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Harvey Wiley, Theodore Roosevelt, and the Federal Regulation of Food and Drugs

By Anthony Gaughan
Food and Drug Law

Mr. Peter Barton Hutt

Harvard Law School
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Introduction

In 1906 Congress passed two landmark pieces of legislation: the Pure Food and Drug Act and the Meat Inspection Act. The acts emerged from the reformist ethos of the Progressive Era, a time when the federal government took on a new and much more active role in the everyday lives of ordinary Americans. Of all the laws passed during the Progressive Era, no legislation proved more successful and more enduring than the 1906 food and drug legislation. The acts established the foundations of modern American food and drug law, and gave birth to the Food and Drug Administration. For the first time, the federal government assumed permanent and comprehensive responsibility for the health and safety of the American food and drug supply. Although the statutes have been revised many times since 1906, the essence of modern food and drug law remains consistent with the principles of federal responsibility for consumer safety that underlay the first statutes a century ago.

The passage of the 1906 food and drug legislation stemmed from the actions of many people across the political landscape, ranging from Senator Albert Beveridge to socialist writer Upton Sinclair. But no indi-

viduals played a larger public role in the passage of the Meat Inspection Act and the Pure Food and Drug Act than Theodore Roosevelt and Harvey Wiley. Roosevelt, as president of the United States, and Wiley, as chief chemist of the Agriculture Department, served as twin driving forces for Congressional passage of the acts. To be sure, Wiley and Roosevelt did not act alone. The 1906 legislation resulted from years of efforts by politicians, government officials, industry representatives, and “muckraking” journalists. But Roosevelt and Wiley played a uniquely important role in the national debate over food and drug legislation. They commanded public attention to a greater degree than anyone else, and they shaped the terms of debate more than anyone else. For most Americans in the early twentieth century, the two names that came to mind immediately when one thought of food and drug law were Theodore Roosevelt and Harvey Wiley.

Consequently, the Roosevelt-Wiley story is one of the more important episodes in the history of food and drug regulation in the United States. Ironically, despite their extremely effective public partnership, Roosevelt and Wiley could not stand each other personally. They both had strong, self-righteous personalities and enormous egos. Both had been in the public spotlight for years and neither liked sharing the spotlight with anyone else. Indeed, the principal cause of the tensions between Wiley and Roosevelt stemmed from the issue of who received the most credit for the passage of federal food and drug legislation. Wiley devoted most of his adult life to federal regulation of food and drugs and is rightfully remembered by historians as the father of the Food and Drug Administration. Roosevelt came to the issue late, and did not become a major player until his second term in the presidency. Nevertheless, in the end, Roosevelt won much greater public acclaim than Wiley did for the passage of the food and drug legislation, a fact that deeply embittered Wiley.

Above all, the Roosevelt and Wiley story is important because it shows the role individuals can have on the course of history. Congressional passage of the Food and Drug Act, as well as the Meat Inspection Act, reflected sweeping changes underway in the shape and direction of the federal government. By advocating

food and drug regulation as a federal responsibility, Roosevelt and Wiley helped facilitate the dramatic expansion of the federal government's role in promoting the health and safety of American consumers. Although both grew up as staunchly pro-business Republicans, each came to see a pressing need for at least a degree of federal regulation of the marketplace, particularly in regard to consumer health and safety. Indeed, Roosevelt and Wiley envisioned the Food and Drug Administration as an important ally to free enterprise. They believed that federal regulation would give consumers a higher degree of confidence and security in purchasing food and drug products, which in turn would lead to further market growth. A century of federal food and drug law in the United States has born out that vision. The Roosevelt-Wiley story is thus not only an account of the birth of the Food and Drug Administration; it is an account of the birth of the modern federal government.

The Path to 1906

For a man who spent his career defending the health and safety of millions of ordinary Americans, it is fitting that Harvey W. Wiley came from humble origins in the nation's heartland. Wiley was born in a log cabin outside the small village of Kent, Indiana, in October 1844. Wiley's father owned a small farm and Harvey spent much of his youth doing farm chores. Wiley's father, a lay preacher in the Disciples of Christ Church, raised his children in a deeply religious environment. Wiley's religious upbringing placed enormous emphasis on doing right even if in doing so one became unpopular. During Wiley's youth the dominant public issue was slavery, and even in free soil states like Indiana, pro-slavery sentiment ran strong in many quarters. The Wiley family adamantly opposed slavery and staunchly supported the abolitionist movement even though most Americans in the 1840s and 1850s saw it as a fringe group of extremists. Wiley later noted, "our whole family grew up with a feeling of bitter antagonism toward the institution of slavery." In his autobiography, Wiley related the story of his father's reception when he appeared at a polling place to support Martin Van

Buren, the Free Soil candidate, on election day 1840: “As my father marched up to the polls his neighbors, knowing his convictions on slavery, lined up on either side and cried derisively: ‘Nigger! Nigger!’” Wiley’s father defied the crowd and proudly voted for Van Buren. The lesson of his father stubbornly supporting a righteous cause in the face of ridicule and derision never left Wiley. In 1864 Wiley dropped out of Hanover College to serve in the Union Army during the Civil War. Although he fell sick with hook worm and never served in combat, the memory of serving in the United States army for a noble cause remained one of the proudest moments of his life.¹

After the war Wiley resumed his studies at Hanover College, graduating in 1867. After graduation Wiley taught classics at Northwestern Christian University (now Butler University) in Indianapolis and studied medicine. In 1872 he enrolled at Harvard University, where he spent a year studying medical science. He spent the next nine years teaching at Purdue University. After studying in Germany, Wiley returned to Purdue and published his first paper on food adulteration, a study of adulterations connected to the use of glucose. It set off the first, but far from the last, controversy of Wiley’s life. Beekeepers accused Wiley of promoting artificial honey, which they feared would undermine the market for natural honey. Wiley turned the tables on his critics by filing a report with the Indiana State Board of Health in which he demonstrated the harm done to honey by glucose adulteration, and he laid out a means of preventing it. The report received such a positive response that, as Wiley later noted, “the beekeepers of the country became my most enthusiastic supporters.”²

The bee glucose episode sparked Wiley’s lifelong interest in food adulteration. In 1880 he applied for and

¹Harvey W. Wiley, *An Autobiography* (Indianapolis, 1930), p. 1-75 (both quotations on p. 41); Oscar E. Anderson, Jr., *The Health of a Nation: Harvey W. Wiley and the Fight for Pure Food* (Chicago, 1958), p. 2-7.

²Wiley, *Autobiography*, p. 76-153 (quotation on p. 151); Robert Crunden, *Ministers of Reform: The Progressives’ Achievement in American Civilization, 1889-1920* (Urbana, Ill., 1984), p. 183-184.

received permission to study at first hand a glucose factory in Peoria, Illinois. The experience reinforced Wiley's opposition to glucose's overuse as a food adulterant. Two and a half years later the governor of Indiana appointed Wiley to serve as a delegate to the national convention of sorghum growers in St. Louis. During the convention Wiley met Dr. George Loring, the United States Commissioner of Agriculture. Wiley impressed Loring and, after two subsequent meetings, Loring offered Wiley the post of chief chemist of the Department of Agriculture. Wiley's partisan affiliation as a Republican was crucial to his appointment; in 1883 Republicans under President Chester Arthur controlled the executive branch and all of its federal appointments. The offer came at an auspicious moment for Wiley, since he had recently run afoul of the administration at Purdue for riding a bicycle to campus, which school administrators viewed as beneath the dignity expected of professors.³

As head of the chemistry division of the Agriculture Department, Wiley immediately expanded the federal government's investigation of food adulteration. In response to growing efforts to produce sugar from sorghum in the 1880s, Wiley ordered the construction of a sugar factor in Washington D.C. where the government could conduct its own tests. Wiley also established regional stations across the country to permit the government to conduct food adulteration tests in different climates and temperatures. The presidential election of Grover Cleveland in 1884, however, nearly brought a quick end to Wiley's tenure in the Chemistry Division. Fortunately for Wiley, though, Democratic friends in the Agriculture Department vouched for his abilities and he retained his position throughout both of Cleveland's administrations. Under Cleveland, Wiley launched exhaustive investigations of food adulteration and misbranding, and published the results to heighten public awareness of the issue. Wiley also took an active role in promoting American agriculture and industry. For instance, under Wiley's direction the Chemistry Division fostered the development of the sugar beet industry through its sugar experiment stations.⁴

³Wiley, *Autobiography*, p. 154-159; Anderson, *Health of a Nation*, p. 24-27.

