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From a painting by P. Laszlo.

PRESIDENT THEODORE ROOSEVELT IN HIS RIDING COSTUME.

Theodore Roosevelt

AN AUTOBIOGRAPHY

WITH ILLUSTRATIONS

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the worst of all fears is the fear of living. There are many forms of success, many forms of triumph. But there is no other success that in any shape or way approaches that which is open to most of the many, many men and women who have the right ideals. These are the men and the women who see that it is the intimate and homely things that count most. They are the men and women who have the courage to strive for the happiness which comes only with labor and effort and self-sacrifice, and only to those whose joy in life springs in part from power of work and sense of duty.

CHAPTER X

THE PRESIDENCY; MAKING AN OLD PARTY PROGRESSIVE

ON September 6, 1901, President McKinley was shot by an Anarchist in the city of Buffalo. I went to Buffalo at once. The President's condition seemed to be improving, and after a day or two we were told that he was practically out of danger. I then joined my family, who were in the Adirondacks, near the foot of Mount Tahawus. A day or two afterwards we took a long tramp through the forest, and in the afternoon I climbed Mount Tahawus. After reaching the top I had descended a few hundred feet to a shelf of land where there was a little lake, when I saw a guide coming out of the woods on our trail from below. I felt at once that he had bad news, and, sure enough, he handed me a telegram saying that the President's condition was much worse and that I must come to Buffalo immediately. It was late in the afternoon, and darkness had fallen by the time I reached the clubhouse where we were staying. It was some time afterwards before I could get a wagon to drive me out to the nearest railway station, North Creek, some forty or fifty miles distant. The roads were the ordinary wilderness roads and the night was dark. But we changed horses two or three times — when I say "we" I mean the driver and I, as there was no one else with us — and reached the station just at dawn, to learn from Mr. Loeb, who had a special train waiting, that the President was dead. That evening I took the oath of office, in the house of Ansley Wilcox, at Buffalo.

On three previous occasions the Vice-President had succeeded to the Presidency on the death of the President. In each case there had been a reversal of party policy, and a nearly immediate and nearly complete change in the personnel of the higher offices, especially the Cabinet. I

on Delaware
as Hudson
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this way?



From a painting by John S. Sargent. Photograph by Frances B. Johnson.

PRESIDENT ROOSEVELT.

This portrait of Theodore Roosevelt, by John S. Sargent, is at the White House.

had never felt that this was wise from any standpoint. If a man is fit to be President, he will speedily so impress himself in the office that the policies pursued will be his anyhow, and he will not have to bother as to whether he is changing them or not; while as regards the offices under him, the important thing for him is that his subordinates shall make a success in handling their several departments. The subordinate is sure to desire to make a success of his department for his own sake, and if he is a fit man, whose views on public policy are sound, and whose abilities entitle him to his position, he will do excellently under almost any chief with the same purposes.

I at once announced that I would continue unchanged McKinley's policies for the honor and prosperity of the country, and I asked all the members of the Cabinet to stay. There were no changes made among them save as changes were made among their successors whom I myself appointed. I continued Mr. McKinley's policies, changing and developing them and adding new policies only as the questions before the public changed and as the needs of the public developed. Some of my friends shook their heads over this, telling me that the men I retained would not be "loyal to me," and that I would seem as if I were "a pale copy of McKinley." I told them that I was not nervous on this score, and that if the men I retained were loyal to their work they would be giving me the loyalty for which I most cared; and that if they were not, I would change them anyhow; and that as for being "a pale copy of McKinley," I was not primarily concerned with either following or not following in his footsteps, but in facing the new problems that arose; and that if I were competent I would find ample opportunity to show my competence by my deeds without worrying myself as to how to convince people of the fact.

For the reasons I have already given in my chapter on the Governorship of New York, the Republican party, which in the days of Abraham Lincoln was founded as the radical progressive party of the Nation, had been obliged during the last decade of the nineteenth century to uphold the interests of popular government against a foolish and illjudged mock-

McKinley was shot while making a speech in advocacy of tariff reduction - J. R. never doing anything to justify this "policy."

radicalism. It remained the Nationalist as against the particularist or State's rights party, and in so far it remained absolutely sound; for little permanent good can be done by any party which worships the State's rights fetish or which fails to regard the State, like the county or the municipality, as merely a convenient unit for local self-government, while in all National matters, of importance to the whole people, the Nation is to be supreme over State, county, and town alike. But the State's rights fetish, although still effectively used at certain times by both courts and Congress to block needed National legislation directed against the huge corporations or in the interests of workingmen, was not a prime issue at the time of which I speak. In 1896, 1898, and 1900 the campaigns were waged on two great moral issues: (1) the imperative need of a sound and honest currency; (2) the need, after 1898, of meeting in manful and straightforward fashion the extraterritorial problems arising from the Spanish War. On these great moral issues the Republican party was right, and the men who were opposed to it, and who claimed to be the radicals, and their allies among the sentimentalists, were utterly and hopelessly wrong. This had, regrettably but perhaps inevitably, tended to throw the party into the hands not merely of the conservatives but of the reactionaries; of men who, sometimes for personal and improper reasons, but more often with entire sincerity and uprightness of purpose, distrusted anything that was progressive and dreaded radicalism. These men still from force of habit applauded what Lincoln had done in the way of radical dealing with the abuses of his day; but they did not apply the spirit in which Lincoln worked to the abuses of their own day. Both houses of Congress were controlled by these men. Their leaders in the Senate were Messrs. Aldrich and Hale. The Speaker of the House when I became President was Mr. Henderson, but in a little over a year he was succeeded by Mr. Cannon, who, although widely differing from Senator Aldrich in matters of detail, represented the same type of public sentiment. There were many points on which I agreed with Mr. Cannon and Mr. Aldrich, and some points on which I agreed with Mr. Hale.

I made a resolute effort to get on with all three and with their followers, and I have no question that they made an equally resolute effort to get on with me. We succeeded in working together, although with increasing friction, for some years, I pushing forward and they hanging back. Gradually, however, I was forced to abandon the effort to persuade them to come my way, and then I achieved results only by appealing over the heads of the Senate and House leaders to the people, who were the masters of both of us. I continued in this way to get results until almost the close of my term; and the Republican party became once more the progressive and indeed the fairly radical progressive party of the Nation. When my successor was chosen, however, the leaders of the House and Senate, or most of them, felt that it was safe to come to a break with me, and the last or short session of Congress, held between the election of my successor and his inauguration four months later, saw a series of contests between the majorities in the two houses of Congress and the President,—myself,—quite as bitter as if they and I had belonged to opposite political parties. However, I held my own. I was not able to push through the legislation I desired during these four months, but I was able to prevent them doing anything I did not desire, or undoing anything that I had already succeeded in getting done.

There were, of course, many Senators and members of the lower house with whom up to the very last I continued to work in hearty accord, and with a growing understanding. I have not the space to enumerate, as I would like to, these men. For many years Senator Lodge had been my close personal and political friend, with whom I discussed all public questions, that arose, usually with agreement; and our intimately close relations were of course unchanged by my entry into the White House. He was of all our public men the man who had made the closest and wisest study of our foreign relations, and more clearly than almost any other man he understood the vital fact that the efficiency of our navy conditioned our national efficiency in foreign affairs. Anything relating to our international relations, from Panama and the navy to the Alaskan boundary question,

the Algeciras negotiations, or the peace of Portsmouth, I was certain to discuss with Senator Lodge and also with certain other members of Congress, such as Senator Turner of Washington and Representative Hitt of Illinois. Anything relating to labor legislation and to measures for controlling big business or efficiently regulating the giant railway systems, I was certain to discuss with Senator Dolliver or Congressman Hepburn or Congressman Cooper. With men like Senator Beveridge, Congressman (afterwards Senator) Dixon, and Congressman Murdock, I was apt to discuss pretty nearly everything relating to either our internal or our external affairs. There were many, many others. The present President of the Senate, Senator Clark, of Arkansas, was as fearless and high-minded a representative of the people of the United States as I ever dealt with. He was one of the men who combined loyalty to his own State with an equally keen loyalty to the people of all the United States. He was politically opposed to me; but when the interests of the country were at stake, he was incapable of considering party differences; and this was especially his attitude in international matters — including certain treaties which most of his party colleagues, with narrow lack of patriotism, and complete subordination of National to factional interest, opposed. I have never anywhere met finer, more faithful, more disinterested, and more loyal public servants than Senator O. H. Platt, a Republican, from Connecticut, and Senator Cockrell, a Democrat, from Missouri. They were already old men when I came to the Presidency; and doubtless there were points on which I seemed to them to be extreme and radical; but eventually they found that our motives and beliefs were the same, and they did all in their power to help any movement that was for the interest of our people as a whole. I had met them when I was Civil Service Commissioner and Assistant Secretary of the Navy. All I ever had to do with either was to convince him that a given measure I championed was right, and he then at once did all he could to have it put into effect. If I could not convince them, why! that was my fault, or my misfortune; but if I could convince them, I never had to think again as

to whether they would or would not support me. There were many other men of mark in both houses with whom I could work on some points, whereas on others we had to differ. There was one powerful leader — a burly, forceful man, of admirable traits — who had, however, been trained in the post-bellum school of business and politics, so that his attitude towards life, quite unconsciously, reminded me a little of Artemus Ward's view of the Tower of London — "If I like it, I'll buy it." There was a big governmental job in which this leader was much interested, and in reference to which he always wished me to consult a man whom he trusted, whom I will call Pitt Rodney. One day I answered him, "The trouble with Rodney is that he misestimates his relations to cosmos"; to which he responded, "Cosmos — Cosmos? Never heard of him. You stick to Rodney. He's your man!" Outside of the public servants there were multitudes of men, in newspaper offices, in magazine offices, in business or the professions or on farms or in shops, who actively supported the policies for which I stood and did work of genuine leadership which was quite as effective as any work done by men in public office. Without the active support of these men I would have been powerless. In particular, the leading newspaper correspondents at Washington were as a whole a singularly able, trustworthy, and public-spirited body of men, and the most useful of all agents in the fight for efficient and decent government.

As for the men under me in executive office, I could not overstate the debt of gratitude I owe them. From the heads of the departments, the Cabinet officers, down, the most striking feature of the Administration was the devoted, zealous, and efficient work that was done as soon as it became understood that the one bond of interest among all of us was the desire to make the Government the most effective instrument in advancing the interests of the people as a whole, the interests of the average men and women of the United States and of their children. I do not think I overstate the case when I say that most of the men who did the best work under me felt that ours was a partnership, that we all stood on the same level of purpose and service, and

that it mattered not what position any one of us held so long as in that position he gave the very best that was in him. We worked very hard; but I made a point of getting a couple of hours off each day for equally vigorous play. The men with whom I then played, whom we laughingly grew to call the "Tennis Cabinet," have been mentioned in a previous chapter of this book in connection with the gift they gave me at the last breakfast which they took at the White House. There were many others in the public service under me with whom I happened not to play, but who did their share of our common work just as effectively as it was done by us who did play. Of course nothing could have been done in my Administration if it had not been for the zeal, intelligence, masterful ability, and downright hard labor of these men in countless positions under me. I was helpless to do anything except as my thoughts and orders were translated into action by them; and, moreover, each of them, as he grew specially fit for his job, used to suggest to me the right thought to have, and the right order to give, concerning that job. It is of course hard for me to speak with cold and dispassionate partiality of these men, who were as close to me as were the men of my regiment. But the outside observers best fitted to pass judgment about them felt as I did. At the end of my Administration Mr. Bryce, the British Ambassador, told me that in a long life, during which he had studied intimately the government of many different countries, he had never in any country seen a more eager, high-minded, and efficient set of public servants, men more useful and more creditable to their country, than the men then doing the work of the American Government in Washington and in the field. I repeat this statement with the permission of Mr. Bryce.

At about the same time, or a little before, in the spring of 1908, there appeared in the English *Fortnightly Review* an article, evidently by a competent eye witness, setting forth more in detail the same views to which the British Ambassador thus privately gave expression. It was in part as follows:

"Mr. Roosevelt has gathered around him a body of public servants who are nowhere surpassed, I question whether



From a painting by F. Hopkinson Smith.

THE WHITE HOUSE FROM THE GARDEN.

they are anywhere equaled, for efficiency, self-sacrifice, and an absolute devotion to their country's interests. Many of them are poor men, without private means, who have voluntarily abandoned high professional ambitions and turned their backs on the rewards of business to serve their country on salaries that are not merely inadequate, but indecently so. There is not one of them who is not constantly assailed by offers of positions in the world of commerce, finance, and the law that would satisfy every material ambition with which he began life. There is not one of them who could not, if he chose, earn outside Washington from ten to twenty times the income on which he economizes as a State official. But these men are as indifferent to money and to the power that money brings as to the allurements of Newport and New York, or to merely personal distinctions, or to the commercialized ideals which the great bulk of their fellow-countrymen accept without question. They are content, and more than content, to sink themselves in the National service without a thought of private advancement, and often at a heavy sacrifice of worldly honors, and to toil on . . . sustained by their own native impulse to make of patriotism an efficient instrument of public betterment."

The American public rarely appreciate the high quality of the work done by some of our diplomats — work, usually entirely unnoticed and unrewarded, which redounds to the interest and the honor of all of us. The most useful man in the entire diplomatic service, during my presidency, and for many years before, was Henry White; and I say this having in mind the high quality of work done by such admirable ambassadors and ministers as Bacon, Meyer, Straus, O'Brien, Rockhill, and Egan, to name only a few among many. When I left the presidency White was Ambassador to France; shortly afterwards he was removed by Mr. Taft, for reasons unconnected with the good of the service.

The most important factor in getting the right spirit in my Administration, next to the insistence upon courage, honesty, and a genuine democracy of desire to serve the plain people, was my insistence upon the theory that the executive power was limited only by specific restrictions and

prohibitions appearing in the Constitution or imposed by the Congress under its Constitutional powers. My view was that every executive officer, and above all every executive officer in high position, was a steward of the people bound actively and affirmatively to do all he could for the people, and not to content himself with the negative merit of keeping his talents undamaged in a napkin. I declined to adopt the view that what was imperatively necessary for the Nation could not be done by the President unless he could find some specific authorization to do it. My belief was that it was not only his right but his duty to do anything that the needs of the Nation demanded unless such action was forbidden by the Constitution or by the laws. Under this interpretation of executive power I did and caused to be done many things not previously done by the President and the heads of the departments. I did not usurp power, but I did greatly broaden the use of executive power. In other words, I acted for the public welfare, I acted for the common well-being of all our people, whenever and in whatever manner was necessary, unless prevented by direct constitutional or legislative prohibition. I did not care a rap for the mere form and show of power; I cared immensely for the use that could be made of the substance. The Senate at one time objected to my communicating with them in printing, preferring the expensive, foolish, and laborious practice of writing out the messages by hand. It was not possible to return to the outworn archaism of hand writing; but we endeavored to have the printing made as pretty as possible. Whether I communicated with the Congress in writing or by word of mouth, and whether the writing was by a machine, or a pen, were equally, and absolutely, unimportant matters. The importance lay in what I said and in the heed paid to what I said. So as to my meeting and consulting Senators, Congressmen, politicians, financiers, and labor men. I consulted all who wished to see me; and if I wished to see any one, I sent for him; and where the consultation took place was a matter of supreme unimportance. I consulted every man with the sincere hope that I could profit by and follow his advice; I consulted

every member of Congress who wished to be consulted, hoping to be able to come to an agreement of action with him; and I always finally acted as my conscience and common sense bade me act.

About appointments I was obliged by the Constitution to consult the Senate; and the long-established custom of the Senate meant that in practice this consultation was with individual Senators and even with big politicians who stood behind the Senators. I was only one-half the appointing power; I nominated; but the Senate confirmed. In practice, by what was called "the courtesy of the Senate," the Senate normally refused to confirm any appointment if the Senator from the State objected to it. In exceptional cases, where I could arouse public attention, I could force through the appointment in spite of the opposition of the Senators; in all ordinary cases this was impossible. On the other hand, the Senator could of course do nothing for any man unless I chose to nominate him. In consequence the Constitution itself forced the President and the Senators from each State to come to a working agreement on the appointments in and from that State.

My course was to insist on absolute fitness, including honesty, as a prerequisite to every appointment; and to remove only for good cause, and, where there was such cause, to refuse even to discuss with the Senator in interest the unfit servant's retention. Subject to these considerations, I normally accepted each Senator's recommendations for offices of a routine kind, such as most post-offices and the like, but insisted on myself choosing the men for the more important positions. I was willing to take any good man for postmaster; but in the case of a Judge or District Attorney or Canal Commissioner or Ambassador, I was apt to insist either on a given man or else on any man with a given class of qualifications. If the Senator deceived me, I took care that he had no opportunity to repeat the deception.

I can perhaps best illustrate my theory of action by two specific examples. In New York Governor Odell and Senator Platt sometimes worked in agreement and sometimes were at swords' points, and both wished to be con-

sulted. To a friendly Congressman, who was also their friend, I wrote as follows on July 22, 1903:

"I want to work with Platt. I want to work with Odell. I want to support both and take the advice of both. But of course ultimately I must be the judge as to acting on the advice given. When, as in the case of the judgeship, I am convinced that the advice of both is wrong, I shall act as I did when I appointed Holt. When I can find a friend of Odell's like Cooley, who is thoroughly fit for the position I desire to fill, it gives me the greatest pleasure to appoint him. When Platt proposes to me a man like Hamilton Fish, it is equally a pleasure to appoint him."

This was written in connection with events which led up to my refusing to accept Senator Platt's or Governor Odell's suggestions as to a Federal Judgeship and a Federal District Attorneyship, and insisting on the appointment, first of Judge Hough and later of District Attorney Stimson; because in each case I felt that the work to be done was of so high an order that I could not take an ordinary man.

The other case was that of Senator Fulton, of Oregon. Through Francis Heney I was prosecuting men who were implicated in a vast network of conspiracy against the law in connection with the theft of public land in Oregon. I had been acting on Senator Fulton's recommendations for office, in the usual manner. Heney had been insisting that Fulton was in league with the men we were prosecuting, and that he had recommended unfit men. Fulton had been protesting against my following Heney's advice, particularly as regards appointing Judge Wolverton as United States Judge. Finally Heney laid before me a report which convinced me of the truth of his statements. I then wrote to Fulton as follows, on November 20, 1905: "My dear Senator Fulton: I inclose you herewith a copy of the report made to me by Mr. Heney. I have seen the originals of the letters from you and Senator Mitchell quoted therein. I do not at this time desire to discuss the report itself, which of course I must submit to the Attorney-General. But I have been obliged to reach the painful conclusion that your own letters as therein quoted tend to show that you recom-

mended for the position of District Attorney B when you had good reason to believe that he had himself been guilty



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From a painting by Theobald Chartau.

MRS. THEODORE ROOSEVELT.

of fraudulent conduct; that you recommended C for the same position simply because it was for B's interest that he

should be so recommended, and, as there is reason to believe, because he had agreed to divide the fees with B if he were appointed; and that you finally recommended the reappointment of H with the knowledge that if H were appointed he would abstain from prosecuting B for criminal misconduct, this being why B advocated H's claims for reappointment. If you care to make any statement in the matter, I shall of course be glad to hear it. As the District Judge of Oregon I shall appoint Judge Wolverton." In the letter I of course gave in full the names indicated above by initials. Senator Fulton gave no explanation. I therefore ceased to consult him about appointments under the Department of Justice and the Interior, the two departments in which the crookedness had occurred — there was no question of crookedness in the other offices in the State, and they could be handled in the ordinary manner. Legal proceedings were undertaken against his colleague in the Senate, and one of his colleagues in the lower house, and the former was convicted and sentenced to the penitentiary.

In a number of instances the legality of executive acts of my Administration was brought before the courts. They were uniformly sustained. For example, prior to 1907 statutes relating to the disposition of coal lands had been construed as fixing the flat price at \$10 to \$20 per acre. The result was that valuable coal lands were sold for wholly inadequate prices, chiefly to big corporations. By executive order the coal lands were withdrawn and not opened for entry until proper classification was placed thereon by Government agents. There was a great clamor that I was usurping legislative power; but the acts were not assailed in court until we brought suits to set aside entries made by persons and associations to obtain larger areas than the statutes authorized. This position was opposed on the ground that the restrictions imposed were illegal; that the executive orders were illegal. The Supreme Court sustained the Government. In the same way our attitude in the water power question was sustained, the Supreme Court holding that the Federal Government had the rights we claimed over streams that are or may be declared navigable by Congress.

Again, when Oklahoma became a State we were obliged to use the executive power to protect Indian rights and property, for there had been an enormous amount of fraud in the obtaining of Indian lands by white men. Here we were denounced as usurping power over a State as well as usurping power that did not belong to the executive. The Supreme Court sustained our action.

In connection with the Indians, by the way, it was again and again necessary to assert the position of the President as steward of the whole people. I had a capital Indian Commissioner, Francis E. Leupp. I found that I could rely on his judgment not to get me into fights that were unnecessary, and therefore I always backed him to the limit when he told me that a fight was necessary. On one occasion, for example, Congress passed a bill to sell to settlers about half a million acres of Indian land in Oklahoma at one and a half dollars an acre. I refused to sign it, and turned the matter over to Leupp. The bill was accordingly withdrawn, amended so as to safeguard the welfare of the Indians, and the minimum price raised to five dollars an acre. Then I signed the bill. We sold that land under sealed bids, and realized for the Kiowa, Comanche, and Apache Indians more than four million dollars — three millions and a quarter more than they would have obtained if I had signed the bill in its original form. In another case, where there had been a division among the Sac and Fox Indians, part of the tribe removing to Iowa, the Iowa delegation in Congress, backed by two Iowans who were members of my Cabinet, passed a bill awarding a sum of nearly a half million dollars to the Iowa seceders. They had not consulted the Indian Bureau. Leupp protested against the bill, and I vetoed it. A subsequent bill was passed on the lines laid down by the Indian Bureau, referring the whole controversy to the courts, and the Supreme Court in the end justified our position by deciding against the Iowa seceders and awarding the money to the Oklahoma stay-at-homes.

As to all action of this kind there have long been two schools of political thought, upheld with equal sincerity. The division has not normally been along political, but

temperamental, lines. The course I followed, of regarding the executive as subject only to the people, and, under the Constitution, bound to serve the people affirmatively in cases where the Constitution does not explicitly forbid him to render the service, was substantially the course followed by both Andrew Jackson and Abraham Lincoln. Other honorable and well-meaning Presidents, such as James Buchanan, took the opposite and, as it seems to me, narrowly legalistic view that the President is the servant of Congress rather than of the people, and can do nothing, no matter how necessary it be to act, unless the Constitution explicitly commands the action. Most able lawyers who are past middle age take this view, and so do large numbers of well-meaning, respectable citizens. My successor in office took this, the Buchanan, view of the President's powers and duties.

For example, under my Administration we found that one of the favorite methods adopted by the men desirous of stealing the public domain was to carry the decision of the Secretary of the Interior into court. By vigorously opposing such action, and only by so doing, we were able to carry out the policy of properly protecting the public domain. My successor not only took the opposite view, but recommended to Congress the passage of a bill which would have given the courts direct appellate power over the Secretary of the Interior in these land matters. This bill was reported favorably by Mr. Mondell, Chairman of the House Committee on public lands, a Congressman who took the lead in every measure to prevent the conservation of our natural resources and the preservation of the National domain for the use of home-seekers. Fortunately, Congress declined to pass the bill. Its passage would have been a veritable calamity.

I acted on the theory that the President could at any time in his discretion withdraw from entry any of the public lands of the United States and reserve the same for forestry, for water-power sites, for irrigation, and other public purposes. Without such action it would have been impossible to stop the activity of the land thieves. No one ventured to test its legality by lawsuit. My successor, however,

himself questioned it, and referred the matter to Congress. Again Congress showed its wisdom by passing a law which gave the President the power which he had long exercised and of which my successor had shorn himself.

