuit of happiness proclaimed in the preamble to the Declaration of Independence required government to disperse the power and control that had been wielded by a small group, which had created an economic despotism that rivaled the political despotism of King George III.

In effect, FDR was arguing the rule book by which the government had to umpire had been written by a small group of economic elites and to merely enforce these laws would be to sustain their special privileges and advantages.

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<sup>273</sup> Arthur Krock, "Campaign Issue Defined," *New York Times*, June 28 1936.

<sup>274</sup> "Text of Roosevelt Address," *New York Times*, June 28 1936.

The royalists of the economic order have conceded that political freedom was the business of the government, but they have maintained that economic slavery was nobody's business. They granted that the government could protect the citizen in its right to vote but they denied that the government could do anything to protect the citizen in his right to work and live.

Today we stand committed to the proposition that freedom is no half-and-half affair. If the average citizen is guaranteed equal opportunity in the polling place, he must have equal opportunity in the market place.<sup>275</sup>

FDR invoked the term royalist to make explicit the analogy of the political tyranny of the Revolutionary period under the British king to the economic tyranny he argued reigned during the period of the Great Depression. FDR was making the case that blocking the government from changing the economic laws that contribute to inequality was tantamount to supporting economic tyranny. In effect, FDR created a new vocabulary to re-establish the distance between the political ideals of the founding of America and the contemporary economic institutions FDR wanted to reform.

To support his novel reconstruction of the founding ideals, FDR attacked Republicans' formulations of the meaning of those principles. FDR accounted for the Republicans' equation of equal opportunity with economic institutions by claiming these positions were merely self-interested pandering to their wealthy supporters.

The economic royalists complain that we seek to overthrow the institutions of America. What they really complain of is that we seek to take away their power. Our allegiance to American institutions requires the overthrow of this kind of power. In vain they seek to hide behind the flag and the Constitution. In their blindness they forget what the flag and the Constitution stand for. Now, as always, the flag

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<sup>275</sup> Ibid.



and the Constitution stand for democracy, not tyranny; for freedom, not subjection, and against a dictatorship by mob rule and the overprivileged alike.

The brave and clear platform adopted by this convention, to which I heartily subscribe, sets forth that government in a modern civilization has certain inescapable obligations to its citizens, among which are protection of the family and the home the establishment of a democracy of opportunity, and aid to those overtaken by disaster.<sup>276</sup>

FDR's acceptance speech illustrates the battle over defining the meaning of American democracy that was taking place between the Democratic and Republican parties. Both tried to argue that the other party supported a form of tyranny that was out of place in America. FDR argued the wealthy owners had a privileged status by their unequal control and power over other people's lives and the government favors and privileges that helped them obtain that power. Republicans argued that it was the government bureaucracy itself that was tyrannical. They argued the bureaucracy was assuming privileges that gave it too much control over other people's lives. Both parties argued they were engaged in a fight to save democracy for the rest of the world.

In his acceptance speech, FDR implicitly criticized Hoover's analogy of the race of life. FDR argued that the government had in fact served as much more than an umpire in the economic system. The government, since its founding, had created the rules of the game, decided who could participate and when, and modified and enforced the rule book. Furthermore, it determined what races were worth running by subsidizing some races, taxing others, and prohibiting others altogether. In FDR's opinion, the government had helped create these new "economic royalists" and only it had the power to now reverse

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<sup>276</sup> Ibid.

the privileges already extended. Not passing far-reaching reforms, for FDR, would have been condoning “economic slavery.”

After the 1936 election, FDR and his administrative staff continued to make this general argument, but usually did so without using the terms “equal opportunity” and “equality of opportunity.” In fact, the Republican argument that equal opportunity was largely tantamount to the free enterprise system was gradually accepted by FDR’s officials. The shift is evident in the speeches of Henry Wallace. Wallace served as Secretary of Agriculture from 1936-1940, and as Vice-President of the United States from 1940-1944.<sup>277</sup> In 1937 he described the New Deal’s “social objectives” as “equality of opportunity, jobs for those who can work, security for the needy, ending of special privileges for the few, preservation of civil liberties for all and use of the fruits of scientific progress toward a wider and constantly rising standard of living.”<sup>278</sup> In 1943, however, Vice-President Wallace used the term in a way that implied the equivalence of equal opportunity and free enterprise: “Mr. Wallace blamed a secret agreement between an American monopoly and a German cartel on synthetic patents for making more difficult the civilian life and the war effort of the United States. He described such cartels as ‘the greatest menace to the American business principles of free private enterprise and equal opportunity.’”<sup>279</sup> During the campaign of 1944, Wallace makes the connection between equal opportunity and free enterprise explicit. “He enumerated the things he said the Democratic Party ‘is not going to do.’ It was not, he said, going to

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<sup>277</sup> He was dropped from the 1944 Presidential campaign because of Democratic fears his positions were too radical and would provide easy targets for Republican critics trying to paint FDR as a communist sympathizer.

<sup>278</sup> “‘Ever Normal’ Plan for Industry, as on Farm, Urged by Wallace.”

<sup>279</sup> “Wallace Demands ‘Democracy First’ as Basis for Peace,” *New York Times*, September 12 1943.

forget servicemen and their families, leave postwar jobs to ‘boom and slump economy,’ upset free enterprise in its broad meaning of ‘equal opportunity,’ or turn back to ‘the sorry mirage of isolationism.’”<sup>280</sup> By this time in 1944, the Democrats were on the defensive. FDR had recently announced that “Dr. New Deal” had been supplanted by “Dr. Win the War” and fears of communist and fascist violence were on the rise. Under these circumstances, it seems that FDR and his administration ceded the fight over the term “equal opportunity,” seeing alternate formulations as more effective in advancing their message that economic reforms were required to preserve American democracy.

#### **IV. African Americans: Employing Equal Opportunity to Attack Discrimination**

African Americans found the competitive race metaphor of equal opportunity useful in their attacks on political, social, economic and civil inequalities. African Americans were being excluded from the metaphoric race altogether or discriminated against in ways that clearly violated the rules of the race. African Americans used “equal opportunity” and “equality of opportunity” to a much greater extent from 1930-1944 than they did in the period from 1870-1914.

African Americans’ tenuous legal standing forced them to rely heavily on equal opportunity to advance their efforts to address inequality. During the New Deal and World War II, African Americans found equal opportunity as an inherent democratic right a more useful category for addressing inequalities than directly citing the Equal Protection clause of the Constitution. The *Plessy v. Ferguson* (1896) precedent of “separate but equal” was still largely in place, making it difficult to attack separate accommodations as unequal, which is not to say that African Americans did not try. The

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<sup>280</sup> “New Deal Tag Resurrected by Wallace,” *The Washington Post*, January 23 1944.

NAACP successfully argued cases against educational segregation and segregation on public transportation as not meeting the legal standard of *Plessy*. Not having a clear legal ground, however, they at the same time invoked the inequalities as contrary to American political culture. While they at times made this argument using a general invocation to American democratic principles (e.g. “inequality must be adjusted if the Constitution and the Four Freedoms are to be kept from being farcical”<sup>281</sup>), it was a much more powerful argument to use the same concept on the lips of political leaders of both major parties. During this time period, newspapers were replete with proclamations from political and civic leaders for equal opportunity regardless of race, color or creed.<sup>282</sup> These proclamations only became stronger and more explicit as the Second World War dragged on.<sup>283</sup>

The acceptance of equal opportunity as the meaning of the “American system” and its founding principles provided different groups of African Americans a handy means by which they could put the “logical screws” upon anybody who clearly

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<sup>281</sup> Lucius C. Harper, "Dustin' Off the News," *The Chicago Defender*, December 11 1943.

<sup>282</sup> Even before the war Hoover was trying to attract African American voters by saying he stood for equal opportunity. He ended a 1932 speech to what the *Chicago Defender* called over “300 Race leaders” by stating: “You may be assured that our party will not abandon or depart from its traditional duty toward the American Negro. I shall sustain this pledge given in the first instance by the immortal Lincoln and transmitted by him to those who followed as a sacred trust. The right of liberty, justice and equal opportunity is yours. The president of the United States is ever obligated to the maintenance of those sacred trusts to the full extent of his authority. I appreciate your presence here today as an evidence of your friendship” “Hoover Renews G.O.P. Pledge to Race,” *The Chicago Defender*, October 8 1932. For examples of proclamations from political leaders for equal opportunity regardless of race, color or creed. see: Robert C. Albright, "Eleventh-Hour Landon Views among Planks," *The Washington Post*, June 12 1936, "Roosevelt at Howard," *New York Times*, October 27 1936, Richard L. Strout, "Road to Unanimous Landon Nomination Opens as Borah, Vandenberg and Knox Release Votes," *Christian Science Monitor*, June 11 1936, "The Text of the Platform," *New York Times*, June 12 1936.

<sup>283</sup> For examples see: Albert G. Barnett, "10,000 Elks Swarm into Chicago for 45th Parley," *The Chicago Defender*, August 26 1944, "Dewey Asks Study of Race Prejudice," *New York Times*, March 8 1944, J. Roscoe Drummond, "Dewey Seizes Initiative in G.O.P. Policy," *Christian Science Monitor*, June 30 1944, "First Lady Says Race Not Given Fair Job Chances," *The Chicago Defender*, March 1 1941, Warren Moscow, "Dewey Denounces 'Hitler-Like' Smith for Bricker 'Smear'," *New York Times*, August 2 1944, Mary Spargo, "Gop to Back 2-Term Limit on Presidency," *The Washington Post*, June 26 1944.

discriminated against them and denied them opportunities.<sup>284</sup> A conference addressing “industrial questions relating to the Race”<sup>285</sup> revealed how African Americans sought to use the concept for leverage in their quest to address all sorts of inequalities: “Various speakers offered many solutions, but after all it appears that the only solution is to Americanize America for Americans, with the distinct idea of giving all Americans a fair deal and a square chance in the fight for equal opportunities.”<sup>286</sup> African Americans would have to make America live up to its own professed American creed of equal opportunity lest it expose itself and its highly vaunted principles as hypocrisy.

If equal opportunity was a promise to provide competitors a fair competition in a race, the promise was being broken everyday for African Americans. The daily discriminations were glaring contradictions of these principles. As delegates yelled out at the National Negro Congress in 1936: “What about the Scottsboro boys?”<sup>287</sup> What about Negroes in Black Belts?<sup>288</sup> What about foreigners voting in every section of the country and members of the Race denied the privilege guaranteed them by the Federal Constitution? What about a system which permits the continuation of Jim Crow policy like that in existence at Cook County Nurses Home, and similar institutions

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<sup>284</sup> I am paraphrasing Max Weber here. For a discussion of the importance of concepts, see the conclusion of the previous chapter.

<sup>285</sup> *The Chicago Defender* often referred to African Americans as “the Race” during this time period.

<sup>286</sup> “The Week,” *The Chicago Defender*, November 26 1932.

<sup>287</sup> The Scottsboro boys were a group of nine African American teenagers who were repeatedly tried on practically no evidence, convicted, and then acquitted on appeal for the rape of a white girl in Alabama. The case is infamous for its judicial inequality.

<sup>288</sup> “In the 1820s and 30s, the Black Belt identified a strip of rich, dark, cotton-growing dirt drawing immigrants primarily from Georgia and the Carolinas in an epidemic of ‘Alabama Fever.’ Following the forced removal of Native Americans, the Black Belt emerged as the core of a rapidly expanding plantation area. Geologically, the region lies within the Gulf South’s Coastal Plain in a crescent some twenty to twenty-five miles wide that stretches from eastern, south-central Alabama into northwestern Mississippi. The unusually fertile Black Belt (or Prairies) soil is produced by the weathering of an exposed limestone base known as the Selma Chalk, the remnant of an ancient ocean floor” Allen Tullos, “The Black Belt,” review of Reviewed Item, *Southern Spaces*, no. April 19 (2004), <http://www.southernspaces.org/contents/2004/tullos/4a.htm>.

elsewhere?<sup>289</sup> What about labor unions denying the Race equal opportunity to earn a decent living?"<sup>290</sup> Until these questions could be answered, African Americans convincingly argued, the American proclamations of equal opportunity would ring hollow.

African Americans used the strategy of calling attention to the hypocrisy of proclaiming equal opportunity as the meaning of American democracy while at the same time discriminating against a class of citizens across a myriad of issues. For instance, African Americans continuously attacked the American Federation of Labor (AFL) for discriminating against them (unlike the Congress of Industrial Organizations, the CIO, who made fewer distinctions in their organizing of largely unskilled industrial workers).<sup>291</sup> In 1934, the National Association for the Advancement of Colored People (NAACP) sent a telegram to the AFL in which they argued:

The Federation's demand for a square deal for labor is meaningless hypocrisy as long as Federation itself denies equal opportunity to black workers who have borne their share of struggle throughout labor history for advancement of labor generally. Smash the color line in the unions before the unions are smashed by the color line.<sup>292</sup>

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<sup>289</sup> I believe this refers to the same conflict described in *The Chicago Defender* in 1935, which was over the provision of medical education to African American students. The NAACP and other African American rights groups argued that the students should be educated at Billings hospital, while part of the Cook County Physicians' Association wanted them to be educated at the less qualified Provident hospital A. N. Fields, "Use Provident Hospitals as U. Of C. 'Jim Crow School'," *The Chicago Defender*, January 26 1935.

<sup>290</sup> "Universal Unrest among Black People Revealed at National Congress Here," *The Chicago Defender*, February 22 1936.

<sup>291</sup> For some representative examples, see Richard Durham, "Race Issue Spotlighted at Cio, Afl Parleys," *The Chicago Defender*, December 2 1944, Henry Lee Moon, "Cio Spurs Political Fight for Full Negro Equality," *The Chicago Defender*, October 21 1944.

<sup>292</sup> Louis Stark, "Appeal for Race Equality," *New York Times*, October 6 1934.

Even before the war, newspaper articles noted some progress achieved by this tactic. The New York African American community forced Harlem hospital to add African American staff,<sup>293</sup> they negotiated an agreement in which they were guaranteed one-third “of all white-collar jobs in Harlem retail establishments,”<sup>294</sup> and perhaps most notably, the NAACP won a string of U.S. Supreme Court decisions forcing educational institutions to make changes to address inequalities.<sup>295</sup>

The hypocrisy really became noticeable for many Americans during World War II. In particular, African Americans’ contribution to the war effort (through soldiers fighting and dying for the country and through labor to supply necessary armaments and supplies) combined with the discrediting of Nazi race theories made openly avowing discrimination rare, at least outside the South.<sup>296</sup> Political leaders in the U.S. from both parties began adopting some of the arguments that African Americans had been making. For instance, in 1943 Vice President Wallace argued: “We cannot fight to crush Nazi brutality abroad,’ said Wallace, ‘and condone race riots at home....We cannot plead for equality of opportunity for peoples everywhere and overlook the denial of the right to vote for millions of our own people.”<sup>297</sup> It is important to remember that these

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<sup>293</sup> "19 Doctors Put on Harlem Hospital Staff," *The Chicago Defender*, February 22 1930.

<sup>294</sup> "Harlem Compact Gives Negroes Third of Jobs in Stores There," *New York Times*, August 8 1938.

<sup>295</sup> For articles that discussed these legal victories, see: "N.A.A.C.P. Has Won 12 Cases in 13 Appearances before Supreme Court," *The Chicago Defender*, June 3 1939, "Ousted; Plans Suit against Texas U.," *The Chicago Defender*, November 5 1938, "Supreme Court Upholds Gains in U. Of Mo. Case," *The Chicago Defender*, December 17 1938.

<sup>296</sup> Foner, *Give Me Liberty! An American History*, 875.