⁴Wiley, *Autobiography*, p. 159-194; Anderson, *Health of a Nation*, p. 27-66; Crunden, *Ministers of Reform*, p. 182-184.

Wiley's efforts brought him to increasing public prominence. In 1892 the members of the American Chemical Society elected him president; within a few years Wiley had more than doubled the membership and increased its public profile many times over. Wiley conducted speaking tours around the country raising public awareness to the issue of food adulteration, a practice which began to make him a household name. By the time William McKinley entered the White House Wiley had become a well-known public figure. Wiley's prominence sometimes created problems for him, particularly within the various Republican Administrations he served. James Wilson, the Secretary of Agriculture from 1897 to 1913, frequently clashed with Wiley over policy. Wilson instinctively opposed federal efforts to regulate corporations in any way, whereas Wiley aggressively advocated government regulation of food adulteration. Although Wiley maintained outwardly friendly relations with Wilson, Wiley did not mince words when it came to his estimation of Wilson's political worldview. Of Wilson, Wiley wrote years later, "There was no questioning his ability, his political sagacity and to a certain extent his tact. But I look back upon the fifteen years I spent as his subordinate in the Department of Agriculture and cannot withhold the conviction that he had the greatest capacity of any person I ever knew to take the wrong side of public questions, especially those relating to health through diet." Wilson would not be the last government official Wiley would clash with over food and drug policy. Later in his career when Wiley aggressively prosecuted manufacturers engaged in making adulterated and misbranded foods and articles, he frequently found his efforts thwarted by the Supreme Court. When friends introduced Wiley to Supreme Court Justice Willis Van Devanter, the justice said, "Is this the Doctor Wiley who preserves the purity and character of our food supply?" Wiley answered: "Yes, Mr. Justice. I do endeavor to preserve the purity of our foods just so far as the Supreme Court of the United States will permit me."⁵

Wiley, however, also had friends in high places. The more his prominence grew, the more supporters he de-

⁵Anderson, *Health of a Nation*, p. 67-85; Wiley, *Autobiography*, p. 186-192 (quotations on p. 190-191, 191-192).

veloped both in government and industry. Congressman Wadsworth of New York, chairman of the powerful House Committee on Agriculture, admired Wiley so much that, without prompting by Wiley or anyone else, he single-handedly doubled Wiley's salary from \$2,500 per year to \$5,000 per year.⁶ Despite Wiley's friendships with many members of Congress, his efforts to promote legislation to increase federal responsibility for food and drug regulation ended in defeat year after year. A strong laissez faire mentality, coupled with the prevailing view that the Commerce Clause of the Constitution did not permit federal regulation of the manufacture of goods, blocked all efforts to modernize American food and drug law.⁷

Long before most people, Wiley understood that systemic changes in the American economy had transformed the nature of the food supply. As industrialization led to a swelling urban population and a shrinking rural population, dependence on canned and preserved foods grew exponentially. The rise of heavily commercialized newspapers compounded the problem, as unsavory "medicine" manufacturers bombarded the reading public with outlandish claims of miracle drugs. As Wiley later recalled, the "most wretched and disgraceful evil" that he encountered before passage of the food and drug law was "patent medicines, with the various nostrums, salves, appliances, poisons, magic and sheer fraud this group of ghouls foisted upon the suffering humanity of that period."⁸ Compounding Wiley's frustration was near constant bureaucratic turf wars within the Agriculture Department, many of which Wiley provoked but few of which he won.⁹

In response to these problems, Wiley strongly encouraged state governments to pass regulatory legislation of their own. Several state governments did indeed assume responsibility for their milk supply, establishing rules regarding milk quality and purity. But such efforts occurred in very limited, haphazard fashion. Without strong leadership from Washington, efforts to battle food adulteration and mislabeling faced an uphill battle.

⁶Wiley, *Autobiography*, p. 194.

⁷Anderson, *Health of a Nation*, p. 86-97.

⁸Wiley, *Autobiography*, p. 198-209 (quotation on p. 205).

⁹Anderson, *Health of a Nation*, p. 98-119.

From the beginning Wiley understood that he was engaged in a public relations war. As he later explained, the effort to promote safe food and drugs required “many years of education on the part of my Bureau and other agencies interested in protecting the health of the people before the vast and effective weight of public opinion swung in behind the passage and enforcement of a general pure food and drugs law.”¹⁰

But before then Wiley and food and drug law reformers faced concerted opposition from powerful interest groups. Food manufacturers and canners adamantly opposed efforts to ban chemical preservatives. Wiley singled out sugar, molasses, and saccharin manufacturers as the most adamant food adulterators he encountered in the late nineteenth century. Whiskey “rectifiers” formed another powerful block of opposition to Wiley’s reform proposals. But the strongest opposition of all came from manufacturers of patent medicines, who had made a fortune selling snake oil to the consuming public. “The opposition to pure foods and drugs,” Wiley noted, “arose and fought back with the intensity and zeal worthy of a better cause.”¹¹

Industry opposition to Wiley’s reforms manifested itself in years of setbacks on Capitol Hill. Senator A.S. Paddock of Nebraska introduced the first sweeping food and drug bill in 1889. The bill narrowly passed through a bitterly divided Senate, but it died in the House of Representatives. Time and again supporters of food and drug regulation proposed legislation and time and again its opponents defeated them. Sometimes the bills won passage in the House only to die in the Senate; other times the bills won passage in the Senate but were defeated in the House. As Wiley observed, “There seemed to be an understanding between the two Houses that when one passed a bill for the repression of food adulteration the other would see that it suffered a lingering death.” The bills not only faced defeat; they faced ridicule and mockery. Wiley observed that “pure food measures were smugly looked upon as the work of cranks and reformers without much business

¹⁰Wiley, *Autobiography*, p. 198-209 (quotation on p. 200-201); Crunden, *Ministers of Reform*, p. 182-187.