Perhaps the sharp difference between what may be called the Lincoln-Jackson and the Buchanan-Taft schools, in their views of the power and duties of the President, may be best illustrated by comparing the attitude of my successor toward his Secretary of the Interior, Mr. Ballinger, when the latter was accused of gross misconduct in office, with my attitude towards my chiefs of department and other subordinate officers. More than once while I was President my officials were attacked by Congress, generally because these officials did their duty well and fearlessly. In every such case I stood by the official and refused to recognize the right of Congress to interfere with me excepting by impeachment or in other Constitutional manner. On the other hand, wherever I found the officer unfit for his position I promptly removed him, even although the most influential men in Congress fought for his retention. The Jackson-Lincoln view is that a President who is fit to do good work should be able to form his own judgment as to his own subordinates, and, above all, of the subordinates standing highest and in closest and most intimate touch with him. My secretaries and their subordinates were responsible to me, and I accepted the responsibility for all their deeds. As long as they were satisfactory to me I stood by them against every critic or assailant, within or without Congress; and as for getting Congress to make up my mind for me about them, the thought would have been inconceivable to me. My successor took the opposite, or Buchanan, view when he permitted and requested Congress to pass judgment on the charges made against Mr. Ballinger as an executive officer. These charges were made to the President; the President had the facts before him and could get at them at any time, and he alone had power to act if the charges were true. However, he permitted and requested Congress to investigate Mr. Ballinger. The party minority of the committee that investigated him, and

one member of the majority, declared that the charges were well founded and that Mr. Ballinger should be removed. The other members of the majority declared the charges ill founded. The President abode by the view of the majority. Of course believers in the Jackson-Lincoln theory of the Presidency would not be content with this town meeting majority and minority method of determining by another branch of the Government what it seems the especial duty of the President himself to determine for himself in dealing with his own subordinate in his own department.

There are many worthy people who reprobate the Buchanan method as a matter of history, but who in actual life reprobate still more strongly the Jackson-Lincoln method when it is put into practice. These persons conscientiously believe that the President should solve every doubt in favor of inaction as against action, that he should construe strictly and narrowly the Constitutional grant of powers both to the National Government, and to the President within the National Government. In addition, however, to the men who conscientiously believe in this course from high, although as I hold misguided, motives, there are many men who affect to believe in it merely because it enables them to attack and to try to hamper, for partisan or personal reasons, an executive whom they dislike. There are other men in whom, especially when they are themselves in office, practical adherence to the Buchanan principle represents not well-thought-out devotion to an unwise course, but simple weakness of character and desire to avoid trouble and responsibility. Unfortunately, in practice it makes little difference which class of ideas actuates the President, who by his action sets a cramping precedent. Whether he is highminded and wrongheaded or merely infirm of purpose, whether he means well feebly or is bound by a mischievous misconception of the powers and duties of the National Government and of the President, the effect of his actions is the same. The President's duty is to act so that he himself and his subordinates shall be able to do efficient work for the people, and this efficient work he and they cannot do if Congress is permitted to undertake the

*The Rough Rider**With Mr. Punch's best wishes to Colonel Roosevelt, President of the United States.*

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Cartoon by Bernard Partridge.

THE ROUGH RIDER.

*With Mr. Punch's best wishes to Colonel Roosevelt, President of the United States.**Punch's congratulations when Colonel Roosevelt became President.*

task of making up his mind for him as to how he shall perform what is clearly his sole duty

One of the ways in which by independent action of the executive we were able to accomplish an immense amount of work for the public was through volunteer unpaid commissions appointed by the President. It was possible to get the work done by these volunteer commissions only because of the enthusiasm for the public service which, starting in the higher offices at Washington, made itself felt throughout the Government departments — as I have said, I never knew harder and more disinterested work done by any people than was done by the men and women of all ranks in the Government service. The contrast was really extraordinary between their live interest in their work and the traditional clerical apathy which has so often been the distinguishing note of governmental work in Washington. Most of the public service performed by these volunteer commissions, carried on without a cent of pay to the men themselves, and wholly without cost to the Government, was done by men the great majority of whom were already in the Government service and already charged with responsibilities amounting each to a full man's job.

The first of these Commissions was the Commission on the Organization of Government Scientific Work, whose Chairman was Charles D. Walcott. Appointed March 13, 1903; its duty was to report directly to the President "upon the organization, present condition, and needs of the Executive Government work wholly or partly scientific in character, and upon the steps which should be taken, if any, to prevent the duplication of such work, to co-ordinate its various branches, to increase its efficiency and economy, and to promote its usefulness to the Nation at large." This Commission spent four months in an examination which covered the work of about thirty of the larger scientific and executive bureaus of the Government, and prepared a report which furnished the basis for numerous improvements in the Government service.

Another Commission, appointed June 2, 1905, was that on Department Methods — Charles H. Keep, Chairman

— whose task was to “find out what changes are needed to place the conduct of the executive business of the Government in all its branches on the most economical and effective basis in the light of the best modern business practice.” The letter appointing this Commission laid down nine principles of effective Governmental work, the most striking of which was: “The existence of any method, standard, custom, or practice is no reason for its continuance when a better is offered.” This Commission, composed like that just described, of men already charged with important work, performed its functions wholly without cost to the Government. It was assisted by a body of about seventy experts in the Government departments chosen for their special qualifications to carry forward a study of the best methods in business, and organized into assistant committees under the leadership of Overton W. Price, Secretary of the Commission. These assistant committees, all of whose members were still carrying on their regular work, made their reports during the last half of 1906. The Committee informed itself fully regarding the business methods of practically every individual branch of the business of the Government, and effected a marked improvement in general efficiency throughout the service. The conduct of the routine business of the Government had never been thoroughly overhauled before, and this examination of it resulted in the promulgation of a set of working principles for the transaction of public business which are as sound to-day as they were when the Committee finished its work. The somewhat elaborate and costly investigations of Government business methods since made have served merely to confirm the findings of the Committee on Departmental Methods, which were achieved without costing the Government a dollar. The actual saving in the conduct of the business of the Government through the better methods thus introduced amounted yearly to many hundreds of thousands of dollars; but a far more important gain was due to the remarkable success of the Commission in establishing a new point of view in public servants toward their work. The need for improvement in the Governmental methods

of transacting business may be illustrated by an actual case. An officer in charge of an Indian agency made a requisition in the autumn for a stove costing seven dollars, certifying at the same time that it was needed to keep the infirmary warm during the winter, because the old stove was worn out. Thereupon the customary papers went through the customary routine, without unusual delay at any point. The transaction moved like a glacier with dignity to its appointed end, and the stove reached the infirmary in good order in time for the Indian agent to acknowledge its arrival in these words: “The stove is here. So is spring.”

The Civil Service Commission, under men like John McIlhenny and Garfield, rendered service without which the Government could have been conducted with neither efficiency nor honesty. The politicians were not the only persons at fault; almost as much improper pressure for appointments is due to mere misplaced sympathy, and to the spiritless inefficiency which seeks a Government office as a haven for the incompetent. An amusing feature of office seeking is that each man desiring an office is apt to look down on all others with the same object as forming an objectionable class with which *he* has nothing in common. At the time of the eruption of Mt. Pelée, when among others the American Consul was killed, a man who had long been seeking an appointment promptly applied for the vacancy. He was a good man, of persistent nature, who felt I had been somewhat blind to his merits. The morning after the catastrophe he wrote, saying that as the consul was dead he would like his place, and that I could surely give it to him, because “even the office seekers could not have applied for it yet!”

The method of public service involved in the appointment and the work of the two commissions just described was applied also in the establishment of four other commissions, each of which performed its task without salary or expense for its members, and wholly without cost to the Government. The other four commissions were:

Commission on Public Lands;
Commission on Inland Waterways;

Commission on Country Life; and
Commission on National Conservation.

All of these commissions were suggested to me by Gifford Pinchot, who served upon them all. The work of the last four will be touched upon in connection with the chapter on Conservation. These commissions by their reports and findings directly interfered with many place-holders who were doing inefficient work, and their reports and the action taken thereon by the Administration strengthened the hands of those administrative officers who in the various departments, and especially in the Secret Service, were proceeding against land thieves and other corrupt wrong-doers. Moreover, the mere fact that they did efficient work for the public along lines new to veteran and cynical politicians of the old type created vehement hostility to them. Senators like Mr. Hale and Congressmen like Mr. Tawney were especially bitter against these commissions; and towards the end of my term they were followed by the majority of their fellows in both houses, who had gradually been sundered from me by the open or covert hostility of the financial or Wall Street leaders, and of the newspaper editors and politicians who did their bidding in the interest of privilege. These Senators and Congressmen asserted that they had a right to forbid the President profiting by the unpaid advice of disinterested experts. Of course I declined to admit the existence of any such right, and continued the Commissions. My successor acknowledged the right, upheld the view of the politicians in question, and abandoned the commissions, to the lasting detriment of the people as a whole.

One thing is worth pointing out: During the seven and a half years of my Administration we greatly and usefully extended the sphere of Governmental action, and yet we reduced the burden of the taxpayers; for we reduced the interest-bearing debt by more than \$90,000,000. To achieve a marked increase in efficiency and at the same time an increase in economy is not an easy feat; but we performed it.

There was one ugly and very necessary task. This was

to discover and root out corruption wherever it was found in any of the departments. The first essential was to make it clearly understood that no political or business or social influence of any kind would for one moment be even considered when the honesty of a public official was at issue. It took a little time to get this fact thoroughly drilled into the heads both of the men within the service and of the political leaders without. The feat was accomplished so thoroughly that every effort to interfere in any shape or way with the course of justice was abandoned definitely and for good. Most, although not all, of the frauds occurred in connection with the Post-Office Department and the Land Office.

It was in the Post-Office Department that we first definitely established the rule of conduct which became universal throughout the whole service. Rumors of corruption in the department became rife, and finally I spoke of them to the then First Assistant Postmaster-General, afterwards Postmaster-General, Robert J. Wynne. He reported to me, after some investigation, that in his belief there was doubtless corruption, but that it was very difficult to get at it, and that the offenders were confident and defiant because of their great political and business backing and the ramifications of their crimes. Talking the matter over with him, I came to the conclusion that the right man to carry on the investigation was the then Fourth Assistant Postmaster-General, now a Senator from Kansas, Joseph L. Bristow, who possessed the iron fearlessness needful to front such a situation. Mr. Bristow had perforce seen a good deal of the seamy side of politics, and of the extent of the unscrupulousness with which powerful influence was brought to bear to shield offenders. Before undertaking the investigation he came to see me, and said that he did not wish to go into it unless he could be assured that I would stand personally behind him, and, no matter where his inquiries led him, would support him and prevent interference with him. I answered that I would certainly do so. He went into the investigation with relentless energy, dogged courage, and keen intelligence. His success was

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complete, and the extent of his services to the Nation are not easily to be exaggerated. He unearthed a really appalling amount of corruption, and he did his work with such absolute thoroughness that the corruption was completely eradicated.

We had, of course, the experience usual in all such investigations. At first there was popular incredulity and disbelief that there was much behind the charges, or that much could be unearthed. Then when the corruption was shown there followed a yell of anger from all directions, and a period during which any man accused was forthwith held guilty by the public; and violent demands were made by the newspapers for the prosecution not only of the men who could be prosecuted with a fair chance of securing conviction and imprisonment, but of other men whose misconduct had been such as to warrant my removing them from office, but against whom it was not possible to get the kind of evidence which would render likely conviction in a criminal case. Suits were brought against all the officials whom we thought we could convict; and the public complained bitterly that we did not bring further suits. We secured several convictions; including convictions of the most notable offenders. The trials consumed a good deal of time. Public attention was attracted to something else. Indifference succeeded to excitement, and in some subtle way the juries seemed to respond to the indifference. One of the worst offenders was acquitted by a jury; whereupon not a few of the same men who had insisted that the Government was derelict in not criminally prosecuting every man whose misconduct was established so as to make it necessary to turn him out of office, now turned round and, inasmuch as the jury had not found this man guilty of crime, demanded that he should be reinstated in office! It is needless to say that the demand was not granted. There were two or three other acquittals, of prominent outsiders. Nevertheless the net result was that the majority of the worst offenders were sent to prison, and the remainder dismissed from the Government service, if they were public officials, and if they were not, public officials at least so advertised as to

render it impossible that they should ever again have dealings with the Government. The department was absolutely cleaned and became one of the very best in the Government. Several Senators came to me — Mr. Garfield was present on the occasion — and said that they were glad I was putting a stop to corruption, but they hoped I would avoid all scandal; that if I would make an example of some one man and then let the others quietly resign, it would avoid a disturbance which might hurt the party. They were advising me in good faith, and I was as courteous as possible in my answer, but explained that I would have to act with the utmost rigor against the offenders, no matter what the effect on the party, and, moreover, that I did not believe it would hurt the party. It did not hurt the party. It helped the party. A favorite war-cry in American political life has always been, "Turn the rascals out." We made it evident that, as far as we were concerned, this war-cry was pointless; for we turned our own rascals out.

There were important and successful land fraud prosecutions in several Western States. Probably the most important were the cases prosecuted in Oregon by Francis J. Heney, with the assistance of William J. Burns, a secret service agent who at that time began his career as a great detective. It would be impossible to overstate the services rendered to the cause of decency and honesty by Messrs. Heney and Burns. Mr. Heney was my close and intimate adviser professionally and non-professionally, not only as regards putting a stop to frauds in the public lands, but in many other matters of vital interest to the Republic. No man in the country has waged the battle for National honesty with greater courage and success, with more whole-hearted devotion to the public good; and no man has been more traduced and maligned by the wrong-doing agents and representatives of the great sinister forces of evil. He secured the conviction of various men of high political and financial standing in connection with the Oregon prosecutions; he and Burns behaved with scrupulous fairness and propriety; but their services to the public caused them to incur the bitter hatred of those who had wronged the pub-

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W. J. Burns

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 lic, and after I left office the National Administration turned against them. One of the most conspicuous of the men whom they had succeeded in convicting was pardoned by President Taft — in spite of the fact that the presiding Judge, Judge Hunt, had held that the evidence amply warranted the conviction, and had sentenced the man to imprisonment. As was natural, the one hundred and forty-six land-fraud defendants in Oregon, who included the foremost machine political leaders in the State, furnished the backbone of the opposition to me in the Presidential contest of 1912. The opposition rallied behind Messrs. Taft and LaFollette; and although I carried the primaries handsomely, half of the delegates elected from Oregon under instructions to vote for me, sided with my opponents in the National Convention — and as regards some of them I became convinced that the mainspring of their motive lay in the intrigue for securing the pardon of certain of the men whose conviction Heney had secured.

LaFollette
 forwarded Secretary of State and put under to explain well as Senator from Minnesota
 Land fraud and post-office cases were not the only ones. We were especially zealous in prosecuting all of the "higher up" offenders in the realms of politics and finance who swindled on a large scale. Special assistants of the Attorney-General, such as Mr. Frank Kellogg, of St. Paul, and various first-class Federal district attorneys in different parts of the country secured notable results: Mr. Stimson and his assistants, Messrs. Wise, Denison, and Frankfurter, in New York, for instance, in connection with the prosecution of the Sugar Trust and of the banker Morse, and of a great metropolitan newspaper for opening its columns to obscene and immoral advertisements; and in St. Louis Messrs. Dyer and Nortoni, who, among other services, secured the conviction and imprisonment of Senator Burton, of Kansas; and in Chicago Mr. Sims, who raised his office to the highest pitch of efficiency, secured the conviction of the banker Walsh and of the Beef Trust, and first broke through the armor of the Standard Oil Trust. It is not too much to say that these men, and others like them, worked a complete revolution in the enforcement of the Federal laws, and made their offices organized legal machines

fit and ready to conduct smashing fights for the people's rights and to enforce the laws in aggressive fashion. When I took the Presidency, it was a common and bitter saying that a big man, a rich man, could not be put in jail. We put many big and rich men in jail; two United States Senators, for instance, and among others two great bankers, one in New York and one in Chicago. One of the United States Senators died, the other served his term. (One of the bankers was released from prison by executive order after I left office.) These were merely individual cases among many others like them. Moreover, we were just as relentless in dealing with crimes of violence among the disorderly and brutal classes as in dealing with the crimes of cunning and fraud of which certain wealthy men and big politicians were guilty. Mr. Sims in Chicago was particularly efficient in sending to the penitentiary numbers of the infamous men who batten on the "white slave" traffic, after July, 1908, when by proclamation I announced the adherence of our Government to the international agreement for the suppression of the traffic.

The views I then held and now hold were expressed in a memorandum made in the case of a Negro convicted of the rape of a young Negro girl, practically a child. A petition for his pardon had been sent me.

WHITE HOUSE, WASHINGTON, D. C.,

August 8, 1904.

The application for the commutation of sentence of John W. Burley is denied. This man committed the most hideous crime known to our laws, and twice before he has committed crimes of a similar, though less horrible, character. In my judgment there is no justification whatever for paying heed to the allegations that he is not of sound mind, allegations made after the trial and conviction. Nobody would pretend that there has ever been any such degree of mental unsoundness shown as would make people even consider sending him to an asylum if he had not committed this crime. Under such circumstances he should

certainly be esteemed sane enough to suffer the penalty for his monstrous deed. I have scant sympathy with the plea of insanity advanced to save a man from the consequences of crime, when unless that crime had been committed it would have been impossible to persuade any responsible authority to commit him to an asylum as insane. Among the most dangerous criminals, and especially among those prone to commit this particular kind of offense, there are plenty of a temper so fiendish or so brutal as to be incompatible with any other than a brutish order of intelligence; but these men are nevertheless responsible for their acts; and nothing more tends to encourage crime among such men than the belief that through the plea of insanity or any other method it is possible for them to escape paying the just penalty of their crimes. The crime in question is one to the existence of which we largely owe the existence of that spirit of lawlessness which takes form in lynching. It is a crime so revolting that the criminal is not entitled to one particle of sympathy from any human being. It is essential that the punishment for it should be not only as certain but as swift as possible. The jury in this case did their duty by recommending the infliction of the death penalty. It is to be regretted that we do not have special provision for more summary dealing with this type of cases. The more we do what in us lies to secure certain and swift justice in dealing with these cases, the more effectively do we work against the growth of that lynching spirit which is so full of evil omen for this people, because it seeks to avenge one infamous crime by the commission of another of equal infamy.

The application is denied and the sentence will be carried into effect.

(Signed) THEODORE ROOSEVELT.

One of the most curious incidents of lawlessness with which I had to deal affected an entire State. The State of Nevada in the year 1907 was gradually drifting into utter governmental impotence and downright anarchy. The people were at heart all right; but the forces of evil had been per-

mitted to get the upper hand, and for the time being the decent citizens had become helpless to assert themselves either by controlling the greedy corporations on the one hand or repressing the murderous violence of certain lawless labor organizations on the other hand. The Governor of the State was a Democrat and a Southern man, and in the abstract a strong believer in the doctrine of State's Rights. But his experience finally convinced him that he could obtain order only through the intervention of the National Government; and then he went over too far and wished to have the National Government do his police work for him. In the Rocky Mountain States there had existed for years what was practically a condition of almost constant war between the wealthy mine-owners and the Western Federation of Miners, at whose head stood Messrs. Haywood, Pettibone, and Moyer, who were about that time indicted for the murder of the Governor of Idaho. Much that was lawless, much that was indefensible, had been done by both sides. The Legislature of Nevada was in sympathy with, or at least was afraid of not expressing sympathy for, Messrs. Moyer, Haywood, Pettibone, and their associates. The State was practically without any police, and the Governor had recommended the establishment of a State Constabulary, along the lines of the Texas Rangers; but the Legislature rejected his request. The Governor reported to me the conditions as follows. During 1907 the Goldfield mining district became divided into two hostile camps. Half of the Western Federation of Miners were constantly armed, and arms and ammunition were purchased and kept by the union as a body, while the mine-owners on their side retained large numbers of watchmen and guards who were also armed and always on duty. In addition to these opposing forces there was, as the Governor reported, an unusually large number of the violent and criminal element, always attracted to a new and booming mining camp. Under such conditions the civil authorities were practically powerless, and the Governor, being helpless to avert civil war, called on me to keep order. I accordingly threw in a body of regular troops under General Funston. These



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Cartoon by Bernard Partridge.

THE SOAP-AND-WATER CURE.

President Roosevelt: "As I recently remarked at Nashville, Tenn.: 'During the next sixteen months of my term of office this policy shall be persevered in unswervingly.'"

AMERICAN EAGLE: "JE-HOSAPHAT!"

kept order completely, and the Governor became so well satisfied that he thought he would like to have them there permanently! This seemed to me unhealthy, and on December 28, 1907, I notified him that while I would do my duty, the first need was that the State authorities should do theirs, and that the first step towards this was the assembling of the Legislature. I concluded my telegram: "If within five days from receipt of this telegram you shall have issued the necessary notice to convene the Legislature of Nevada, I shall continue the troops during a period of three weeks. If when the term of five days has elapsed the notice has not been issued, the troops will be immediately returned to their former stations." I had already investigated the situation through a committee, composed of the Chief of the Bureau of Corporations, Mr. H. K. Smith, the Chief of the Bureau of Labor, Mr. C. P. Neill, and the Comptroller of the Treasury, Mr. Lawrence Murray. These men I could thoroughly trust, and their report, which was not over-favorable to either side, had convinced me that the only permanent way to get good results was to insist on the people of the State themselves grappling with and solving their own troubles. The Governor summoned the Legislature, it met, and the constabulary bill was passed. The troops remained in Nevada until time had been given for the State authorities to organize their force so that violence could at once be checked. Then they were withdrawn.

Nor was it only as regards their own internal affairs that I sometimes had to get into active communication with the State authorities. There has always been a strong feeling in California against the immigration of Asiatic laborers, whether these are wage-workers or men who occupy and till the soil. I believe this to be fundamentally a sound and proper attitude, an attitude which must be insisted upon, and yet which can be insisted upon in such a manner and with such courtesy and such sense of mutual fairness and reciprocal obligation and respect as not to give any just cause of offense to Asiatic peoples. In the present state of the world's progress it is highly inadvisable that peoples in wholly different stages of civilization, or of wholly different

types of civilization even although both equally high, shall be thrown into intimate contact. This is especially undesirable when there is a difference of both race and standard of living. In California the question became acute in connection with the admission of the Japanese. I then had and now have a hearty admiration for the Japanese people. I believe in them; I respect their great qualities; I wish that our American people had many of these qualities. Japanese and American students, travelers, scientific and literary men, merchants engaged in international trade, and the like can meet on terms of entire equality and should be given the freest access each to the country of the other. But the Japanese themselves would not tolerate the intrusion into their country of a mass of Americans who would displace Japanese in the business of the land. I think they are entirely right in this position. I would be the first to admit that Japan has the absolute right to declare on what terms foreigners shall be admitted to work in her country, or to own land in her country, or to become citizens of her country. America has and must insist upon the same right. The people of California were right in insisting that the Japanese should not come thither in mass, that there should be no influx of laborers, of agricultural workers, or small tradesmen — in short, no mass settlement or immigration.

Unfortunately, during the latter part of my term as President certain unwise and demagogic agitators in California, to show their disapproval of the Japanese coming into the State, adopted the very foolish procedure of trying to provide by law that the Japanese children should not be allowed to attend the schools with the white children, and offensive and injurious language was used in connection with the proposal. The Federal Administration promptly took up the matter with the California authorities, and I got into personal touch with them. At my request the Mayor of San Francisco and other leaders in the movement came on to see me. I explained that the duty of the National Government was twofold: in the first place, to meet every reasonable wish and every real need of the people of California or any other State in dealing with the people of

a foreign power; and, in the next place, itself exclusively and fully to exercise the right of dealing with this foreign power.

Inasmuch as in the last resort, including that last of all resorts, war, the dealing of necessity had to be between the foreign power and the National Government, it was impossible to admit that the doctrine of State sovereignty could be invoked in such a matter. As soon as legislative or other action in any State affects a foreign nation, then the affair becomes one for the Nation, and the State should deal with the foreign power purely through the Nation.