<sup>297</sup> "Roosevelt Foes Hotly Assailed by Wallace," *The Washington Post*, July 26 1943. While there were numerous such statements from political actors from both parties calling for greater recognition of the discriminations faced by African Americans, for an especially eloquent argument for an end to discrimination see the following speech by Eleanor Roosevelt: Lucius C. Harper, "Dustin' Off the News. The Radicals, Who Built America, Are among Us Again," *The Chicago Defender*, July 11 1942. The quote from Wallace also demonstrates how African Americans helped revive and expand the meaning of equal opportunity. As seen earlier in this paper, Wallace and the FDR administration had largely conceded the

declarations often did not translate into concrete policies. Statements of African American rights could still embroil persons in controversy. For example, Dr. A.N. Vaughn, prominent physician and former president of the National Medical Association was pulled off the air during a radio address when he argued there was no defense for refusing the blood of African Americans for plasma use as was the practice of the American Red Cross.<sup>298</sup> Nonetheless, through collective action, protest, legal challenges, and by participation in the war effort, African Americans successfully brought the problem of racial discrimination to the mainstream political agenda.

Equal opportunity was a concept well-adapted to address racial discrimination. Actors across the political spectrum proclaimed it a foundational principle of American democracy. Furthermore, an increasing number of political leaders publicly acknowledged discrimination had denied African Americans various opportunities, especially the ability to serve in an equal capacity of soldiers, other job opportunities, and educational opportunities. While it would take until the Civil Rights movement of the 1960s to abolish *de jure* discrimination, *Brown v. the Board of Education of Topeka Kansas* and the Civil Rights Act of 1964 would build on the arguments of the 1940s that employed the concept of equal opportunity.

## **V. FDR Creates Alternative Vocabulary to Combat Hereditary Privilege**

FDR, especially after 1936, relied on other terms and strategies to defend his New Deal programs. To understand the function that equal opportunity played during this time period, I thought it was important to understand its limitations. What advantage did

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equation of equal opportunity with the free enterprise system in debates over economic inequality. Nonetheless, they still used it in debates over discriminations.

<sup>298</sup> "Radio Bars Doctor's Plea for Negro Rights," *The Chicago Defender*, May 16 1942.



alternative rhetorical strategies give to FDR as compared to uses of equal opportunity, such as those used by African Americans? To answer this question, I searched out all the full-text FDR speeches that addressed the issue of inequality in the ProQuest Historical database that I could find.<sup>299</sup>

FDR argued that his New Deal programs and reforms were necessary to (1) conserve American liberalism, (2) abolish the growth of classes of people who had been given special privileges, and (3) establish security at home and abroad. All three rhetorical strategies sought to establish reforms as attempts to shield American democracy from new sources of hereditary privilege and to focus attention on the flaws in the rules governing the competition of the race of life.

Given the current rhetorical environment it is perhaps easy to forget that FDR used the term liberalism to denote the conservatism of his reform approach. Before FDR came to power, liberalism was associated with the notion that government should protect freedom by shielding a private realm from interference of the state. The concept was closely identified with the protection of private property and minimal state involvement in the economy. FDR adopted and eventually co-opted the term liberalism as a way to emphasize that he believed in private property and the free market system. He argued, however, that the power of wealthy owners had distorted liberalism and only the government had the power to restore competition to markets. In his initial campaign

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<sup>299</sup> After trial and error, I found the following the best search strategies for finding the actual text for the speeches of Roosevelt: “Roosevelt” OR “F.D.R.” OR “FDR” as author AND “inequality” (anywhere in text) AND NOT “Mrs. Roosevelt” for years 1930-1944; “Roosevelt” OR “FDR” OR “F.D.R.” in the title AND “inequality” AND “text” (anywhere in text) AND NOT “Mrs. Roosevelt” for years 1930-1944. In total my searches returned 89 newspaper articles.

speech of the 1936 Presidential election he recasts New Deal liberalism as “far-sighted” conservatism:

The true conservative seeks to protect the system of private property and free enterprise by correcting such injustices and inequalities as arise from it. The most serious threat to our institutions comes from those who refuse to face the need for change. Liberalism becomes the protection for the far-sighted conservative.

Never has a nation made greater strides in the safeguarding of democracy than we have made during the past three years. Wise and prudent men, intelligent conservatives, have long known that in a changing world worthy institutions can be conserved only by adjusting them to the changing time. In the words of the great essayist,<sup>300</sup> “The voice of great events is proclaiming to us: reform if you would preserve.”

I am that kind of a conservative because I am that kind of a liberal.<sup>301</sup>

The sentiment to reform to preserve ran throughout almost all of FDR’s speeches addressing inequality. It is also this rejoinder that he used to “bury the red herring” of communism during the 1936 campaign.<sup>302</sup> FDR argued that it was the Republicans’ reactionism that provoked communist sympathies during 1929-1932 and it was only Democratic pragmatism that offered a “workable program of reconstruction” that avoided further communist agitation.<sup>303</sup>

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<sup>300</sup> The great essayist FDR is referring to here is the British Whig politician, Thomas Babington Macaulay. The quote is from a speech on the Reform Bill of 1832 in the British Parliament. “The 1832 Bill did not create a democracy, but it did enfranchise the British middle class” Thomas Babington Macaulay, *Modern History Sourcebook: Thomas Babington Macaulay (1800-1859): Speech on the Reform Bill of 1832, March 2, 1831* (1832 [cited February 27, 2007]; available from <http://www.fordham.edu/halsall/mod/1832macaulay-reform.html>.

<sup>301</sup> Franklin D. Roosevelt, “Conserving by Reform,” *New York Times*, October 4 1936.

<sup>302</sup> “Text of President Roosevelt’s Syracuse Speech,” *Chicago Daily Tribune*, September 30 1936.

<sup>303</sup> *Ibid.*

The second major way that FDR defended reforms that addressed inequality was to argue that the reforms abolished special privileges previously granted to a certain class of people. As he put it in a 1936 address to a Democratic rally:

Unfortunately, those who now raise the cry of class distinctions are the very leaders whose policies in the past have fostered such distinctions. When they were in power, they were content in the belief that the chief function of government was to help only those at the top in the pious hope that the few at the top would in their benevolence or generosity pass that help on.

That theory of government has been banished from Washington. It did not work. It was not and cannot be the answer to our problem. We have united all classes in the nation in a program for the nation. In doing that, we have bridged the gulf of antagonism which twelve years of neglect had opened up between them. An equally important task remains; to go forward, to consolidate and to strengthen these gains—to close the gap by destroying the glaring inequalities of opportunity and security which, in the recent past, have set group against group and region against region.<sup>304</sup>

FDR consistently argued that the New Deal was about abolishing class privilege. In this way he was able to argue for expanding the economic rights of the majority of the population while avoiding criticism that he was aiding some class of people. Instead, he was “uniting all classes” by taking away privileges from classes previously favored.<sup>305</sup>

A third strategy FDR used to justify reform attempts was to characterize them as necessary to security in a democratic nation. He argued that democracies required the

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<sup>304</sup> "Roosevelt's Summary of New Deal's Program," *Los Angeles Times*, October 31 1936.

<sup>305</sup> For other examples of this strategy, see: "F.D.R. Stresses Choice Freedom in Closing Plea," *Chicago Daily Tribune*, November 7 1944, "Full Text of Roosevelt's Speech on Boston Common," *Los Angeles Times*, October 22 1936, "President Roosevelt's Address to the American Legion," *Chicago Daily Tribune*, October 3 1933, "Text of Roosevelt Tax Message Sent Congress," *Los Angeles Times*, March 4 1936, "Veterans to Get \$21,000,000 More," *New York Times*, January 20 1934.

united support of their people. Economic insecurity, both abroad and at home, would cause political insecurity. New Deal reforms, FDR argued, were one crucial element of establishing and maintaining peace on the domestic and international fronts. In his annual message to Congress in 1939 he explained:

A dictatorship may command the full strength of a regimented nation. But the united strength of a democratic nation can be mustered only when its people, educated by modern standards to know what is going on and where they are going, have conviction that they are receiving as large a share of opportunity for development, as large a share of material success and of human dignity, as they have a right to receive.

Our nation's program of economic reform is therefore a part of defense as basic as armaments themselves.<sup>306</sup>

Again, FDR's message is that the country needs to reform to preserve itself. The government does not have the luxury of doing nothing; it must adapt and change. Resisting reforms would invite unrest. By framing the question in this way, FDR made tax policy, health care, education, and employment rates issues of national security and defense.<sup>307</sup>

FDR's use of the three strategies shared some commonalities with how equal opportunity was used. In all four cases reforms are justified by saying they are needed to

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<sup>306</sup> "Text of President Roosevelt's Message to 76th Congress," *Chicago Daily Tribune*, January 5 1939.

<sup>307</sup> For other examples of FDR's use of this strategy see: "Roosevelt Medical Program Recommended to Congress," *Christian Science Monitor*, January 23 1939, "Text of President Roosevelt's Radio Talk on the State of Our Defenses," *New York Times*, May 27 1940, "Text of Roosevelt's Message to Congress," *Chicago Daily Tribune*, January 5 1935, "Text of Roosevelt's Speech in Buenos Aires," *Los Angeles Times*, December 2 1936, "Texts of Two Addresses Made by President Roosevelt in Georgia," *New York Times*, August 12 1938. The strategy of framing these debates over inequality as issues of security was not lost on the reporters covering the President. For example, Charles Hurd, reporter from the *New York Times* commented: "The theme of 'security' on which Mr. Roosevelt dwelt at Wichita is one that has been used in the campaign of the Democratic organization in this State almost to the exclusion of all others" Charles W. Hurd, "President Offers Kansans Security as New Deal Fact," *New York Times*, October 14 1936.

preserve something that virtually everyone agrees is valuable. Yet, equal opportunity was inferior to FDR's other strategies for justifying New Deal policies in a few different ways. First, as I mentioned previously, using equal opportunity puts the focus on obstacles of one group of competitors (usually based on race, color, religion, national origin, and sex) in the race of life that other groups do not encounter. The poor were never considered in the popular American imagination to be a group that had been systematically discriminated against. Second, the Republican strategy of equating the "free enterprise system" with equal opportunity disarmed the effectiveness of equal opportunity in debates over economic inequality. If the ideal of equal opportunity is economic institutions, it makes little sense to argue that the economic institutions are not living up to the founding ideal of equal opportunity. FDR found liberalism more effective than equal opportunity in making the case that that economic institutions had strayed from a cherished political ideal. The Great Depression had convinced people of the need for government to intervene in the economy, and FDR's stewardship out of the depression bolstered his credentials as someone who could foster economic growth through a market economy. Furthermore, liberalism symbolically defended Roosevelt from claims he had communist sympathies. The very core of the principle recognizes private property and the operation of a market economy.

## **VI. Conclusion**

Mainstream newspaper debates from the New Deal and Second World War illustrate both the potential and limitation of the concept of equal opportunity to address different kinds of inequalities. On the one hand, the Republican strategy of associating equal opportunity with the metaphor of the race of life obscured the role of past political

actors in the creation and maintenance of the laws or the rule book governing the race. The potential limitations of this association are that the rule book appeared natural or pre-existing, the government's role in the maintenance of that status quo was obscured, and it suggested the idea that freedom comes from an absence of government. As FDR put it in his famous "New Deal" nomination address in 1932: "We must lay hold of the fact that economic laws are not made by nature. They are made by human beings."<sup>308</sup>

On the other hand, African Americans effectively extended the reach of the concept of equal opportunity beyond competition in the economic system. In effect, they showed through their advocacy that there were numerous different races that the government needed to successfully regulate to eliminate discrimination, such as equal treatment under the laws already written, equal access to education, equal private employment opportunities, equal public accommodations, insuring equal reward for equal work, and equal access to government employment with equal benefits.

The very success of the civil rights movement that helped open so many doors also popularized the use of equal opportunity as the concept to address inequalities, with both its potentials and limitations. The success of African Americans' arguments was a double edged sword. On the one hand, it paved the way for the civil rights movement of the 1960s and provided a proven strategy for other groups to employ against discriminations—a strategy that groups continue to use today to combat discrimination. On the other hand, the very success and popularization of the term solidified equal opportunity and its core metaphor of the race of life as the way to evaluate the justness of

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<sup>308</sup> Franklin Delano Roosevelt, *Roosevelt's Nomination Address* (The Franklin & Eleanor Roosevelt Institute, July 2, 1932 [cited March 20, 2007]; available from <http://www.feri.org/common/news/details.cfm?QID=2066&clientid=11005>).

inequality in America. As such, it reinforced the view that freedom comes from an absence of government.

The history of political debate analyzed in this chapter has important implications for the historical significance of the New Deal. Lining up FDR's vocabulary and its legislative reforms suggests that this rhetoric had a definitive effect on the reforms passed. Social Security both represented the economic security argument FDR and his administration had been developing and revealed its limitations in preventing discriminations. Labeling the unique legacy of the GI Bill (formally known as the "Servicemen's Readjustment Act of 1944") and Social Security as being the means-tested welfare state, however, I think misses the mark. The GI Bill and Social Security Act were more universal than their predecessors and did more to address economic inequality in American history than did any other legislation before or since. Public policy scholars Morone and Jacobs called Social Security "our most important antipoverty program."<sup>309</sup> They explain: "According to budget analysts, if Social Security payments were subtracted from the incomes of unmarried elderly beneficiaries, some 61% of them would fall below the meager official poverty line."<sup>310</sup> Morone and Jacobs also offer high praise for the effects of the G.I. Bill: "The passage of the G.I. Bill after World War II inaugurated federal and state government policies to open access to postsecondary education based on a student's motivation and talents and not his or her ability to pay. Continuing and expanding these policies would offer a tested and popular approach to expanding the

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<sup>309</sup> Morone and Jacobs, eds., *Healthy, Wealthy, and Fair: Health Care and the Good Society*, 339.

<sup>310</sup> Ibid. See also: Rebecca Blank, *It Takes a Nation: A New Agenda for Fighting Poverty* (Princeton, NJ: Princeton University Press, 1997), 19-20."

supply of skilled labor.”<sup>311</sup> Suzanne Mettler (2002) argued that the G.I. Bill of Rights was “one of the most generous and inclusive social entitlements the federal government has ever funded and administered, on veterans’ participation in civic organization and political activities during the postwar era.”<sup>312</sup> Through interviews and surveys with the beneficiaries, Mettler found: “the G.I. Bill incorporated recipients more fully as citizens, intensifying their predisposition to participate by joining civic organizations and engaging in a wide range of political activities.”<sup>313</sup> In so doing, she refutes the argument of authors like Brinkley, who argue that the G.I. Bill stigmatized its recipients.<sup>314</sup> She also found that the G.I. Bill’s effects were more powerful on the veterans from somewhat less advantaged backgrounds.<sup>315</sup>

In citing public policy scholars’ positive evaluations of Social Security and the G.I. Bill of Rights, I in no way intend to minimize the discriminations enacted by this legislation. Rather, my point is that the vocabulary or frames used by the FDR administration mirrored the structure of the policies they enacted with both their flaws and benefits. The new policy frames created and popularized by FDR and his administration had effects on the policies developed. On the one hand, his arguments about the need to reform to preserve liberalism and provide economic security inculcated

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<sup>311</sup> Ibid., 365.

<sup>312</sup> Suzanne Mettler, "Bringing the State Back in to Civic Engagement: Policy Feedback Effects of the G.I. Bill for World War II Veterans," *American Political Science Review* 96, no. 2 (2002): 351.

<sup>313</sup> Ibid.: 362.

<sup>314</sup> Brinkley argued: “It [the G.I. Bill] reinforced invidious distinctions between ‘deserving’ and ‘undeserving’ citizens and sustained the popular belief that public generosity should be reserved for those with a special claim to public attention” Brinkley, *The End of Reform: New Deal Liberalism in Recession and War*, 259.