¹¹Wiley, *Autobiography*, p. 201-205 (quotation on p. 203); Anderson, *Health of a Nation*, p. 120-147.

sense.”¹²

Nevertheless, Wiley persisted in his efforts to arouse public concern. In an annual report as Chief Chemist in 1899, Wiley warned that the mislabeling of food and drugs represented a national epidemic that posed a direct threat to the health of millions of Americans. He emphasized that mislabeling posed a particular threat to the old, the young, and the sick, who unknowing ingested dangerous chemicals into vulnerable and infirm bodies. To illustrate the problem, Wiley came up with the ingenious idea of experimenting on a “Poison Squad” and widely publicizing the results. Wiley’s “Poison Squad” consisted of 12 healthy young men who volunteered to be the subjects of extensive diet experiments. Confined to a boarding house, Wiley’s “Poison Squad” absorbed drugs and chemicals widely available to the public, and Wiley closely monitored the results. The experiments galvanized public attention. Women’s groups around the country took up the issue, as did *Ladies Home Journal* magazine, warning mothers of the dangers chemicals posed to their children. Wiley spoke before dozens of women’s groups, which further heightened his public profile. Wiley published his research results in a five volume work of nearly 1,500 pages. He focused in particular on the harmful effects of boric acid, borax, salicylic acid, sulphates, benzoates, and formaldehyde. He soon became popularly known as “Old Borax.”¹³

By September 1901, Wiley had emerged as the nation’s leading authority on food and drug adulteration, but he had frustratingly little to show for it at the federal level. Despite two decades of efforts by Wiley in Washington, the United States still lacked federal laws regulating food and drugs. Suddenly, however, an event occurred that would transform Wiley’s career and the course of food and drug law in the United States. On September 6, 1901, President William McKinley attended the Pan-American Exposition in Buffalo, New York. While greeting the Exposition’s attendees, McKinley reached out to shake the hand of a 28-year-old unemployed millworker, Leon Czolgosz. Without warning, Czolgosz drew a revolver and fired two bullets

¹²Wiley, *Autobiography*, p. 202-203 (quotations on p. 202).

¹³Cruden, *Ministers of Reform*, p. 184-188.

into McKinley. Eight days later McKinley died and his vice president, Theodore Roosevelt of New York, assumed the presidency.¹⁴

Although not immediately apparent at the time he took office, Roosevelt's accession to the presidential chair would complete reverse the tide of debate in Congress over food and drug regulation. Roosevelt's advent as a progressive reformer would have come as a surprise to those who knew him as a young man. Roosevelt came from a classically pro-business, Republican background. Born in New York City in October 1858, Roosevelt grew up amidst wealth and privilege. The federal government played little role in Roosevelt's life, other than as an arena for his political rise. Roosevelt began his political career as a staunch conservative, and a foe of those who would use the federal government to regulate the private sector. In one particularly evocative episode, he advocated lining up the Populist Party's leaders and shooting them.¹⁵

But at the turn of the century, Roosevelt became began to rethink his views on the appropriate role of the federal government in the daily life of ordinary Americans. One episode in particular galvanized Roosevelt's thinking on the issues that underlay the food and drug debate. During the Spanish-American War, Roosevelt served with distinction as a combat officer in command of the famous Rough Riders. Roosevelt and his fellow soldiers seized the island of Cuba from the Spanish, and began occupying the island in the summer of 1898. To feed the troops, the army ordered the shipment of thousands of pounds of canned meat from the meat producers in the United States. Tragically, the meat turned out to be spoiled. Before the problem was discovered, thousands of American troops had fallen sick, and several hundred died. In fact, more American troops died from spoiled meat than died in battle. The episode appalled and enraged Roosevelt. It would not be the last time the behavior of the meat-packing industry would appall him.¹⁶

¹⁴H.W. Brands, *TR: The Last Romantic* (New York, 1997), p. 411-416.

¹⁵Brands, *TR*, p. 3-301.

¹⁶William H. Harbaugh, *The Life and Times of Theodore Roosevelt* (New York, 1975), p. 103-109.

Roosevelt's heroics in Cuba helped propel him to victory in the 1898 New York gubernatorial election, and two years later William McKinley selected Roosevelt as his vice-presidential running-mate. By the time of McKinley's death, Roosevelt had come to believe that the federal government had placed too much emphasis on laissez faire policies and not enough emphasis on providing basic protections for the American people. As he explained privately, the chief challenge facing the Republican Party was to convince the public that "we do stand squarely for the interests of all of the people, whether they are or are not connected in any way with corporations."¹⁷ The battle over passage of the food and drug act would put that conviction to the test.

The Roosevelt-Wiley Partnership

In an omen of things to come, Harvey Wiley's relationship with President Roosevelt got off on the wrong foot from the start. As even Wiley admitted, "I ran afoul of his good will in the first months of his administration." The controversy stemmed from a heated Congressional battle over the sugar tariff. Roosevelt wanted Congress to remove all trade barriers on Cuban sugar imports, a move he believed would promote the island's prosperity and stability after the Spanish-American War. Wiley, in contrast, bitterly opposed Roosevelt's plan. Wiley feared that exempting Cuban sugar from the tariff would grievously harm domestic sugar manufacturers. He also believed that a reduction in the tariff would benefit neither Cuban planters nor American consumers because the profits "would be absorbed by the trusts which controlled the sugar supply of the United States." When called to testify before the House Ways and Means Committee, Wiley spoke freely and forthrightly. Asked where he stood on the issue of whether Cuban sugar tariffs should be dropped, Wiley answered: "I consider it a very unwise piece of legislation and one which will damage, to a very serious extent, our domestic sugar industry."¹⁸

¹⁷John Milton Cooper, Jr., *The Warrior and the Priest: Woodrow Wilson and Theodore Roosevelt* (Cambridge, Mass., 1983), p. 40.

¹⁸Wiley, *Autobiography*, p. 221-223 (quotations on p. 221, 223).

Wiley's break with official administration policy made headlines across the country. Infuriated by Wiley's independence, Roosevelt ordered Agriculture Secretary James Wilson to fire Wiley immediately. Although Wiley and Wilson had frequently clashed, Wilson respected Wiley's abilities and integrity. Determined to keep a talented administrator in the Agriculture Department, Wilson persuaded Roosevelt not to fire Wiley. Roosevelt was not quite ready to let the matter drop, however. After his meeting with Wilson, Roosevelt sent a personal note to Wiley. Roosevelt was blunt: "I will let you off this time, but don't do it again."¹⁹ The relationship never recovered from this first run-in. As Wiley admitted in his autobiography, Roosevelt "never had a very good opinion of me."²⁰

Nevertheless, Wiley and Roosevelt soon found themselves working together to pass the pure food and drug act. The battle began in earnest in 1905 when Senator Weldon Heyburn of Idaho sponsored the most ambitious pure food and drug bill ever proposed in Washington. Wiley worked closely with Heyburn in drafting the bill and supplying mountains of evidence and data to support its findings. For 16 years such bills had gone down to defeat after defeat, but the tide finally seemed to be turning. Thanks to Wiley's efforts, public support for passage of pure food and drug legislation had steadily grown, and an increasing number of state legislatures had adopted their own pure food laws. Moreover, the tactics of the bill's opponents came under increasing public scrutiny. When opponents blocked his bill from leaving committee, Senator P.J. McCumber of North Dakota took to the Senate floor and angrily condemned the unscrupulous methods of the bill's opponents. McCumber's words created a storm of press coverage and dealt the bill's opponents a serious public relations blow.²¹

¹⁹Wiley, *Autobiography*, p. 223; Anderson, *Health of a Nation*, p. 101.

²⁰Wiley, *Autobiography*, p. 221.

²¹Harbaugh, *The Life and Times of Theodore Roosevelt*, p. 247; Wiley, *Autobiography*, p. 226.