I explained that I was in entire sympathy with the people of California as to the subject of immigration of the Japanese in mass; but that of course I wished to accomplish the object they had in view in the way that would be most courteous and most agreeable to the feelings of the Japanese; that all relations between the two peoples must be those of reciprocal justice, and that it was an intolerable outrage on the part of newspapers and public men to use offensive and insulting language about a high-spirited, sensitive, and friendly people; and that such action as was proposed about the schools could only have bad effects, and would in no shape or way achieve the purpose that the Californians had in mind. I also explained that I would use every resource of the National Government to protect the Japanese in their treaty rights, and would count upon the State authorities backing me up to the limit in such action. In short, I insisted upon the two points (1) that the Nation and not the individual States must deal with matters of such international significance and must treat foreign nations with entire courtesy and respect; and (2) that the Nation would at once, and in efficient and satisfactory manner, take action that would meet the needs of California. I both asserted the power of the Nation and offered a full remedy for the needs of the State. This is the right, and the only right, course. The worst possible course in such a case is to fail to insist on the right of the Nation, to offer no action of the Nation to remedy what is wrong, and yet

to try to coax the State not to do what it is mistakenly encouraged to believe it has the power to do, when no other alternative is offered.

After a good deal of discussion, we came to an entirely satisfactory conclusion. The obnoxious school legislation was abandoned, and I secured an arrangement with Japan under which the Japanese themselves prevented any emigration to our country of their laboring people, it being distinctly understood that if there was such emigration the United States would at once pass an exclusion law. It was of course infinitely better that the Japanese should stop their own people from coming rather than that we should have to stop them; but it was necessary for us to hold this power in reserve.

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Unfortunately, after I left office, a most mistaken and ill-advised policy was pursued towards Japan, combining irritation and inefficiency, which culminated in a treaty under which we surrendered this important and necessary right. It was alleged in excuse that the treaty provided for its own abrogation; but of course it is infinitely better to have a treaty under which the power to exercise a necessary right is explicitly retained rather than a treaty so drawn that recourse must be had to the extreme step of abrogating if it ever becomes necessary to exercise the right in question.

The arrangement we made worked admirably, and entirely achieved its purpose. No small part of our success was due to the fact that we succeeded in impressing on the Japanese that we sincerely admired and respected them, and desired to treat them with the utmost consideration. I cannot too strongly express my indignation with, and abhorrence of, reckless public writers and speakers who, with coarse and vulgar insolence, insult the Japanese people and thereby do the greatest wrong not only to Japan but to their own country.

Such conduct represents the nadir of underbreeding and folly. The Japanese are one of the great nations of the world, entitled to stand, and standing, on a footing of full equality with any nation of Europe or America. I

have the heartiest admiration for them. They can teach us much. Their civilization is in some respects higher than our own. It is eminently undesirable that Japanese and Americans should attempt to live together in masses; any such attempt would be sure to result disastrously, and the far-seeing statesmen of both countries should join to prevent it.

But this is not because either nation is inferior to the other; it is because they are different. The two peoples represent two civilizations which, although in many respects equally high, are so totally distinct in their past history that it is idle to expect in one or two generations to overcome this difference. One civilization is as old as the other; and in neither case is the line of cultural descent coincident with that of ethnic descent. Unquestionably the ancestors of the great majority both of the modern Americans and the modern Japanese were barbarians in that remote past which saw the origins of the cultured peoples to which the Americans and the Japanese of to-day severally trace their civilizations. But the lines of development of these two civilizations, of the Orient and the Occident, have been separate and divergent since thousands of years before the Christian era; certainly since that hoary old in which the Akkadian predecessors of the Chaldean Semites held sway in Mesopotamia. An effort to mix together, out of hand, the peoples representing the culminating points of two such lines of divergent cultural development would be fraught with peril; and this, I repeat, because the two are different, not because either is inferior to the other. Wise statesmen, looking to the future, will for the present endeavor to keep the two nations from mass contact and intermingling, precisely because they wish to keep each in relations of permanent good will and friendship with the other.

Exactly what was done in the particular crisis to which I refer is shown in the following letter which, after our policy had been successfully put into execution, I sent to the then Speaker of the California lower house of the Legislature:

THE WHITE HOUSE, WASHINGTON,
February 8, 1909.

HON. P. A. STANTON,
Speaker of the Assembly,
Sacramento, California :

I trust there will be no misunderstanding of the Federal Government's attitude. We are jealously endeavoring to guard the interests of California and of the entire West in accordance with the desires of our Western people. By friendly agreement with Japan, we are now carrying out a policy which, while meeting the interests and desires of the Pacific slope, is yet compatible, not merely with mutual self-respect, but with mutual esteem and admiration between the Americans and Japanese. The Japanese Government is loyally and in good faith doing its part to carry out this policy, precisely as the American Government is doing. The policy aims at mutuality of obligation and behavior. In accordance with it the purpose is that the Japanese shall come here exactly as Americans go to Japan, which is in effect that travelers, students, persons engaged in international business, men who sojourn for pleasure or study, and the like, shall have the freest access from one country to the other, and shall be sure of the best treatment, but that there shall be no settlement in mass by the people of either country in the other. During the last six months under this policy more Japanese have left the country than have come in, and the total number in the United States has diminished by over two thousand. These figures are absolutely accurate and cannot be impeached. In other words, if the present policy is consistently followed and works as well in the future as it is now working, all difficulties and causes of friction will disappear, while at the same time each nation will retain its self-respect and the good will of the other. But such a bill as this school bill accomplishes literally nothing whatever in the line of the object aimed at, and gives just and grave cause for irritation; while in addition the United States Government would be obliged imme-

diately to take action in the Federal courts to test such legislation, as we hold it to be clearly a violation of the treaty. On this point I refer you to the numerous decisions of the United States Supreme Court in regard to State laws which violate treaty obligations of the United States. The legislation would accomplish nothing beneficial and would certainly cause some mischief, and might cause very grave mischief. In short, the policy of the Administration is to combine the maximum of efficiency in achieving the real object which the people of the Pacific Slope have at heart, with the minimum of friction and trouble, while the misguided men who advocate such action as this against which I protest are following a policy which combines the very minimum of efficiency with the maximum of insult, and which, while totally failing to achieve any real result for good, yet might accomplish an infinity of harm. If in the next year or two the action of the Federal Government fails to achieve what it is now achieving, then through the further action of the President and Congress it can be made entirely efficient. I am sure that the sound judgment of the people of California will support you, Mr. Speaker, in your effort. Let me repeat that at present we are actually doing the very thing which the people of California wish to be done, and to upset the arrangement under which this is being done cannot do good and may do great harm. If in the next year or two the figures of immigration prove that the arrangement which has worked so successfully during the last six months is no longer working successfully, then there would be ground for grievance and for the reversal by the National Government of its present policy. But at present the policy is working well, and until it works badly it would be a grave misfortune to change it, and when changed it can only be changed effectively by the National Government.

THEODORE ROOSEVELT.

In foreign and domestic affairs alike the policy pursued during my Administration was simple. In foreign affairs the principle from which we never deviated was to have the Nation behave toward other nations precisely as a strong,



From a painting by John S. Sargent.

REAR PORTICO--THE WHITE HOUSE.

honorable, and upright man behaves in dealing with his fellow-men. There is no such thing as international law in the sense that there is municipal law or law within a nation. Within the nation there is always a judge, and a policeman who stands back of the judge. The whole system of law depends first upon the fact that there is a judge competent to pass judgment, and second upon the fact that there is some competent officer whose duty it is to carry out this judgment, by force if necessary. In international law there is no judge, unless the parties in interest agree that one shall be constituted; and there is no policeman to carry out the judge's orders. In consequence, as yet each nation must depend upon itself for its own protection. The frightful calamities that have befallen China, solely because she has had no power of self-defense, ought to make it inexcusable in any wise American citizen to pretend to patriotic purpose, and yet to fail to insist that the United States shall keep in a condition of ability if necessary to assert its rights with a strong hand. It is folly of the criminal type for the Nation not to keep up its navy, not to fortify its vital strategic points, and not to provide an adequate army for its needs. On the other hand, it is wicked for the Nation to fail in either justice, courtesy, or consideration when dealing with any other power, big or little. John Hay was Secretary of State when I became President, and continued to serve under me until his death, and his and my views as to the attitude that the Nation should take in foreign affairs were identical, both as regards our duty to be able to protect ourselves against the strong and as regards our duty always to act not only justly but generously toward the weak.

John Hay was one of the most delightful of companions, one of the most charming of all men of cultivation and action. Our views on foreign affairs coincided absolutely; but, as was natural enough, in domestic matters he felt much more conservative than he did in the days when as a young man he was private secretary to the great radical democratic leader of the '60's, Abraham Lincoln. He was fond of jesting with me about my supposedly dangerous

7. Panam

Panama

tendencies in favor of labor against capital. When I was inaugurated on March 4, 1905, I wore a ring he sent me the evening before, containing the hair of Abraham Lincoln. This ring was on my finger when the Chief Justice administered to me the oath of allegiance to the United States; I often thereafter told John Hay that when I wore such a ring on such an occasion I bound myself more than ever to treat the Constitution, after the manner of Abraham Lincoln, as a document which put human rights above property rights when the two conflicted. The last Christmas John Hay was alive he sent me the manuscript of a Norse saga by William Morris, with the following note:

Christmas Eve, 1904.

DEAR THEODORE: In your quality of Viking this Norse saga should belong to you, and in your character of Enemy of Property this Ms. of William Morris will appeal to you. Wishing you a Merry Christmas and many happy years, I am yours affectionately,

JOHN HAY.

In internal affairs I cannot say that I entered the Presidency with any deliberately planned and far-reaching scheme of social betterment. I had, however, certain strong convictions; and I was on the lookout for every opportunity of realizing those convictions. I was bent upon making the Government the most efficient possible instrument in helping the people of the United States to better themselves in every way, politically, socially, and industrially. I believed with all my heart in real and thoroughgoing democracy, and I wished to make this democracy industrial as well as political, although I had only partially formulated the methods I believed we should follow. I believed in the people's rights, and therefore in National rights and States' rights just exactly to the degree in which they severally secured popular rights. I believed in invoking the National power with absolute freedom for every National need; and I believed that the Constitution should be treated as the greatest document ever devised by the wit of man to aid a

people in exercising every power necessary for its own betterment, and not as a straitjacket cunningly fashioned to strangle growth. As for the particular methods of realizing these various beliefs, I was content to wait and see what method might be necessary in each given case as it arose; and I was certain that the cases would arise fast enough.

As the time for the Presidential nomination of 1904 drew near, it became evident that I was strong with the rank and file of the party, but that there was much opposition to me among many of the big political leaders, and especially among many of the Wall Street men. A group of these men met in conference to organize this opposition. It was to be done with complete secrecy. But such secrets are very hard to keep. I speedily knew all about it, and took my measures accordingly. The big men in question, who possessed much power so long as they could work under cover, or so long as they were merely throwing their weight one way or the other between forces fairly evenly balanced, were quite helpless when fighting in the open by themselves. I never found out that anything practical was even attempted by most of the men who took part in the conference. Three or four of them, however, did attempt something. The head of one big business corporation attempted to start an effort to control the delegations from New Jersey, North Carolina, and certain Gulf States against me. The head of a great railway system made preparations for a more ambitious effort looking towards the control of the delegations from Iowa, Kansas, Nebraska, Colorado, and California against me. He was a very powerful man financially, but his power politically was much more limited, and he did not really understand his own limitations or the situation itself, whereas I did. He could not have secured a delegate against me from Iowa, Nebraska, or Kansas. In Colorado and California he could have made a fight, but even there I think he would have been completely beaten. However, long before the time for the Convention came round, it was recognized that it was hopeless to make any opposition to my nomination. The effort was aban-

done, and I was nominated unanimously. Judge Parker was nominated by the Democrats against me. Practically all the metropolitan newspapers of largest circulation were against me; in New York City fifteen out of every sixteen copies of papers issued were hostile to me. I won by a popular majority of about two million and a half, and in the electoral college carried 330 votes against 136. It was by far the largest popular majority ever hitherto given any Presidential candidate.

My opponents during the campaign had laid much stress upon my supposed personal ambition and intention to use the office of President to perpetuate myself in power. I did not say anything on the subject prior to the election, as I did not wish to say anything that could be construed into a promise offered as a consideration in order to secure votes. But on election night, after the returns were in I issued the following statement: "The wise custom which limits the President to two terms regards the substance and not the form, and under no circumstances will I be a candidate for or accept another nomination."

The reason for my choice of the exact phraseology used was twofold. In the first place, many of my supporters were insisting that, as I had served only three and a half years of my first term, coming in from the Vice-Presidency when President McKinley was killed, I had really had only one elective term, so that the third term custom did not apply to me; and I wished to repudiate this suggestion. I believed then (and I believe now) the third term custom or tradition to be wholesome, and, therefore, I was determined to regard its substance, refusing to quibble over the words usually employed to express it. On the other hand, I did not wish simply and specifically to say that I would not be a candidate for the nomination in 1908, because if I had specified the year when I would not be a candidate, it would have been widely accepted as meaning that I intended to be a candidate some other year; and I had no such intention, and had no idea that I would ever be a candidate again. Certain newspaper men did ask me if I intended to apply my prohibition to 1912, and I answered that I was not

thinking of 1912, nor of 1920, nor of 1940, and that I must decline to say anything whatever except what appeared in my statement.

The Presidency is a great office, and the power of the President can be effectively used to secure a renomination, especially if the President has the support of certain great political and financial interests. It is for this reason, and this reason alone, that the wholesome principle of continuing in office, so long as he is willing to serve, an incumbent who has proved capable, is not applicable to the Presidency. Therefore, the American people have wisely established a custom against allowing any man to hold that office for more than two consecutive terms. But every shred of power which a President exercises while in office vanishes absolutely when he has once left office. An ex-President stands precisely in the position of any other private citizen, and has not one particle more power to secure a nomination or election than if he had never held the office at all—indeed, he probably has less because of the very fact that he has held the office. Therefore the reasoning on which the anti-third term custom is based has no application whatever to an ex-President, and no application whatever to anything except consecutive terms. As a barrier of precaution against more than two consecutive terms the custom embodies a valuable principle. Applied in any other way it becomes a mere formula, and like all formulas a potential source of mischievous confusion. Having this in mind, I regarded the custom as applying practically, if not just as much, to a President who had been seven and a half years in office as to one who had been eight years in office, and therefore, in the teeth of a practically unanimous demand from my own party that I accept another nomination, and the reasonable certainty that the nomination would be ratified at the polls, I felt that the substance of the custom applied to me in 1908. On the other hand, it had no application whatever to any human being save where it was invoked in the case of a man desiring a third consecutive term. Having given such substantial proof of my own regard for the custom, I deem it a duty to add this comment

on it. I believe that it is well to have a custom of this kind, to be generally observed, but that it would be very unwise to have it definitely hardened into a Constitutional prohibition. It is not desirable ordinarily that a man should stay in office twelve consecutive years as President; but most certainly the American people are fit to take care of themselves, and stand in no need of an irrevocable



From the Chronicle, Chicago.

Cartoon by A. L. Lovey.

HIS FAVORITE AUTHOR.

"There was one cartoon made while I was President, in which I appeared incidentally, that was always a great favorite of mine. It pictured an old fellow with chin whiskers, a farmer, in his shirt-sleeves, with his boots off, sitting before the fire, reading the President's message."

who while holding it had actually shown the highest capacity to exercise its powers with the utmost effect for the public defense. If, for instance, a tremendous crisis occurred at the end of the second term of a man like Lincoln, as such a crisis occurred at the end of his first term, it would be a veritable calamity if the American people were forbidden to continue to use the services of the one man whom they knew, and did not merely guess,

self-denying ordinance. They should not bind themselves never to take action which under some quite conceivable circumstances it might be to their great interest to take. It is obviously of the last importance to the safety of a democracy that in time of real peril it should be able to command the service of every one among its citizens in the precise position where the service rendered will be most valuable. It would be a benighted policy in such event to disqualify absolutely from the highest office a man

could carry them through the crisis. The third term tradition has no value whatever except as it applies to a third consecutive term. While it is well to keep it as a custom, it would be a mark both of weakness and unwisdom for the American people to embody it into a Constitutional provision which could not do them good and on some given occasion might work real harm.

There was one cartoon made while I was President, in which I appeared incidentally, that was always a great favorite of mine. It pictured an old fellow with chin whiskers, a farmer, in his shirt-sleeves, with his boots off, sitting before the fire, reading the President's Message. On his feet were stockings of the kind I have seen hung up by the dozen in Joe Ferris's store at Medora, in the days when I used to come in to town and sleep in one of the rooms over the store. The title of the picture was "His Favorite Author." This was the old fellow whom I always used to keep in my mind. He had probably been in the Civil War in his youth; he had worked hard ever since he left the army; he had been a good husband and father; he had brought up his boys and girls to work; he did not wish to do injustice to any one else, but he wanted justice done to himself and to others like him; and I was bound to secure that justice for him if it lay in my power to do so.¹

¹ I believe I realized fairly well this ambition. I shall turn to my enemies to attest the truth of this statement. The New York Sun, shortly before the National Convention of 1904, spoke of me as follows:

"President Roosevelt holds that his nomination by the National Republican Convention of 1904 is an assured thing. He makes no concealment of his conviction, and it is unreservedly shared by his friends. We think President Roosevelt is right."

"There are strong and convincing reasons why the President should feel that success is within his grasp. He has used the opportunities that he found or created, and he has used them with consummate skill and undeniable success."

"The President has disarmed all his enemies. Every weapon they had, new or old, has been taken from them and added to the now unassailable Roosevelt arsenal. Why should people wonder that Mr. Bryan clings to silver? Has not Mr. Roosevelt absorbed and sequestered every vestige of the Kansas City platform that had a shred of practical value? Suppose that Mr. Bryan had been elected President. What could he have accomplished compared with what Mr. Roosevelt has accomplished? Will his most passionate followers pretend for one moment that Mr. Bryan could have conceived, much less enforced, any such pursuit of the trusts as that which Mr. Roosevelt has just brought to a triumphant issue? Will Mr.

Bryan himself intimate that the Federal courts would have turned to his projects the friendly countenance which they have lent to those of Mr. Roosevelt?

"Where is 'government by injunction' gone to? The very emptiness of that once potent phrase is beyond description! A regiment of Bryans could not compete with Mr. Roosevelt in harrying the trusts, in bringing wealth to its knees, and in converting into the palpable actualities of action the wildest dreams of Bryan's campaign orators. He has outdone them all.

"And how utterly the President has routed the pretensions of Bryan, and of the whole Democratic horde in respect to organized labor! How empty were all their professions, their mouthings and their howlings in the face of the simple and unpretentious achievements of the President! In his own straightforward fashion he inflicted upon capital in one short hour of the coal strike a greater humiliation than Bryan could have visited upon it in a century. He is the leader of the labor unions of the United States. Mr. Roosevelt has put them above the law and above the Constitution, because for him they are the American people." [This last, I need hardly say, is merely a rhetorical method of saying that I gave the labor union precisely the same treatment as the corporation.]

Senator La Follette, in the issue of his magazine immediately following my leaving the Presidency in March, 1909, wrote as follows:

"Roosevelt steps from the stage gracefully. He has ruled his party to a large extent against its will. He has played a large part in the world's work, for the past seven years. The activities of his remarkably forceful personality have been so manifold that it will be long before his true rating will be fixed in the opinion of the race. He is said to think that the three great things done by him are the undertaking of the construction of the Panama Canal and its rapid and successful carrying forward, the making of peace between Russia and Japan, and the sending around the world of the fleet.

"These are important things, but many will be slow to think them his greatest services. The Panama Canal will surely serve mankind when in operation; and the manner of organizing this work seems to be fine. But no one can yet say whether this project will be a gigantic success or a gigantic failure; and the task is one which must, in the nature of things, have been undertaken and carried through some time soon, as historic periods go, anyhow. The Peace of Portsmouth was a great thing to be responsible for, and Roosevelt's good offices undoubtedly saved a great and bloody battle in Manchuria. But the war was fought out, and the parties ready to quit, and there is reason to think that it was only when this situation was arrived at that the good offices of the President of the United States were, more or less indirectly, invited. The fleet's cruise was a strong piece of diplomacy, by which we informed Japan that we will send our fleet wherever we please and whenever we please. It worked out well.

"But none of these things, it will seem to many, can compare with some of Roosevelt's other achievements. Perhaps he is loth to take credit as a reformer, for he is prone to spell the word with question marks, and to speak disparagingly of 'reform.'

"But for all that, this contemner of 'reformers' made reform respectable in the United States, and this rebuker of 'muck-rakers' has been the chief agent in making the history of 'muck-raking' in the United States a National one, conceded to be useful. He has preached from the White House many doctrines; but among them he has left impressed on the American mind the one great truth of economic justice couched in the pithy and stinging phrase 'the square deal.' The task of making reform respectable in a commercialized world, and of giving the Nation a slogan in a phrase, is greater than the man who performed it is likely to think.

"And, then, there is the great and statesmanlike movement for the conservation

of our National resources, into which Roosevelt so energetically threw himself at a time when the Nation as a whole knew not that we are ruining and bankrupting ourselves as fast as we can. This is probably the greatest thing Roosevelt did, undoubtedly. This globe is the capital stock of the race. It is just so much coal and oil and gas. This may be economized or wasted. The same thing is true of phosphates and other mineral resources. Our water resources are immense, and we are only just beginning to use them. Our forests have been destroyed; they must be restored. Our soils are being depleted; they must be built up and conserved.

"These questions are not of this day only or of this generation. They belong all to the future. Their consideration requires that high moral tone which regards the earth as the home of a posterity to whom we owe a sacred duty.

"This immense idea Roosevelt, with high statesmanship, dinned into the ears of the Nation until the Nation heeded. He held it so high that it attracted the attention of the neighboring nations of the continent, and will so spread and intensify that we will soon see the world's conferences devoted to it.

"Nothing can be greater or finer than this. It is so great and so fine that when the historian of the future shall speak of Theodore Roosevelt he is likely to say that he did many notable things, among them that of inaugurating the movement which finally resulted in the square deal, but that his greatest work was inspiring and actually beginning a world movement for staying terrestrial waste and saving for the human race the things upon which, and upon which alone, a great and peaceful and progressive and happy race life can be founded.

"What statesman in all history has done anything calling for so wide a view and for a purpose more lofty?"

So La Follette was his "many" - for p. 425

CHAPTER XI

THE NATURAL RESOURCES OF THE NATION

WHEN Governor of New York, as I have already described, I had been in consultation with Gifford Pinchot and F. H. Newell, and had shaped my recommendations about forestry largely in accordance with their suggestions. Like other men who had thought about the national future at all, I had been growing more and more concerned over the destruction of the forests.

While I had lived in the West I had come to realize the vital need of irrigation to the country, and I had been both amused and irritated by the attitude of Eastern men who obtained from Congress grants of National money to develop harbors and yet fought the use of the Nation's power to develop the irrigation work of the West. Major John Wesley Powell, the explorer of the Grand Cañon, and Director of the Geological Survey, was the first man who fought for irrigation, and he lived to see the Reclamation Act passed and construction actually begun. Mr. F. H. Newell, the present Director of the Reclamation Service, began his work as an assistant hydraulic engineer under Major Powell; and, unlike Powell, he appreciated the need of saving the forests and the soil as well as the need of irrigation. Between Powell and Newell came, as Director of the Geological Survey, Charles D. Walcott, who, after the Reclamation Act was passed, by his force, pertinacity, and tact, succeeded in putting the act into effect in the best possible manner. Senator Francis G. Newlands, of Nevada, fought hard for the cause of reclamation in Congress. He attempted to get his State to act, and when that proved hopeless to get the Nation to act; and was ably assisted by Mr. G. H. Maxwell, a Californian, who had taken a deep interest in irrigation matters. Dr. W. J. McGee was one

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of the leaders in all the later stages of the movement. But Gifford Pinchot is the man to whom the nation owes most for what has been accomplished as regards the preservation of the natural resources of our country. He led, and indeed during its most vital period embodied, the fight for the preservation through use of our forests. He played one of the leading parts in the effort to make the National Government the chief instrument in developing the irrigation of the arid West. He was the foremost leader in the great struggle to coördinate all our social and governmental forces in the effort to secure the adoption of a rational and farseeing policy for securing the conservation of all our national resources. He was already in the Government service as head of the Forestry Bureau when I became President; he continued throughout my term, not only as head of the Forest service, but as the moving and directing spirit in most of the conservation work, and as counsellor and assistant on most of the other work connected with the internal affairs of the country. Taking into account the varied nature of the work he did, its vital importance to the nation and the fact that as regards much of it he was practically breaking new ground, and taking into account also his tireless energy and activity, his fearlessness, his complete disinterestedness, his single-minded devotion to the interests of the plain people, and his extraordinary efficiency, I believe it is but just to say that among the many, many public officials who under my administration rendered literally invaluable service to the people of the United States, he, on the whole, stood first. A few months after I left the Presidency he was removed from office by President Taft.