<sup>315</sup> Mettler, "Bringing the State Back in to Civic Engagement: Policy Feedback Effects of the G.I. Bill for World War II Veterans," 362.



a belief about economic rights in both workers<sup>316</sup> and in the courts.<sup>317</sup> On the other hand, the vocabulary he invented did nothing to counter the racist arguments of his Southern Democrat members of his coalition or head off the turn to consumerism during the conversion period after the Second World War. The racial and sex discriminations built into policies justified on the grounds of economic security also contrasted starkly with the ability of blacks to use the equal opportunity frame to attack discriminations. For better or worse, the economic security frame ushered in by FDR soon collapsed as the 1960s marked a period in which political leaders from both parties responded to the Civil Rights movement by making the equal opportunity frame the preferred way to discuss inequality in the United States. While political leaders used this framework to address some of the discriminations complained about by African Americans, its dominance in political debates over inequality also meant the decline of economic rights that had motivated FDR's fight against equal opportunity. The 1960s use of equal opportunity essentially decoupled claims for economic rights from claims for civil rights. In so doing, it abandoned a conceptual framework that connected the need for economic rights to Americans' commitment to prevent hereditary privilege in its newest manifestations.

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<sup>316</sup>For examples of this new belief in economic rights for workers, see: Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939*, 271.

<sup>317</sup> See Goluboff, "The Thirteenth Amendment and the Lost Origins of Civil Rights.", Sunstein, *The Second Bill of Rights: Fdr's Unfinished Revolution and Why We Need It More Than Ever*.

## Chapter 5

### Equal Opportunity from 1960-1968 –

#### Telling the Bootless Man to Lift Himself up by his own Bootstraps

##### I. Introduction

In his final Sunday morning sermon, Martin Luther King Jr. lambasted the hypocrisy of the “race of life”:

In 1863 the Negro was told he was free as a result of the Emancipation Proclamation being signed by Abraham Lincoln...It simply said “You’re free,” and left him there penniless, illiterate, not knowing what to do. And the irony of it all is that at the same time the nation failed to do anything for the black man—through an act of Congress it was giving away millions of acres of land in the West and Midwest [Homestead Act] –which meant that it was willing to undergird its white peasants with an economic floor.

But not only did it give the land, it built land-grant colleges to teach them how to farm. Not only that, it provided county agents to further their expertise in farming: not only that, as the years unfolded it provided low interest rates so that they could mechanize their farms. And to this day thousands of these very persons are receiving millions of dollars in federal subsidies not to farm. And these are so often the very people who tell Negroes that they must lift themselves up by their bootstraps. It’s all right to tell a man a man to lift himself up by his bootstraps, but it is a cruel jest to tell a bootless man that he ought to lift himself up by his own bootstraps.<sup>318</sup>

In his sermon, Martin Luther King Jr. attacked head-on the insufficiency of non-discrimination policy to redress the economic disadvantages accumulated from over a hundred and fifty years in which the government bestowed special privileges on white

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<sup>318</sup> See Cullen, *The American Dream*, 128.

Americans. Yet, by 1968, the term “civil rights” was equivalent in meaning and effect to both non-discrimination and “equal opportunity” for most Americans. Attacking the insufficiency of this conceptual framework was widely seen as attacking the whole basis of the civil rights movement. Unless an African American could prove discrimination, the government had done its required duty, and it was indeed the responsibility of the African American to pull himself up by his bootstraps (bootless or not). Partly because of his more direct attack on the insufficiency of non-discrimination and partly because of his opposition to the Vietnam War, King’s popularity dropped precipitously outside the African American freedom movement during the late 1960s.<sup>319</sup> Thomas Jackson’s corrective to the literature on Martin Luther King Jr. reminds readers that King advocated for human rights, which included both civil and economic rights, throughout his whole life.<sup>320</sup> The story of this chapter is the story of the change in the language of debate that increasingly alienated the demands like King’s for economic rights from the claims of civil rights. The domination of the equal opportunity frame effectively split human rights into civil rights that could be pursued under the equal opportunity frame from the economic rights that could not.

The disillusionment with the fate of notions of economic citizenship and economic rights in the 1960s pervades the scholarship of the period.<sup>321</sup> There are those

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<sup>319</sup> Cullen reports, “In 1967 King failed to make the Gallup Poll list of the ten most admired Americans for the first time in a decade” Ibid., 127.

<sup>320</sup> Thomas F. Jackson, *From Civil Rights to Human Rights: Martin Luther King, Jr., and the Struggle for Economic Justice, Politics and Culture in Modern America* (Philadelphia, Pa.: University of Pennsylvania Press, 2007), 3.

<sup>321</sup> As mentioned in the previous chapter, there are some scholars who locate this decline in the New Deal rather than the 1960s. The argument in this scholarship is that the discriminations against women and African Americans in both the G.I. Bill and the Social Security Act created a two-tiered welfare system that alienated the poor, blacks, and women from the white male breadwinner and from each other. See: Brinkley, *The End of Reform: New Deal Liberalism in Recession and War*, Gordon, *Pitied but Not Entitled:*

who see the New Deal as planting the seeds for the decline of economic rights in 1960s. Quadagno argued that race was the chief cause of this decline. Liberalism was redefined as “racial liberalism” based on “the premise of government intervention for civil rights.”<sup>322</sup> She argued that the means-tested welfare state “had less to do with maintaining class divisions than with maintaining racial segregation.”<sup>323</sup> Kessler-Harris explained how appeals to gender effectively expanded enforcement of anti-discrimination in regards to women’s employment opportunities, but also divided the movement along racial and class lines.<sup>324</sup> Quadagno and Kessler-Harris characterized what they saw as a flawed welfare state as “an equal opportunity framework” and “the equal opportunity welfare state.”<sup>325</sup>

Most of the literature on the War on Poverty also seeks to explain what went wrong with this legislation. Judith Russell argued that the lack of success had to do with the wrong ideas being proposed at the only window of opportunity that had presented itself since the New Deal. She contended that these Keynesian approaches (especially what she sees as the poorly organized Community Action Programs) were based on an incorrect diagnosis of the causes of U.S. poverty. Specifically, the Council of Economic

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*Single Mothers and the History of Welfare, 1890-1935*. A second argument made by scholars (and by no means contrary to it) is that the end of the Second World War ushered in a consumerist society that undermined economic rights. The consumer republic then crippled any notion of economic rights, as the government’s primary responsibility was to allow the markets to create goods for mass consumption. See: Brinkley, *The End of Reform: New Deal Liberalism in Recession and War*, Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America*.

<sup>322</sup> Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty*, 195.

<sup>323</sup> *Ibid.*, 9.

<sup>324</sup> Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th Century America*, 270. See also: Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare, 1890-1935.*, and Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America*, 137.

<sup>325</sup> Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th Century America*, 246, Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty*, 5-15.

Advisors under Kennedy (especially Walter Heller) convinced JFK that it was not jobs that were needed but macroeconomic growth and programs that targeted the family.<sup>326</sup> Frank Stricker argued: “It was natural and useful that students of poverty catalog the handicapping correlates of poverty, and there is no doubt that race and gender bias made millions of Americans poor. But too much focus on the social correlates of poverty turned attention away from class structures that contributed to economic inequality, unemployment and poverty. More attention to deep economic causes, along with an expansive view of economic need, made for a unifying story.”<sup>327</sup>

In response to such arguments, a recent trend in the scholarship is to show how the War on Poverty advocated for economic rights much more strongly than is usually noted in the literature. Nancy Maclean believes that the examples she documented of the black struggle for inclusion and their focus on job exclusions both could provide a necessary corrective to the historiography that has erased this history and could serve as an inspiring model for contemporary efforts that see the need to go beyond formal equality.<sup>328</sup> Felicia Kornbluh charts the efforts of grassroots efforts to fight for welfare rights in the history of the U.S. She sees her intervention as documenting an often overlooked movement. She emphasizes that (1) welfare rights activists were stronger and more pervasive than is generally acknowledged, (2) they came much closer to enacting a guaranteed family income law than is generally supposed, and (3) it was only the combination of racial riots and most significantly the war in Southeast Asia that

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<sup>326</sup> Judith Russell, *Economics, Bureaucracy, and Race: How Keynesians Misguided the War on Poverty, Power, Conflict, and Democracy* (New York: Columbia University Press, 2004).

<sup>327</sup> Frank Stricker, *Why America Lost the War on Poverty--and How to Win It* (Chapel Hill: University of North Carolina Press, 2007), 59-60.

<sup>328</sup> Nancy MacLean, *Freedom Is Not Enough: The Opening of the American Work Place* (New York: Cambridge, Mass.: R. Sage; Harvard University Press, 2006), 5.

ultimately destroyed this grassroots movement by the mid 1970s.<sup>329</sup> In Jackson's history of Martin Luther King Jr. he argued that contrary to contemporary accounts that portrayed the events of the 1960s as radicalizing King and leading him to attack the class system, King "consistently had understood race *and* class as mutually reinforcing structures of unequal power."<sup>330</sup> Jackson's thesis is that "King was much more radical, earlier and more consistently, than he is credited for being."<sup>331</sup> These authors provide a very important correction to the scholarship in underscoring how efforts to push economic issues did not go away, but rather changed approach. Yet, due to the Cold War narrowing of rhetorical space, the Civil Rights groups' embrace of equal opportunity as the conceptual framework for their movement, and the solidification of this framework through its acceptance by both major political parties, these efforts were limited by the terms of the debate. The adoption of this framework channeled these demands increasingly into demands for non-discrimination and civil rights and separated such claims from economic rights.

There is an increasing emphasis in the literature on the role of political culture on the changes of the 1960s. Coming from a legal history perspective, both Gerald Rosenberg and Michael Klarman emphasize that the influential Supreme Court decisions of the 1950s and 1960s on civil rights had limited effect, may have actually been counterproductive, and would only really become effective when American society

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<sup>329</sup> Felicia Ann Kornbluh, *The Battle for Welfare Rights: Politics and Poverty in Modern America, Politics and Culture in Modern America* (Philadelphia: University of Pennsylvania Press, 2007).

<sup>330</sup> Jackson, *From Civil Rights to Human Rights: Martin Luther King, Jr., and the Struggle for Economic Justice*, 2-3.

<sup>331</sup> *Ibid.*, 3.

became more egalitarian.<sup>332</sup> Michael Flamm averred that only a close look at the changes at the political culture of the 1960s help to explain the rise of the issue of law and order that he argued led to a “crisis of liberalism” and a “triumph of law and order.”<sup>333</sup> Risa Goluboff argued that the warm embrace of the 1954 *Brown* decision and then the Civil Rights Act of 1964 changed popular culture and effectively closed off previous arguments for economic rights: “They [the myths that limit our imaginations] are a product of the canonization of a *Brown*-inspired, race-based understanding of civil rights that has served to mask alternatives that black working-class clients and their lawyers once proposed.”<sup>334</sup>

Using analysis of front page newspaper articles from this period that contain the terms “equal opportunity,” “equality of opportunity,” or inequality,<sup>335</sup> my study

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<sup>332</sup> Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (Oxford; New York: Oxford University Press, 2004), Gerald N. Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change?* (Chicago: University of Chicago, 1991).

<sup>333</sup> Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s*, *Columbia Studies in Contemporary American History* (New York: Columbia University Press, 2005), 185,78.

<sup>334</sup> Goluboff, *The Lost Promise of Civil Rights*, 270.

<sup>335</sup> Using only front page articles had a few advantages over other search options. First, I thought it was important to be able to read entire articles from as many newspapers as possible to ensure that I understood the context and what was meant by speakers, and limiting the search to front page articles helped facilitate this. Second, trying to include other sections would have presented additional difficulties, as the different uses of the term proliferated in many contexts that would not be helpful for my research. For instance, the 1964 Civil Rights Act required employers to identify themselves as “equal opportunity employers,” so the inclusion of employment advertisement in the paper would overwhelm a search. Third, my intention in looking at the newspaper articles was to study the dominant ways in which political arguments over inequality were framed. The front page articles were a catalogue of the most important speeches and debates of the time period and were the most likely section of the paper to be read and to influence their readers. I chose to search articles with the term “inequality” in addition to articles with the terms “equal opportunity” and “equality of opportunity,” because this would enable me to evaluate if other terms were used to discuss inequalities and how these differed from discussions using the equal opportunity frame. Relying primarily on newspaper articles presented a few limitations. The reporters and editors served as a kind of filter on both what they decided to write about and how they covered the issues. To temper the bias of newspapers, I have consulted many secondary sources of the period that have relied heavily on archival materials (especially those of the Presidential libraries). Furthermore, since my goal was not to understand the intention of the political actors as much as how their arguments were understood by a reading public the newspapers are a better representation of how the ideas were received and understood by a larger audience. Furthermore, while there have been many studies relying on memoirs, memos, personal

complements this literature by investigating the effects of the political culture by focusing on how the political language used contributed to the disillusionment expressed by King in the opening quote above.

## **II. From Inequality to Equal Opportunity**

While in the 1930s and 1940s FDR made discussion over rights to a decent paying job, affordable housing, and medical care a central part of political discussion, by the 1960s discussions over economic and social inequalities had to be fit into the equal opportunity conceptual framework. It was only starting in the 1950s and really taking hold in the 1960s that it became the predominant way to talk about reforms to address unjust inequalities. As is clear from Figure 1, it was in the 1960s that usage of the terms proliferated in front page newspaper articles. The timing of the increased usage of the terms “equal opportunity” and “equality of opportunity” especially in relation to the usage of the term “inequality” suggests that events of the 1960s account for the dramatic increase in usage of equal opportunity. The timing is also consistent with Goluboff’s contention that the 1954 *Brown* decision marked the beginning of the entrenchment of the equal opportunity welfare state and the decline of economic rights.<sup>336</sup> The African American freedom movement adopted an equal opportunity framework in their quest for civil rights and the Civil Rights Act of 1964 solidified this framework as the foundation of future rights claims. Comparing the front page articles containing the term “inequality,” “equal opportunity,” and “equality of opportunity” from the 1930-1944

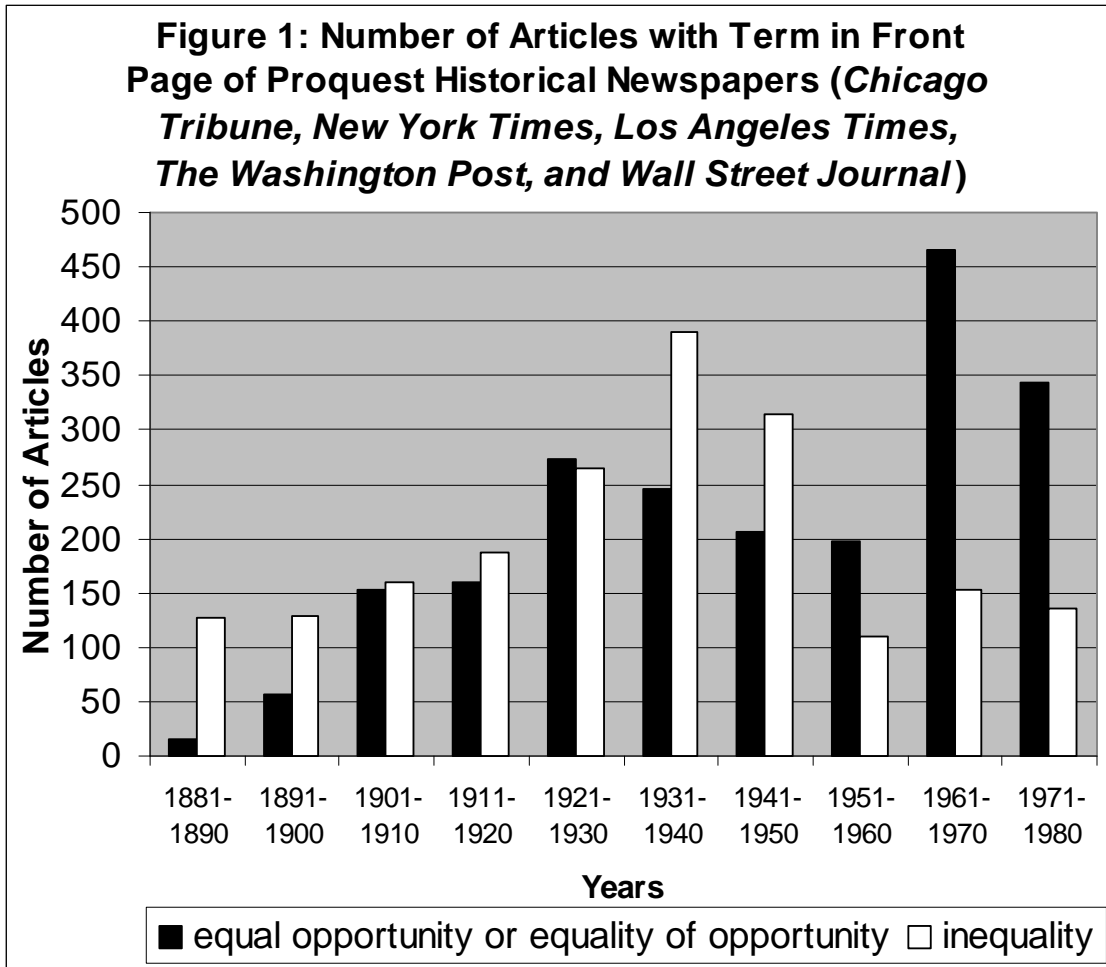
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communications, etc. of many of the leading political actors, my study seeks to use new databases of historical newspapers to provide added layer to the history. For information on my searches, see Appendix A.