Nevertheless, one year later, Senator Nelson Aldrich of Rhode Island still refused to allow the bill to come out of committee. Still smarting from the public relations fiasco of the year before, the opponents of pure food and drug legislation launched public and highly personal attacks on the bill's supporters. Wiley himself even became the target of such attacks. On the floor of the Senate, Nelson Aldrich expressed his contempt for the "chemists of the Agriculture Department" whose support for federal food and drug regulation would, according to Aldrich, undermine "the liberty of all the people of the United States." He even implied that the bill's supporters wanted to impose socialism on the American people.²²

But the most important supporter of the bill was President Theodore Roosevelt himself, a fact which undermined efforts to portray reformers as wild-eyed radicals. To Heyburn and Wiley's immense relief, Roosevelt supported the bill wholeheartedly. In fact, not only did Roosevelt assure the bill's supporters that he would sign it into law when it reached his desk, he also took the then-unusual step of personally lobbying Congress on the bill's behalf. In his December 1905 message to Congress, Roosevelt made Congressional passage of the Pure Food Bill as one of the major priorities of his second term. "I recommend that a law be enacted to regulate interstate commerce in misbranded and adulterated food, drinks, and drugs," Roosevelt announced. "Such law would protect legitimate manufacture and commerce, and would tend to secure the health and welfare of the consuming public. Traffic in foodstuffs which have been debased or adulterated so as to injure health or to deceive purchasers should be forbidden."²³ This was a major step forward, for never before had a president made passage of a federal food and drug act a major goal of his administration.

Suddenly, on February 6, 1906, the battle over the bill changed dramatically. Aldrich, for reasons he never explained, allowed the bill out of committee. The most likely explanation of Aldrich's change of heart is that public pressure had become too much for him to resist. Indeed, as the historian William Harbaugh has

²²Harbaugh, *The Life and Times of Theodore Roosevelt*, p. 247; Wiley, *Autobiography*, p. 225.

²³Crunden, *Ministers of Reform*, p. 188.

noted, just as the Heyburn's bill came up for consideration, Samuel Hopkins Adams published a series of articles exposing fraud in the patent medicine industry in an expose for *Collier's* magazine. Adams' articles horrified the public and shook the bill's opponents. Adding further momentum behind the forces of reform, the American Medical Association took a public stand calling for federal regulation of food and drugs.²⁴

With Roosevelt and Wiley's strong encouragement and guidance, Congressional supporters of the bill framed the issue as a straightforward matter of consumer protection. Senator Porter J. McCumber of North Dakota argued that the issue before the Senate was whether consumers would receive what they paid for and "not some poisonous substance in lieu thereof." During committee hearings on the bill, state officials from all over the country testified on behalf of its passage, including Robert Allen, a well-regarded administrator of the state of Kentucky's food laws. The last witness to appear before the committee was none other than Harvey Wiley himself. Wiley testified for several hours, enduring relentlessly cross-questioning but never giving an inch. As Wiley later explained, "I took up the arguments that had been advanced by the opponents of the bill and nailed them one by one, figuratively, to the committee table." Wiley did even more than that. During the executive session, Wiley participated in the final drafting of the bill before it went to the Senate floor. Even more remarkably, Wiley met personally with the packing and canning industries' lobbyists, assuring them that the law would not harm manufacturers engaged in honest production and labeling. Although Wiley's name appeared nowhere on the bill, he more than anyone else was the bill's true author.²⁵

After weeks of hearings and debate, the bill finally passed the Senate on February 12, 1906. It passed by such a wide margin that only four senators voted against it.²⁶ The matter would now move into the House for a climactic battle between supporters and opponents of federal food and drug regulation. The timing

²⁴Harbaugh, *The Life and Times of Theodore Roosevelt*, p. 247.

²⁵Crunden, *Ministers of Reform*, p. 188; Harbaugh, *The Life and Times of Theodore Roosevelt*, p. 247; Wiley, *Autobiography*, p. 229.

²⁶Harbaugh, *The Life and Times of Theodore Roosevelt*, p. 247.

proved extremely fortuitous for Wiley and his allies. Less than two weeks after the Senate passed the bill, and just as the House began to consider the issue, the “muckraking” journalist Upton Sinclair published a book that would transform the debate permanently and vindicate Wiley’s lifelong efforts on behalf of pure food and drugs. Sinclair’s book was *The Jungle*, a graphic account of hideously unsanitary conditions in the meat-packing industry. Sinclair came from an unusual background for a muckraking journalist. A twenty-eight-year old writer from a riches-to-rags Baltimore family, Sinclair had an obsessive fear of alcohol, sex, and impurities of any kind. After converting to socialism while a graduate student at Columbia University, Sinclair accepted an assignment from the editor of a left-wing magazine to investigate labor unrest in the Chicago stockyards. The horrendous working conditions of stockyard laborers appalled Sinclair, and he decided to write a novel dramatizing their plight.²⁷

When Sinclair’s novel *The Jungle* reached bookstores in late February 1906, it became an overnight sensation, but not for the reasons he expected. Sinclair devoted over 90 percent of his novel to describing the plight of immigrant workers and to calling for a socialist revolution in the United States. The reading public ignored Sinclair’s political message and focused instead on the 15 pages of the book that described the grotesquely unsanitary processing practices of the meat packing industry. In those few pages Sinclair had catalogued a horrifying litany of industry misdeeds, including workers falling into processing vats, children drinking milk tainted with formaldehyde, and spoiled meat routinely concealed through chemical adulteration. The public reacted with a ferocity that bordered on mass hysteria. Ignoring the turgid political message of Sinclair’s book, the reading public concentrated exclusively on his lurid inside account of the meat packing industry and the clear threat such practices posed to the public health. Years later, deeply embittered by the failure of his socialist message, Sinclair admitted in resignation, “I aimed at the public’s heart, but by accident I hit it in the stomach.”²⁸

²⁷Crunden, *Ministers of Reform*, p. 166-173.

²⁸Crunden, *Ministers of Reform*, p. 173-174 (quotation on p. 174).

The book became such a public sensation that President Roosevelt himself read Sinclair's novel. Roosevelt had a passionate reaction. Both Sinclair's call for a Socialist form of government and Sinclair's revelations of meat-packing horrors revolted the president. In a letter to F.N. Doubleday, the book's publisher, Roosevelt complained, "I wish he had left out the ridiculous socialist rant at the end, which merely tends to make people think his judgment is unsound and to make them question his facts." Doubleday shared Roosevelt's disdain for Sinclair's "unfortunate sermonizing," but he explained that Sinclair had already been forced to cut out 30,000 words.²⁹

In a letter to Sinclair, Roosevelt did not mince words when it came to his assessment of Sinclair's political beliefs. "In the end of your book," Roosevelt observed, "among the various characters who preach socialism, almost all betray the pathetic belief" in social revolution as a solution to the nation's problems. Such a development, Roosevelt warned, would lead to mass starvation and chaos, not to freedom and equality. Roosevelt noted further, "A quarter of a century's hard work over what I may call politico-sociological problems has made me distrust men of hysterical temperament." Clearly, Roosevelt believed that Sinclair was as a man of hysterical temperament. Yet, despite his condemnation of Sinclair's political message and his reservations about Sinclair's judgment, Roosevelt assured Sinclair that he would take action against the meat packing industry: "But all this has nothing to do with the fact that the specific evils you point out shall, if their existence be proved, and if I have power, be eradicated."³⁰

As a astute observer of public opinion, Roosevelt knew how dominant the issue of food safety and sanitation had become in the public mind. Roosevelt immediately directed Agriculture Secretary James Wilson to investigate Sinclair's allegations, insisting that the Agriculture Department conduct a thorough investigation. Roosevelt had no doubt that the main thrust of Sinclair's allegations had a basis in fact. He noted that prior experience "with these beef trust people convinces me that there is very little that they will stop at."

²⁹Brands, *TR*, p. 549; Crunden, *Ministers of Reform*, p. 189.