The first work I took up when I became President was the work of reclamation. Immediately after I had come to Washington, after the assassination of President McKinley, while staying at the house of my sister, Mrs. Cowles, before going into the White House, Newell and Pinchot called upon me and laid before me their plans for National irrigation of the arid lands of the West, and for the consolidation of the forest work of the Government in the Bureau of Forestry.

officials

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At that time a narrowly legalistic point of view toward natural resources obtained in the Departments, and controlled the Governmental administrative machinery. Through the General Land Office and other Government bureaus, the public resources were being handled and disposed of in accordance with the small considerations of petty legal formalities, instead of for the large purposes of constructive development, and the habit of deciding, whenever possible, in favor of private interests against the public welfare was firmly fixed. It was as little customary to favor the bona-fide settler and home builder, as against the strict construction of the law, as it was to use the law in thwarting the operations of the land grabbers. A technical compliance with the letter of the law was all that was required.

The idea that our natural resources were inexhaustible still obtained, and there was as yet no real knowledge of their extent and condition. The relation of the conservation of natural resources to the problems of National welfare and National efficiency had not yet dawned on the public mind. The reclamation of arid public lands in the West was still a matter for private enterprise alone; and our magnificent riversystem, with its superb possibilities for public usefulness, was dealt with by the National Government not as a unit, but as a disconnected series of pork-barrel problems, whose only real interest was in their effect on the reelection or defeat of a Congressman here and there—a theory which, I regret to say, still obtains.

The place of the farmer in the National economy was still regarded solely as that of a grower of food to be eaten by others, while the human needs and interests of himself and his wife and children still remained wholly outside the recognition of the Government.

All the forests which belonged to the United States were held and administered in one Department, and all the foresters in Government employ were in another Department. Forests and foresters had nothing whatever to do with each other. The National Forests in the West (then called forest reserves) were wholly inadequate in area to meet the purposes

for which they were created, while the need for forest protection in the East had not yet begun to enter the public mind.

Such was the condition of things when Newell and Pinchot called on me. I was a warm believer in reclamation and in forestry, and, after listening to my two guests, I asked them to prepare material on the subject for me to use in my first message to Congress, of December 3, 1901. This message laid the foundation for the development of irrigation and forestry during the next seven and one-half years. It set forth the new attitude toward the natural resources in the words: "The Forest and water problems are perhaps the most vital internal problems of the United States."

On the day the message was read, a committee of Western Senators and Congressmen was organized to prepare a Reclamation Bill in accordance with the recommendations. By far the most effective of the Senators in drafting and pushing the bill, which became known by his name, was Newlands. The draft of the bill was worked over by me and others at several conferences and revised in important particulars; my active interference was necessary to prevent it from being made unworkable by an undue insistence upon States Rights, in accordance with the efforts of Mr. Mondell and other Congressmen, who consistently fought for local and private interests as against the interests of the people as a whole.

On June 17, 1902, the Reclamation Act was passed. It set aside the proceeds of the disposal of public lands for the purpose of reclaiming the waste areas of the arid West by irrigating lands otherwise worthless, and thus creating new homes upon the land. The money so appropriated was to be repaid to the Government by the settlers, and to be used again as a revolving fund continuously available for the work.

The impatience of the Western people to see immediate results from the Reclamation Act was so great that red tape was disregarded, and the work was pushed forward at a rate previously unknown in Government affairs. Later, as in almost all such cases, there followed the criticisms of alleged illegality and haste which are so easy to make after

results have been accomplished and the need for the measures without which nothing could have been done has gone by. These criticisms were in character precisely the same as that made about the acquisition of Panama, the settlement of the anthracite coal strike, the suits against the big trusts, the stopping of the panic of 1907 by the action of the Executive concerning the Tennessee Coal and Iron Company; and, in short, about most of the best work done during my administration.

With the Reclamation work, as with much other work under me, the men in charge were given to understand that they must get into the water if they would learn to swim; and, furthermore, they learned to know that if they acted honestly, and boldly and fearlessly accepted responsibility, I would stand by them to the limit. In this, as in every other case, in the end the boldness of the action fully justified itself.

Every item of the whole great plan of Reclamation now in effect was undertaken between 1902 and 1906. By the spring of 1909 the work was an assured success, and the Government had become fully committed to its continuance. The work of Reclamation was at first under the United States Geological Survey, of which Charles D. Walcott was at that time Director. In the spring of 1908 the United States Reclamation Service was established to carry it on, under the direction of Frederick Hayes Newell, to whom the inception of the plan was due. Newell's single-minded devotion to this great task, the constructive imagination which enabled him to conceive it, and the executive power and high character through which he and his assistant, Arthur P. Davis, built up a model service — all these have made him a model servant. The final proof of his merit is supplied by the character and records of the men who later assailed him.

Although the gross expenditure under the Reclamation Act is not yet as large as that for the Panama Canal, the engineering obstacles to be overcome have been almost as great, and the political impediments many times greater. The Reclamation work had to be carried on at widely sepa-



THE ROOSEVELT DAM IN ARIZONA.
Just before the Roosevelt party arrived to dedicate the dam.

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rated points, remote from railroads, under the most difficult pioneer conditions. The twenty-eight projects begun in the years 1902 to 1906 contemplated the irrigation of more than three million acres and the watering of more than thirty thousand farms. Many of the dams required for this huge task are higher than any previously built anywhere in the world. They feed main-line canals over seven thousand miles in total length, and involve minor constructions, such as culverts and bridges, tens of thousands in number.

What the Reclamation Act has done for the country is by no means limited to its material accomplishment. This Act and the results flowing from it have helped powerfully to prove to the Nation that it can handle its own resources and exercise direct and business-like control over them. The population which the Reclamation Act has brought into the arid West, while comparatively small when compared with that in the more closely inhabited East, has been a most effective contribution to the National life, for it has gone far to transform the social aspect of the West, making for the stability of the institutions upon which the welfare of the whole country rests: it has substituted actual homemakers, who have settled on the land with their families, for huge, migratory bands of sheep herded by the hired shepherds of absentee owners.

The recent attacks on the Reclamation Service, and on Mr. Newell, arise in large part, if not altogether, from an organized effort to repudiate the obligation of the settlers to repay the Government for what it has expended to reclaim the land. The repudiation of any debt can always find supporters, and in this case it has attracted the support not only of certain men among the settlers who hope to be relieved of paying what they owe, but also of a variety of unscrupulous politicians, some highly placed. It is unlikely that their efforts to deprive the West of the revolving Irrigation fund will succeed in doing anything but discrediting these politicians in the sight of all honest men.

When in the spring of 1911 I visited the Roosevelt Dam in Arizona, and opened the reservoir, I made a short speech to the assembled people. Among other things, I said to the

engineers present that in the name of all good citizens I thanked them for their admirable work, as efficient as it was honest, and conducted according to the highest standards of public service. As I looked at the fine, strong, eager faces of those of the force who were present, and thought of the similar men in the service, in the higher positions, who were absent, and who were no less responsible for the work done, I felt a foreboding that they would never receive any real recognition for their achievement; and, only half humorously, I warned them not to expect any credit, or any satisfaction, except their own knowledge that they had done well a first-class job, for that probably the only attention Congress would ever pay them would be to investigate them. Well, a year later a Congressional Committee actually did investigate them. The investigation was instigated by some unscrupulous local politicians and by some settlers who wished to be relieved from paying their just obligations; and the members of the Committee joined in the attack on as fine and honorable a set of public servants as the Government has ever had; an attack made on them solely because they were honorable and efficient and loyal to the interests both of the Government and the settlers.

When I became President, the Bureau of Forestry (since 1905 the United States Forest Service) was a small but growing organization, under Gifford Pinchot, occupied mainly with laying the foundation of American forestry by scientific study of the forests, and with the promotion of forestry on private lands. It contained all the trained foresters in the Government service, but had charge of no public timberland whatsoever. The Government forest reserves of that day were in the care of a Division in the General Land Office, under the management of clerks wholly without knowledge of forestry, few if any of whom had ever seen a foot of the timberlands for which they were responsible. Thus the reserves were neither well protected nor well used. There were no foresters among the men who had charge of the National Forests, and no Government forests in charge of the Government foresters.

In my first message to Congress I strongly recommended

the consolidation of the forest work in the hands of the trained men of the Bureau of Forestry. This recommendation was repeated in other messages, but Congress did not give effect to it until three years later. In the meantime, by thorough study of the Western public timberlands, the groundwork was laid for the responsibilities which were to fall upon the Bureau of Forestry when the care of the National Forests came to be transferred to it. It was evident that trained American Foresters would be needed in considerable numbers, and a forest school was established at Yale to supply them.

In 1901, at my suggestion as President, the Secretary of the Interior, Mr. Hitchcock, made a formal request for technical advice from the Bureau of Forestry in handling the National Forests, and an extensive examination of their condition and needs was accordingly taken up. The same year a study was begun of the proposed Appalachian National Forest, the plan of which, already formulated at that time, has since been carried out. A year later experimental planting on the National Forests was also begun, and studies preparatory to the application of practical forestry to the Indian Reservations were undertaken. In 1903, so rapidly did the public work of the Bureau of Forestry increase, that the examination of land for new forest reserves was added to the study of those already created, the forest lands of the various States were studied, and coöperation with several of them in the examination and handling of their forest lands was undertaken. While these practical tasks were pushed forward, a technical knowledge of American Forests was rapidly accumulated. The special knowledge gained was made public in printed bulletins; and at the same time the Bureau undertook, through the newspaper and periodical press, to make all the people of the United States acquainted with the needs and the purposes of practical forestry. It is doubtful whether there has ever been elsewhere under the Government such effective publicity—publicity purely in the interest of the people—at so low a cost. Before the educational work of the Forest Service was stopped by the Taft Administration, it was securing the

publication of facts about forestry in fifty million copies of newspapers a month at a total expense of \$6000 a year. Not one cent has ever been paid by the Forest Service to any publication of any kind for the printing of this material. It was given out freely, and published without cost because it was news. Without this publicity the Forest Service could not have survived the attacks made upon it by the representatives of the great special interests in Congress; nor could forestry in America have made the rapid progress it has.

The result of all the work outlined above was to bring together in the Bureau of Forestry, by the end of 1904, the only body of forest experts under the Government, and practically all of the first-hand information about the public forests which was then in existence. In 1905, the obvious foolishness of continuing to separate the foresters and the forests, reënforced by the action of the First National Forest Congress, held in Washington, brought about the Act of February 1, 1905, which transferred the National Forests from the care of the Interior Department to the Department of Agriculture, and resulted in the creation of the present United States Forest Service.

The men upon whom the responsibility of handling some sixty million acres of National Forest lands was thus thrown were ready for the work, both in the office and in the field, because they had been preparing for it for more than five years. Without delay they proceeded, under the leadership of Pinchot, to apply to the new work the principles they had already formulated. One of these was to open all the resources of the National Forests to regulated use. Another was that of putting every part of the land to that use in which it would best serve the public. Following this principle, the Act of June 11, 1906, was drawn, and its passage was secured from Congress. This law throws open to settlement all land in the National Forests that is found, on examination, to be chiefly valuable for agriculture. Hitherto all such land had been closed to the settler.

The principles thus formulated and applied may be summed up in the statement that the rights of the public

to the natural resources outweigh private rights, and must be given its first consideration. Until that time, in dealing with the National Forests, and the public lands generally, private rights had almost uniformly been allowed to overbalance public rights. The change we made was right, and was vitally necessary; but, of course, it created bitter opposition from private interests.

One of the principles whose application was the source of much hostility was this: It is better for the Government to help a poor man to make a living for his family than to help a rich man make more profit for his company. This principle was too sound to be fought openly. It is the kind of principle to which politicians delight to pay unctuous homage in words. But we translated the words into deeds; and when they found that this was the case, many rich men, especially sheep owners, were stirred to hostility, and they used the Congressmen they controlled to assault us—getting most aid from certain demagogues, who were equally glad improperly to denounce rich men in public and improperly to serve them in private. The Forest Service established and enforced regulations which favored the settler as against the large stock owner; required that necessary reductions in the stock grazed on any National Forest should bear first on the big man, before the few head of the small man, upon which the living of his family depended, were reduced; and made grazing in the National Forests a help, instead of a hindrance, to permanent settlement. As a result, the small settlers and their families became, on the whole, the best friends the Forest Service has; although in places their ignorance was played on by demagogues to influence them against the policy that was primarily for their own interest.

Another principle which led to the bitterest antagonism of all was this—whenever (except a bona-fide settler) takes public property for private profit should pay for what he gets. In the effort to apply this principle, the Forest Service obtained a decision from the Attorney-General that it was legal to make the men who grazed sheep and cattle on the National Forests pay for what they got. Accordingly, in the summer of 1906, for the first time, such a charge was

made; and, in the face of the bitterest opposition, it was collected.

Up to the time the National Forests were put under the charge of the Forest Service, the Interior Department had made no effort to establish public regulation and control of water powers. Upon the transfer, the Service immediately began its fight to handle the power resources of the National Forests so as to prevent speculation and monopoly and to yield a fair return to the Government. On May 1, 1906, an Act was passed granting the use of certain power sites in Southern California to the Edison Electric Power Company, which Act, at the suggestion of the Service, limited the period of the permit to forty years, and required the payment of an annual rental by the company, the same conditions which were thereafter adopted by the Service as the basis for all permits for power development. Then began a vigorous fight against the position of the Service by the water-power interests. The right to charge for water-power development was, however, sustained by the Attorney-General.

In 1907, the area of the National Forests was increased by Presidential proclamation more than forty-three million acres; the plant necessary for the full use of the Forests, such as roads, trails, and telephone lines, began to be provided on a large scale; the interchange of field and office men, so as to prevent the antagonism between them, which is so destructive of efficiency in most great businesses, was established as a permanent policy; and the really effective management of the enormous area of the National Forests began to be secured.

With all this activity in the field, the progress of technical forestry and popular education was not neglected. In 1907, for example, sixty-one publications on various phases of forestry, with a total of more than a million copies, were issued, as against three publications, with a total of eighty-two thousand copies, in 1901. By this time, also, the opposition of the servants of the special interests in Congress to the Forest Service had become strongly developed, and more time appeared to be spent in the yearly attacks upon it

during the passage of the appropriation bills than on all other Government Bureaus put together. Every year the Forest Service had to fight for its life.

One incident in these attacks is worth recording. While the Agricultural Appropriation Bill was passing through the Senate, in 1907, Senator Fulton, of Oregon, secured an amendment providing that the President could not set aside any additional National Forests in the six Northwestern States. This meant retaining some sixteen million of acres to be exploited by land grabbers and by the representatives of the great special interests, at the expense of the public interest. But for four years the Forest Service had been gathering field notes as to what forests ought to be set aside in these States, and so was prepared to act. It was equally undesirable to veto the whole agricultural bill, and to sign it with this amendment effective. Accordingly, a plan to create the necessary National Forest in these States before the Agricultural Bill could be passed and signed was laid before me by Mr. Pinchot. I approved it. The necessary papers were immediately prepared. I signed the last proclamation a couple of days before, by my signature, the bill became law; and, when the friends of the special interests in the Senate got their amendment through and woke up, they discovered that sixteen million acres of timberland had been saved for the people by putting them in the National Forests before the land grabbers could get at them. The opponents of the Forest Service turned handsprings in their wrath; and dire were their threats against the Executive; but the threats could not be carried out, and were really only a tribute to the efficiency of our action.

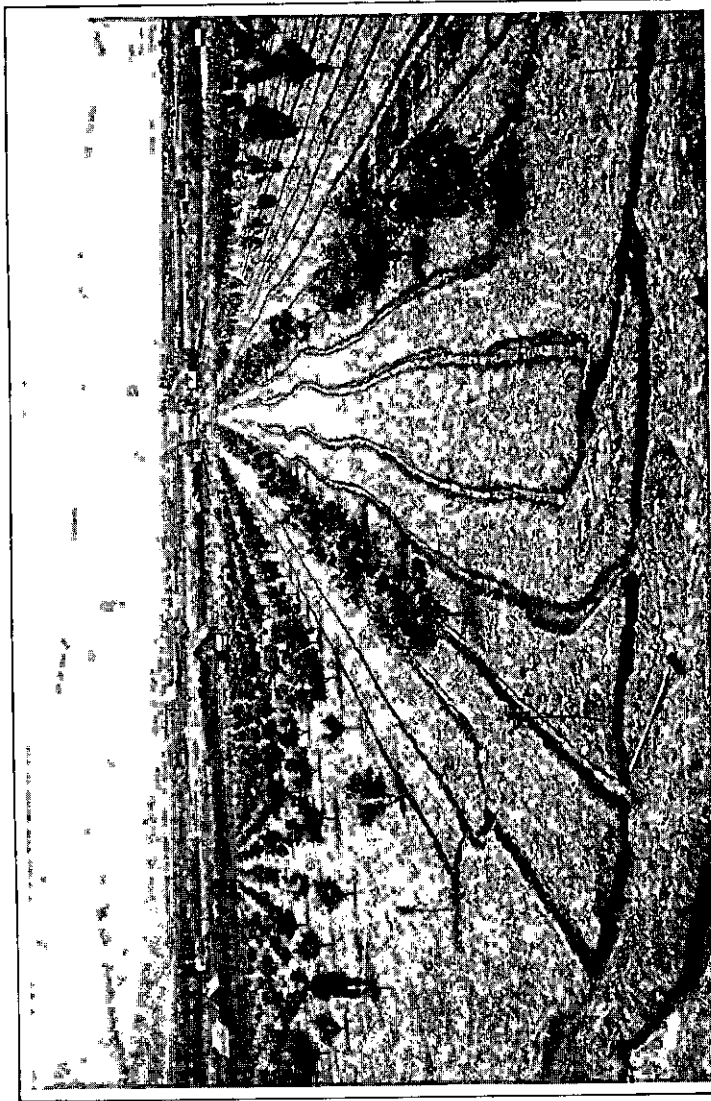
By 1908, the fire prevention work of the Forest Service had become so successful that eighty-six per cent of the fires that did occur were held down to an area of five acres or less, and the timber sales, which yielded \$60,000 in 1905, in 1908 produced \$850,000. In the same year, in addition to the work on the National Forests, the responsibility for the proper handling of Indian timberlands was laid upon the Forest Service, where it remained with great benefit to the

Indians until it was withdrawn, as a part of the attack on the Conservation policy made after I left office.

By March 4, 1909, nearly half a million acres of agricultural land in the National Forests had been opened to settlement under the Act of June 11, 1906. The business management of the Forest Service became so excellent, thanks to the remarkable executive capacity of the Associate Forester, Overton W. Price (removed after I left office), that it was declared by a well-known firm of business organizers to compare favorably with the best managed of the great private corporations, an opinion which was confirmed by the report of a Congressional investigation, and by the report of the Presidential Committee on Department method. The area of the National Forests had increased from 43 to 194 million acres; the force from about 500 to more than 3000. There was saved for public use in the National Forests more Government timberland during the seven and a half years prior to March 4, 1909, than during all previous and succeeding years put together.

The idea that the Executive is the steward of the public welfare was first formulated and given practical effect in the Forest Service by its law officer, George Woodruff. The laws were often insufficient, and it became well nigh impossible to get them amended in the public interest when once the representatives of privilege in Congress grasped the fact that I would sign no amendment that contained anything not in the public interest. It was necessary to use what law was already in existence, and then further to supplement it by Executive action. The practice of examining every claim to public land before passing it into private ownership offers a good example of the policy in question. This practice, which has since become general, was first applied in the National Forests. Enormous areas of valuable public timberland were thereby saved from fraudulent acquisition; more than 250,000 acres were thus saved in a single case.

This theory of stewardship in the interest of the public was well illustrated by the establishment of a water-power policy. Until the Forest Service changed the plan, water-



THE ROOSEVELT DAM IRRIGATING A YOUNG ORCHARD.

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powers on the navigable streams, on the public domain, and in the National Forests were given away for nothing, and substantially without question, to whoever asked for them. At last, under the principle that public property should be paid for and should not be permanently granted away when such permanent grant is avoidable, the Forest Service established the policy of regulating the use of power in the National Forests in the public interest and making a charge for value received. This was the beginning of the water-power policy now substantially accepted by the public, and doubtless soon to be enacted into law. But there was at the outset violent opposition to it on the part of the water-power companies, and such representatives of their views in Congress as Messrs. Tawney and Bedc.

Many bills were introduced in Congress aimed, in one way or another, at relieving the power companies of control and payment. When these bills reached me I refused to sign them; and the injury to the public interest which would follow their passage was brought sharply to public attention in my message of February 26, 1908. The bills made no further progress.

Under the same principle of stewardship, railroads and other corporations, which applied for and were given rights in the National Forests, were regulated in the use of those rights. In short, the public resources in charge of the Forest Service were handled frankly and openly for the public welfare under the clear-cut and clearly set forth principle that the public rights come first and private interest second.

The natural result of this new attitude was the assertion in every form by the representatives of special interests that the Forest Service was exceeding its legal powers and thwarting the intention of Congress. Suits were begun wherever the chance arose. It is worth recording that, in spite of the novelty and complexity of the legal questions it had to face, no court of last resort has ever decided against the Forest Service. This statement includes two unanimous decisions by the Supreme Court of the United States (U. S. *vs.* Grimaud, 220 U. S., 506, and *Light vs. U. S.*, 220 U. S., 523).

In its administration of the National Forests, the Forest Service found that valuable coal lands were in danger of passing into private ownership without adequate money return to the Government and without safeguard against monopoly; and that existing legislation was insufficient to prevent this. When this condition was brought to my attention I withdrew from all forms of entry about sixty-eight million acres of coal land in the United States, including Alaska. The refusal of Congress to act in the public interest was solely responsible for keeping these lands from entry.

The Conservation movement was a direct outgrowth of the forest movement. It was nothing more than the application to our other natural resources of the principles which had been worked out in connection with the forests. Without the basis of public sentiment which had been built up for the protection of the forests, and without the example of public foresight in the protection of this, one of the great natural resources, the Conservation movement would have been impossible. The first formal step was the creation of the Inland Waterways Commission, appointed on March 14, 1907. In my letter appointing the Commission, I called attention to the value of our streams as great natural resources, and to the need for a progressive plan for their development and control, and said: "It is not possible to properly frame so large a plan as this for the control of our rivers without taking account of the orderly development of other natural resources. Therefore I ask that the Inland Waterways Commission shall consider the relations of the streams to the use of all the great permanent natural resources and their conservation for the making and maintenance of prosperous homes."