<sup>336</sup> Goluboff, *The Lost Promise of Civil Rights*. See also: Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*.



period to those from 1960-1968 reveals the significance of the move from using “inequality” to using “equal opportunity” and “equality of opportunity.”



The politicians of the 1960s stopped referencing “economic inequalities” and turned FDR’s “right” into an “equal opportunity” for education, employment, housing, and accommodations. Republican politicians of all levels continuously used such phrases,<sup>337</sup> including Richard Nixon,<sup>338</sup> and it was written into the Republican civil

<sup>337</sup> Defending attacks on their party’s record on civil rights, many Republican political leaders laid claim to the principle of equal opportunity as being a specifically Republican principle with roots in Lincoln’s emancipation proclamation. For instance, New York Governor Nelson Rockefeller identified “equal opportunity for all” as the Republican “party’s concept” Harold Hutchings, “Rocky Tells G.O.P. Goals,” *Chicago Tribune*, February 4, 1962. Senator Javitz commenting on the cloture vote to defeat the filibuster on the Civil Rights Act of 1964: “Republican Party doctrine is a fidelity to Lincolnian principles and to the

rights platform.<sup>339</sup> In many ways, this was a continuation of the Republican Party's use of the terms "equal opportunity" and "equality of opportunity" from the 1930s and 1940s, with some added specificity as to which opportunities they were referring. Rather than resist this language, as did FDR during the New Deal and World War II, the Cold War context and a changed political context convinced Democrats to use this formula as frequently as Republicans of that time period.<sup>340</sup> Both Presidents John F. Kennedy and LBJ and their respective administrations continuously invoked the phrases "equality of opportunity" and "equal opportunity in housing, employment, and education" as main goals of their policies, especially their civil rights programs.<sup>341</sup> Democratic leaders such

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doctrine of equal opportunity for every American" Robert E. Baker, "Senate Stops Filibuster," *The Washington Post*, June 11, 1964. Massachusetts Governor William W. Scranton stated: "May I say to him [Goldwater] the most important single principle that has been Republican since the days of Abraham Lincoln has been equal rights for all people and equal opportunity for same" Don Irwin, "Scranton Hits Goldwater for Rights Bill Vote," *Los Angeles Times*, June 20, 1964.

<sup>338</sup> See: "William H. Stringer, "Nixon Builds Climax," *Christian Science Monitor*, October 26, 1960. and Henry Tanner, "Nixon, Back in Moscow, Debates Again," *New York Times*, April 11, 1965.

<sup>339</sup> See: David S. Broder, "New G.O.P. Plank Cites Mob Peril," *New York Times*, September 3, 1965.

<sup>340</sup> Moderate Republicans such as Nelson A. Rockefeller invoked Lincoln and argued that "equal opportunity for all" was the Republican "party's concept" Hutchings, "Rocky Tells G.O.P. Goals." Democrats also made arguments that the concept embodied these principles. "Franklin D. Roosevelt Jr., Under Secretary of Commerce, denying claims of job quotas, said: 'The American concept is equal opportunity, and that is what the administration is striving for'" Peter Kihss, "Negroes to Push Picketing in City in Drive for Jobs," *New York Times*, July 29, 1963.

<sup>341</sup> JFK made equal opportunity in employment, education, and especially housing a major issue in the 1960 election against Nixon. For some representative samples see: Homer Bigart, "Kennedy Closes Drive in Boston," *New York Times*, November 8, 1960, Leo Egan, "Kennedy Assures Liberals He Seeks No Help in South," *New York Times*, June 24, 1960, Edward T. Folliard, "Butler Talk Is Assailed by Raburn," *The Washington Post*, March 27, 1960, Robert T. Hartmann and Don Shannon, "Nixon and Kennedy in Clash on Cuba," *Los Angeles Times*, October 8, 1960, "Here Is What They Said in 2d Show," *Chicago Daily Tribune*, October 8, 1960, "Jack Challenges Nixon on Rights," *The Chicago Defender*, October 15, 1960, Richard L. Lyons, "Huge Boston Welcome Greets Kennedy after a Whirlwind Windup," *The Washington Post*, November 8, 1960, Edgar M. Mills, "Kennedy to Soviets: Keep out of Election," *Christian Science Monitor*, September 2, 1960, William H. Stringer, "State of the Nations," *Christian Science Monitor*, August 25, 1960. For a good example of the arguments LBJ made using the terms "equal opportunity" and "equality of opportunity" for education, employment, housing, and accommodations see his speech observing the 155<sup>th</sup> anniversary of Abraham Lincoln's birth Phil Casey, "President Asks Americans to Finish Job Left Undone by Abraham Lincoln," *The Washington Post*, February 13, 1964. For some other representative articles from 1964 in which Johnson discussed equality of opportunity for some combination of education, employment, housing, medical care, etc., examples, see: Marjorie Hunter, "President Pledges First Job Center," *New York Times*, November 21, 1964, Bernard D. Nossiter, "First Johnson Budget Presented to Congress," *The Washington Post*, January 22, 1964, Damon Stetson, "President Appeals for an

as Hubert Humphrey and Robert F. Kennedy also proclaimed that equal opportunity in education, employment, housing, and accommodations were the major issues (if not the most important issue) of their political careers.<sup>342</sup> While the approval of the Civil Rights Act 1964 secured equal opportunity by preventing discrimination, it did not purport to secure the economic rights for which FDR had argued. By abandoning discussions of economic inequalities outside the context of an equal opportunity framework, Democrats ceded the ground of economic rights to focus on non-discrimination.

The difference in the usage between the 1930s and the 1960s helps to reveal that what was at stake in the change of terms from “inequality” to “equal opportunity” and “equality of opportunity” was the discussion of domestic economic inequalities. Critiques of economic inequalities during the 1960s were often taken as being un-American or too strongly related to Communist doctrine. The individualistic competition metaphor of equal opportunity was safe from these attacks. The metaphor virtually assumes the basic soundness of the rules regulating the competition, in this case, the laws regulating contracts and exchange in the U.S. market economy.

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End to Bias; Salutes Union Here," *New York Times*, June 7 1964, "Strike Away Chains, Johnson Tells Nation," *Chicago Tribune*, November 21, 1964, William H. Stringer, "The Johnson Scorecard," *Christian Science Monitor*, August 24, 1964, William H. Stringer, "State of the Nations," *Christian Science Monitor*, January 22, 1964, William H. Stringer, "State of the Nations Johnson and the Negro Issue," *Christian Science Monitor*, January 4, 1964, Robert E. Thompson, "Humphrey Appointed as Co-Ordinator of Rights," *Los Angeles Times*, December 11, 1964.

<sup>342</sup> Running for president in 1968, Humphrey asserted: "An America of equal justice and equal opportunity, you know as well as I do, has been the guiding principle of my life" Max Frankel, "Humphrey Prods Nixon to Engage in Direct Debate," *New York Times*, September 21, 1968. Robert F. Kennedy helped draft the 1964 Civil Rights Act and continuously identified equal opportunity as the goal of civil rights policy. For instance, in 1964, he argued to the Democratic convention's Resolutions Committee, "What we need in our platform is not so much a promise to seek new civil rights laws as it is a promise to generate the spirit of determination in which our country can and will solve its racial problems—a spirit of respect for the law and of continued, unflagging effort toward equal opportunity" Robert C. Albright, "Kennedy Calls for Plank against Racial Violence," *The Washington Post*, August 20, 1964.

The difference is quite evident when you compare the front page newspaper articles from 1930-1944 to those from 1960-1968. First, a greater percentage of front page newspaper articles contained references to economic inequalities in 1930-1944 period than they did in the 1960-1968 period.<sup>343</sup> Second, while during the time period 1932-1940, the overwhelming majority of articles discussing economic problems using the term “inequality” referred to domestic conditions, during 1960-1968 the discussion of domestic economic problems using the term “inequality” was the exception rather than the rule.<sup>344</sup> Most of the 1960s articles addressing economic and political problems using the term “inequality” refer to the threats of socialism and communism in countries in Europe and throughout the world.<sup>345</sup> While newspaper articles contained questions about whether concern with economic inequalities was out of place as far back as the Gilded Age and Progressive Era, Cold War ideology helped make this concern into a consensus in the 1960s.

### **III. From Economic Rights to Anti-Discrimination**

The replacement of “equal opportunity” and “equality of opportunity” for “inequality” in these debates reflected a change in discussion from economic rights to anti-discrimination. The acceptance of equal opportunity as the criterion for judging

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<sup>343</sup> For example, from 1932-1940, 91 articles (or a little less than 20% of total articles that used inequality during this period) contained uses of economic inequalities, whereas from 1960-1968 there were only 20 articles (10% of total articles that used inequality) with such uses.

<sup>344</sup> During the time period 1932-1940, about 20 percent of the articles that addressed economic problems using the term “inequality” discussed them in relation to international affairs. Mostly these referred to the conditions in Soviet Russia under Stalin, the conditions in other fascist countries (Germany, Japan, Spain) or socialist or fascist movements in other countries (Britain, France, Chile). During 1960-1968, 90 percent of the articles that addressed economic problems using the term “inequality” did so in relation to such international conditions.

<sup>345</sup> The content of these articles from 1960-1968 ranged from discussions of the conditions in Communist China, Stalinist Soviet Union, and Japanese “socialism;” threat of communism in Western Europe; social unrest in South America; instability of south Vietnamese democracy; demands of the Labor party in Britain; and Pontifical condemnations of communism.

inequalities put the focus on discrimination rather than broader arguments about the need for economic security. While in the period from 1930-1944 FDR's administration, the Supreme Court, and other political movements saw issues of economic security—including provisions to assist the procurement of housing, employment, and education—as a necessary part of U.S. citizenship, by 1960-1968 provisions to assist with housing, employment, and education had to be justified by proving that an opportunity to this economic security had been blocked by discrimination, especially racial discrimination. Political actors and analysts invoked discrimination as the key determinant of the injustice of an inequality much more frequently in 1960-1968 than they did in the newspapers from 1937-1944.<sup>346</sup> By the end of the 1960s, most government housing reforms, employment reforms, and some education reforms were coded as racial assistance programs. The tying of economic assistance to racial discrimination took place fairly rapidly for such a dramatic conceptual innovation.

The single most significant change in the content of the front page newspaper articles from the 1960s as compared to those of the New Deal period was the dramatic shift of discussion of inequality to issues of discrimination. In the time period 1930-1944 the front page articles using the term “inequality” did so most often in relation to inequality of taxes, inequality of government benefits (such as government programs

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<sup>346</sup> A search of the front page articles from the *Atlanta Daily World*, *Chicago Tribune*, *Christian Science Monitor*, *Hartford Courant*, *Los Angeles Sentinel*, *Los Angeles Times*, *New York Amsterdam News*, *Pittsburgh Courier*, *Chicago Defender*, *New York Times*, *Wall Street Journal*, and *Washington Post* from 1937-1968 revealed that while in the period between 1937-1944 only 19 percent of the 1184 articles that contained the terms “equal opportunity,” “equality of opportunity,” or “inequality” also contained the term “discrimination” or “discriminate” by the period of 1961-1968 39 percent of the 1356 articles containing the terms “equal opportunity,” “equality of opportunity,” or “inequality” also contained the term “discrimination” or “discriminate.” (I used front page articles in the search because the equal employment opportunity requirement that companies must certify themselves as equal opportunity employers would otherwise skew a search of the whole newspaper).

favoring one group of people over another), inequalities in the administration by the War Labor Board, and economic inequalities, while racial inequalities were rarely mentioned in these articles.<sup>347</sup> In the time period from 1960-1968, uses of racial inequality dominated all other uses of inequality.<sup>348</sup> The change was not only a case of the African American freedom movement pushing racial discrimination onto the front pages of newspapers. Rather, it reflected an alteration in the way American political leaders debated the injustice of inequalities. Part of the reason for this transformation was simply how often prominent Americans talked about inequality and racial discrimination together.

The national discussion of equal opportunity as represented in the newspaper articles became so connected to the black freedom movement that leaders from across the political spectrum began using equal opportunity to define the goal and aim of civil rights reform. For example, in the 1964 presidential campaign Lyndon Baines Johnson and Barry Goldwater both said their respective party's platforms supported civil rights by protecting equal opportunity. In a speech to the International Ladies Garment Workers, Johnson declared: "We will continue the hundred year struggle to give every American—of every race and color—equal opportunity in American society."<sup>349</sup> Perhaps more surprising, however, is that Barry Goldwater used the same terms to defend himself

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<sup>347</sup> For the purposes of analysis, I divided the articles containing the term "inequality" into separate categories. Each of the categories of economic inequalities, inequality of taxes, inequality of government benefits, and inequality of administration of the War Labor Board contained between roughly 14 and 22 percent of the total articles. Racial inequalities made up less than 3 percent of the articles containing the term "inequality."

<sup>348</sup> For the purposes of analysis, I also divided the articles from 1960-1968 containing the term "inequality" into categories (including the same categories as the 1930-1944 period except where not applicable). Articles containing uses of racial inequality made up over 54 percent of the total articles. No other category made up more than 11 percent of the articles.

<sup>349</sup> Stetson, "President Appeals for an End to Bias; Salutes Union Here."

against charges he was a racist. In a speech to the Republican Platform Committee, he said: "We are all entitled to equal opportunities to exercise our talents and fulfill our ambitions, so long as we do not infringe the rights of others."<sup>350</sup> The approved Republican platform read: "(We pledge) full implementation and faithful execution of the Civil Rights Act of 1964 and all other civil rights statutes to assure equal rights and opportunities guaranteed by the Constitution to every citizen....The party of Abraham Lincoln will proudly and faithfully live up to its heritage of equal rights and equal opportunities for all."<sup>351</sup> Both parties, despite their many ideological differences, embraced equal opportunity as the worthy goal of civil rights efforts.