³⁰Theodore Roosevelt to Upton Sinclair, March 15, 1906, in Elting E. Morison, ed., *The Letters of Theodore Roosevelt* (Cambridge: Harvard University Press, 1952), vol. V, p. 178-180; Crunden, *Ministers of Reform*, p. 189.

Newspaper reporters in Chicago and other major cities, Roosevelt believed, had been bought off by the beef trust in episodes of “wholesale newspaper bribery” to keep the truth from the public. This fact persuaded Roosevelt to take aggressive action, as Sinclair had personally recommended in his letter to the president. “I do not think that an ordinary investigation [into the beef trust] will reach anything,” Roosevelt explained to Wilson. “I would like a first-class man to be appointed to meet Sinclair, as he suggests; get the names of the witnesses, as he suggests; and then go to work in the industry, as he suggests.” Roosevelt concluded by emphasizing the importance of the task ahead. “We cannot afford to have anything perfunctory done in this matter.”³¹

Even as Roosevelt authorized a full-fledged investigation, he remained wary of the investigative journalism that had exposed the meat-packing scandal. In a speech on April 14, 1906, two months after the publication of *The Jungle*, Roosevelt expressed his reservations about “muckraking” journalism: “Now, it is very necessary that we should not flinch from seeing what is vile and debasing. There is filth on the floor, and it must be scraped up with the muckrake; and there are times and places where this service is the most needed of all the services that can be performed. But the man who never does anything else, who never thinks or speaks or writes, save his feats with the muckrake, speedily becomes not a help to society, not an incitement to good, but one of the most potent forces for evil.”³² Roosevelt’s criticism of “muckrakers” such as Sinclair stemmed from his fear that their sensational revelations would promote social upheaval. Roosevelt had good reason to fear social disorder. After all, he had inherited the White House as the result of an assassination, a fact that heightened his fear of public disorder and social chaos. He worried that if the public lost faith in the capitalist institutions that undergirded American society—corporations, banks, even the federal government itself—then the United States would experience social turmoil similar to that which embroiled Europe during much of the early twentieth century.

³¹Theodore Roosevelt to James Wilson, March 12, 1906, in Morison, ed., *The Letters of Theodore Roosevelt*, vol. V, p. 176.

³²*Presidential Addresses and State Papers* (8 vols., New York, 1910), vol. 5, p. 712-724.

Nevertheless, Roosevelt knew the evils exposed by “muckrakers” like Sinclair demanded a government response. He appointed two highly qualified investigators for the government’s probe of the meat-packing industry: Charles Neill, the Commissioner of Labor, and James Bronson Reynolds, a well-respected social worker. After an exhaustive probe, the Neill-Reynolds investigation completely confirmed Sinclair’s allegations. When Roosevelt received and read the full text of the Neill-Reynolds report, he was more appalled than ever. If anything Sinclair’s allegations had understated the severity of the problem. Roosevelt knew that when the public learned of the full scope of the wrong-doing, any politician standing on the wrong side of the issue would soon be out of a job. Roosevelt also understood that Sinclair’s revelations had devastated public faith in the industry, and that further muckraking revelations would soon be hitting the front pages of newspapers across the country. As he privately noted to Representative James Wadsworth, “I have recently had an investigation made by Commissioner Neill of the Labor Bureau and Mr. J.B. Reynolds, of the situation in Chicago packing houses. It is hideous, and it must be remedied at once.”³³ Roosevelt felt so enraged by the report he initially considered landing a public relations body blow on the meat packing industry. “I was at first so indignant that I resolved to send in the full report to Congress,” he explained to Wadsworth. “As far as the beef packers themselves are concerned I should do this now with a clear conscience for the great damage that would befall them in consequence would be purely due to their own actions.”³⁴

But, at the same rate, Roosevelt feared that if the report became public, it would have devastating economic ramifications, particularly for American exporters. He lamented the fact that the damage resulting from public panic would also harm “the stock growers of the country and the effect of such a report would undoubtedly be well-nigh ruinous to our export trade in meat for the time being, and doubtless the damaging

³³Theodore Roosevelt to James Wadsworth, May 26, 1906, in Morison, ed., *The Letters of Theodore Roosevelt*, vol. V, p. 282-283.

³⁴*Ibid*, p. 282.

effect would be apparent long after we had remedied the wrongs.”³⁵ Several European nations had already announced plans to ban American beef imports, a development which would land a severe blow on the already floundering cattle industry.³⁶

Roosevelt decided therefore to use behind-the-scenes pressure to coerce the meat packing industry into compliance. More precisely, he would use the threat of publicly releasing the report to force the meat packing industry’s supporters in Congress to vote for the Beveridge amendment. Authored by Senator Albert Beveridge of Indiana as a rider to the Agricultural Appropriations bill, the amendment mandated sweeping reforms of the meat-packing industry. It required the industry to submit to constant surveillance and investigation by the Agriculture Department, the cost of which would be borne by the industry itself. It also required the industry to date stamp every can of meat that went on the market for public consumption.³⁷

Roosevelt demanded that Congress approve the Beveridge amendment. As he privately explained, “I am... going to withhold the [Neill-Reynolds] report for the time being, and until I can also report that the wrongs have been remedied, provided that without making it public I can get the needed legislation; that is, provided we can have the meat inspection amendment that has been put on in the Senate in substance enacted into law.”³⁸

Roosevelt staunchly believed that federal regulation of meat production would benefit, not harm, the packing industry. “Of course what I am after is not to do damage even to the packers, still less to the stockmen and farmers. What I want is the immediate betterment of the dreadful conditions that prevail, and moreover the providing against a possible recurrence of these conditions.” Roosevelt knew that things would only get worse if the meat packing industry resisted federal regulation. “I happen to know,” he revealed to Congressman Wadsworth, “that in the near future further publications will be made showing how badly they have done.”

³⁵Ibid, p. 282.

³⁶John Milton Cooper, Jr., *Pivotal Decades: The United States, 1900-1920* (New York, 1990), p. 98.

³⁷Harbaugh, *The Life and Times of Theodore Roosevelt*, p. 247-248; Crunden, *Ministers of Reform*, p. 193.

³⁸Theodore Roosevelt to James Wadsworth, May 26, 1906, in Morison, ed., *The Letters of Theodore Roosevelt*, vol. V, p. 282; Anderson, *Health of a Nation*, p. 166, 181.

Roosevelt placed maximum importance on restoring public confidence. “The only effective way to meet these publications, which will doubtless contain a very great mass of exaggeration together with a quantity of damaging truth, will be to show that the situation has been met and the evils complained of have been remedied; and above all that legislation has been had which will guarantee us against their recurrence.” According to Roosevelt, Senator Albert Beveridge’s meat inspection act not only benefited consumers, it was also “a good thing from the standpoint of the beef packers themselves. Their practices have been very bad and it is useless for anyone to attempt to whitewash them.” Therefore, Roosevelt urged Wadsworth to see to it that Beveridge’s amendment passed through the House and established “effective inspection and control over the packing industry.”³⁹

Despite having public support behind him, Roosevelt knew he faced staunch opposition from many of his erstwhile supporters in corporate America. “In my effort to correct the abuses in the packing industry I am met by a most violent opposition, not merely from the packers... but also from great bodies of capitalists who are interested mainly through that noxious feeling in which the socialists exult and which they call ‘class consciousness,’” Roosevelt explained to his friend Lyman Abbot. “The National Manufacturers’ Association and the Chicago Board of Trade have written me violent protests in offensive language, stating that the reports of the Government committees are false, that everything is clean and perfect in Packingtown.”⁴⁰

Yet, even in the face of such intense opposition, Roosevelt found strong support from the most unlikely of places: the very corporations that the food and drug bill proposed to regulate. Contrary to prevailing assumptions that corporations monolithically opposed reform, many companies that engaged in food and drug production saw federal regulation as an advantageous, pro-business measure. Indeed, Harvey Wiley himself had strong support from several leading corporations, such as the Heinz ketchup company and the Old Taylor whiskey company. These companies had much higher standards of sanitation and product purity

³⁹Theodore Roosevelt to James Wadsworth, May 26, 1906, in *ibid.*, p. 282-283.