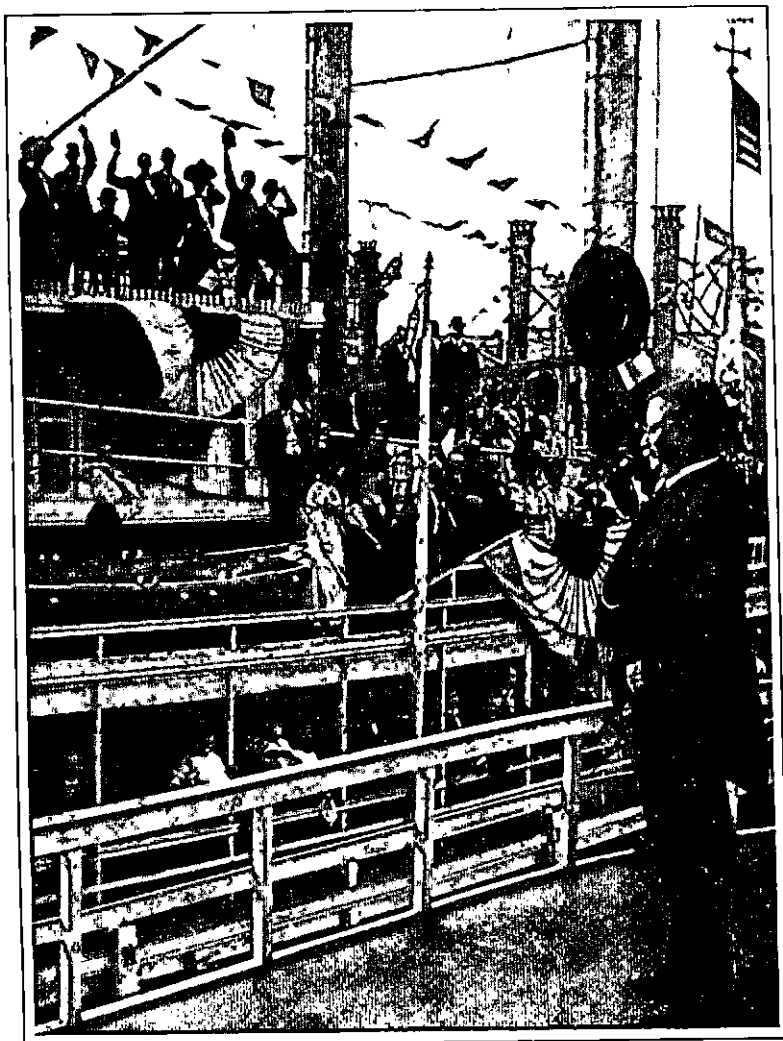
Over a year later, writing on the report of the Commission, I said:

"The preliminary Report of the Inland Waterways Commission was excellent in every way. It outlines a general plan of waterway improvement which when adopted will give assurance that the improvements will yield practical results in the way of increased navigation and water transportation. In every essential feature the plan recommended

by the Commission is new. In the principle of coordinating all uses of the waters and treating each waterway system as a unit; in the principle of correlating water traffic with rail and other land traffic; in the principle of expert initiation of projects in accordance with commercial foresight and the needs of a growing country; and in the principle of cooperation between the States and the Federal Government in the administration and use of waterways, etc.; the general plan proposed by the Commission is new, and at the same time sane and simple. The plan deserves unqualified support. I regret that it has not yet been adopted by Congress, but I am confident that ultimately it will be adopted."

The most striking incident in the history of the Commission was the trip down the Mississippi River in October, 1907, when, as President of the United States, I was the chief guest. This excursion, with the meetings which were held and the wide public attention it attracted, gave the development of our inland waterways a new standing in public estimation. During the trip a letter was prepared and presented to me asking me to summon a conference on the conservation of natural resources. My intention to call such a conference was publicly announced at a great meeting at Memphis, Tenn.

In the November following I wrote to each of the Governors of the several States and to the Presidents of various important National Societies concerned with natural resources, inviting them to attend the conference, which took place May 13 to 15, 1908, in the East Room of the White House. It is doubtful whether, except in time of war, any new idea of like importance has ever been presented to a Nation and accepted by it with such effectiveness and rapidity, as was the case with this Conservation movement when it was introduced to the American people by the Conference of Governors. The first result was the unanimous declaration of the Governors of all the States and Territories upon the subject of Conservation, a document which ought to be hung in every schoolhouse throughout the land. A further result was the appointment of thirty-six State Conservation Commissions and, on June 8, 1908, of the National Conser-



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DOWN THE MISSISSIPPI.

vation Commission. The task of this Commission was to prepare an inventory, the first ever made for any nation, of all the natural resources which underlay its property. The making of this inventory was made possible by an Executive order which placed the resources of the Government Departments at the command of the Commission, and made possible the organization of subsidiary committees by which the actual facts for the inventory were prepared and digested. Gifford Pinchot was made chairman of the Commission.

The report of the National Conservation Commission was not only the first inventory of our resources, but was unique in the history of Government in the amount and variety of information brought together. It was completed in six months. It laid squarely before the American people the essential facts regarding our natural resources, when facts were greatly needed as the basis for constructive action. This report was presented to the Joint Conservation Congress in December, at which there were present Governors of twenty States, representatives of twenty-two State Conservation Commissions, and representatives of sixty National organizations previously represented at the White House conference. The report was unanimously approved, and transmitted to me, January 11, 1909. On January 22, 1909, I transmitted the report of the National Conservation Commission to Congress with a Special Message, in which it was accurately described as "one of the most fundamentally important documents ever laid before the American people."

The Joint Conservation Conference of December, 1908, suggested to me the practicability of holding a North American Conservation Conference. I selected Gifford Pinchot to convey this invitation in person to Lord Grey, Governor General of Canada; to Sir Wilfrid Laurier; and to President Diaz of Mexico; giving as reason for my action, in the letter in which this invitation was conveyed, the fact that: "It is evident that natural resources are not limited by the boundary lines which separate nations, and that the need for conserving them upon this continent is as wide as the area upon which they exist."

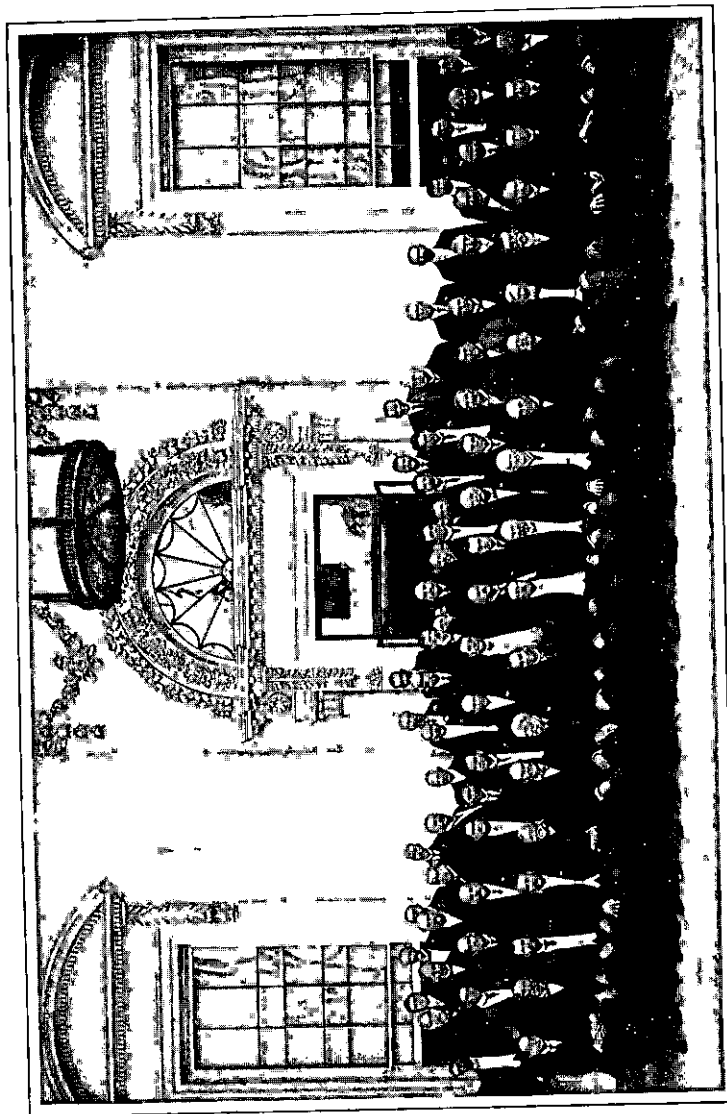
In response to this invitation, which included the colony of Newfoundland, the Commissioners assembled in the White House on February 18, 1909. The American Commissioners were Gifford Pinchot, Robert Bacon, and James R. Garfield. After a session continuing through five days, the Conference united in a declaration of principles, and suggested to the President of the United States "that all nations should be invited to join together in conference on the subject of world resources, and their inventory, conservation, and wise utilization." Accordingly, on February 19, 1909, Robert Bacon, Secretary of State, addressed to forty-five nations a letter of invitation "to send delegates to a conference to be held at The Hague at such date to be found convenient, there to meet and consult the like delegates of the other countries, with a view of considering a general plan for an inventory of the natural resources of the world and to devising a uniform scheme for the expression of the results of such inventory, to the end that there may be a general understanding and appreciation of the world's supply of the material elements which underlie the development of civilization and the welfare of the peoples of the earth." After I left the White House the project lapsed.

Just Throughout the early part of my Administration the public land policy was chiefly directed to the defense of the public lands against fraud and theft. Secretary Hitchcock's efforts along this line resulted in the Oregon land fraud cases, which led to the conviction of Senator Mitchell, and which made Francis J. Heney known to the American people as one of their best and most effective servants. These land fraud prosecutions under Mr. Heney, together with the study of the public lands which preceded the passage of the Reclamation Act in 1902, and the investigation of land titles in the National Forests by the Forest Service, all combined to create a clearer understanding of the need of land law reform, and thus led to the appointment of the Public Lands Commission. This Commission, appointed by me on October 22, 1903, was directed to report to the President: "Upon the condition, operation, and effect of the present land laws, and to recommend such changes

as are needed to effect the largest practicable disposition of the public lands to actual settlers who will build permanent homes upon them, and to secure in permanence the fullest and most effective use of the resources of the public lands." It proceeded without loss of time to make a personal study on the ground of public land problems throughout the West, to confer with the Governors and other public men most concerned, and to assemble the information concerning the public lands, the laws and decisions which governed them, and the methods of defeating or evading those laws, which was already in existence, but which remained unformulated in the records of the General Land Office and in the minds of its employees. The Public Lands Commission made its first preliminary report on March 7, 1904. It found "that the present land laws do not fit the conditions of the remaining public lands," and recommended specific changes to meet the public needs. A year later the second report of the Commission recommended still further changes, and said "The fundamental fact that characterizes the situation under the present land laws is this, that the number of patents issued is increasing out of all proportion to the number of new homes." This report laid the foundation of the movement for Government control of the open range, and included by far the most complete statement ever made of the disposition of the public domain.

Among the most difficult topics considered by the Public Land Commission was that of the mineral land laws. This subject was referred by the Commission to the American Institute of Mining Engineers, which reported upon it through a Committee. This Committee made the very important recommendation, among others, "that the Government of the United States should retain title to all minerals, including coal and oil, in the lands of unceded territory, and lease the same to individuals or corporations at a fixed rental." The necessity for this action has since come to be very generally recognized. Another recommendation, since partly carried into effect, was for the separation of the surface and the minerals in lands containing coal and oil.

Our land laws have of recent years proved inefficient; yet



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THE FIRST GOVERNORS' CONFERENCE AT THE WHITE HOUSE.

the land laws themselves have not been so much to blame as the lax, unintelligent, and often corrupt administration of these laws. The appointment on March 4, 1907, of James R. Garfield as Secretary of the Interior led to a new era in the interpretation and enforcement of the laws governing the public lands. His administration of the Interior Department was beyond comparison the best we have ever had. It was based primarily on the conception that it is as much the duty of public land officials to help the honest settler get title to his claim as it is to prevent the looting of the public lands. The essential fact about public land frauds is not merely that public property is stolen, but that every claim fraudulently acquired stands in the way of the making of a home or a livelihood by an honest man.

Official

As the study of the public land laws proceeded and their administration improved, a public land policy was formulated in which the saving of the resources on the public domain for public use became the leading principle. There followed the withdrawal of coal lands as already described, of oil lands and phosphate lands, and finally, just at the end of the Administration, of water-power sites on the public domain. These withdrawals were made by the Executive in order to afford to Congress the necessary opportunity to pass wise laws dealing with their use and disposal; and the great crooked special interests fought them with incredible bitterness.

Among the men of this Nation interested in the vital problems affecting the welfare of the ordinary hard-working men and women of the Nation, there is none whose interest has been more intense, and more wholly free from taint of thought of self, than that of Thomas Watson, of Georgia. While President I often discussed with him the condition of women on the small farms, and on the frontier, the hardship of their lives as compared with those of the men, and the need for taking their welfare into consideration in whatever was done for the improvement of life on the land. I also went over the matter with C. S. Barrett, of Georgia, a leader in the Southern farmers' movement, and with other men, such as Henry Wallace, Dean L. H. Bailey, of Cornell,

and Kenyon Butterfield. One man from whose advice I especially profited was not an American, but an Irishman, Sir Horace Plunkett. In various conversations he described to me and my close associates the reconstruction of farm life which had been accomplished by the Agricultural Organization Society of Ireland, of which he was the founder and the controlling force; and he discussed the application of similar methods to the improvements of farm life in the United States. In the spring of 1908, at my request, Plunkett conferred on the subject with Garfield and Pinchot, and the latter suggested to him the appointment of a Commission on Country Life as a means for directing the attention of the Nation to the problems of the farm, and for securing the necessary knowledge of the actual conditions of life in the open country. After long discussion a plan for a Country Life Commission was laid before me and approved. The appointment of the Commission followed in August, 1908. In the letter of appointment the reasons for creating the Commission were set forth as follows: "I doubt if any other nation can bear comparison with our own in the amount of attention given by the Government, both Federal and State, to agricultural matters. But practically the whole of this effort has hitherto been directed toward increasing the production of crops. Our attention has been concentrated almost exclusively on getting better farming. In the beginning this was unquestionably the right thing to do. The farmer must first of all grow good crops in order to support himself and his family. But when this has been secured, the effort for better farming should cease to stand alone, and should be accompanied by the effort for better business and better living on the farm. It is at least as important that the farmer should get the largest possible return in money, comfort, and social advantages from the crops he grows, as that he should get the largest possible return in crops from the land he farms. Agriculture is not the whole of country life. The great rural interests are human interests, and good crops are of little value to the farmer unless they open the door to a good kind of life on the farm."

The Commission on Country Life did work of capital importance. By means of a widely circulated set of questions the Commission informed itself upon the status of country life throughout the Nation. Its trip through the East, South, and West brought it into contact with large numbers of practical farmers and their wives, secured for the Commissioners a most valuable body of first-hand information, and laid the foundation for the remarkable awakening of interest in country life which has since taken place throughout the Nation.

One of the most illuminating — and incidentally one of the most interesting and amusing — series of answers sent to the Commission was from a farmer in Missouri. He stated that he had a wife and 11 living children, he and his wife being each 52 years old; and that they owned 520 acres of land without any mortgage hanging over their heads. He had himself done well, and his views as to why many of his neighbors had done less well are entitled to consideration. These views are expressed in terse and vigorous English; they cannot always be quoted in full. He states that the farm homes in his neighborhood are not as good as they should be because too many of them are encumbered by mortgages; that the schools do not train boys and girls satisfactorily for life on the farm, because they allow them to get an idea in their heads that city life is better, and that to remedy this practical farming should be taught. To the question whether the farmers and their wives in his neighborhood are satisfactorily organized, he answers: "Oh, there is a little one-horse grange gang in our locality, and every darned one thinks they ought to be a king." To the question, "Are the renters of farms in your neighborhood making a satisfactory living?" he answers: "No; because they move about so much hunting a better job." To the question, "Is the supply of farm labor in your neighborhood satisfactory?" the answer is: "No; because the people have gone out of the baby business"; and when asked as to the remedy, he answers, "Give a pension to every mother who gives birth to seven living boys on American soil." To the question, "Are the conditions surrounding

hired labor on the farm in your neighborhood satisfactory to the hired men?" he answers: "Yes, unless he is a drunken cuss," adding that he would like to blow up the stillhouses and root out whisky and beer. To the question, "Are the sanitary conditions on the farms in your neighborhood satisfactory?" he answers: "No; too careless about chicken yards, and the like, and poorly covered wells. In one well on neighbor's farm I counted seven snakes in the wall of the well, and they used the water daily: his wife dead now and he is looking for another." He ends by stating that the most important single thing to be done for the betterment of country life is "good roads"; but in his answers he shows very clearly that most important of all is the individual equation of the man or woman.

Like the rest of the Commissions described in this chapter, the Country Life Commission cost the Government not one cent, but laid before the President and the country a mass of information so accurate and so vitally important as to disturb the serenity of the advocates of things as they are; and therefore it incurred the bitter opposition of the reactionaries. The report of the Country Life Commission was transmitted to Congress by me on February 9, 1909. In the accompanying message I asked for \$25,000 to print and circulate the report and to prepare for publication the immense amount of valuable material collected by the Commission but still unpublished. The reply made by Congress was not only a refusal to appropriate the money, but a positive prohibition against continuing the work. The Tawney amendment to the Sundry Civil bill forbade the President to appoint any further Commissions unless specifically authorized by Congress to do so. Had this prohibition been enacted earlier and complied with, it would have prevented the appointment of the six Roosevelt Commissions. But I would not have complied with it. Mr. Tawney, one of the most efficient representatives of the cause of special privilege as against public interest to be found in the House, was later, in conjunction with Senator Hale and others, able to induce my successor to accept their view. As what was almost my last official act, I replied to

Congress that if I did not believe the Tawney amendment to be unconstitutional I would veto the Sundry Civil bill which contained it, and that if I were remaining in office I would refuse to obey it. The memorandum ran in part: "The chief object of this provision, however, is to prevent the Executive repeating what it has done within the last year in connection with the Conservation Commission and the Country Life Commission. It is for the people of the country to decide whether or not they believe in the work done by the Conservation Commission and by the Country Life Commission. * * *

"If they believe in improving our waterways, in preventing the waste of soil, in preserving the forests, in thrifty use of the mineral resources of the country for the nation as a whole rather than merely for private monopolies, in working for the betterment of the condition of the men and women who live on the farms, then they will unstintedly condemn the action of every man who is in any way responsible for inserting this provision, and will support those members of the legislative branch who opposed its adoption. I would not sign the bill at all if I thought the provision entirely effective. But the Congress cannot prevent the President from seeking advice. Any future President can do as I have done, and ask disinterested men who desire to serve the people to give this service free to the people through these commissions. * * *

"My successor, the President-elect, in a letter to the Senate Commission on Appropriations, asked for the continuance and support of the Conservation Commission. The Conservation Commission was appointed at the request of the Governors of over forty States, and almost all of these States have since appointed commissions to co-operate with the National Commission. Nearly all the great national organizations concerned with natural resources have been heartily coöperating with the commission.

"With all these facts before it, the Congress has refused to pass a law to continue and provide for the commission; and it now passes a law with the purpose of preventing

the Executive from continuing the commission at all. The Executive, therefore, must now either abandon the work and reject the coöperation of the States, or else must continue the work personally and through executive officers whom he may select for that purpose."

The Chamber of Commerce of Spokane, Washington, a singularly energetic and far-seeing organization, itself published the report which Congress had thus discredibly refused to publish.

The work of the Bureau of Corporations, under Herbert Knox Smith, formed an important part of the Conservation movement almost from the beginning. Mr. Smith was a member of the Inland Waterways Commission and of the National Conservation Commission and his Bureau prepared material of importance for the reports of both. The investigation of standing timber in the United States by the Bureau of Corporations furnished for the first time a positive knowledge of the facts. Over nine hundred counties in timbered regions were covered by the Bureau, and the work took five years. The most important facts ascertained were that forty years ago three-fourths of the standing timber in the United States was publicly owned, while at the date of the report four-fifths of the timber in the country was in private hands. The concentration of private ownership had developed to such an amazing extent that about two hundred holders owned nearly one-half of all privately owned timber in the United States; and of this the three greatest holders, the Southern Pacific Railway, the Northern Pacific Railway, and the Weyerhaeuser Timber Company, held over ten per cent. Of this work, Mr. Smith says:

"It was important, indeed, to know the facts so that we could take proper action toward saving the timber still left to the public. But of far more importance was the light that this history (and the history of our other resources) throws on the basic attitude, tradition and governmental beliefs of the American people. The whole standpoint of the people toward the proper aim of government, toward the relation of property to the citizen, and the relation of

property to the government, were brought out first by this Conservation work."

The work of the Bureau of Corporations as to water power was equally striking. In addition to bringing the concentration of water-power control first prominently to public attention, through material furnished for my message in my veto of the James River Dam Bill, the work of the Bureau showed that ten great interests and their allies held nearly sixty per cent of the developed water power of the United States. Says Commissioner Smith: "Perhaps the most important thing in the whole work was its clear demonstration of the fact that the only effective place to control water power in the public interest is at the power sites; that as to powers now owned by the public it is absolutely essential that the public shall retain title. . . . The only way in which the public can get back to itself the margin of natural advantage in the water-power site is to rent that site at a rental which, added to the cost of power production there, will make the total cost of water power about the same as fuel power, and then let the two sell at the same price, i.e., the price of fuel power."

Of the fight of the water-power men for States Rights at the St. Paul Conservation Congress in September, 1909, Commissioner Smith says:

"It was the first open sign of the shift of the special interests to the Democratic party for a logical political reason, namely, because of the availability of the States Rights idea for the purposes of the large corporations. It marked openly the turn of the tide."

Mr. Smith brought to the attention of the Inland Waterways Commission the overshadowing importance to waterways of their relation with railroad lines, the fact that the bulk of the traffic is long distance traffic, that it cannot pass over the whole distance by water, while it can go anywhere by rail, and that therefore the power of the rail lines to pro-rate or not to pro-rate, with water lines really determines the practical value of a river channel. The controlling value of terminals and the fact that out of fifty of our leading ports, over half the active water frontage in twenty-one ports was con-



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TALIEHADES, LOOKING TOWARD SLAG ROCK IN THE NORTHEAST QUADRANT OF CRATER-CRATER, NATIONAL PARK, OREGON.

trolled by the railroads, was also brought to the Commission's attention, and reports of great value were prepared both for the Inland Waterways Commission and for the National Conservation Commission. In addition to developing the basic facts about the available timber supply, about waterways, water power, and iron ore, Mr. Smith helped to develop and drive into the public conscience the idea that the people ought to retain title to our natural resources and handle them by the leasing system.

The things accomplished that have been enumerated above were of immediate consequence to the economic well-being of our people. In addition certain things were done of which the economic bearing was more remote, but which bore directly upon our welfare, because they add to the beauty of living and therefore to the joy of life. Securing a great artist, Saint-Gaudens, to give us the most beautiful coinage since the decay of Hellenistic Greece was one such act. In this case I had power myself to direct the Mint to employ Saint-Gaudens. The first, and most beautiful, of his coins were issued in thousands before Congress assembled or could intervene; and a great and permanent improvement was made in the beauty of the coinage. In the same way, on the advice and suggestion of Frank Millet, we got some really capital medals by sculptors of the first rank. Similarly, the new buildings in Washington were erected and placed in proper relation to one another, on plans provided by the best architects and landscape architects. I also appointed a Fine Arts Council, an unpaid body of the best architects, painters, and sculptors in the country, to advise the Government as to the erection and decoration of all new buildings. The "pork-barrel" Senators and Congressmen felt for this body an instinctive, and perhaps from their standpoint a natural, hostility; and my successor a couple of months after taking office revoked the appointment and disbanded the Council.

Even more important was the taking of steps to preserve from destruction beautiful and wonderful wild creatures whose existence was threatened by greed and wantonness. During the seven and a half years closing on March 4, 1909,

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more was accomplished for the protection of wild life in the United States than during all the previous years, excepting only the creation of the Yellowstone National Park. The record includes the creation of five National Parks—Crater Lake, Oregon; Wind Cave, South Dakota; Platt, Oklahoma; Sully Hill, North Dakota, and Mesa Verde, Colorado; four big game refuges in Oklahoma, Arizona, Montana, and Washington; fifty-one bird reservations; and the enactment of laws for the protection of wild life in Alaska, the District of Columbia, and on National bird reserves. These measures may be briefly enumerated as follows:

The enactment of the first game laws for the Territory of Alaska in 1902 and 1908, resulting in the regulation of the export of heads and trophies of big game and putting an end to the slaughter of deer for hides along the southern coast of the Territory.