Equal opportunity became a political slogan used by public officials to refer to civil rights. Both Presidents Kennedy and Johnson made the creation of "equal opportunity committees" one of their chief strategies for publicizing their efforts to address civil rights.<sup>352</sup> As JFK's vice-president, Johnson became so connected to the civil rights campaign's definition of equal opportunity that the press referred to him as "the Administration's 'man of equality.'"<sup>353</sup> Between the two presidents they created

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<sup>350</sup> Anthony Lewis, "Goldwater Asks a Tougher Stand against Red Bloc," *New York Times*, July 11 1964. At a presidential campaign rally at Madison Square Garden in New York Goldwater asserted: "Now, Republicans want to see government, as our declaration says, helping the cause of equal opportunity. They don't want to see government as a cheer leader for a frightful game of violence, destruction, and disobedience" Godfrey Jr. Sperling, "Goldwater Asks Civil-Rights Calm," *Christian Science Monitor*, May 14, 1964. Support for equal opportunity by civil rights opponents was not confined to Goldwater. Asked in the late 1980s how he would like to be remembered, George C. Wallace answered: "I would like to be remembered as one who opened up equal opportunity for all people..." PBS.org, *Wallace Quotes* (2007 [cited November 27 2007]); available from <http://www.pbs.org/wgbh/amex/wallace/sfeature/quotes.html>.

<sup>351</sup> Richard Bergholz, "Goldwater Platform Faces Scranton Fight," *Los Angeles Times*, July 13 1964.

<sup>352</sup> Kennedy frequently defined the federal government's civil rights policy as promoting "equal opportunities for all Americans, regardless of race or creed." He even called this formulation a "constitutional concept" Tom Wicker, "President Supports Travel Right of All," *New York Times*, July 20, 1961.

<sup>353</sup> Hunter, "President Pledges First Job Center."

eight equal opportunity committees to spearhead their efforts to fight for civil rights.<sup>354</sup>

Chief Justice Warren defined the central issue in *Brown* (1954) as whether segregation “deprive[d] the children of the minority group of equal educational opportunities.” “Such an opportunity...is a right which must be made available to all on equal terms.” Finally, the passage of the Civil Rights Act of 1964 created the Equal Employment Opportunity Commission (EEOC), which Congress gave the charge to enforce Title VII. Title VII prohibited discrimination by employers on the basis of race, color, religion, sex, or national origin. The EEOC was the administrative organization charged with enforcing non-discrimination in public accommodations and was the frontline of government efforts to address civil rights.

Public officials’ adoption of the terms “equal opportunity” and “equality of opportunity” as the preferred way to discuss civil rights did not go unnoticed by the news media. In a *Christian Science Monitor* article, Pulitzer-Prize winning journalist, Robert Cahn revealingly notes: “Much of his time, Mr. Humphrey said, had been taken up with the civil-rights field, otherwise known in new government jargon as ‘equal opportunity programs.’”<sup>355</sup> Political leaders increasingly tied civil rights to the concept of “equal opportunity.” The two terms became synonyms interchangeable with one another. E.W. Kenworthy, *New York Times* reporter, noted in an article covering the 1964 presidential campaign: “In New Orleans tonight the President did not mention the words ‘civil rights,’

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<sup>354</sup> From 1960-1963, President John F. Kennedy kept signing executive orders creating civil rights committees headed mostly by Vice President Johnson and labeling them equal opportunity committees: President’s Committee on Equal Employment Opportunity, President’s Committee on Equal Opportunity in Housing, and President’s Committee on Equal Opportunity in the Armed Forces. In 1964, President Johnson gave Hubert Humphrey the job of coordinating the activities of the President’s Committee on Equal Opportunity in Housing, the President’s Committee on Equal Opportunity in Employment and the Equal Employment Opportunity Commission. The papers noted: “Humphrey Named as Coordinator on Race Equality.”

<sup>355</sup> Robert Cahn, “V-P Finds His Role(S),” *Christian Science Monitor*, April 30 1965.



but he left no doubt that he was talking about the equal rights and opportunities that the Civil Rights Act of 1964 was designed to secure.”<sup>356</sup> Marjorie Hunter, in her *New York Times* article “Humphrey Named as Coordinator on Race Equality, notes: “President Johnson, pledging quick action in abolishing racial injustice, announced tonight that Vice-President-elect Hubert H. Humphrey would coordinate the Government’s numerous equal-opportunity programs.”<sup>357</sup> Equal opportunity programs were tantamount to the government’s civil rights program.

The increasing use of this “government jargon,” however, extended far beyond high-level government officials. In 1968 at the height of concern over race riots, “Miss Illinois (after performing a “dazzling trampoline exhibition”) was asked by the judges how she could help people to live together more peacefully.” She replied, “I think a person has to learn that he is not better than his neighbor and that all people are equal and should be given an equal opportunity.”<sup>358</sup> The jargon of the political elite was also cliché in the wider culture.

The adoption of equal opportunity as the meaning of the civil rights movement was not confined to publicly elected officials or clichéd public sentiment. Major civil rights groups such as the NAACP,<sup>359</sup> the Urban League,<sup>360</sup> and the Southern Regional

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<sup>356</sup> E.W. Kenworthy, "Johnson Exhorts South on Rights," *New York Times*, October 10, 1964.

<sup>357</sup> Marjorie Hunter, "Humphrey Named as Coordinator on Race Equality," *New York Times*, December 11 1964. Hubert H. Humphrey was no less attached to using the “government jargon” of equal opportunity in reference to issues of civil rights, as a staff writer from *The Washington Post* noted in a 1967 article: “As always and ever the Vice President preached civil rights and equal opportunity, but his discourse seemed to some listeners confused and his direction unfathomable” Nicholas Von Hoffman, "Hhh in Georgia: Tearful Plaints, Pleas," *The Washington Post*, April 15, 1967.

<sup>358</sup> The “18-year-old green-eyed blonde from Belvedere, Ill., was named Miss America of 1969” that night “Illinois Girl Wins Miss America Title,” *Chicago Tribune*, September 8 1968.

<sup>359</sup> See: "N.A.A.C.P. Decries Stand of Dr. King on Vietnam," *New York Times*, April 11 1967. Another example is the statement the NAACP made at its 58<sup>th</sup> annual convention in 1967: “We are not a peace organization nor a foreign policy association. We are a civil rights organization. The N.A.A.C.P. remains committed to its primary goal of eliminating all forms of racial discrimination and achieving equal rights

Council,<sup>361</sup> embraced equal opportunity as their goal and mission.<sup>362</sup> One of the Congress of Racial Equality's strategies was to pressure businesses to sign "equal opportunity pacts" with them to foster economic opportunity for African Americans.<sup>363</sup> In 1960, the Post Office Department and the Stamp Advisory Committee granted the Urban League "an unprecedented honor" of a stamp featuring a quote by Abraham Lincoln to commemorate the Urban League's nationwide Equal Opportunity Day observance. The Urban League had planned "commemorative functions in 63 cities across the country in connection with the Day," and stated it was a day "intended to remind Americans of the principle of equal opportunity for all, regardless of race, color, religion, or national origin."<sup>364</sup> Before the late 1960s, even Martin Luther King Jr. frequently attached equal opportunity to the dream he imagined for America. For example, in a speech to the National Press Club in 1961, he said: "We are simply seeking to bring into full realization the American Dream—a dream yet unfulfilled. A dream of equality of opportunity, of privilege and property widely distributed; a dream of

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and equal opportunities for all Americans" M.S. Handler, "Newark Rioting Assailed by Meeting of N.A.A.C.P.," *New York Times*, July 16, 1967.

<sup>360</sup>See: "Curtis Brooks Will Address Church Group," *The Chicago Defender*, October 24 1964, Peter Kihss, "Negro Extremist Groups Step up Nationalist Drive," *New York Times*, March 1, 1961.

<sup>361</sup> Elsie Carper, "Kennedy's Civil Rights Aid Lauded," *The Washington Post*, March 26, 1962, Claude Sitton, "Southerners Ask Kennedy to Lead Civil-Rights Drive," *New York Times*, January 30, 1961.

<sup>362</sup> The NAACP, the Urban League of Greater New York, the Negro American Labor Council, the Workers Defense League and the Association of Catholic Trade Unions joined together to make up the Joint Committee on Equal Opportunity Peter Kihss, "Race Sit-in Begins at Mayor's Office in a Job Protest," *New York Times*, July 10, 1963.

<sup>363</sup> Joseph Lelyveld, "Core Split Grows over Plan to Jam Traffic at Fair," *New York Times*, April 12 1964, Joseph Lelyveld, "Trailway Buses Picketed by Core," *New York Times*, November 8 1964.

<sup>364</sup> "Urban League to Back Lincoln Credo Stamp," *The Chicago Defender*, November 5, 1960.

a land where men no longer argue that the color of a man's skin determines the content of his character.”<sup>365</sup>

The front page newspaper articles reveal that groups both within and outside the government embraced equal opportunity as the goal and increasingly as the meaning of the civil rights movement. The articles reveal that this was the case for political leaders from both major parties, civil rights groups from the NAACP to CORE, and that this belief even seeped down into the public conversations outside of politics. The adoption of the equal opportunity framework by all these groups and its close association with civil rights set up a conflict over how far it could be stretched to address inequalities that intensified by the late 1960s.

#### **IV. The Paradox of Compensatory Equality of Opportunity**

The debate over how to address years of discrimination while not violating the principle of equal opportunity became a central issue in the pivotal 1968 Presidential election. Sunstein credited Nixon's victory in 1968 for the decline of economic rights, because “Nixon made four Supreme Court appointments, which created a critical mass of justices willing to reject the claim that social and economic rights were part of the Constitution.”<sup>366</sup> In many ways, however, this election was a referendum on the equal opportunity framework and the ambiguity in its meaning. 1968 was a tumultuous year in U.S. history. A white man assassinated Martin Luther King Jr. in Memphis, a Palestinian nationalist assassinated Robert F. Kennedy, violent protest over the Vietnam war marred

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<sup>365</sup> Cullen, *The American Dream*, 126. It is important to note that even in this example from 1961, Martin Luther King Jr. was trying to unite civil rights with economic rights. Nonetheless, his adoption of equal opportunity also reflects the black freedom movement's embrace of the term.

<sup>366</sup> Sunstein, *The Second Bill of Rights: Fdr's Unfinished Revolution and Why We Need It More Than Ever*, 153.

the Democratic presidential convention, and riots (especially after King's assassination) erupted across the U.S.<sup>367</sup> Nixon and his running mate Spiro Agnew exploited this unrest and ran on a "law and order" platform that took advantage of the white backlash and a general sense of insecurity.<sup>368</sup>

Hubert H. Humphrey, Democratic presidential nominee, pleaded for African American votes with the pledge, "he would never betray their confidence and would work not only for equal opportunity but for a 'little extra' that would redeem the century of neglect of black Americans."<sup>369</sup> Nixon's "silent majority" campaign drew its support from opposition to this "little extra." Nixon's running mate, Spiro T. Agnew, skillfully exploited this strategy:

Somewhere the objectives of the civil rights' movement have been obscured in a surge of emotional oversimplification. Somewhere the goal of equal opportunity has been replaced by the goal of instantaneous economic equality. This country does not guarantee that every man will be successful but only that he will have an equal opportunity to achieve success. I readily admit that this equal opportunity has not always been present for Negroes—that it is still not totally present for Negroes. But I say that we have come a long way. And I say that the road we have trodden is built with the sweat of the Roy Wilkinses and the Whitney Youngs—with the spiritual leadership of Dr. Martin Luther King—and not with violence.<sup>370</sup>

Having been told by President Johnson and virtually all the groups participating in the African freedom movement for the whole decade that the goal was to achieve equal

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<sup>367</sup> See: Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s*, 142-61, Eric Foner, *The Story of American Freedom*, 1st ed. (New York: W.W. Norton, 1998), 1018-19.

<sup>368</sup> Flamm makes a convincing argument that "law and order" were the decisive issues of this campaign Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s*, 162-78.

<sup>369</sup> Max Frankel, "Humphrey Courts Labor and Youth," *New York Times*, October 18, 1968.

<sup>370</sup> Richard Homan, "Agnew: His History on Civil Rights," *The Washington Post*, August 19, 1968.

opportunity and its accompanying non-discrimination policies, many in the American public saw the escalation of demands in the late 1960s for “compensatory opportunity” or a “bit extra” as a betrayal of the declared goals of the movement. Having severed economic rights from civil rights in the early 1960s through the adoption of an equal opportunity strategy, addressing the historical legacy of discrimination and previous laws seemed “extra” or beyond the proclaimed goals.

President Johnson’s attempt to use the non-discrimination framework of equal opportunity to address material inequalities left a crucial ambiguity. How can non-discrimination make up for past injustices? Both the injustice of over 150 years of oppression against African Americans and the unfairness of the laws that governed the rules of economic competition that FDR had argued (and LBJ seemed to be agreeing with) were a chief cause of the problem because they were constructed by the most powerful and wealthy. Would correcting such inequalities necessitate the government giving extra assistance to those groups that experienced discrimination in the past? FDR’s answer to this problem was avoiding using the terms “equal opportunity” and “equality of opportunity” and instead arguing that these economic changes were necessary to restore competition to an already skewed market and to provide the economic security necessary to prevent a new kind of economic tyranny. Adopting the terms “equal opportunity” and “equality of opportunity,” however, hindered such a tactic. The ambiguity of the terms, however, would not stay hidden during the late 1960s.

Disillusioned with the pace of change effected by non-discrimination policies, groups within the African American freedom movement began advocating the need for what they referred to as “compensatory opportunity.” A *Christian Science Monitor*

article from 1966 quotes unnamed “civil-rights leaders” who sum up the change well: “Equal opportunity isn’t enough. We need compensatory opportunity to offset the years of cultural deprivation Negroes have experienced.”<sup>371</sup>

Opponents called such demands “racial quotas” that violated the principle of equal opportunity. For instance, the *Chicago Tribune* reported that at a 1964 fundraising dinner Barry Goldwater argued that the busing of school children was an example of quotas. They described the scene in the following way:

he said the extension of the principle would lead to the use of racial quotas to move families from one neighborhood to another to line up workers, businessmen, government officials, and other groups along the lines some bureaucrats believe are desirable.

“Is this what we have in mind when we speak of equal opportunity?” Goldwater asked and was answered with shouts of “No!”<sup>372</sup>

This rhetorical exchange between Goldwater and his supporters illustrates well the limitations of using equal opportunity and its non-discrimination framework to address economic inequalities. Any efforts to make up for past inequalities, historic barriers, or past discriminations violate the principle of equal opportunity by giving advantages to one group over another.

Furthermore, Johnson increasingly referred to the War on Poverty as a central part of anti-discrimination policy against African Americans. For many Americans the War on Poverty meant programs chiefly to aid African Americans. The simultaneous adoption of equal opportunity as the criterion for judging unjust inequalities and the equation of equal opportunity with civil rights both meant that issues of discrimination

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<sup>371</sup> George Moneyhun, "Job Door Opens Wider for Negroes," *Christian Science Monitor*, February 1, 1966.

<sup>372</sup> George Tagge, "Barry Tells Rights Goal," *Chicago Tribune*, October 17, 1964.

became the only acceptable avenue for reform. By the end of the 1960s with the outbreak of race riots across the country, most Americans associated the War on Poverty programs with programs to combat racial discrimination. Much of the secondary literature on the period sees this as an important contributing factor in the white backlash that developed.<sup>373</sup>

The front page newspaper articles of the period reveal that whites were not alone in seeing the war on poverty program as being programs to address racial discrimination. In fact, in 1967 when President Johnson proposed cutting the War on Poverty programs, the most irate responses came from the African American freedom movement.