⁴⁰Theodore Roosevelt to Lyman Abbott, June 18, 1906, in *ibid.*, p. 307.

than their competitors, a fact that put them at a competitive disadvantage vis a vis their less savory market rivals who could sell inferior products at a lower price. Government regulation of food and drug production rewarded corporations that already had high standards because it forced their competitors to engage in expensive improvements in sanitation and product quality. As this fact dawned on many leading companies, they began to work behind the scenes to promote passage of the Food and Drug law.⁴¹

With Roosevelt's strong support, and with newspaper editorials across the country demanding action, the Senate passed the Beveridge Amendment by an overwhelming margin. Nevertheless, the real battle would be fought in the House, where the meat-packing lobby had its strongest base of support. Undaunted, Roosevelt personally lobbied House Speaker Joe Cannon on the bill's behalf. Roosevelt wrote, "I understand the Pure Food bill and the Naturalization bill [a bill regarding citizenship requirements for immigrants] must be considered first. I earnestly favor both, especially the pure food bill."⁴²

Roosevelt's efforts to sway Congressman Wadsworth, however, fell flat. In the House, Wadsworth and Representative William Lorimer of Illinois led the fight against the Beveridge Amendment and the Heyburn Bill. Although in public they mounted a states' rights argument against the Beveridge and Heyburn bills, Wadsworth and Lorimer had other incentives for opposing reform legislation. Both had strong ties to the meat-packing industry, ties that inspired them to mount a desperate, last stand defense against Congressional passage. Wadsworth proposed amendments to the Beveridge bill that essentially stripped it of its reform character. Roosevelt responded with indignation. To Wadsworth he wrote, "I am sorry to have to say that it seems to me that each change is for the worse and that in the aggregate they are ruinous, taking away every particle of good from the suggested Beveridge amendment." Roosevelt went still further, informing Wadsworth he had decided to make the full Neill report available to the press.⁴³

⁴¹Clayton A. Coppin and Jack High, *The Politics of Purity: Harvey Washington Wiley and the Origins of Federal Food Policy* (Ann Arbor, Mich., 1999), p. 82.

⁴²Theodore Roosevelt to Joseph Cannon, May 27, 1906, in Morison, ed., *The Letters of Theodore Roosevelt*, vol. V, p. 286.

⁴³Theodore Roosevelt to James Wadsworth, May 31, 1906, in *ibid.*, p. 291.

As Roosevelt expected, the publication of the Neill report created a storm of public outrage as vociferous as that which had greeted *The Jungle* three months before. It also led to a precipitous drop in American beef exports, for governments around the world refused to allow their importation. But Roosevelt had no sympathy for the meat packers. As he explained to Lyman Abbott:

“I did not wish to make the report public. I had the different Senators informed privately of the facts that would be shown, and stated that if I could get proper legislation I would not make these facts public until I could also make public the fact that the evils had been remedied. The Senate passed the necessary legislation. But the packers, through their tools in the House, held up the legislation, produced a sham bill, and made it evident that the only chance to get a decent law was through an aroused public feeling that could only act on full knowledge. It was the packers themselves and their foolish or wicked friends who rendered imperative the publication of the report, with its undoubted attendant harm to our export business in meat. We can put this export business in meat on a proper footing again only by proper legislation; and if we have this legislation I will guarantee proper administration under it.”⁴⁴

Roosevelt knew he had the industry on the run. An administration ally in Chicago sent Roosevelt a firsthand account of the meat-packers’ belated efforts to clean up its act. The correspondent’s experience made clear that panic had infected the industry:

“On Monday I began a tour of all the great packing houses—going first to Libby’s, then Swift’s.... On every hand there was indication of an almost humorous haste to clean up, repave and even to plan for future changes. Brand new toilet rooms, new dressing rooms, new towels, etc. etc. Swift’s and Armour’s were both so cleaned up that I was compelled to cheer them on their way, by expressing my pleasure at the changes. The sausage girls were moved upstairs where they could get sun and light.... I asked for showers and lockers for the casing workers at Armour’s, and got a promise that they would put them in. The canning and stuffing room, chip beef and beef extract at Armour’s seemed really quite good.... They are putting in toilet rooms which they say are temporary, and that when the building is remodeled they will have these put in a better place. The haste towards reform would have been amusing if it were not so nearly tragic.”⁴⁵

Roosevelt warned Wadsworth that with every passing day, the administration’s resolve grew firmer. The investigations had produced enough evidence “in my judgment to call for immediate, thoroughgoing and radical enlargement of the powers of the Government in inspecting all meats which enter into interstate and foreign commerce.” Roosevelt insisted that reform would benefit business, not harm it. “Unfortunately, the misdeeds of those who are responsible for the abuses we design to cure will bring discredit and damage not only upon them but upon the innocent stock growers, the ranchmen and farmers of the country. The only way permanently to protect and benefit these innocent stock growers, theses farmers and ranchmen, is to secure by law the thorough and adequate inspection for which I have asked.”⁴⁶

The tide of public and political support for the acts had become irresistible. After years of appearing insurmountable, the opposition to a federal food and drug law collapsed. On June 30, 1906, Congress passed and Roosevelt signed into law both the Food and Drug Act and the Meat Inspection Act. Although passed

⁴⁶Theodore Roosevelt to James Wadsworth, May 31, 1906, in *ibid*, p. 295-296.

independently from one another, the Food and Drug Act encompassed both the subject matter of both acts, since under the terms of the act the Food and Drug Administration would regulate meat. Although written in the broadest terms, the Food and Drug Act of 1906 transformed food and drug production in America. Even at the time, contemporaries recognized that a historic achievement had been made. The federal government was now permanently in the business of protecting American consumers from unsafe food and drugs.⁴⁷

The Aftermath of 1906

In the years after 1906, Roosevelt's role in the passage of the Food and Drug Act and Meat Inspection act overshadowed Wiley's. Even at the time, press coverage of the acts tended to focus on the White House's role at the expense of the Agriculture Department's role. Roosevelt's colorful personality and talent for attracting the spotlight contributed to this phenomenon. Although Wiley greatly overstated the matter, he deeply resented the credit Roosevelt took for the Food and Drug Act's passage. In his autobiography, written 11 years after Roosevelt's death, Wiley still could not get over the popular acclaim that Roosevelt basked in after the act's passage. Wiley adamantly insisted that "Mr. Roosevelt has been given undue credit for his efforts in behalf of the Pure Food and Drugs Act."⁴⁸

In the months and years after Congressional passage, Wiley's resentment would poison the already tenuous relations between the two men. Ironically, Roosevelt privately gave the credit to Wiley for making the bill's passage possible in the first place. In a letter to Henry Rusby, a doctor and professor at Columbia University, Roosevelt confided, "I feel that Dr. Wiley was of the utmost service in creating sentiment that secured the passage of the act."⁴⁹

⁴⁷Anderson, *Health of a Nation*, 172-196.