The securing in 1902 of the first appropriation for the preservation of buffalo and the establishment in the Yellowstone National Park of the first and now the largest herd of buffalo belonging to the Government.

The passage of the Act of January 24, 1905, creating the Wichita Game Preserves, the first of the National game preserves. In 1907, 12,000 acres of this preserve were inclosed with a woven wire fence for the reception of the herd of fifteen buffalo donated by the New York Zoölogical Society.

The passage of the Act of June 29, 1906, providing for the establishment of the Grand Cañon Game Preserve of Arizona, now comprising 1,492,928 acres.

The passage of the National Monuments Act of June 8, 1906, under which a number of objects of scientific interest have been preserved for all time. Among the Monuments created are Muir Woods, Pinnacles National Monument in California and the Mount Olympus National Monument, Washington, which form important refuges for game.

The passage of the Act of June 30, 1906, regulating shooting in the District of Columbia and making three-fourths of the environs of the National Capital within the District in effect a National Refuge.

The passage of the Act of May 23, 1908, providing for the establishment of the National Bison Range in Montana. This range comprises about 18,000 acres of land formerly in the Flathead Indian Reservation, on which is now established a herd of eighty buffalo, the nucleus of which was donated to the Government by the American Bison Society.

The issue of the Order protecting birds on the Niobrara Military Reservation, Nebraska, in 1908, making this entire reservation in effect a bird reservation.

The establishment by Executive Order between March 14, 1903, and March 4, 1909, of fifty-one National Bird Reservations distributed in seventeen States and Territories from Porto Rico to Hawaii and Alaska. The creation of these reservations at once placed the United States in the front rank in the world work of bird protection. Among these reservations are the celebrated Pelican Island rookery in Indian River, Florida; The Mosquito Inlet Reservation, Florida, the northernmost home of the manatee; the extensive marshes bordering Klamath and Malheur Lakes in Oregon, formerly the scene of slaughter of ducks for market and ruthless destruction of plume birds for the millinery trade; the Tortugas Key, Florida, where, in connection with the Carnegie Institute, experiments have been made on the homing instinct of birds; and the great bird colonies on Laysan and sister islets in Hawaii, some of the greatest colonies of sea birds in the world.

CHAPTER XII

THE BIG STICK AND THE SQUARE DEAL

ONE of the vital questions with which as President I had to deal was the attitude of the Nation toward the great corporations. Men who understand and practice the deep underlying philosophy of the Lincoln school of American political thought are necessarily Hamiltonian in their belief in a strong and efficient National Government and Jeffersonian in their belief in the people as the ultimate authority, and in the welfare of the people as the end of Government. The men who first applied the extreme Democratic theory in American life were, like Jefferson, ultra individualists, for at that time what was demanded by our people was the largest liberty for the individual. During the century that had elapsed since Jefferson became President the need had been exactly reversed. There had been in our country a riot of individualistic materialism, under which complete freedom for the individual—that ancient license which President Wilson a century after the term was excusable has called the “New” Freedom—turned out in practice to mean perfect freedom for the strong to wrong the weak. The total absence of governmental control had led to a portentous growth in the financial and industrial world both of natural individuals and of artificial individuals—that is, corporations. In no other country in the world had such enormous fortunes been gained. In no other country in the world was such power held by the men who had gained these fortunes; and these men almost always worked through, and by means of, the giant corporations which they controlled. The power of the mighty industrial overlords of the country had increased with giant strides, while the

methods of controlling them, or checking abuses by them, on the part of the people, through the Government, remained archaic and therefore practically impotent. The courts, not unnaturally, but most regrettably, and to the grave detriment of the people and of their own standing, had for a quarter of a century been on the whole the agents of reaction, and by conflicting decisions which, however, in their sum were hostile to the interests of the people, had left both the nation and the several States well-nigh impotent to deal with the great business combinations. Sometimes they forbade the Nation to interfere, because such interference trespassed on the rights of the States; sometimes they forbade the States to interfere (and often they were wise in this), because to do so would trespass on the rights of the Nation; but always, or well-nigh always, their action was negative action against the interests of the people, ingeniously devised to limit their power against wrong, instead of affirmative action giving to the people power to right wrong. They had rendered these decisions sometimes as upholders of property rights against human rights, being especially zealous in securing the rights of the very men who were most competent to take care of themselves; and sometimes in the name of liberty, in the name of the so-called “new freedom,” in reality the old, old “freedom,” which secured to the powerful the freedom to prey on the poor and the helpless.

One of the main troubles was the fact that the men who saw the evils and who tried to remedy them attempted to work in two wholly different ways, and the great majority of them in a way that offered little promise of real betterment. They tried (by the Sherman law method) to bolster up an individualism already proved to be both futile and mischievous; to remedy by more individualism the concentration that was the inevitable result of the already existing individualism. They saw the evil done by the big combinations, and sought to remedy it by destroying them and restoring the country to the economic conditions of the middle of the nineteenth century. This was a hopeless effort, and those who went into it, although they regarded

themselves as radical progressives, really represented a form of sincere rural torism. They confounded monopolies with big business combinations, and in the effort to prohibit both alike, instead of where possible prohibiting one and drastically controlling the other, they succeeded merely in preventing any effective control of either.

On the other hand, a few men recognized that corporations and combinations had become indispensable in the business world, that it was folly to try to prohibit them, but that it was also folly to leave them without thoroughgoing control. These men realized that the doctrines of the old *laissez faire* economists, of the believers in unlimited competition, unlimited individualism, were in the actual state of affairs false and mischievous. They realized that the Government must now interfere to protect labor, to subordinate the big corporation to the public welfare, and to shackle cunning and fraud exactly as centuries before it had interfered to shackle the physical force which does wrong by violence.

The big reactionaries of the business world and their allies and instruments among politicians and newspaper editors took advantage of this division of opinion, and especially of the fact that most of their opponents were on the wrong path; and fought to keep matters absolutely unchanged. These men demanded for themselves an immunity from governmental control which, if granted, would have been as wicked and as foolish as immunity to the barons of the twelfth century. Many of them were evil men. Many others were just as good men as were some of these same barons; but they were as utterly unable as any medieval castle-owner to understand what the public interest really was. There have been aristocracies which have played a great and beneficent part at stages in the growth of mankind; but we had come to the stage where for our people what was needed was a real democracy; and of all forms of tyranny the least attractive and the most vulgar is the tyranny of mere wealth, the tyranny of a plutocracy.

When I became President, the question as to the method

by which the United States Government was to control the corporations was not yet important. The absolutely vital question was whether the Government had power to control them at all. This question had not yet been decided in favor of the United States Government. It was useless to discuss methods of controlling big business by the National Government until it was definitely settled that the National Government had the power to control it. A decision of the Supreme Court had, with seeming definiteness, settled that the National Government had not the power.

This decision I caused to be annulled by the court that had rendered it; and the present power of the National Government to deal effectively with the trusts is due solely to the success of the Administration in securing this reversal of its former decision by the Supreme Court.

The Constitution was formed very largely because it had become imperative to give to some central authority the power to regulate and control interstate commerce. At that time when corporations were in their infancy and big combinations unknown, there was no difficulty in exercising the power granted. In theory, the right of the Nation to exercise this power continued unquestioned. But changing conditions obscured the matter in the sight of the people as a whole; and the conscious and the unconscious advocates of an unlimited and uncontrollable capitalism gradually secured the whittling away of the National power to exercise this theoretical right of control until it practically vanished. After the Civil War, with the portentous growth of industrial combinations in this country, came a period of reactionary decisions by the courts which, as regards corporations, culminated in what is known as the Knight case.

The Sherman Anti-Trust Law was enacted in 1890 because the formation of the Tobacco Trust and the Sugar Trust, the only two great trusts then in the country (aside from the Standard Oil Trust, which was a gradual growth), had awakened a popular demand for legislation to destroy monopoly and curb industrial combinations. This demand the Anti-Trust Law was intended to satisfy. The Admin-

istrations of Mr. Harrison and Mr. Cleveland evidently construed this law as prohibiting such combinations in the future, not as condemning those which had been formed prior to its enactment. In 1895, however, the Sugar Trust, whose output originally was about fifty-five per cent of all sugar produced in the United States, obtained control of three other companies in Philadelphia by exchanging its



OSCAR STRAUS.

stock for theirs, and thus increased its business until it controlled ninety-eight per cent of the entire product. Under Cleveland, the Government brought proceedings against the Sugar Trust, invoking the Anti-Trust Law, to set aside the acquisition of these corporations. The test case was on the absorption of the Knight Company.¹ The Supreme Court of the United States, with but one dissenting vote, held adversely to the Government. They took the ground that the power conferred by the Constitution to regulate and control interstate commerce did not extend to the production or manufacture of commodities within a State, and that nothing in the Sherman Anti-Trust Law prohibited a corporation from acquiring all the stock of other corporations through exchange of its stock for theirs, such exchange not being "commerce" in the opinion of the Court, even though by such acquisition the corporation was enabled to control the entire production of a commodity that was a

¹ The case is known in the law books as U. S. vs. E. C. Knight, 156 U. S., Sept., p. 1.

necessary of life. The effect of this decision was not merely the absolute nullification of the Anti-Trust Law, so far as industrial corporations were concerned, but was also in effect a declaration that, under the Constitution, the National Government could pass no law really effective for the destruction or control of such combinations.

This decision left the National Government, that is, the people of the Nation, practically helpless to deal with the large combinations of modern business. The courts in other cases asserted the power of the Federal Government to enforce the Anti-Trust Law so far as transportation rates by railways engaged in interstate commerce were concerned. But so long as the trusts were free to control the production of commodities without interference from the General Government, they were well content to let the transportation of commodities take care of itself—especially as the law against rebates was at that time a dead letter; and the Court by its decision in the Knight case had interdicted any interference by the President or by Congress with the production of commodities. It was on the authority of this case that practically all the big trusts in the United States, excepting those already mentioned, were formed. Usually they were organized as "holding" companies, each one acquiring control of its constituent corporations by exchanging its stock for theirs, an operation, which the Supreme Court had thus decided could not be prohibited, controlled, regulated, or even questioned by the Federal Government.

Such was the condition of our laws when I acceded to the Presidency. Just before my accession, a small group of financiers desiring to profit by the governmental impotence to which we had been reduced by the Knight decision, had arranged to take control of practically the entire railway system in the Northwest—possibly as the first step toward controlling the entire railway system of the country. This control of the Northwestern railway systems was to be effected by organizing a new "holding" company, and exchanging its stock against the stock of the various corporations engaged in railway transportation throughout that

vast territory, exactly as the Sugar Trust had acquired control of the Knight company and other concerns. This company was called the Northern Securities Company. Not long after I became President, on the advice of the Attorney-General, Mr. Knox, and through him, I ordered proceedings to be instituted for the dissolution of the company. As far as could be told by their utterances at the time, among all the great lawyers in the United States Mr. Knox was the only one who believed that this action could be sustained. The defense was based expressly on the ground that the Supreme Court in the Knight case had explicitly sanctioned the formation of such a company as the Northern Securities Company. The representatives of privilege intimated, and sometimes asserted outright, that in directing the action to be brought I had shown a lack of respect for the Supreme Court, which had already decided the question at issue by a vote of eight to one. Mr. Justice White, then on the Court and now Chief Justice, set forth the position that the two cases were in principle identical with incontrovertible logic. In giving the views of the dissenting minority on the action I had brought, he said:

"The parallel between the two cases [the Knight case and the Northern Securities case] is complete. The one corporation acquired the stock of other and competing corporations in exchange for its own. It was conceded for the purposes of the case, that in doing so monopoly had been brought about in the refining of sugar, that the sugar to be produced was likely to become the subject of interstate commerce, and indeed that part of it would certainly become so. But the power of Congress was decided not to extend to the subject, because the ownership of the stock in the corporations was not itself commerce."¹

Mr. Justice White was entirely correct in this statement. The cases were parallel. It was necessary to reverse the Knight case in the interests of the people against monopoly and privilege just as it had been necessary to reverse the Dred Scott case in the interest of the people against slavery

¹ Northern Securities Company et al. vs. U. S., 156 U. S., Sept., pp. 391-2.

and privilege; just as later it became necessary to reverse the New York Bakeshop case in the interest of the people against that form of monopolistic privilege which put human rights below property rights where wage workers were concerned.

By a vote of five to four the Supreme Court reversed its decision in the Knight case, and in the Northern Securities case sustained the Government. The power to deal with industrial monopoly and suppress it and to control and regulate combinations, of which the Knight case had deprived the Federal Government, was thus restored to it by the Northern Securities case. After this later decision was rendered, suits were brought by my direction against the American Tobacco Company and the Standard Oil Company. Both were adjudged criminal conspiracies, and their dissolution ordered. The Knight case was finally overthrown. The vicious doctrine it embodied no longer remains as an obstacle to obstruct the pathway of justice when it assails monopoly. Messrs. Knox, Moody, and Bonaparte, who successively occupied the position of Attorney-General under me, were profound lawyers and fearless and able men; and they completely established the newer and more wholesome doctrine under which the Federal Government may now deal with monopolistic combinations and conspiracies.

The decisions rendered in these various cases brought under my direction constitute the entire authority upon which any action must rest that seeks through the exercise of national power to curb monopolistic control. The men who organized and directed the Northern Securities Company were also the controlling forces in the Steel Corporation, which has since been prosecuted under the act. The proceedings against the Sugar Trust for corruption in connection with the New York Custom House are sufficiently interesting to be considered separately.

From the standpoint of giving complete control to the National Government over big corporations engaged in inter-State business, it would be impossible to over-estimate the importance of the Northern Securities decision and of the decisions afterwards rendered in line with it in

connection with the other trusts whose dissolution was ordered. The success of the Northern Securities case definitely established the power of the Government to deal with all great corporations. Without this success the National Government must have remained in the impotence to which it had been reduced by the Knight decision as regards the most important of its internal functions. But our



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HERBERT KNOX SMITH.

success in establishing the power of the National Government to curb monopolies did not establish the right method of exercising that power. We had gained the power. We had not devised the proper method of exercising it.

Monopolies can, although in rather cumbrous fashion, be broken up by law suits. Great business combinations, however, cannot possibly be made useful instead of noxious industrial agencies merely by law suits, and especially by law suits supposed to be carried on for their destruction and not for their control and regulation. I at once began to urge upon Congress the need of laws supplementing the Anti-Trust Law—for this law struck at all big business, good and bad, alike, and as the event proved was very inefficient in checking bad big business, and yet was a constant threat against decent business men. I strongly urged the inauguration of a system of thoroughgoing and drastic Governmental regulation and control over all big business combinations engaged in inter-State industry.

Here I was able to accomplish only a small part of what

I desired to accomplish. I was opposed both by the foolish radicals who desired to break up all big business, with the impossible ideal of returning to mid-nineteenth century industrial conditions; and also by the great privileged interests themselves, who used these ordinarily—but sometimes not entirely—well-meaning “stool pigeon progressives” to further their own cause. The worst representatives of big business encouraged the outcry for the total abolition of big business, because they knew that they could not be hurt in this way, and that such an outcry distracted the attention of the public from the really efficient method of controlling and supervising them, in just but masterly fashion, which was advocated by the sane representatives of reform. However, we succeeded in making a good beginning by securing the passage of a law creating the Department of Commerce and Labor, and with it the erection of the Bureau of Corporations. The first head of the Department of Commerce and Labor was Mr. Cortelyou, later Secretary of the Treasury. He was succeeded by Mr. Oscar Straus. The first head of the Bureau of Corporations was Mr. Garfield, who was succeeded by Mr. Herbert Knox Smith. No four better public servants from the standpoint of the people as a whole could have been found.

The Standard Oil Company took the lead in opposing all this legislation. This was natural, for it had been the worst offender in the amassing of enormous fortunes by improper methods of all kinds, at the expense of business rivals and of the public, including the corruption of public servants. If any man thinks this condemnation extreme, I refer him to the language officially used by the Supreme Court of the nation in its decision against the Standard Oil Company. Through their counsel, and by direct telegrams and letters to Senators and Congressmen from various heads of the Standard Oil organization, they did their best to kill the bill providing for the Bureau of Corporations. I got hold of one or two of these telegrams and letters, however, and promptly published them; and, as generally happens in such a case, the men who were all-powerful as long

as they could work in secret and behind closed doors became powerless as soon as they were forced into the open. The bill went through without further difficulty.

The true way of dealing with monopoly is to prevent it by administrative action before it grows so powerful that even when courts condemn it they shrink from destroying it. The Supreme Court in the Tobacco and Standard Oil cases, for instance, used very vigorous language in condemning these trusts; but the net result of the decision was of positive advantage to the wrongdoers, and this has tended to bring the whole body of our law into disrepute in quarters where it is of the very highest importance that the law be held in respect and even in reverence. My effort was to secure the creation of a Federal Commission which should neither excuse nor tolerate monopoly, but prevent it when possible and uproot it when discovered; and which should in addition effectively control and regulate all big combinations, and should give honest business certainty as to what the law was and security as long as the law was obeyed. Such a Commission would furnish a steady expert control, a control adapted to the problem; and dissolution is neither control nor regulation, but is purely negative; and negative remedies are of little permanent avail. Such a Commission would have complete power to examine into every big corporation engaged or proposing to engage in business between the States. It would have the power to discriminate sharply between corporations that are doing well and those that are doing ill; and the distinction between those who do well and those who do ill would be defined in terms so clear and unmistakable that no one could misapprehend them. Where a company is found seeking its profits through serving the community by stimulating production, lowering prices or improving service, while scrupulously respecting the rights of others (including its rivals, its employees, its customers, and the general public), and strictly obeying the law, then no matter how large its capital, or how great the volume of its business it would be encouraged to still more abundant production, or better service, by the fullest protection that the Government could afford it. On the other hand, if a

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corporation were found seeking profit through injury or oppression of the community, by restricting production through trick or device, by plot or conspiracy against competitors, or by oppression of wage-workers, and then extorting high prices for the commodity it had made artificially scarce, it would be prevented from organizing if its nefarious purpose could be discovered in time, or pursued and suppressed by all the power of Government whenever found in actual operation. Such a commission, with the power I advocate, would put a stop to abuses of big corporations and small corporations alike; it would draw the line on conduct and not on size; it would destroy monopoly, and make the biggest business man in the country conform squarely to the principles laid down by the American people, while at the same time giving fair play to the little man and certainty of knowledge as to what was wrong and what was right both to big man and little man.

Although under the decision of the courts the National Government had power over the railways, I found, when I became President, that this power was either not exercised at all or exercised with utter inefficiency. The law against rebates was a dead letter. All the unscrupulous railway men had been allowed to violate it with impunity; and because of this, as was inevitable, the scrupulous and decent railway men had been forced to violate it themselves, under penalty of being beaten by their less scrupulous rivals. It was not the fault of these decent railway men. It was the fault of the Government.

Thanks to a first-class railway man, Paul Morton of the Santa Fé, son of Mr. Cleveland's Secretary of Agriculture, I was able completely to stop the practice. Mr. Morton volunteered to aid the Government in abolishing rebates. He frankly stated that he, like every one else, had been guilty in the matter; but he insisted that he uttered the sentiments of the decent railway men of the country when he said that he hoped the practice would be stopped, and that if I would really stop it, and not merely make believe to stop it, he would give the testimony which would put into the hands of the Government the power to put a complete

check to the practice. Accordingly he testified, and on the information which he gave us we were able to take such action through the Inter-State Commerce Commission and the Department of Justice, supplemented by the necessary additional legislation, that the evil was absolutely eradicated. He thus rendered, of his own accord, at his own personal risk, and from purely disinterested motives, an invaluable service to the people, a service which no other man who was able to render was willing to render. As an immediate sequel, the world-old alliance between Bliffl and Black George was immediately revived against Paul Morton. In giving rebates he had done only what every honest railway man in the country had been obliged to do because of the failure of the Government to enforce the prohibition as regards dishonest railway men. But unlike his fellows he had then shown the courage and sense of obligation to the public which made him come forward and without evasion or concealment state what he had done, in order that we might successfully put an end to the practice; and put an end to the practice we did, and we did it because of the courage and patriotism he had shown. The unscrupulous railway men, whose dishonest practices were thereby put a stop to, and the unscrupulous demagogues who were either under the influence of these men or desirous of gaining credit with thoughtless and ignorant people no matter who was hurt, joined in vindictive clamor against Mr. Morton. They actually wished me to prosecute him, although such prosecution would have been a piece of unpardonable ingratitude and treachery on the part of the public toward him—for I was merely acting as the steward of the public in this matter. I need hardly say that I stood by him; and later he served under me as Secretary of the Navy, and a capital Secretary he made too.

We not only secured the stopping of rebates, but in the Hepburn Rate Bill we were able to put through a measure which gave the Inter-State Commerce Commission for the first time real control over the railways. There were two or three amusing features in the contest over this bill. All of the great business interests which objected to Govern-

mental control banded to fight it, and they were helped by the honest men of ultra-conservative type who always dread change, whether good or bad. We finally forced it through the House. In the Senate it was referred to a committee in which the Republican majority was under the control of Senator Aldrich, who took the lead in opposing the bill. There was one Republican on the committee, however, whom Senator Aldrich could not control—Senator Dolliver, of Iowa. The leading Democrat on the committee was Senator Tillman, of South Carolina, with whom I was not on good terms, because I had been obliged to cancel an invitation to him to dine at the White House on account of his having made a personal assault in the Senate Chamber on his colleague from South Carolina; and later I had to take action against him on account of his conduct in connection with certain land matters. Senator Tillman favored the bill. The Republican majority in the committee under Senator Aldrich, when they acted adversely on the bill, turned it over to Senator Tillman, thereby making him its sponsor. The object was to create what it was hoped would be an impossible situation in view of the relations between Senator Tillman and myself. I regarded the action as simply childish. It was a curious instance of how able and astute men sometimes commit blunders because of sheer inability to understand intensity of disinterested motive in others. I did not care a rap about Mr. Tillman's getting credit for the bill, or having charge of it. I was delighted to go with him or with any one else just so long as he was traveling my way—and no longer.

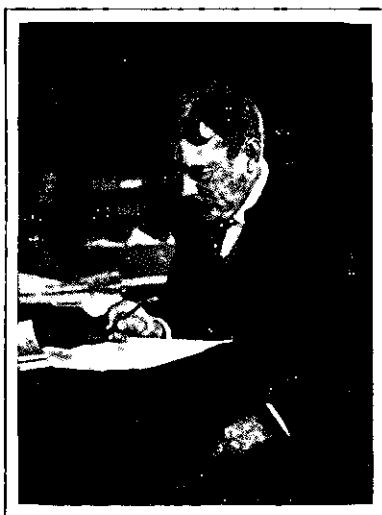
There was another amusing incident in connection with the passage of the bill. All the wise friends of the effort to secure Governmental control of corporations know that this Government control must be exercised through administrative and not judicial officers if it is to be effective. Everything possible should be done to minimize the chance of appealing from the decisions of the administrative officer to the courts. But it is not possible Constitutionally, and probably would not be desirable anyhow, completely to abolish the appeal. Unwise zealots wished to make the

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and purposely mis-
represents the case.