Responding to the cuts, an “executive of a private human rights organization” wrote:

Lyndon Johnson took an ax/ To make inflation bygone  
He gave the budget forty whacks/ And sent the chips to Saigon.  
While war and space go on apace,/ Both funded in entirety,  
The needs of poverty and race/ Are of the chopped variety.  
For each man kills the things he loves: / Farewell, O’ Great Society.<sup>374</sup>

President Johnson and his administration increasingly linked the problems of poverty and racial discrimination. In fact, at the ceremony to swear in the chief officer overseeing the War on Poverty legislation Johnson made this connection explicit: “The war on poverty... is a war against crime and a war against disorder.”<sup>375</sup> By 1966, President Johnson mostly talked about the War on Poverty when responding to criticisms that his

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<sup>373</sup> Goluboff, *The Lost Promise of Civil Rights*, 270, Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th Century America*, 270, Kornbluh, *The Battle for Welfare Rights: Politics and Poverty in Modern America*, 112-13, Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty*, 196.

<sup>374</sup> Robert E. Baker, "Rights Coalition-Frictious, Fragmented," *The Washington Post*, January 16, 1967.

<sup>375</sup> Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s*, 47.

administration was not doing enough to address the problems that had led to outbreaks of racial rioting in major cities across the country.<sup>376</sup>

Yet, the debate that raged among political leaders and found its way into the front pages of the newspapers revealed that an equal compensatory opportunity was a paradox of terms. The equal opportunity framework institutionalized in the Civil Rights Act of 1964 specified the role of the government as rooting out discriminations against participants in the “race of life.” The “race of life” guaranteed that every American would have an equal opportunity to go as far as his or her skill and perseverance would take them. The idea was that the government, through its role as fair umpire, would prevent hereditary privilege by ensuring positions of power and wealth were earned, not inherited. Compensatory equal opportunity, however, violated the main tenet that the government’s role was that of an umpire enforcing the rules equally. Compensating for past discriminations would in practice mean the government would extend special privileges to one group over another.

## **V. Social Security and the GI Bill vs. the Civil Rights Act and the War on Poverty**

A comparison of the legislation that embodied FDR’s economic security framework with the legislation structured around the equal opportunity frame illustrates what was at stake with the change in the terms of debate.

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<sup>376</sup> For instance in a 1966 speech in Texas, LBJ argued: “We can’t do it all overnight,’ he told a news conference at his ranch near here. ‘We are much too late. But we have done more in the last 24 months than has been done in any similar 24-month period to face up to these conditions of health and education and poverty and discrimination.

“‘We’re going to continue as long as I am President to do everything we can to see that all citizens are treated equally and have equal opportunities,’ Mr. Johnson went on.

“‘When we achieve them, I think we will find a good deal of the solution to the problem’ of racial incidents, he said” “President Points to Racial Actions,” *New York Times*, July 6, 1966.



The FDR administration's efforts nearly secured a "second bill of rights" based on economic requirements for securing the civil liberties guaranteed in the original Bill of Rights. The Second Bill of Rights proposed by FDR in January 1944 stated that "Every American is entitled to:"

The right to a useful and remunerative job in the industries, or shops or farms or mines of the nation; The right to earn enough to provide adequate food and clothing and recreation; The right of every farmer to raise and sell his products at a return which will give him and his family a decent living; The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad; The right of every family to a decent home; The right to adequate medical care and the opportunity to achieve and enjoy good health; The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment; The right to a good education. All of these rights spell security.<sup>377</sup>

FDR's plan sought to establish minimal levels of economic security that Americans needed to equally exercise their guaranteed Constitutional political rights. FDR placed a remunerative job, a decent home, and adequate medical care on the same level as voting, freedom of assembly, and freedom of speech. As I noted in the previous chapter, despite the glaring discriminations against women and African Americans in the Social Security Act and the G.I. Bill of rights, both represented the economic security argument FDR and his administration had been developing and both provided more universal access than their predecessors. As I also noted in the previous chapter, this has led public policy

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<sup>377</sup> "President in His Message Presents Program for Winning the War," *The Washington Post*, January 12, 1944.

scholars to argue that Social Security is “our most important antipoverty program”<sup>378</sup> and the G.I. Bill of Rights was “one of the most generous and inclusive social entitlements the federal government has ever funded and administered.”<sup>379</sup> Whereas economic security was the conceptual foundation of New Deal legislation to address inequalities, equal opportunity was the conceptual framework of 1960s legislation to address inequalities.

The Civil Rights Act of 1964 is the cornerstone of American civil rights and anti-discrimination policy, and it became the model in the 1960s for how to address unjust inequalities. It prohibited racial discrimination in employment, public institutions like hospitals and schools, and privately owned public accommodations like restaurants and hotels. Leaders from both parties hailed its passage using almost identical language. The key figure on the Republican side was Everett M. Dirksen, Senate minority leader who took the leadership in negotiating the Senate’s bipartisan compromise bill. “‘The time has come,’ the tousled-haired Republican leader said, ‘for equality of opportunity in sharing in government, in education and in employment. This is an idea whose time has come.’”<sup>380</sup>

The secondary source literature is replete with evidence that the equal opportunity framework embodied in the Civil Rights Act of 1964 that focused on non-discrimination became the model for virtually all subsequent social movements. Sociologist Jill Quadagno argued: “The concept of equality of opportunity defined an ideological vision of what American society promised its citizens; group rights became the means of

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<sup>378</sup> Morone and Jacobs, eds., *Healthy, Wealthy, and Fair: Health Care and the Good Society*, 339.

<sup>379</sup> Mettler, "Bringing the State Back in to Civic Engagement: Policy Feedback Effects of the G.I. Bill for World War II Veterans," 351.

<sup>380</sup> John H. Averill, "Civil Rights Bill," *Los Angeles Times*, June 11, 1964.

achieving that vision.”<sup>381</sup> Kessler-Harris noted that “women believed that race discrimination had come to be the template by which sex discrimination would be measured.”<sup>382</sup> Nancy Maclean explained: “And it was Title VII’s promise of fair employment, more than anything else, that lured white women and Mexican Americans to follow the example of African Americans.”<sup>383</sup> Americans seeking redress against inequalities turned to Title VII and the Equal Employment Opportunities Commission enforcement powers. Subsequent groups that have formed since the 1960s have advocated for protected category status. The Civil Rights Act declared discrimination on the grounds, of “race, color, religion, sex, or national origin” to be unlawful. Since that time legislators have added “disability” and “age” to this list of protected groups. At present, there is a major national effort by the GLBT (Gay, Lesbian, Bisexual, and Transgender/Transsexual) movement to have themselves added as a protected category. The social movements since the late 1960s have perpetuated the anti-discrimination equal opportunity framework adopted in the 1960s.

The significance of the change from economic security and inequality to an equal opportunity non-discrimination framework is perhaps best illustrated by the change in the conceptual framework Johnson and his administration used in his War on Poverty. President Johnson changed FDR’s right to an education, housing, and employment into a right to an opportunity for education, housing and employment. The War on Poverty took up the equal opportunity frame central to the Civil Rights Act of 1964. The political leaders fashioning the War on Poverty in both the late Kennedy and early LBJ

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<sup>381</sup> Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty*, 85-86.

<sup>382</sup> Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th Century America*, 285.

<sup>383</sup> MacLean, *Freedom Is Not Enough: The Opening of the American Work Place*, 8.

administrations consciously avoided using inequality and instead invoked equal opportunity. Both Frank Stricker and Judith Russell noted in their respective histories of the period that in June 1963 economist Robert Lampman, responding to a request from the Johnson administration for help in shaping the antipoverty initiative advised them that “‘probably a politically acceptable program must avoid completely any use of the term ‘inequality’ or the term ‘redistribution of income or wealth.’”<sup>384</sup>

Both the inspiration behind the War on Poverty and the actual legislation authorizing it firmly attached the effort to equal opportunity. Robert F. Clark explained in his history of the War on Poverty: “Impelled by the larger societal push by African Americans and other minorities for civil and human rights, the War on Poverty embodied a commitment to equal opportunity as well as economic opportunity.”<sup>385</sup> Judith Russell likewise argues, “The idea was to foster initiatives to promote opportunities (hence the name Economic Opportunity Act) for the poor to take advantage of the expanding economy that existed, preparing people for available jobs.”<sup>386</sup> As Russell points out, the programs publicized as the War on Poverty both at the time and since largely refer to the measures contained in the Economic Opportunity Act, which became law on August 20, 1964.<sup>387</sup> The economic Opportunity Act was aimed at the “culture of poverty” and was designed to ensure equal opportunity in the economic market. The War on Poverty signaled a wholesale adoption of the concept of equal opportunity as the preferred way to address problems of economic inequality. As the Act itself explains:

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<sup>384</sup> Russell, *Economics, Bureaucracy, and Race: How Keynesians Misguided the War on Poverty*, 133. See also: Stricker, *Why America Lost the War on Poverty--and How to Win It*, 49.

<sup>385</sup> Robert F. Clark, *The War on Poverty: History, Selected Programs, and Ongoing Impact* (Lanham, MD: University Press of America, 2002), 7.

<sup>386</sup> Russell, *Economics, Bureaucracy, and Race: How Keynesians Misguided the War on Poverty*, 113.

<sup>387</sup> Quadagno calls it the “keystone of Johnson’s War on Poverty” Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty*, 33.;

The United States can achieve its full economic and social potential as a nation only if every individual has the opportunity to contribute to the full extent of his capabilities and to participate in the workings of our society.

It is, therefore, the policy of this Nation to eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity.

It is the purpose of the Act to strengthen, support, and coordinate efforts in furtherance of this policy.<sup>388</sup>

The Act summarizes well both the concept of equal opportunity and the slogan adopted by both parties during the 1960s of the need for equal opportunity in education, employment, and housing discussed above.

Lyndon Johnson hinted at the beginning of the War on Poverty that he intended it as an effort to go beyond discrimination, but by 1968 it became clear that Johnson would use equal opportunity to back away from this promise.<sup>389</sup> A *New York Times* article reported Johnson's view toward the Civil Rights Act of 1964 and continued work on civil rights as the following: "Mr. Johnson said it was now the nation's task 'to reach beyond the content of the bill to conquer the barriers of poor education, poverty, and squalid housing which are an inheritance of past injustice and an impediment to future advance.'" <sup>390</sup> Reaching "beyond the content of the [Civil Rights Act of 1964] bill" seemingly meant going beyond non-discrimination to "conquer the barriers of poor

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<sup>388</sup> Clark, *The War on Poverty: History, Selected Programs, and Ongoing Impact*, 29.

<sup>389</sup> While President Johnson described the launch of the War on Poverty as an effort to go beyond non-discrimination reforms, he relied on the same equal opportunity frame that required proof of discrimination before the government would deem reforms necessary. See the following speech for an example: Stetson, "President Appeals for an End to Bias; Salutes Union Here." For more on Johnson's interpretation of the legislations, see: Russell, *Economics, Bureaucracy, and Race: How Keynesians Misguided the War on Poverty*, 111.

<sup>390</sup> "President's Plea," *New York Times*, June 20, 1964.

education, poverty, and squalid housing.” President Johnson described the War on Poverty as an effort to bring about the decent housing, remunerative employment, and good education that non-discrimination regulations in the 1964 Civil Rights Act would not be able to affect. Johnson’s justification for these programs relied on an argument that the programs would make up for past discriminations (i.e., the “inheritance of past injustice”) against African Americans, and used the language of equal opportunity in education, housing, employment, and accommodations. Johnson’s War on Poverty, however, never went very far in its policy efforts to make up for past discriminations. The change of language he used to describe these efforts reflected his inability to deliver on his promise.

LBJ gradually transformed the invocation of a right to education and housing into a right to an opportunity to education and housing. By 1968, President Johnson made this shift explicit. Speaking at the annual awards dinner of the Urban League’s Equal Opportunity Day at the New York Hilton hotel, Johnson explained:

‘Back in the nineteen-thirties,’ he [LBJ] said, ‘we used to hear the opposition talk about ‘property rights’ each time a proposal came up to establish a minimum wage, or to give labor the right to collective bargaining, or to control the spread of monopolies.

‘I think some of us may have sounded too cavalier in our response to that argument about property rights. For property rights are precious and necessary rights in our democratic society.

‘What we really objected to was that not enough people had property rights because not enough people had property.’

Now, he said, every man, woman and child, has ‘at least property right—it is the right to opportunity.’

He said it was the task of government, business, labor, the news media, the schools

and organizations like the Urban League to protect and extend that right.<sup>391</sup>

LBJ's statement that "not enough people had property rights because not enough people had property" echoes the economic rights language of FDR. However, he then says in practice that this right "is the right to opportunity." LBJ's statement implies that the government would limit its responsibility to formal equality. Speaking with a key constituency in the African American freedom movement, LBJ was calling on the group to work to protect against discrimination that impeded this opportunity and to work to extend non-discrimination to other areas of competition. The War on Poverty turned into a non-discrimination program aimed at those who could prove discrimination.<sup>392</sup> The non-discrimination policy embodied in both the Civil Rights Act of 1964 and the War on Poverty addressed discriminations left untouched or exacerbated by the New Deal programs of FDR, but they also abandoned efforts to provide universal benefits that would address the material inequalities that accompanied such discriminations.

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<sup>391</sup> Roy Reed, "Johnson, in City, Challenges G.O.P. On Rights Record," *New York Times*, November 20, 1968.

<sup>392</sup> Head Start both fits in with the equal opportunity framework and to some extent stretched the conception as far as it could have gone beyond non-discrimination. Though not specifically authorized by the act, it became the most widely acclaimed of all the programs authorized under the Economic Opportunity Act Clark, *The War on Poverty: History, Selected Programs, and Ongoing Impact*, 147. The very title of Head Start invoked the competitive race metaphor of equal opportunity, which was its intended association by the creators of the program. The brainchild of Head Start was Sargent Shriver. Inspired by a Kennedy Foundation project in Tennessee that found it was possible to raise the IQ levels of children with mental retardation, Shriver conceived as Head Start as a way to give low-income pre-schoolers a "running head start" Clark, *The War on Poverty: History, Selected Programs, and Ongoing Impact*, 149. In some ways, Head Start provides a counterpoint to my contention that the equal opportunity framework only conceptualizes the government's role as a fair umpire. This example, however, reflects the special status of education. Education has had a long history of holding special status among social goods. For instance, in the celebrated 1954 *Brown* decision, "The Court described education as so distinctive that when it overruled *Plessy in Brown*, it did so only 'in the field of education'" Goluboff, "The Thirteenth Amendment and the Lost Origins of Civil Rights," 243. Furthermore, the Supreme Court made it clear in *Rodriguez v. San Antonio School District*, (1973) that inequalities of educational opportunities due to class are not unconstitutional. For other cases where it has explicitly refused to recognize class as a cognizable category, see: *Harris v. McCrae* (1980); *City of Akron v. Akron Center for Reproductive Health, Inc.* (1983). The larger point brought up by the Head Start example is that it is education's singularly unique status that enabled it to use the equal opportunity framework to justify itself. Furthermore, government's responsibility to supply this "right" to educational opportunity does not extend to addressing inequalities of educational opportunity due to socio-economic differences.

## Conclusion

The conceptual history of equal opportunity and inequality as revealed in the U.S. newspapers from 1960-1968 indicates that the period was one of conceptual innovation in which “equal opportunity” and “equality of opportunity” became the predominant conceptual framework Americans used to discuss inequalities. As political actors and activists increasingly made equal opportunity the concept of choice for identifying unjust inequalities, the discussion of economic rights gradually declined in mainstream newspaper debates. By the 1960s, political actors’ talk of “inequalities” gave way to discussions over “equal opportunity.” The difference was not semantics. The change reflected a narrowing of the inequalities considered unjust, from a conception that included both economic and civil rights to one limited to non-discrimination and civil rights.