⁴⁸Wiley, *Autobiography*, p. 231.

⁴⁹Theodore Roosevelt to Henry Hurd Rusby, January 7, 1909, in Morison, ed., *The Letters of Theodore Roosevelt*, vol. VI,

However, Roosevelt appears to have never expressed his gratitude to Wiley personally, and in his public statements he compounded Wiley's sense of resentment by ignoring him completely. After signing both bills into law, Roosevelt sent a warm letter to Senator Beveridge. "I send you herewith the pen with which I signed the agricultural bill, containing the meat inspection clauses. You were the man who first called my attention to the abuses in the packing houses. You were the legislator who drafted the bill which in its substance now appears in the amendment to the agricultural bill, and which will enable us to put a complete stop to the wrongdoing complained of. The pen is worth nothing in itself, but I am glad to send it to you as the expression of my acknowledgement of your services."⁵⁰

Roosevelt sent no pens to Wiley, nor did he send him a note of thanks, nor any other token of his appreciation. In his autobiography, Roosevelt did not even mention Wiley's name when discussing passage of the Food and Drug Act.⁵¹ By his public omissions, Roosevelt seemed to be implying that Wiley played a minor, insignificant role in the passage of the acts.

Wiley responded in kind. In his own autobiography, Wiley observed that "[i]t is true that on June 30, 1906, he [Roosevelt] placed his signature to the famous enactment and it became a law. But it is not true that Mr. Roosevelt championed the law in its bitter fight for passage in Congress."⁵² Thus, as Wiley saw it, Roosevelt himself played only a minor, insignificant role in the passage of the acts. Roosevelt may have signed the act, but in Wiley's rewriting of history Roosevelt had very little to do with ensuring that the act reached his

p. 1467.

⁵⁰Theodore Roosevelt to Albert Beveridge, June 30, 1906, in *ibid.*, p. 326-327.

⁵¹Theodore Roosevelt, *An Autobiography* (New York, 1913), p. 458.

⁵²Wiley, *Autobiography*, p. 231.

desk in the first place.

The inevitable collision between the two men came in 1908 during Roosevelt's last year in the White House. Wiley and his Poison Squad had spent several years conducting experiments on the safety of benzoate of soda and had concluded that it posed an unreasonable risk to public health. Catsup manufacturers cried foul, and some even accused Wiley of conspiring with the Heinz corporation to boost the latter's profits. Heinz had recently discovered a way to manufacture catsup without using artificial preservatives, a fact of which Wiley was well aware because of his close personal ties to the Heinz corporation. Wiley's critics implied that he had acted in cahoots with Heinz to help the company corner the market on catsup.⁵³

To resolve the controversy, Roosevelt ordered Wiley, Agriculture Secretary Wilson, and several industry lobbyists to the White House to discuss the issue. Exactly what happened at the meeting is not clear, but Wiley provided what he claimed was a word for word account in his autobiography. According to Wiley, Roosevelt asked Secretary Wilson: "Do you think benzoate of soda injurious?" Wilson replied: "My chemist carried on experimental determinations on healthy young men and found it so and I agree with him." Turning to Wiley, Roosevelt asked: "Doctor Wiley, do you think benzoate of soda is an injurious substance when placed in food?" With characteristic certainty, Wiley answered, "Mr. President, I don't think, I know."⁵⁴ To Roosevelt's surprise, Wiley then went on to condemn saccharin. In his autobiography Wiley described what happened next:

⁵³Coppin and High, *The Politics of Purity*, p. 121-125.

⁵⁴Wiley, *Autobiography*, p. 239-241; Anderson, *Health of a Nation*, p. 254-257.

“When I said this, President Roosevelt turned upon me, purple with anger, and with clenched fists, hissing through his teeth, said: ‘You say saccharin is injurious to health? Why, Doctor Rixey gives it to me every day. Anybody who says saccharin is injurious to health is an idiot.’”⁵⁵

Thus ended Harvey Wiley’s personal relationship with Theodore Roosevelt. As Roosevelt explained to Henry Rusby:

“The trouble with Doctor Wiley is that to my personal knowledge he has been guilty of such grave errors of judgment in matters of such great importance as to make it quite impossible to accept his say-so in a matter without a very uneasy feeling that I may be doing far-reaching harm to worse than no purpose. I tested him personally in reference to corn syrup, the use of saccharine, and the importation of a French vinegar. In each case he had made a ruling which was nonsensical, the kind of ruling which, if we allowed it to stand and to be followed by similar rulings, would certainly have meant the upsetting of the whole pure food law. These instances gave me a great distrust of Wiley’s good judgment.”⁵⁶

Yet, even in the same breath, Roosevelt retained respect for Wiley’s personal character and abilities. Despite his deep mistrust of Wiley’s idiosyncratic personality, Roosevelt added, “I have such confidence in his integrity and zeal that I am anxious to back him up to the limit of my power wherever I can be sure that doing so won’t do damage instead of good.”⁵⁷ But by then it was too late. Roosevelt had just two months left in the White House before his successor, William Howard Taft, took office.

⁵⁷Ibid., p. 1468.

Wiley would find his influence in the Taft Administration waning even more rapidly than it had in the Roosevelt Administration. Wiley became enmeshed in endless bureaucratic struggles, which in itself was not unusual for him, but the intensity of the battles reached new and dangerous levels. Wiley's personal ties to the industries he regulated created an opening for his opponents to exploit for their own purposes. For example, in 1909 representatives of the Heinz corporation clumsily attempted to persuade the Taft Administration to replace Agriculture Secretary Wilson with Wiley. The effort backfired when Taft reappointed Wilson and Wiley found himself more marginalized than ever. Wilson had protected Wiley in the past, but no longer. In a letter to President Taft, Wilson described Wiley as a "mischief making, low bred fellow" and as a "consummate hypocrite." Wilson asked Taft to "consider whether you think it is wise to permit me to call for his resignation." Although he had no love for Wiley, Taft refused. After years of watching Wiley rise in public prominence, Taft feared a public uproar would ensue if he fired the famous Harvey Wiley. Nevertheless, the tide had clearly turned against Wiley. He suffered yet another humiliating defeat when the National Association of State Food and Dairy Officials endorsed the safety of the benzoate of soda at their national convention in Denver.⁵⁸

Wiley also increasingly brought trouble upon himself. In one of the more unusual episodes of his career, Wiley brought suit against the Coca Cola corporation, accusing it of threatening the public health by adding caffeine to its cola, using inferior caramel, and misbranding itself as "coca cola" when it contained no cocaine and very little cola. The trial began in March 1911, just a few weeks after Wiley's marriage to Anna Kelton, a woman more than 30 years his junior. The 66-year-old Wiley and his young bride spent their honeymoon in Chattanooga, Tennessee, the location of the Coca Cola trial.⁵⁹ The trial quickly became a national sensation

⁵⁸Coppin and High, *The Politics of Purity*, p. 128-130 (quotation on p. 129).