The necessary
legislation
was the
Hepburn
Act
1903, which
gave the rail-
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effort totally to abolish the appeal in connection with the Hepburn Bill. Representatives of the special interests wished to extend the appeal to include what it ought not to include. Between stood a number of men whose votes would mean the passage of, or the failure to pass, the bill, and who were not inclined towards either side. Three or four substantially identical amendments were proposed, and we then suddenly found ourselves face to face with an



WILLIAM H. MOODY.

absurd situation. The good men who were willing to go with us but had conservative misgivings about the ultra-radicals would not accept a good amendment if one of the latter proposed it; and the radicals would not accept their own amendment if one of the conservatives proposed it. Each side got so wrought up as to be utterly unable to get matters into proper perspective; each prepared to stand on unimportant trifles; each announced with hysterical emphasis — the reformers just as hysterically as the reactionaries — that the decision as regards each unimportant trifle determined the worth or worthlessness of the measure. Gradually we secured a measurable return to sane appreciation of the essentials. Finally both sides reluctantly agreed to accept the so-called Allison amendment which did not, as a matter of fact, work any change in the bill at all. The amendment was drawn by Attorney-General Moody after consultation with the Inter-State Commerce Commission, and was forwarded by me to Senator Dolliver; it was accepted, and the bill became law.

Thanks to this law and to the way in which the Inter-

State Commerce Commission was backed by the Administration, the Commission, under men like Prouty, Lane, and Clark, became a most powerful force for good. Some of the good that we had accomplished was undone after the close of my Administration by the unfortunate law creating a Commerce Court; but the major part of the immense advance we had made remained. There was one point on which I insisted, and upon which it is necessary always to insist. The Commission cannot do permanent good unless it does justice to the corporations precisely as it exacts justice from them. The public, the shippers, the stock and bondholders, and the employees, all have their rights, and none should be allowed unfair privileges at the expense of the others. Stock watering, and swindling of any kind should of course not only be stopped but punished. When, however, a road is managed fairly and honestly, and when it renders a real and needed service, then the Government must see that it is not so burdened as to make it impossible to run it at a profit. There is much wise legislation necessary for the safety of the public, or — like workmen's compensation — necessary to the well-being of the employee, which nevertheless imposes such a burden on the road that the burden must be distributed between the general public and the corporation, or there will be no dividends. In such a case it may be the highest duty of the commission to raise rates; and the commission, when satisfied that the necessity exists, in order to do justice to the owners of the road, should no more hesitate to raise rates, than under other circumstances to lower them.

So much for the "big stick" in dealing with the corporations when they went wrong. Now for a sample of the square deal.

In the fall of 1907 there were severe business disturbances and financial stringency, culminating in a panic which arose in New York and spread over the country. The damage actually done was great, and the damage threatened was incalculable. Thanks largely to the action of the Government, the panic was stopped before, instead of being merely a serious business check, it became a frightful and Nation-wide calamity, a disaster fraught with untold misery

and woe to all our people. For several days the Nation trembled on the brink of such a calamity, of such a disaster.

During these days both the Secretary of the Treasury and I personally were in hourly communication with New York, following every change in the situation, and trying to anticipate every development. It was the obvious duty of the Administration to take every step possible to prevent appalling disaster by checking the spread of the panic before it grew so that nothing could check it. And events moved with such speed that it was necessary to decide and to act on the instant, as each successive crisis arose, if the decision and action were to accomplish anything. The Secretary of the Treasury took various actions, some on his own initiative, some by my direction. Late one evening I was informed that two representatives of the Steel Corporation wished to see me early the following morning, the precise object not being named. Next morning, while at breakfast, I was informed that Messrs. Frick and Gary were waiting at the office. I at once went over, and, as the Attorney-General, Mr. Bonaparte, had not yet arrived from Baltimore, where he had been passing the night, I sent a message asking the Secretary of State, Mr. Root, who was also a lawyer, to join us, which he did. Before the close of the interview and in the presence of the three gentlemen named, I dictated a note to Mr. Bonaparte, setting forth exactly what Messrs. Frick and Gary had proposed, and exactly what I had answered—so that there might be no possibility of misunderstanding. This note was published in a Senate Document while I was still President. It runs as follows:

THE WHITE HOUSE, WASHINGTON,
November 4, 1907.

My dear Mr. Attorney-General:

Judge E. H. Gary and Mr. H. C. Frick, on behalf of the Steel Corporation, have just called upon me. They state that there is a certain business firm (the name of which I have not been told, but which is of real importance in New York business circles), which will undoubtedly fail this week if help is not given. Among its assets are a majority of the

securities of the Tennessee Coal Company. Application has been urgently made to the Steel Corporation to purchase this stock as the only means of avoiding a failure. Judge Gary and Mr. Frick informed me that as a mere business transaction they do not care to purchase the stock; that under ordinary circumstances they would not consider purchasing the stock, because but little benefit will come to the Steel Corporation from the purchase; that they are aware that the purchase will be used as a handle for attack upon them on the ground that they are striving to secure a monopoly of the business and prevent competition—not that this would represent what could honestly be said, but what might recklessly and untruthfully be said.

They further informed me that, as a matter of fact, the policy of the company has been to decline to acquire more than sixty per cent of the steel properties, and that this purpose has been persevered in for several years past, with the object of preventing these accusations, and, as a matter of fact, their proportion of steel properties has slightly decreased, so that it is below this sixty per cent, and the acquisition of the property in question will not raise it above sixty per cent. But they feel that it is immensely to their interest, as to the interest of every responsible business man, to try to prevent a panic and general industrial smash-up at this time, and that they are willing to go into this transaction, which they would not otherwise go into, because it seems the opinion of those best fitted to express judgment in New York that it will be an important factor in preventing a break that might be ruinous; and that this has been urged upon them by the combination of the most responsible bankers in New York who are now thus engaged in endeavoring to save the situation. But they asserted that they did not wish to do this if I stated that it ought not to be done. I answered that, while of course I could not advise them to take the action proposed, I felt it no public duty of mine to interpose any objections.

Sincerely yours,

(Signed) THEODORE ROOSEVELT.

HON. CHARLES J. BONAPARTE,
Attorney-General.

Mr. Bonaparte received this note in about an hour, and that same morning he came over, acknowledged its receipt, and said that my answer was the only proper answer that could have been made, having regard both to the law and to the needs of the situation. He stated that the legal situation had been in no way changed, and that no sufficient ground existed for prosecution of the Steel Corporation. But I acted purely on my own initiative, and the responsibility for the act was solely mine.

I was intimately acquainted with the situation in New York. The word "panic" means fear, unreasoning fear; to stop a panic it is necessary to restore confidence; and at the moment the so-called Morgan interests were the only interests which retained a full hold on the confidence of the people of New York—not only the business people, but the immense mass of men and women who owned small investments or had small savings in the banks and trust companies. Mr. Morgan and his associates were of course fighting hard to prevent the loss of confidence and the panic distrust from increasing to such a degree as to bring any other big financial institutions down; for this would probably have been followed by a general, and very likely a worldwide, crash. The Knickerbocker Trust Company had already failed, and runs had begun on, or were threatened as regards, two other big trust companies. These companies were now on the fighting line, and it was to the interest of everybody to strengthen them, in order that the situation might be saved. It was a matter of general knowledge and belief that they, or the individuals prominent in them, held the securities of the Tennessee Coal and Iron Company, which securities had no market value, and were useless as a source of strength in the emergency. The Steel Corporation securities, on the contrary, were immediately marketable, their great value being known and admitted all over the world—as the event showed. The proposal of Messrs. Frick and Gary was that the Steel Corporation should at once acquire the Tennessee Coal and Iron Company, and

thereby substitute, among the assets of the threatened institutions (which, by the way, they did not name to me), securities of great and immediate value for securities which at the moment were of no value. It was necessary for me to decide on the instant, before the Stock Exchange opened, for the situation in New York was such that any

hour might be vital, and failure to act for even an hour might make all subsequent effort to act utterly useless. From the best information at my disposal, I believed (what was actually the fact) that the addition of the Tennessee Coal and Iron property would only increase the proportion of the Steel Company's holdings by about four per cent, making them about sixty-two per cent instead of about fifty-eight per cent of the total value in the country; an addition which, by itself, in my judgment (concurred in, not only by the Attorney-General but by every competent lawyer), worked no change in the legal status

of the Steel corporation. The diminution in the percentage of holdings, and production, has gone on steadily, and the percentage is now about ten per cent less than it was ten years ago.

The action was emphatically for the general good. It offered the only chance for arresting the panic, and it did arrest the panic. I answered Messrs. Frick and Gary, as set forth in the letter quoted above, to the effect that I did not deem it my duty to interfere, that is, to forbid the action which more than anything else in actual fact saved



CHARLES J. BONAPARTE.

the situation. The result justified my judgment. The panic was stopped, public confidence in the solvency of the threatened institution being at once restored.

Business was vitally helped by what I did. The benefit was not only for the moment. It was permanent. Particularly was this the case in the South. Three or four years afterwards I visited Birmingham. Every man I met, without exception, who was competent to testify, informed me voluntarily that the results of the action taken had been of the utmost benefit to Birmingham, and therefore to Alabama, the industry having profited to an extraordinary degree, not only from the standpoint of the business, but from the standpoint of the community at large and of the wage-workers, by the change in ownership. The results of the action I took were beneficial from every standpoint, and the action itself, at the time when it was taken, was vitally necessary to the welfare of the people of the United States.

I would have been derelict in my duty, I would have shown myself a timid and unworthy public servant, if in that extraordinary crisis I had not acted precisely as I did act. In every such crisis the temptation to indecision, to non-action, is great, for excuses can always be found for non-action, and action means risk and the certainty of blame to the man who acts. But if the man is worth his salt he will do his duty, he will give the people the benefit of the doubt, and act in any way which their interests demand and which is not affirmatively prohibited by law, unheeding the likelihood that he himself, when the crisis is over and the danger past, will be assailed for what he has done.

Every step I took in this matter was open as the day, and was known in detail at the moment to all people. The press contained full accounts of the visit to me of Messrs. Frick and Gary, and heralded widely and with acclamation the results of that visit. At the time the relief and rejoicing over what had been done were well-nigh universal. The danger was too imminent and too appalling for men to be willing to condemn those who were successful in saving them

from it. But I fully understood and expected that when there was no longer danger, when the fear had been forgotten, attack would be made upon me; and as a matter of fact after a year had elapsed the attack was begun, and has continued at intervals ever since; my ordinary assailant being some politician of rather cheap type.

If I were on a sail-boat, I should not ordinarily meddle with any of the gear; but if a sudden squall struck us, and the main sheet jammed, so that the boat threatened to capsize, I would unhesitatingly cut the main sheet, even though I were sure that the owner, no matter how grateful to me at the moment for having saved his life, would a few weeks later, when he had forgotten his danger and his fear, decide to sue me for the value of the cut rope. But I would feel a hearty contempt for the owner who so acted.

There were many other things that we did in connection with corporations. One of the most important was the passage of the meat inspection law because of scandalous abuses shown to exist in the great packing-houses in Chicago and elsewhere. There was a curious result of this law, similar to what occurred in connection with the law providing for effective railway regulation. The big beef men bitterly opposed the law; just as the big railway men opposed the Hepburn Act. Yet three or four years after these laws had been put on the statute books every honest man both in the beef business and the railway business came to the conclusion that they worked good and not harm to the decent business concerns. They hurt only those who were not acting as they should have acted. The law providing for the inspection of packing-houses, and the Pure Food and Drugs Act, were also extremely important; and the way in which they were administered was even more important. It would be hard to overstate the value of the service rendered in all these cases by such cabinet officers as Moody and Bonaparte, and their outside assistants of the stamp of Frank Kellogg.

It would be useless to enumerate all the suits we brought. Some of them I have already touched upon. Others, such as the suits against the Harriman railway corporations,

which were successful, and which had been rendered absolutely necessary by the grossly improper action of the corporations concerned, offered no special points of interest. The Sugar Trust proceedings, however, may be mentioned as showing just the kind of thing that was done and the kind of obstacle encountered and overcome in prosecutions of this character.

It was on the advice of my secretary, William Loeb, Jr., afterward head of the New York Custom-House, that the action was taken which started the uncovering of the frauds perpetrated by the Sugar Trust and other companies in connection with the importing of sugar. Loeb had from time to time told me that he was sure that there was fraud in connection with the importations by the Sugar Trust through the New York Custom-House. Finally, some time toward the end of 1904, he informed me that Richard Parr, a sampler at the New York Appraisers' Stores (whose duties took him almost continually on the docks in connection with the sampling of merchandise), had called on him, and had stated that in his belief the sugar companies were defrauding the Government in the matter of weights, and had stated that if he could be made an investigating officer of the Treasury Department, he was confident that he could show there was wrongdoing. Parr had been a former school fellow of Loeb in Albany, and Loeb believed him to be loyal, honest, and efficient. He thereupon laid the matter before me, and advised the appointment of Parr as a special employee of the Treasury Department, for the specific purpose of investigating the alleged sugar frauds. I instructed the Treasury Department accordingly, and was informed that there was no vacancy in the force of special employees, but that Parr would be given the first place that opened up. Early in the spring of 1905 Parr came to Loeb again, and said that he had received additional information about the sugar frauds, and was anxious to begin the investigation. Loeb again discussed the matter with me; and I notified the Treasury Department to appoint Parr immediately. On June 1, 1905, he received his appointment, and was assigned to the port of Boston for the purpose of gain-

ing some experience as an investigating officer. During the month he was transferred to the Maine District, with headquarters at Portland, where he remained until March, 1907. During his service in Maine he uncovered extensive wool smuggling frauds. At the conclusion of the wool case, he appealed to Loeb to have him transferred to New York, so that he might undertake the investigation of the sugar underweighing frauds. I now called the attention of Secretary Cortelyou personally to the matter, so that he would be able to keep a check over any subordinates who might try to interfere with Parr, for the conspiracy was evidently widespread, the wealth of the offenders great, and the corruption in the service far-reaching—while moreover as always happens with "respectable" offenders, there were many good men who sincerely disbelieved in the possibility of corruption on the part of men of such high financial standing. Parr was assigned to New York early in March, 1907, and at once began an active investigation of the conditions existing on the sugar docks. This terminated in the discovery of a steel spring in one of the scales of the Havemeyer & Elder docks in Brooklyn, November 20, 1907, which enabled us to uncover what were probably the most colossal frauds ever perpetrated in the Customs Service. From the beginning of his active work in the investigation of the sugar frauds in March, 1907, to March 4, 1909, Parr, from time to time, personally reported to Loeb, at the White House, the progress of his investigations, and Loeb in his turn kept me personally advised. On one occasion there was an attempt made to shunt Parr off the investigation and substitute another agent of the Treasury, who was suspected of having some relations with the sugar companies under investigation; but Parr reported the facts to Loeb, I sent for Secretary Cortelyou, and Secretary Cortelyou promptly took charge of the matter himself, putting Parr back on the investigation.

During the investigation Parr was subjected to all sorts of harassments, including an attempt to bribe him by Spitzer, the dock superintendent of the Havemeyer & Elder Refinery, for which Spitzer was convicted and served a term

in prison. Brzezinski, a special agent, who was assisting Parr, was convicted of perjury and also served a term in prison, he having changed his testimony, in the trial of Spitzer for the attempted bribery of Parr, from that which he gave before the Grand Jury. For his extraordinary services in connection with this investigation Parr was granted an award of \$100,000 by the Treasury Department.

District-Attorney Stimson, of New York, assisted by Denison, Frankfurter, Wise, and other employees of the Department of Justice, took charge of the case, and carried on both civil and criminal proceedings. The trial in the action against the Sugar Trust, for the recovery of duties on the cargo of sugar, which was being sent over the scales at the time of the discovery of the steel spring by Parr, was begun in 1908; judgment was rendered against the defendants on March 5, 1909, the day after I left office. Over four million dollars were recovered and paid back into the United States Treasury by the sugar companies which had perpetrated the various forms of fraud. These frauds were unearthed by Parr, Loeb, Stimson, Frankfurter, and the other men mentioned and their associates, and it was to them that the people owed the refunding of the huge sum of money mentioned. We had already secured heavy fines from the Sugar Trust, and from various big railways, and private individuals, such as Edwin Earle, for unlawful rebates. In the case of the chief offender, the American Sugar Refining Company (the Sugar Trust), criminal prosecutions were carried on against every living man whose position was such that he would naturally know about the fraud. All of them were indicted, and the biggest and most responsible ones were convicted. The evidence showed that the president of the company, Henry O. Havemeyer, virtually ran the entire company, and was responsible for all the details of the management. He died two weeks after the fraud was discovered, just as proceedings were being begun. Next to him in importance was the secretary and treasurer, Charles R. Heike, who was convicted. Various other officials and employees of the Trust, and various Government employees, were indicted, and most of them convicted. Ernest W.

Gerbracht, the superintendent of one of the refineries, was convicted, but his sentence was commuted to a short jail imprisonment, because he became a Government witness and greatly assisted the Government in the suits.

Heike's sentence was commuted so as to excuse him from going to the penitentiary; just as the penitentiary sentence of Morse, the big New York banker, who was convicted of gross fraud and misapplication of funds, was commuted.

Both commutations were granted long after I left office.

In each case the commutation was granted because, as was stated, of the prisoner's age and state of health. In Morse's case the President originally refused the request, saying that Morse had exhibited "fraudulent and criminal disregard of the trust imposed upon him," that "he was entirely unscrupulous as to the methods he adopted," and "that he seemed at times to be absolutely heartless with regard to the consequences to others, and he showed great shrewdness in obtaining large sums of money from the bank without adequate security and without making himself personally liable therefor." The two cases may be considered in connection with the announcement in the public press that on May 17, 1913, the President commuted the sentence of Lewis A. Banks, who was serving a very long term penitentiary sentence for an attack on a girl in the Indian Territory; "the reason for the commutation which is set forth in the press being that 'Banks is in poor health.'"

It is no easy matter to balance the claims of justice and



PAUL MORTON.

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Wilson

mercy in such cases. In these three cases, of all of which I had personal cognizance, I disagreed radically with the views my successors took, and with the views which many respectable men took who in these and similar cases, both while I was in office and afterward, urged me to show, or to ask others to show, clemency. It then seemed to me, and it now seems to me, that such clemency is from the larger standpoint a gross wrong to the men and women of the country.

One of the former special assistants of the district-attorney, Mr. W. Cleveland Runyon, in commenting bitterly on the release of Heike and Morse on account of their health, pointed out that their health apparently became good when once they themselves became free men, and added:

"The commutation of these sentences amounts to a direct interference with the administration of justice by the courts. Heike got a \$25,000 salary and has escaped his imprisonment, but what about the six \$18 a week checkers, who were sent to jail, one of them a man of more than sixty? It is cases like this that create discontent and anarchy. They make it seem plain that there is one law for the rich and another for the poor man, and I for one will protest."

In dealing with Heike the individual (or Morse or any other individual), it is necessary to emphasize the social aspects of his case. The moral of the Heike case, as has been well said, is "how easy it is for a man in modern corporate organization to drift into wrongdoing." The moral restraints are loosened in the case of a man like Heike by the insulation of himself from the sordid details of crime, through industrially coerced intervening agents. Professor Ross has made the penetrating observation that "distance disinfects dividends"; it also weakens individual responsibility, particularly on the part of the very managers of large business, who should feel it most acutely. One of the officers of the Department of Justice who conducted the suit, and who inclined to the side of mercy in the matter, nevertheless writes: "Heike is a beautiful illustration of mental and moral obscuration in the business life of an otherwise valuable member of society. Heike had an ample share in the guidance of the affairs of the American Sugar Company,

and we are apt to have a foreshortened picture of his responsibility, because he operated from the easy coign of vantage of executive remoteness. It is difficult to say to what extent he did, directly or indirectly, profit by the sordid practices of his company. But the social damage of an individual in his position may be just as deep, whether merely the zest of the game or hard cash be his dominant motive."

I have coupled the cases of the big banker and the Sugar Trust official and the case of the man convicted of a criminal assault on a woman. All of the criminals were released from penitentiary sentences on grounds of ill health. The offenses were typical of the worst crimes committed at the two ends of the social scale. One offense was a crime of brutal violence; the other offenses were crimes of astute corruption. All of them were offenses which in my judgment were of such a character that clemency towards the offender worked grave injustice to the community as a whole, injustice so grave that its effects might be far-reaching in their damage.

Every time that rape or criminal assault on a woman is pardoned, and anything less than the full penalty of the law exacted, a premium is put on the practice of lynching such offenders. Every time a big monied offender, who naturally excites interest and sympathy, and who has many friends, is excused from serving a sentence which a man of less prominence and fewer friends would have to serve, justice is discredited in the eyes of plain people—and to undermine faith in justice is to strike at the foundation of the Republic. As for ill health, it must be remembered that few people are as healthy in prison as they would be outside; and there should be no discrimination among criminals on this score; either all criminals who grow unhealthy should be let out, or none. Pardons must sometimes be given in order that the cause of justice may be served; but in cases such as these I am considering, while I know that many amiable people differ from me, I am obliged to say that in my judgment the pardons work far-reaching harm to the cause of justice.

Among the big corporations themselves, even where

Paul
Morton!

they did wrong, there was a wide difference in the moral obliquity indicated by the wrongdoer. There was a wide distinction between the offenses committed in the case of the Northern Securities Company, and the offenses because of which the Sugar Trust, the Tobacco Trust, and the Standard Oil Trust were successfully prosecuted under my



JAMES R. GARFIELD.

Administration. It was vital to destroy the Northern Securities Company; but the men creating it had done so in open and above-board fashion, acting under what they, and most of the members of the bar, thought to be the law established by the Supreme Court in the Knight sugar case. But the Supreme Court in its decree dissolving the Standard Oil and Tobacco Trusts, condemned them in the severest language for moral turpitude; and an even severer meed of condemnation should be visited on the Sugar Trust.

However, all the trusts and big corporations against which we proceeded — which included in their directorates practically all the biggest financiers in the country — joined in making the bitterest assaults on me and on my Administration. Of their actions I wrote as follows to Attorney-General Bonaparte, who had been a peculiarly close friend and adviser through the period covered by my public life in high office and who, together with Attorney-General Moody, possessed the same understanding sympathy with my social and industrial program that was possessed by such officials as Straus, Garfield, H. K. Smith, and Pinchot. The letter runs:

January 2, 1908.

My dear Bonaparte:

I must congratulate you on your admirable speech at Chicago. You said the very things it was good to say at this time. What you said bore especial weight because it represented what you had done. You have shown by what you have actually accomplished that the law is enforced against the wealthiest corporation, and the richest and most powerful manager or manipulator of that corporation, just as resolutely and fearlessly as against the humblest citizen. The Department of Justice is now in very fact the Department of Justice, and justice is meted out with an even hand to great and small, rich and poor, weak and strong. Those who have denounced you and the action of the Department of Justice are either misled, or else are the very wrongdoers, and the agents of the very wrongdoers, who have for so many years gone scot-free and flouted the laws with impunity. Above all, you are to be congratulated upon the bitterness felt and expressed towards you by the representatives and agents of the great law-defying corporations of immense wealth, who, until within the last half-dozen years, have treated themselves and have expected others to treat them as being beyond and above all possible check from law.

It was time to say something, for the representatives of predatory wealth, of wealth accumulated on a giant scale by iniquity, by wrongdoing in many forms, by plain swindling, by oppressing wage-workers, by manipulating securities, by unfair and unwholesome competition and by stock-jobbing, — in short, by conduct abhorrent to every man of ordinarily decent conscience, have during the last few months made it evident that they are banded together to work for a reaction, to endeavor to overthrow and discredit all who honestly administer the law, and to secure a return to the days when every unscrupulous wrongdoer could do what he wished unchecked, provided he had enough money. They attack you because they know your honesty and fearlessness, and dread them. The enormous sums of money these men have at their control enable them to carry on an effective campaign. They find their tools in a portion

of the public press, including especially certain of the great New York newspapers. They find their agents in some men in public life, — now and then occupying, or having occupied, positions as high as Senator or Governor, — in some men in the pulpit, and most melancholy of all, in a few men on the bench. By gifts to colleges and universities they are occasionally able to subsidize in their own interest some head of an educational body, who, save only a judge, should of all men be most careful to keep his skirts clear from the taint of such corruption. There are ample material rewards for those who serve with fidelity the Mammon of unrighteousness, but they are dearly paid for by that institution of learning whose head, by example and precept, teaches the scholars who sit under him that there is one law for the rich and another for the poor. The amount of money the representatives of the great monied interests are willing to spend can be gauged by their recent publication broadcast throughout the papers of this country from the Atlantic to the Pacific of huge advertisements, attacking with envenomed bitterness the Administration's policy of warring against successful dishonesty, advertisements that must have cost enormous sums of money. This advertisement, as also a pamphlet called "The Roosevelt Panic," and one or two similar books and pamphlets, are written especially in the interest of the Standard Oil and Harriman combinations, but also defend all the individuals and corporations of great wealth that have been guilty of wrongdoing. From the railroad rate law to the pure food law, every measure for honesty in business that has been pressed during the last six years, has been opposed by these men, on its passage and in its administration, with every resource that bitter and unscrupulous craft could suggest, and the command of almost unlimited money secure. These men do not themselves speak or write; they hire others to do their bidding. Their spirit and purpose are made clear alike by the editorials of the papers owned in, or whose policy is dictated by, Wall Street, and by the speeches of public men who, as Senators, Governors, or Mayors, have served these their masters to the cost of the plain people.