The ascendancy of equal opportunity led to a decoupling of economic and civil rights that had been united during the 1940s and early 1950s. As Goluboff points out, African Americans were much more concerned about employment than ending school segregation when *Brown* (1954) was brought to trial. They continued to be concerned about economic issues afterwards, which is why housing, employment discrimination, and equal accommodations were so important to the movement, and why politicians made the political mantra of the 1960s period equal opportunity for housing, employment, and accommodations.

Yet, the adoption of this conceptual framework effectively narrowed the ways afflicted groups could press these economic rights claims. The concept of equal opportunity—at the heart of the *Brown* (1954) decision, the Civil Rights Act of 1964, and



the Civil Rights movement of the 1960s became the chief conceptual framework for an important shift. These institutional arrangements solidified non-discrimination as the standard for judging the injustice of inequalities. Since groups seeking redress needed to prove some type of discrimination to justify action against inequality, they had to separate themselves from each other, thereby artificially separating civil rights claims from economic rights claims.

The adoption of equal opportunity as the dominant conceptual framework to discuss inequality meant the adoption of a framework that institutionalized the artificial separation of issues of race and class. To be clear, I am making no claim in this chapter that class is more important than race or vice versa. What I am suggesting is that the conceptual framework of equal opportunity that politicians and activists made the dominant way to discuss inequality during the 1960s effectively limited the joining together of questions of race and class in subsequent discussions of economic inequality.

One outcome of the need to prove discrimination is that political leaders racialized claims for economic rights. LBJ's War on Poverty shows both the promise and the limitations of the equal opportunity conceptual framework. Preventing discrimination became the chief way President Johnson's administration sought to root out poverty, and the government used the equal opportunity framework to address discriminations that had lain untouched throughout U.S. history. Yet, given the fact that the most visible discriminations were those against African Americans, the War on Poverty became in the minds of most Americans the war on discrimination against African Americans.

Since the concept of equal opportunity is a concept of non-discrimination, Americans (especially white Americans) began decrying any program that sought to

redress historical sources of disadvantages as reverse discrimination violating equal opportunity—the very concept used to justify the programs (e.g., Barry Goldwater’s discussion of “racial quotas”). The increasing variety of groups in the African American movement that called for “compensatory opportunity” to make up for past discriminations thus helped spark a white backlash as whites saw these compensatory opportunities as fundamental violations of the equal opportunity framework pushed through in the early 1960s through the Civil Rights Act of 1964. As a result, Americans viewed the War on Poverty programs that sought to address issues of housing, employment, and accommodation inequalities as race issues, thus effectively splitting the issues of race from class. The dominance of the equal opportunity framework in the 1960s effectively meant that the “cruel jest to tell a bootless man that he ought to lift himself up by his own bootstraps” was now the prevailing way of dealing with issues of economic inequality in U.S. politics.

## Chapter 6

### Conclusion

*“I’m very wary of people who give us the lessons of history or the laws for the future of cultures. [...] “the great obstacle to progress is not ignorance, but the illusion of knowledge”*

Quote from the late Daniel Boorstin, Pulitzer Prize Winning Historian and long-time head of the Library of Congress in an interview with the *News Hour* from 1987.

Readers looking for recipes to follow to bring about reforms to address economic inequalities may be disappointed by this conclusion. Asserting that history presents us with general laws that apply to political life across time and place would, I believe, demonstrate a lack of appreciation for historical contingency. Throughout the time periods examined in this dissertation, unexpected events shaped what could be said and done. The inequalities and dislocations of the Gilded Age, the Great Depression, the effects of fighting the Second World War and Nazi Race theory, the Cold War, the assassination of leaders such as Martin Luther King Jr. and JFK, as well as the riots of the late 1960s all altered people’s conceptions about their country and the possibilities of democratic political decisions.<sup>393</sup>

The conceptual history presented in this project nonetheless can help in present struggles to fight economic inequalities. One obstacle to progress to address inequality is not so much ignorance of the history as the illusion that equal opportunity programs will address not only discrimination but also economic inequality. While equal opportunity and its imbedded metaphor of the “race of life” provided many American political actors and analysts with an effective conceptual frame to fight discriminations (which accounts for much of its appeal and for its continued importance in inequality debates), it was

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<sup>393</sup> The dramatic effect the imponderable events of September 11<sup>th</sup> have had on political life since also provides a more recent, and therefore perhaps more poignant contemporary example.

nonetheless ill-suited practically and normatively to address social and economic inequality. Political actors, analysts, and activists' elevation of equal opportunity as the dominant criterion of evaluating the injustice of different forms of inequality in the U.S., limited the policy and institutional solutions they proposed and enacted. In the 1960s, it also shifted understandings of what is fair from more expansive views of economic and social rights to more narrow anti-discrimination claims.

Chapter 2 showed how the main groups that introduced the terms “equal opportunity” and “equality of opportunity” lost control over the construction and meaning of their conceptual innovations. They helped popularize the term as a defense for their claims that the government had to step in and pass legislation to address inequalities. They argued that only rather unprecedented government involvement in reform could help preserve America’s founding political principle of equal opportunity, which they repeatedly identified as being the meaning of the Declaration of Independence. For them, equal opportunity was a defense against claims they were too radical. The ambitious reformers of the period of 1870-1900 failed to broaden the conceptual space occupied by equal opportunity by including other kinds of equalities, like equality of incomes (Bellamites) or equality of land holdings (Single-Taxers). By attaching their reform programs to the concept of an individualistic competition, they opened themselves up to the charge that their own proposals violated their declared intentions. After initial protestations of the editorial boards of the *New York Times* and the *Washington Post* of the “dangerous” and “socialistic” implications of “equal opportunity” and “equality of opportunity,” other social critics quickly realized that they

could turn around and use the terms “equal opportunity” and “equality of opportunity” to fight economic reforms.

Chapter 3 showed how by the period 1908-1914, Theodore Roosevelt and William Howard Taft modified the formulation of their more ambitious reform predecessors. Being the candidates advocating the least amount of reform, they could prove their reformist credentials through the cooption of this vocabulary. As Taft spelled out in 1910, they could “adopt” “with great advantage” “the principles professed by some given set of men who happen to call themselves socialists,” for “to be afraid to do so would be to make a mark of weakness on our part.” They argued that equal opportunity was indeed a founding principle that needed government protection, but conversely, any reform proposal that was more ambitious than their own would endanger that same equal opportunity by offering special privileges to some groups over others. They used their positions of power and influence to establish this reformulated meaning of equal opportunity as a new consensus of the appropriately American way of preventing hereditary privilege. The emergence of this consensus is demonstrated by the fact that by the end of the Progressive Era, the two major political parties attached the meaning of American political principles with the “race of life” and argued that the other side attempted to rig the race.

Chapter 4 served as a test case that illustrated both the potential and limitations of using the equal opportunity conceptual framework to address different kinds of inequalities. On the one hand, many African American groups effectively used the terms “equal opportunity” and “equality of opportunity” to bring attention to the hypocrisy of political leaders’ avowed commitment to equality of opportunity and the political leaders’

concomitant condoning of widespread discriminations. On the other hand, however, it was reform opponents who used “equal opportunity” and “equality of opportunity” to attack reforms to address economic inequalities. At the same time, FDR’s administration gradually backed away from the terms in its justification for its reform agenda and developed a whole new conceptual framework to ground proposals that addressed economic inequalities. The three rhetorical strategies adopted by FDR’s administration illustrated that it was possible to ground an economic reform agenda on an argument that economic inequalities presented a new form of hereditary privilege that demanded government action.

In Chapter 5, I presented evidence from newspaper articles and secondary sources of the period that political leaders, activists from the African American freedom movement, and the news media made equal opportunity the dominant conceptual framework to discuss inequality. The dominance of the equal opportunity framework focused reform efforts on non-discrimination efforts and effectively split questions of race and class into civil rights that could be pursued under the framework and economic rights which could not. The economic “rights” to housing, employment, and education asserted by FDR, became in the hands of Johnson a “right to an opportunity” to these benefits. In other words, preventing discriminations in the provision of housing, employment and education now constituted the limit of responsibility for government intervention. During a time of heightened Cold War tension and red scare politics, politicians from both parties made this narrowed conception of equality of opportunity in education, housing, and employment into a sort of mantra of the era. The association between equal opportunity and non-discrimination was so strong during the 1960s that

equal opportunity became tantamount to civil rights and vice-versa. The conceptual framework also undergirded the legislative efforts to address inequality, including the Civil Rights Act of 1964 and the War on Poverty. Rather than dismissing the concept of equal opportunity, or attempting to salvage it by redefinition, I have argued that fairness would be promoted more by limiting the application of equal opportunity to issues of non-discrimination and developing alternative conceptual frameworks for dealing with economic and social inequality.

While the conceptual history of equal opportunity offers no definitive lessons for present and future efforts to address economic inequality, there are some repeated themes that underscore potentials for problems and opportunities. First, groups have tried and failed throughout American history to make equal opportunity the justification for reforms to address economic inequalities. The Bellamites, single-taxers, and individualist anarchists all used equal opportunity to argue for their ambitious economic reforms in the 1890s, the FDR administration initially adopted the equal opportunity frame to justify policies before abandoning in favor of “economic security,” and African Americans tried to extend the concept of equal opportunity to compensatory opportunities. In all these cases, critics turned the argument and conceptual framework against them. The argument that prevailed in each of these cases was that the government’s role was to prevent hereditary privilege by being a fair arbiter in the competition, and the proposed reforms violated this role.

Furthermore, up until the Second World War, opponents to economic reforms used the term more often than those advocating for the reforms. Theodore Roosevelt and Howard Taft used it to criticize Woodrow Wilson and Eugene Debs in the 1912 election,

Herbert Hoover and Alf Landon used the terms incessantly in their critiques of New Deal reforms, and Goldwater used it to impugn the motives of Civil Rights groups. In all these cases, these political leaders used the terms to make the case that they recognized the problems and need for some level of change, but that their political opponents would give unequal opportunities that would undermine meritocracy. Furthermore, when equal opportunity was used as a justification for economic reforms, these reforms did not go very far in addressing economic inequalities beyond addressing the most obvious discriminations, as was the case with the Johnson's War on Poverty.

On the other hand, the terms "equal opportunity" and "equality of opportunity" became the central organizing concept in the institutional and conceptual frameworks developed to address racial inequalities. African Americans during the Second World War adopted the terms as they pointed out that the discriminatory policies they confronted everyday violated the "equal opportunity" and "equality of opportunity" that American leaders had proclaimed the defining difference of the U.S. democratic system from the totalitarian regimes of the axis powers. By the 1960s, the heightened pressure to avoid giving the Soviet Union and other countries being courted by Communists fodder for propaganda contributed to the construction of an institutional and legal framework structured around the conceptual frame of equal opportunity. The Civil Rights Act of 1964 became the standard bearer for future group rights claims and the War on Poverty embraced equal opportunity as its goal and accordingly focused on non-discrimination in its policies.

I do not see these observations as lessons for the present or future because these trends in conceptual history are intricately connected to the historical contexts of the



period. In the 1890s, it was the Gilded Age that provided the impetus for very diverse reform groups to embrace a new conceptual framework. Furthermore, the choice of equal opportunity had much to do with an American aversion to class-based analysis, which is one explanation for why Bellamy clubs proliferated across the U.S. as the socialist Eugene Debs struggled and lost control over the labor movement. Furthermore, it is also not coincidental that it was only during the most severe economic crisis of the 20<sup>th</sup> century—the Great Depression—that FDR convinced people to accept a new political vocabulary. The Cold War and red scare in the U.S. limited the political and rhetorical space to the point where there might have been few options available other than “equal opportunity” and “equality of opportunity” for 1960s activists to adopt in their efforts to address inequalities. In sum, actors cannot simply choose whatever conceptual frame they want, because they need to convince others to accept this frame and this acceptance is intricately tied to the political, social, and economic contexts of the day.

While changes in the historical context make generalizing lessons from the past into prescriptions for the present an unreliable proposition, the conceptual history provides one clear cautionary lesson. Confidence that political actors will be able to use the equal opportunity conceptual framework to justify economic reforms is likely to be misplaced. Along with this, the knowledge that equal opportunity and the “race of life” metaphor were not always the dominant understanding of America’s founding, the American Dream, or the Declaration of Independence, also opens the possibility for challenging this dominance and engaging in conceptual innovations that can advance different goals.

By uncovering the conceptual history, I hope to spur debate over the way we think and talk about inequality in the U.S. The equal opportunity conceptual framework, though frequently implicit, is still frequently used by political actors and it frames a great deal of contemporary discussion about inequalities. Many of the groups who have worked to have reforms to address inequality passed on the national, state, and local levels have explicitly followed the example of African Americans and sought with some success to extend protected class status to their identity group. Race, color, sex, creed, and age are now protected classes and GLBT groups have made some headway in obtaining protective status under some state constitutions. Furthermore, the equal opportunity frame has been central to the visions articulated by recent U.S. presidents. In his second inaugural entitled, “Our Noble Vision: An Opportunity for All,” Ronald Reagan called Americans to “build an American opportunity society in which all of us—white and black, rich and poor, young and old—will go forward together, arm in arm.” Bill Clinton made variations of the American Dream and opportunity for all frequent refrains in his speeches spelling out the vision of his presidency. George W. Bush transformed Reagan’s formulation into an “ownership society” as a slogan for a model of the society the U.S. should promote. The Democratic response to this invoked an “opportunity society” that echoed Reagan’s earlier formulation.<sup>394</sup>

Invocations to equal opportunity being the meaning of the Declaration, America’s founding principle, *the* American Dream or an American President’s vision for society may seem like empty rhetoric, but their repeated acceptance can limit the way we think and act toward questions of inequality and justice. The concept invokes the metaphor of

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<sup>394</sup> See Senator Daschle’s response to President Bush’s January 20, 2004 State of the Union entitled: “Building an Opportunity Society for the American People.”

the “race of life” in which competitors have equal opportunities to go as far as their skill and perseverance will take them and the government’s appropriate role is as a fair umpire. The image is an inspiring one that fits well with the historical American narrative (however fictitious) of being a country born without titles of nobility and with abundant land so that hereditary privilege had no place. It provides a picture of a pure meritocracy where people are encouraged to achieve their best and the government will not tolerate discriminations that give advantages to some competitors over others. Acceptance of this metaphor as the meaning of our democratic foundations, however, is limiting.

Life is simply not enough like our customary notions of competition to be a very comprehensive conceptual framework to consider questions over the justice of different kinds of inequality. First, the government is not only the umpire of the competition; it is also the author of the rulebook. Making changes to those rules or laws to account for new circumstances is not intervention or giving special privileges, it is a central role of politics. Second, the competitors’ skill and perseverance are not the only factors in their achievement. Past discriminations, past inequalities, and circumstances have tremendous effects on the outcome of competition. While it makes some sense in a running race or a basketball game to refuse to make up for these past discriminations and inequalities by altering the rules, it becomes a “cruel jest” to do the same when talking about the prospects of men’s and women’s lives. Accepting the “race of life” metaphor effectively says to those disadvantaged that bootless or not they should pull themselves up by their bootstraps.