⁵⁹Wiley, *Autobiography*, p. 282; Anderson, *Health of a Nation*, p. 242.

as both sides waged a public relations battle to win popular support. Wiley focused his public statements on the dangers of caffeine. In a letter to the editor of *Grocer's Magazine*, he claimed:

“The so-called soft drinks containing caffeine I consider objectionable in every respect. The number of victims of this habit of taking caffeine in soft drinks is very large throughout the South. In England, I have seen women who, if they were denied their tea at four o'clock, would become almost wild, and in this country I have known people who could not omit coffee or tea as usually taken without suffering from depression, headache, malaise, and a general feeling of discomfort.”⁶⁰

Arguing that the caffeine was not actually an “added substance,” the lawyers for Coca Cola filed a motion to dismiss the case, which the judge granted. The outcome stunned Wiley. “I was wholly unprepared for the motion made by the defense to dismiss the suit because the caffeine in the compound was not an ‘added substance’ since it had been used in the original formula. As the Pure Food and Drugs Act refers only to injurious substances that are added to food and drugs and not to those that are naturally contained therein, a ruling favorable to the defense on this point alone would destroy the efforts of the prosecution.” The Supreme Court upheld the motion to dismiss Wiley’s case.⁶¹

With his relationship with Secretary Wilson and President Taft in tatters, and with Congressional investigators scrutinizing the Chemistry Bureau’s finances, Wiley retired from government service in March 1912. But Wiley would not go quietly. In a public statement reprinted on the front page of newspapers around the country, Wiley chastised the Taft Administration for failing to enforce adequately the Food and Drug Act:

⁶¹Wiley, *Autobiography*, p. 263; Anderson, *Health of a Nation*, p. 236-237.

“I am now convinced that the freedom that belongs to every private citizen can be used by me more fruitfully in rallying public opinion to the support of the cause of pure food and drugs than could the limited activity left to me in the position which I have just vacated. I propose to devote the remainder of my life with such ability as I may have at my command and with such opportunities as may arise, to the promotion of the principles of civic righteousness and industrial integrity, which underlie the Food and Drugs Act, in the hope that it may be administered in the interests of the people at large instead of that of a comparatively few mercenary manufacturers and dealers. This hope is heightened by my belief that a great majority of the manufacturers and dealers in foods and drugs are heartily in sympathy with the views I have held, and that these views are endorsed by an overwhelming majority of the press and citizens of the country.”⁶²

During Wiley’s watch, the Bureau of Chemistry had grown from 6 employees to more than 600 and federal regulation of Food and Drug Law had become a permanent feature of American life. Yet, Wiley still resented the fact that the public viewed Theodore Roosevelt as the man responsible for the 1906 Pure Food and Drug Act. In his autobiography, Wiley complained, “During the excitement of the 1912 campaign for the presidency, when numerous ‘Bull Moosers’ were again bringing to light the accomplishments of Roosevelt as president, I saw frequent mention of his supposed ardent enthusiasm for pure food law.”⁶³

Wiley’s bitterness prompted him to abandon his life-long devotion to the Republican Party during the 1912 campaign, which pitted Taft, the Republican candidate, Roosevelt, the Bull Moose candidate, and Woodrow Wilson, the Democratic candidate, in a three-way race for the presidency. Wiley became vice president of the Wilson National Progressive Republican League, and campaigned on Wilson’s behalf in Indiana, Ohio, New York, and New England. As Wiley explained, “I had served under Roosevelt and Taft. I was not

⁶³Coppin and High, *The Politics of Purity*, p. 163; Wiley, *Autobiography*, p. 231.

satisfied with the attitude either held toward the Pure Food Act.... Governor Wilson, in his pre-election statements and speeches, had referred to the executive interference with the Pure Food Act as one of the evils he hoped to correct if elected president. On this score alone I decided to cast my fortunes with the Democratic party.”⁶⁴

Woodrow Wilson defeated Taft and Roosevelt in the 1912 election, but Wiley’s support of Wilson did not lead to an appointment in the new administration. Wiley seems to have been angling for one. After Wilson’s election, Wiley sent a long letter to David Houston, the new Agriculture Secretary, recommending to him a list of measures that would improve enforcement of the Food and Drug law. After a long delay, Houston’s secretary responded with a one sentence letter that read: “Your communication in regard to the execution of the Pure Food Law has been received, and placed on file.” Wiley never heard from Houston again.⁶⁵

Theodore Roosevelt found the Wilson administration equally unresponsive. When the First World War broke out, Roosevelt went to the White House to ask President Wilson to grant him a commission to lead the Rough Riders one last time in battle. Citing Roosevelt’s age and poor health, Wilson refused.⁶⁶ In the fall of 1918 Roosevelt’s son Quentin, a pilot in the U.S. Army Air Corps, was shot down and killed by the German Army. Heartbroken by his son’s death, and ambitious to return to the White House, Roosevelt in early 1919 was planning yet another political comeback, only to die suddenly of a pulmonary embolism. He was 60 years old. Among the accomplishments listed in his obituary, the Pure Food and Drug and Meat Inspection acts were prominently mentioned.⁶⁷

Harvey Wiley found more fulfillment and happiness in his retirement years, although his final years were not without controversy and bitterness. His young wife gave birth to two boys, and the family spent each

⁶⁴Wiley, *Autobiography*, p. 300-301; Anderson, *Health of a Nation*, p. 254.

⁶⁵Wiley, *Autobiography*, p. 301.

⁶⁶John Milton Cooper, Jr., *The Warrior and the Priest: Woodrow Wilson and Theodore Roosevelt* (Cambridge, Mass., 1983), p. 325.

⁶⁷Brands, *TR*, p. 798-805, 810-812, 815-816.

summer at their Loudon County farm, 50 miles outside of Washington.⁶⁸ Wiley reveled in his family life, but still longed for the public spotlight. Spurning numerous offers to serve on corporate boards, Wiley accepted a post as contributing editor to *Good Housekeeping*, where he published articles on food and drug safety. But public speaking remained Wiley's first love. He traveled the country participating in chautauqua and lyceum lectures, delivering hundreds of speeches to audiences in every state in the Union. He also toured Europe, where he received many honors, including the Legion of Honor from the French government. To the end of his life, Wiley remained defensive about his record as Chief Chemist. In 1929 he published *The History of a Crime against the Food Law*, a scathing and voluminous attack on what he saw as the government's failure to enforce the Pure Food and Drug Act. The overheated rhetoric and mean-spirited tone of the book embarrassed many of his friends. The next year the Bobbs-Merrill Company of Indianapolis published Wiley's autobiography, which Wiley had written in a far more genial tone than *History of a Crime*. Wiley's autobiography received a warm reception from the public, but he did not live to see it. He fell ill in July 1930 and died after a brief illness. He is buried in Arlington National Cemetery, not far from the Theodore Roosevelt Memorial on Roosevelt Island.⁶⁹

Without Harvey Wiley and Theodore Roosevelt, the Pure Food and Drug Act would still have eventually achieved Congressional passage. But one should not underestimate the importance of their roles. Wiley laid the groundwork for modern food and drug law by educating the public to the very real dangers present in the American food and drug supply. Roosevelt provided the critical political leadership and muscle necessary to get the bills made into law. Indeed, without Roosevelt and Wiley, the acts almost certainly would have been less sweeping and therefore less effective. Ultimately, the greatest testimony to Roosevelt and Wiley's legacy is the record of the Food and Drug Administration. Nearly 100 years after passage of the Pure Food and Drug and Meat Inspection acts, the FDA today is one of the most powerful, effective, and respected agencies

⁶⁸Anderson, *Health of a Nation*, p. 264-265

⁶⁹Wiley, *Autobiography*, p. 299-326; Coppin and High, *The Politics of Purity*, p. 163-164; Anderson, *Health of a Nation*, p. 264-279.

in the federal government. That is precisely what Roosevelt and Wiley hoped for when they campaigned on behalf of the food and drug legislation in 1906. Although the apportionment of historical credit is at best an inexact science, Roosevelt and Wiley's connection to the creation of the FDA undeniably burnishes both of their historical legacies.