The conceptual history I presented in previous chapters also provide examples that other competing conceptual frameworks have served as useful American “fighting faiths” helping Americans to see themselves as a distinct or special people while helping them orient themselves when confronting difficult political questions. A common element in many of the conceptions was the notion that American democracy does not tolerate hereditary privilege. Equal opportunity and the race of life were just one way Americans have understood this. As noted in chapter 3, both Howard Taft and Theodore Roosevelt based their argument for the estate tax on the premise that it prevented hereditary privilege. As noted in chapter 4, FDR justified his reform proposals on the premise that the government had to reform the laws to preserve fair competition. “Economic royalists” had skewed competition, undermined liberalism, and created economic and social insecurity and only the government had the power to rectify these imbalances and ensure the royalists’ special privileges were not passed on to subsequent generations. These examples illustrate that other conceptual frames outside of equal opportunity have been used successfully as fighting faiths to guide difficult decisions over which inequalities are justified.

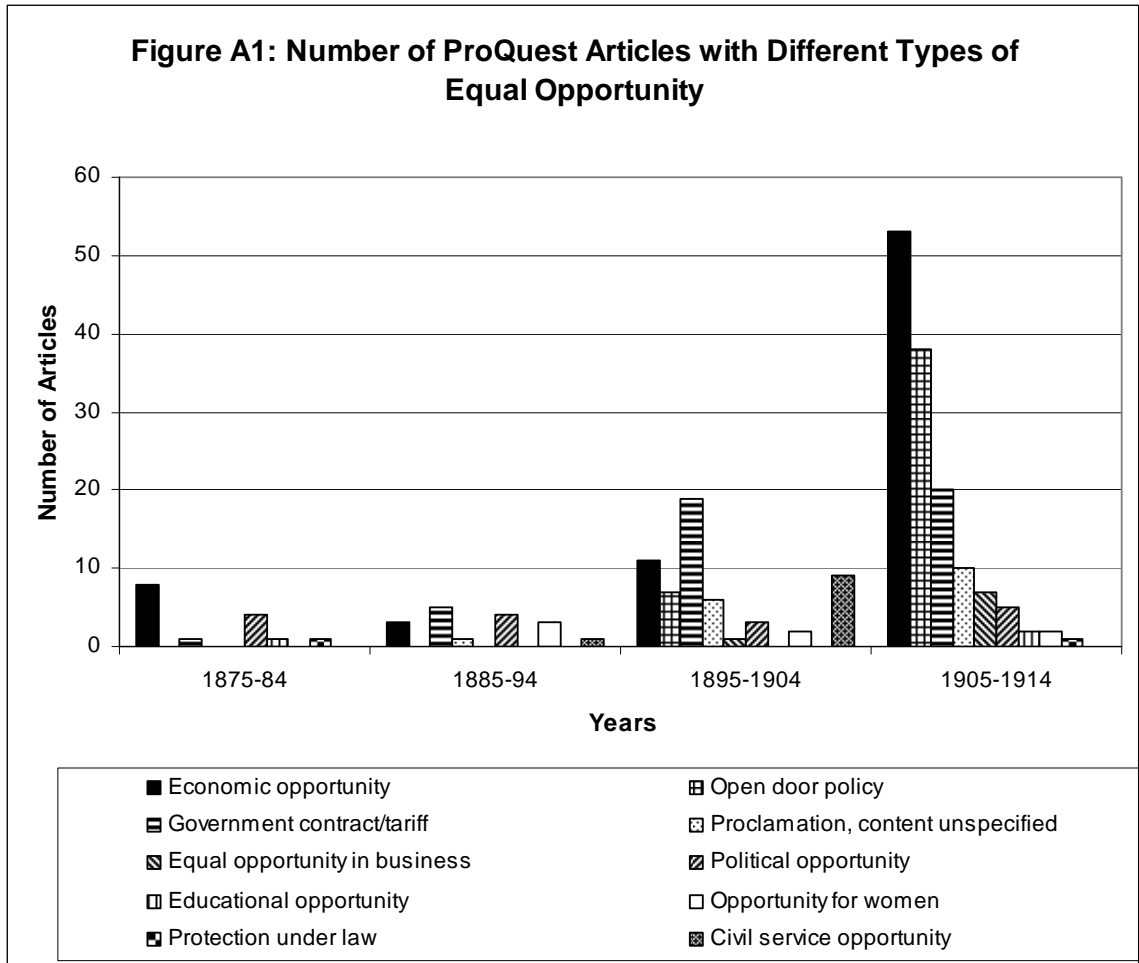
The 21<sup>st</sup> century presents its own challenges of insecurity and inequality. While the conceptual history of equal opportunity provides no recipe of how to respond to such challenges, it does warn us not to be complacent about the way we think and talk about inequality and questions of social justice. Equal opportunity has become an overly dominant fighting faith. It warrants the title of a fighting faith because of the very real political changes to anti-discrimination law and institutions fought using the concept. It warrants the characterization of “overly dominant” both to highlight that political actors

have not until recently made this concept a dominant presence in politics, and to expose how the popularity of this conceptual framework has overshadowed other fighting faiths in American political traditions that could serve as political resources in attempts to fight economic inequalities. A singular dependence on the conceptual framework provided by equal opportunity impoverishes our sense of who we are as a nation and limits our ability to orient ourselves to new challenges that will continue to present themselves in the future.

## Appendix A – Notes on Research Approach

### Research Approach for Chapters 2 and 3

The analysis of Chapter 2 and Chapter 3 emerged out of three separate searches of online databases of early American periodicals that sought to go into increasing depth to reveal the origins of the terms' emergence. First, I analyzed 84 articles that came up in my search of the ProQuest Historical Newspapers database for the terms “equal opportunity” or “equality of opportunity” and “inequality.” This search included the following newspapers: *Atlanta Constitution* (1868-1925), *Boston Globe* (1872-1923), *Chicago Tribune* (1849-1985), *Christian Science Monitor* (1908-1993), *Hartford Courant* (1764-1922), *Los Angeles Times* (1881-1985), *The Chicago Defender* (1905-1975), *The New York Times* (1851-2002), *The Wall Street Journal* (1889-1988), and the *Washington Post* (1877-1989). After analyzing these newspaper articles, I found that the progressive presidents William Howard Taft and Theodore Roosevelt were instrumental in popularizing the use of the terms and solidifying their meaning and function. Nonetheless, I could not evaluate their appropriations without going back to the journals and pamphlets that they credited for popularizing the term. The second search I performed, therefore, was an analysis of the American Periodical Series database (APS) to examine what groups popularized the use of the terms and why they did so. The APS database is searchable and includes 249 periodicals from 1870-1900. I analyzed the 90 articles that came up in this database in a search for “equal opportunity” or “equality of opportunity” and “inequality” from 1870-1900 (the beginning of the Gilded Age to the beginning of the emergence of the terms in mainstream newspaper accounts). The increased length of journal articles enabled me to study in more depth the assumptions on which authors based their arguments. It would be impossible to evaluate the significance of the emergence of the uses of the terms without knowing how representative these uses were. For instance, was equal opportunity a concept that was used frequently in debates over inequality in the U.S. during this time period? Were the terms “equal opportunity” and “equality of opportunity” used more frequently in other debates besides inequality during this time period? To provide this perspective, I analyzed the articles in which inequality or equal opportunity was used in front page articles in the four newspapers available in a searchable database for this time period of 1870-1914 (*Atlanta Constitution*, *Chicago Tribune*, *Hartford Courant*, and *The New York Times*). In total I analyzed 231 articles that used “equal opportunity,” and 483 that used “inequality.”



The results reported in Figure A1 are from an analysis of the articles in which equal opportunity was used in the four newspapers available in a searchable database for this time period of 1870-1914 (*Atlanta Constitution, Chicago Tribune, Hartford Courant, and The New York Times*). In total I analyzed 231 articles that used “equal opportunity.” I sorted the articles and placed them into the categories illustrated in the figure.

#### Research Approach for Chapter 4

Most of the analysis in this chapter is based on a search for “equal opportunity” or “equality of opportunity” in the ProQuest Historical Newspaper database for the years 1930-1944. The search included articles that started on the front page from all the available newspapers in this database: *Chicago Tribune, Christian Science Monitor, Los Angeles Times, New York Times, The Chicago Defender, The Washington Post, and Wall Street Journal*. In total, I reviewed 527 articles in this particular search.

Some things should be noted about the search results as summarized in Figure A2. The high level of usage of the terms in reference to economic opportunities for 1930-1932 and 1936-1938 has mostly to do with the Republicans making it a centerpiece of their criticisms against FDR’s New Deal during the Presidential elections of 1932 and 1936.

Figure A2 also shows how equal opportunity was used frequently in debates over the open door policy. Equal opportunity became a shorthand way of referring to the open door policy of the early 20<sup>th</sup> century. This became particularly important in this time period as Japan became increasingly nationalistic and extended its military ambitions. In its conquest over Manchuria and then invasion of bordering states in Southeast Asia, the U.S. relied on an international treaty called “The Nine-Power Treaty” signed by the United States, Great Britain, France, Japan, Italy, China, Portugal, Belgium, and the Netherlands. One of its binding provisions was the powers shall: “Use their influence to effectually establish and maintain the principle of equal opportunity for the commerce and industry of all nations throughout China.” The occurrence of equal opportunity on this issue, therefore, arose from the U.S.’s attempt to curb Japan’s nationalistic military campaigns by charging them with violation of “The Nine-Power Treaty” and Japan’s counter-arguments that the treaty was now defunct because of the lack of coherent governance in China under Chiang Kai-shek.

The category of “race of life” includes the articles that expressed equal opportunity in the form of what we now call the American Dream, i.e. every person should have equal opportunity to achieve his potential.

The category of equal opportunity in business includes articles in which businesses or collections of people called for equal opportunity to compete. It includes both the categories of “government contract/tariff” and “equal opportunity in business” from Chapter 3. During this time period it becomes impossible to disentangle demands for equality of competition with other businesses from the opportunity to compete under equally fair regulations of government, so the equality in business and the equality in government contracts/tariff category needed to be collapsed. Some examples of issues found in this category are: railways asking for equal opportunity with other forms of transportation, farmers asking for equal opportunity with industrial workers, certain industries (such as utilities) demanding equal opportunities with other industries, employees demanding equal opportunity with employers in determining the terms of labor contracts.

One significant change from usages during the Progressive Era was the increased use of the terms by women and African Americans attacking inequalities. While the sentiment was present during the Progressive Era, it was only during this period (1930-1944) that I encountered numerous articles calling for equal opportunities writ large for women and African Americans. Before women and African Americans argued that they wanted access to a particular opportunity (education, job, voting, etc.). During this period, they organized more efficiently and self-consciously for equality of opportunities (sometimes even leaving it unclear exactly to which opportunities a statement was referring). Whether the opportunity was specified (e.g. women or African Americans should have equal opportunity for education) or unspecified (women or African Americans should have equal opportunity), I grouped the article under the category of women or African American. One reason for the large number of articles in which authors used equal opportunity to attack inequality of opportunities for African Americans was the inclusion of the articles from the *Chicago Defender*.

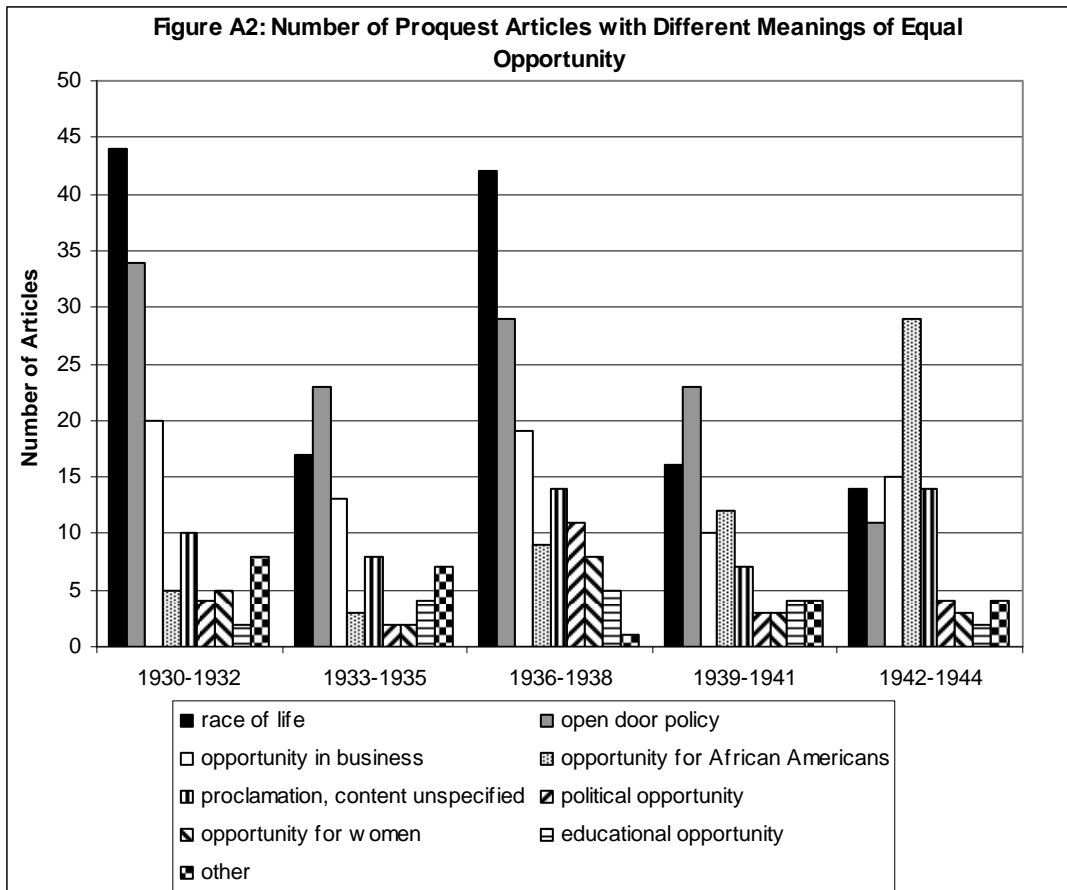
The *Defender* was the nation’s “most influential black weekly newspaper” “with more than two thirds of its readership base located outside of Chicago.” The newspaper



was instrumental in bringing attention to issues of African-Americans [the paper preferred the term “the Race”], and bluntly attacked racial inequalities. “The newspaper was read extensively in the South. Black Pullman porters and entertainers were used to distribute the paper across the Mason/Dixon line.” “The *Defender* was passed from person to person, and read aloud in barbershops and churches. It is estimated that at its height each paper sold was read by four to five African Americans, putting its readership at over 500,000 people each week.”<sup>395</sup> Articles from the *Defender* made up 72 percent of the total articles in the category of equal opportunity for African Americans.

Over 40 percent of the articles in the equality of political opportunity category addressed equality of radio time for political speeches.

The “other” category included articles calling for equal opportunity to build a defense, equal opportunity in a contest (usually those sponsored by the newspapers themselves), equal opportunity to buy goods (especially under war-time regulations), and equal opportunity for information, usually in a law case.



<sup>395</sup> "Miscellany. From the Medley, &C," *The Oracle of the Day*, November 5 1794.

### **Research Approach for Chapter 5**

In Chapter 5, I analyzed the 572 front page articles that contained the terms “equal opportunity” or “equality of opportunity” in the ProQuest Historical Newspapers from 1960-1968. I also analyzed the 193 front page articles that contained the term “inequality” during the same time period. The newspapers included in both searches were the following: *Chicago Tribune*, *Christian Science Monitor*, *Los Angeles Times*, *The Chicago Defender*, *New York Times*, *The Wall Street Journal*, and *The Washington Post*. For purposes of analysis, I created Word documents with the paragraph of the utterance and enough additional text to ensure I understood the context. For each quote, I noted other aspects of the context, such as who was the speaker, did the author have a political affiliation, was the utterance part of a speech, etc. At the end of this process I had created two Word documents with every utterance and its context (one for “inequality” and one for “equal opportunity” and “equality of opportunity.”) I then sorted both sets of utterances based on what I saw as the most salient and important categories within each set.

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