At one time one of their writers or speakers attacks the rate law as the cause of the panic; he is, whether in public life or not, usually a clever corporation lawyer, and he is not so foolish a being as to believe in the truth of what he says; he has too closely represented the railroads not to know well that the Hepburn Rate Bill has helped every honest railroad, and has hurt only the railroads that regarded themselves as above the law. At another time, one of them assails the Administration for not imprisoning people under the Sherman Anti-Trust Law; for declining to make what he well knows, in view of the actual attitude of juries (as shown in the Tobacco Trust cases and in San Francisco in one or two of the cases brought against corrupt business men) would have been the futile endeavor to imprison defendants whom we are actually able to fine. He raises the usual clamor, raised by all who object to the enforcement of the law, that we are fining corporations instead of putting the heads of the corporations in jail; and he states that this does not really harm the chief offenders. Were this statement true, he himself would not be found attacking us. The extraordinary violence of the assault upon our policy contained in speeches like these, in the articles in the subsidized press, in such huge advertisements and pamphlets as those above referred to, and the enormous sums of money spent in these various ways, give a fairly accurate measure of the anger and terror which our actions have caused the corrupt men of vast wealth to feel in the very marrow of their being.

The man thus attacking us is usually, like so many of his fellows, either a great lawyer, or a paid editor who takes his commands from the financiers and his arguments from their attorneys. If the former, he has defended many malefactors, and he knows well that, thanks to the advice of lawyers like himself, a certain kind of modern corporation has been turned into an admirable instrument by which to render it well nigh impossible to get at the really guilty man, so that in most cases the only way of punishing the wrong is by fining the corporation or by proceeding personally against some of the minor agents. These lawyers and their employ-

ers are the men mainly responsible for this state of things, and their responsibility is shared with the legislators who ingeniously oppose the passing of just and effective laws, and with those judges whose one aim seems to be to construe such laws so that they cannot be executed. Nothing is sillier than this outcry on behalf of the "innocent stockholders" in the corporations. We are besought to pity the Standard Oil Company for a fine relatively far less great than the fines every day inflicted in the police courts upon multitudes of push cart peddlers and other petty offenders, whose woes never extort one word from the men whose withers are wrung by the woes of the mighty. The stockholders have the control of the corporation in their own hands. The corporation officials are elected by those holding the majority of the stock and can keep office only by having behind them the good-will of these majority stockholders. They are not entitled to the slightest pity if they deliberately choose to resign into the hands of great wrongdoers the control of the corporations in which they own the stock. Of course innocent people have become involved in these big corporations and suffer because of the misdeeds of their criminal associates. Let these innocent people be careful not to invest in corporations where those in control are not men of probity, men who respect the laws; above all let them avoid the men who make it their one effort to evade or defy the laws. But if these honest innocent people are in the majority in any corporation they can immediately resume control and throw out of the directory the men who misrepresent them. Does any man for a moment suppose that the majority stockholders of the Standard Oil are others than Mr. Rockefeller and his associates themselves and the beneficiaries of their wrongdoing? When the stock is watered so that the innocent investors suffer, a grave wrong is indeed done to these innocent investors as well as to the public; but the public men, lawyers and editors, to whom I refer, do not under these circumstances express sympathy for the innocent; on the contrary they are the first to protest with frantic vehemence against our efforts by law to put a stop to over-capitalization and stock-watering. The

apologists of successful dishonesty always declaim against any effort to punish or prevent it on the ground that such effort will "unsettle business." It is they who by their acts have unsettled business; and the very men raising this cry spend hundreds of thousands of dollars in securing, by speech, editorial, book or pamphlet, the defense by misstatement of what they have done; and yet when we correct their misstatements by telling the truth, they declaim against us for breaking silence, lest "values be unsettled!" They have hurt honest business men, honest working men, honest farmers; and now they clamor against the truth being told.

The keynote of all these attacks upon the effort to secure honesty in business and in politics, is expressed in a recent speech, in which the speaker stated that prosperity had been checked by the effort for the "moral regeneration of the business world," an effort which he denounced as "unnatural, unwarranted and injurious" and for which he stated the panic was the penalty. The morality of such a plea is precisely as great as if made on behalf of the men caught in a gambling establishment when that gambling establishment is raided by the police. If such words mean anything they mean that those whose sentiments they represent stand against the effort to bring about a moral regeneration of business which will prevent a repetition of the insurance, banking and street railroad scandals in New York; a repetition of the Chicago and Alton deal; a repetition of the combination between certain professional politicians, certain professional labor leaders and certain big financiers from the disgrace of which San Francisco has just been rescued; a repetition of the successful efforts by the Standard Oil people to crush out every competitor, to overawe the common carriers, and to establish a monopoly which treats the public with the contempt which the public deserves so long as it permits men like the public men of whom I speak to represent it in politics, men like the heads of colleges to whom I refer to educate its youth. The outcry against stopping dishonest practices among the very wealthy is precisely similar to the outcry raised against every

effort for cleanliness and decency in city government because, forsooth, it will "hurt business." The same outcry is made against the Department of Justice for prosecuting the heads of colossal corporations that is made against the men who in San Francisco are prosecuting with impartial severity the wrongdoers among business men, public officials, and



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labor leaders alike. The principle is the same in the two cases. Just as the blackmailer and the bribe giver stand on the same evil eminence of infamy, so the man who makes an enormous fortune by corrupting Legislatures and municipalities and fleecing his stockholders and the public stands on a level with the creature who fattens on the blood money of the gambling house, the saloon and the brothel.

Moreover, both kinds of corruption in the last analysis are far more intimately connected than would at first sight appear; the wrong-doing is at bottom the same. Corrupt business and corrupt politics act and react, with ever increasing debasement, one on the other; the rebate-taker, the franchise-trafficker, the manipulator of securities, the purveyor and protector of vice, the black-mailing ward boss, the ballot box stuffer, the demagogue, the mob leader, the hired bully and mankiller, all alike work at the same web of corruption, and all alike should be abhorred by honest men.

The "business" which is hurt by the movement for honesty is the kind of business which, in the long run, it pays the country to have hurt. It is the kind of business which has tended to make the very name "high finance" a term of scandal to which all honest American men of business should join in putting an end. One of the special pleaders for business dishonesty, in a recent speech, in denouncing the Administration for enforcing the law against the huge and corrupt corporations which have defied the law, also denounced it for endeavoring to secure a far-reaching law making employers liable for injuries to their employees. It is meet and fit that the apologists for corrupt wealth should oppose every effort to relieve weak and helpless people from crushing misfortune brought upon them by injury in the business from which they gain a bare livelihood and their employers fortunes. It is hypocritical baseness to speak of a girl who works in a factory where the dangerous machinery is unprotected as having the "right" freely to contract to expose herself to dangers to life and limb. She has no alternative but to suffer want or else to expose herself to such dangers, and when she loses a hand or is otherwise maimed or disfigured for life it is a moral wrong that the burden of the risk necessarily incidental to the business should be placed with crushing weight upon her weak shoulders and the man who has profited by her work escape scot-free. This is what our opponents advocate, and it is proper that they should advocate it, for it rounds out their advocacy of those most dangerous members of the criminal class,

the criminals of vast wealth, the men who can afford best to pay for such championship in the press and on the stump.

It is difficult to speak about the judges, for it behooves us all to treat with the utmost respect the high office of judge; and our judges as a whole are brave and upright men. But there is need that those who go wrong should not be allowed to feel that there is no condemnation of their wrongdoing. A judge who on the bench either truckles to the mob or bows down before a corporation; or who, having left the bench to become a corporation lawyer, seeks to aid his clients by denouncing as enemies of property all those who seek to stop the abuses of the criminal rich; such a man performs an even worse service to the body politic than the Legislator or Executive who goes wrong. In no way can respect for the courts be so quickly undermined as by teaching the public through the action of a judge himself that there is reason for the loss of such respect. The judge who by word or deed makes it plain that the corrupt corporation, the law-defying corporation, the law-defying rich man, has in him a sure and trustworthy ally, the judge who by misuse of the process of injunction makes it plain that in him the wage-worker has a determined and unscrupulous enemy, the judge who when he decides in an employers' liability or a tenement house factory case shows that he has neither sympathy for nor understanding of those fellow-citizens of his who most need his sympathy and understanding; these judges work as much evil as if they pandered to the mob, as if they shrank from sternly repressing violence and disorder. The judge who does his full duty well stands higher, and renders a better service to the people, than any other public servant; he is entitled to greater respect; and if he is a true servant of the people, if he is upright, wise and fearless, he will unhesitatingly disregard even the wishes of the people if they conflict with the eternal principles of right as against wrong. He must serve the people; but he must serve his conscience first. All honor to such a judge; and all honor cannot be rendered him if it is rendered equally to his brethren who fall immeasurably below the high ideals for which he stands. There should be a sharp discrimination

against such judges. They claim immunity from criticism, and the claim is heatedly advanced by men and newspapers like those of whom I speak. Most certainly they can claim immunity from untruthful criticism; and their champions, the newspapers and the public men I have mentioned, exquisitely illustrate by their own actions mendacious criticism in its most flagrant and iniquitous form.

But no servant of the people has a right to expect to be free from just and honest criticism. It is the newspapers, and the public men whose thoughts and deeds show them to be most alien to honesty and truth who themselves loudly object to truthful and honest criticism of their fellow-servants of the great monied interests.

We have no quarrel with the individuals, whether public men, lawyers or editors, to whom I refer. These men derive their sole power from the great, sinister offenders who stand behind them. They are but puppets who move as the strings are pulled by those who control the enormous masses of corporate wealth which if itself left uncontrolled threatens dire evil to the Republic. It is not the puppets, but the strong, cunning men and the mighty forces working for evil behind, and to a certain extent through, the puppets, with whom we have to deal. We seek to control law-defying wealth, in the first place to prevent its doing evil, and in the next place to avoid the vindictive and dreadful radicalism which if left uncontrolled it is certain in the end to arouse. Sweeping attacks upon all property, upon all men of means, without regard to whether they do well or ill, would sound the death knell of the Republic; and such attacks become inevitable if decent citizens permit rich men whose lives are corrupt and evil to domineer in swollen pride, unchecked and unhindered, over the destinies of this country. We act in no vindictive spirit, and we are no respecters of persons. If a labor union does what is wrong, we oppose it as fearlessly as we oppose a corporation that does wrong; and we stand with equal stoutness for the rights of the man of wealth and for the rights of the wage-workers; just as much so for one as for the other. We seek to stop wrongdoing; and we desire to punish the wrongdoer only so far as is necessary in

How then
recall
judicial
decisions?

order to achieve this end. We are the staunch upholders of every honest man, whether business man or wage-worker.

I do not for a moment believe that our actions have brought on business distress; so far as this is due to local and not world-wide causes, and to the actions of any particular individuals, it is due to the speculative folly and flagrant dishonesty of a few men of great wealth, who now seek to shield themselves from the effects of their own wrongdoings by ascribing its results to the actions of those who have sought to put a stop to the wrongdoing. But if it were true that to cut out rottenness from the body politic meant a momentary check to an unhealthy seeming prosperity, I should not for one moment hesitate to put the knife to the cancer. On behalf of all our people, on behalf no less of the honest man of means than of the honest man who earns each day's livelihood by that day's sweat of his brow, it is necessary to insist upon honesty in business and politics alike, in all walks of life, in big things and in little things; upon just and fair dealing as between man and man. We are striving for the right in the spirit of Abraham Lincoln when he said:

"Fondly do we hope — fervently do we pray — that this mighty scourge may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsmen's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said, 'The judgments of the Lord are true and righteous altogether.'"

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in."

Sincerely yours,

THEODORE ROOSEVELT.

HON. CHARLES J. BONAPARTE.

Attorney-General.

CHAPTER XIII

SOCIAL AND INDUSTRIAL JUSTICE

BY the time I became President I had grown to feel with deep intensity of conviction that governmental agencies must find their justification largely in the way in which they are used for the practical betterment of living and working conditions among the mass of the people. I felt that the fight was really for the abolition of privilege; and one of the first stages in the battle was necessarily to fight for the rights of the workingman. For this reason I felt most strongly that all that the government could do in the interest of labor should be done. The Federal Government can rarely act with the directness that the State governments act. It can, however, do a good deal. My purpose was to make the National Government itself a model employer of labor, the effort being to make the per diem employee just as much as the Cabinet officer regard himself as one of the partners employed in the service of the public, proud of his work, eager to do it in the best possible manner, and confident of just treatment. Our aim was also to secure good laws wherever the National Government had power, notably in the Territories, in the District of Columbia, and in connection with inter-State commerce. I found the eight-hour law a mere farce, the departments rarely enforcing it with any degree of efficiency. This I remedied by executive action. Unfortunately, thoroughly efficient government servants often proved to be the prime offenders so far as the enforcement of the eight-hour law was concerned, because in their zeal to get good work done for the Government they became harsh taskmasters, and declined to consider the needs of their fellow-employees who served under them.

The more I had studied the subject the more strongly I had become convinced that an eight-hour day under the conditions of labor in the United States was all that could, with wisdom and propriety, be required either by the Government or by private employers; that more than this meant, on the average, a decrease in the qualities that tell for good citizenship. I finally solved the problem, as far as Government employees were concerned, by calling in Charles P. Neill, the head of the Labor Bureau; and, acting on his advice, I speedily made the eight-hour law really effective. Any man who shirked his work, who dawdled and idled, received no mercy; slackness is even worse than harshness; for exactly as in battle mercy to the coward is cruelty to the brave man, so in civil life slackness towards the vicious and idle is harshness towards the honest and hard-working.

We passed a good law protecting the lives and health of miners in the Territories, and other laws providing for the supervision of employment agencies in the District of Columbia, and protecting the health of motormen and conductors on street railways in the District. We practically started the Bureau of Mines. We provided for safeguarding factory employees in the District against accidents, and for the restriction of child labor therein. We passed a workmen's compensation law for the protection of Government employees; a law which did not go as far as I wished, but which was the best I could get, and which committed the Government to the right policy. We provided for an investigation of woman and child labor in the United States. We incorporated the National Child Labor Committee. Where we had most difficulty was with the railway companies engaged in inter-State business. We passed an act improving safety appliances on railway trains without much opposition, but we had more trouble with acts regulating the hours of labor of railway employees and making those railways which were engaged in inter-State commerce liable for injuries to or the death of their employees while on duty. One important step in connection with these latter laws was taken by Attorney-General

Moody when, on behalf of the Government, he intervened in the case of a wronged employee. It is unjust that a law which has been declared public policy by the representatives of the people should be submitted to the possibility of nullification because the Government leaves the enforcement of it to the private initiative of poor people who have just suffered some crushing accident. It should be the business of the Government to enforce laws of this kind, and to appear in court to argue for their constitutionality and proper enforcement. Thanks to Moody, the Government assumed this position. The first employers' liability law affecting inter-State railroads was declared unconstitutional. We got through another, which stood the test of the courts.

The principle to which we especially strove to give expression, through these laws and through executive action, was that a right is valueless unless reduced from the abstract to the concrete. This sounds like a truism. So far from being such, the effort practically to apply it was almost revolutionary, and gave rise to the bitterest denunciation of us by all the big lawyers, and all the big newspaper editors, who, whether sincerely or for hire, gave expression to the views of the privileged classes. Ever since the Civil War very many of the decisions of the courts, not as regards ordinary actions between man and man, but as regards the application of great governmental policies for social and industrial justice, had been in reality nothing but ingenious justifications of the theory that these policies were mere high-sounding abstractions, and were not to be given practical effect. The tendency of the courts had been, in the majority of cases, jealously to exert their great power in protecting those who least needed protection and hardly to use their power at all in the interest of those who most needed protection. Our desire was to make the Federal Government efficient as an instrument for protecting the rights of labor within its province, and therefore to secure and enforce judicial decisions which would permit us to make this desire effective. Not only some of the Federal judges, but some of the State courts invoked the Constitution in a spirit of the narrowest legalistic obstruction to prevent the Gov-

ernment from acting in defense of labor on inter-State railways. In effect, these judges took the view that while Congress had complete power as regards the goods transported by the railways, and could protect wealthy or well-to-do owners of these goods, yet that it had no power to protect the lives of the men engaged in transporting the goods. Such judges freely issued injunctions to prevent the obstruction of traffic in the interest of the property owners, but declared unconstitutional the action of the Government in seeking to safeguard the men, and the families of the men, without whose labor the traffic could not take place. It was an instance of the largely unconscious way in which the courts had been twisted into the exaltation of property rights over human rights, and the subordination of the welfare of the laborer when compared with the profit of the man for whom he labored. By what I fear my conservative friends regarded as frightfully aggressive missionary work, which included some uncommonly plain speaking as to certain unjust and anti-social judicial decisions, we succeeded in largely, but by no means altogether, correcting this view, at least so far as the best and most enlightened judges were concerned.

Very much the most important action I took as regards labor had nothing to do with legislation, and represented executive action which was not required by the Constitution. It illustrated as well as anything that I did the theory which I have called the Jackson-Lincoln theory of the Presidency; that is, that occasionally great national crises arise which call for immediate and vigorous executive action, and that in such cases it is the duty of the President to act upon the theory that he is the steward of the people, and that the proper attitude for him to take is that he is bound to assume that he has the legal right to do whatever the needs of the people demand, unless the Constitution or the laws explicitly forbid him to do it.

Early in the spring of 1902 a universal strike began in the anthracite regions. The miners and the operators became deeply embittered, and the strike went on throughout the summer and the early fall without any sign of reach-

ing an end, and with almost complete stoppage of mining. In many cities, especially in the East, the heating apparatus is designed for anthracite, so that the bituminous coal is only a very partial substitute. Moreover, in many regions, even in farmhouses, many of the provisions are for burning coal and not wood. In consequence, the coal famine became a National menace as the winter approached. In most big cities and many farming districts east of the Mississippi the shortage of anthracite threatened calamity. In the populous industrial States, from Ohio eastward, it was not merely calamity, but the direst disaster, that was threatened. Ordinarily conservative men, men very sensitive as to the rights of property under normal conditions, when faced by this crisis felt, quite rightly, that there must be some radical action. The Governor of Massachusetts and the Mayor of New York both notified me, as the cold weather came on, that if the coal famine continued the misery throughout the Northeast, and especially in the great cities, would become appalling, and the consequent public disorder so great that frightful consequences might follow. It is not too much to say that the situation which confronted Pennsylvania, New York, and New England, and to a less degree the States of the Middle West, in October, 1902, was quite as serious as if they had been threatened by the invasion of a hostile army of overwhelming force.

The big coal operators had banded together, and positively refused to take any steps looking toward an accommodation. They knew that the suffering among the miners was great; they were confident that if order were kept, and nothing further done by the Government, they would win; and they refused to consider that the public had any rights in the matter. They were, for the most part, men of unquestionably good private life, and they were merely taking the extreme individualistic view of the rights of property and the freedom of individual action upheld in the laissez faire political economies. The mines were in the State of Pennsylvania. There was no duty whatever laid upon me by the Constitution in the matter, and I had in theory no power to

act directly unless the Governor of Pennsylvania or the Legislature, if it were in session, should notify me that Pennsylvania could not keep order, and request me as commander-in-chief of the army of the United States to intervene and keep order.

As long as I could avoid interfering I did so; but I directed the head of the Labor Bureau, Carroll Wright, to make a thorough investigation and lay the facts fully before me. As September passed without any sign of weakening either among the employers or the striking workmen, the situation became so grave that I felt I would have to try to do something. The thing most feasible was to get both sides to agree to a Commission of Arbitration, with a promise to accept its findings; the miners to go to work as soon as the commission was appointed, at the old rate of wages. To this proposition the miners, headed by John Mitchell, agreed, stipulating only that I should have power to name the Commission. The operators, however, positively refused. They insisted that all that was necessary to do was for the State to keep order, using the militia as a police force; although both they and the miners asked me to intervene under the Inter-State Commerce Law, each side requesting that I proceed against the other, and both requests being impossible.

Finally, on October 3, the representatives of both the operators and the miners met before me, in pursuance of my request. The representatives of the miners included as their head and spokesman John Mitchell, who kept his temper admirably and showed to much advantage. The representatives of the operators, on the contrary, came down in a most insolent frame of mind, refused to talk of arbitration or other accommodation of any kind, and used language that was insulting to the miners and offensive to me. They were curiously ignorant of the popular temper; and when they went away from the interview they, with much pride, gave their own account of it to the papers, exulting in the fact that they had "turned down" both the miners and the President.

I refused to accept the rebuff, however, and continued the

effort to get an agreement between the operators and the miners. I was anxious to get this agreement, because it would prevent the necessity of taking the extremely drastic action I meditated, and which is hereinafter described.

Fortunately, this time we were successful. Yet we were on the verge of failure, because of self-willed obstinacy on the part of the operators. This obstinacy was utterly silly from their own standpoint, and well-nigh criminal from the standpoint of the people at large. The miners proposed that I should name the Commission, and that if I put on a representative of the employing class I should also put on a labor union man. The operators positively declined to accept the suggestion. They insisted upon my naming a Commission of only five men, and specified the qualifications these men should have, carefully choosing these qualifications so as to exclude those whom it had leaked out I was thinking of appointing, including ex-President Cleveland. They made the condition that I was to appoint one officer of the engineer corps of the army or navy, one man with experience of mining, one "man of prominence," "eminent as a sociologist," one Federal judge of the Eastern District of Pennsylvania, and one mining engineer.

They positively refused to have me appoint any representative of labor, or to put on an extra man. I was desirous of putting on the extra man, because Mitchell and the other leaders of the miners had urged me to appoint some high Catholic ecclesiastic. Most of the miners were Catholics, and Mitchell and the leaders were very anxious to secure peaceful acquiescence by the miners in any decision rendered, and they felt that their hands would be strengthened if such an appointment were made. They also, quite properly, insisted that there should be one representative of labor on the Commission, as all of the others represented the propertied classes. The operators, however, absolutely refused to acquiesce in the appointment of any representative of labor, and also announced that they would refuse to accept a sixth man on the Commission; although they spoke much less decidedly on this point. The labor men left everything in my hands.

The final conferences with the representatives of the operators took place in my rooms on the evening of October 15. Hour after hour went by while I endeavored to make the operators through their representatives see that the country would not tolerate their insisting upon such conditions; but in vain. The two representatives of the operators were Robert Bacon and George W. Perkins. They were entirely reasonable. But the operators themselves were entirely unreasonable. They had worked themselves into a frame of mind where they were prepared to sacrifice everything and see civil war in the country rather than back down and acquiesce in the appointment of a representative of labor. It looked as if a deadlock were inevitable.

Then, suddenly, after about two hours' argument, it dawned on me that they were not objecting to the thing, but to the name. I found that they did not mind my appointing any man, whether he was a labor man or not, so long as he was not appointed as a labor man, or as a representative of labor; they did not object to my exercising any latitude I chose in the appointments so long as they were made under the headings they had given. I shall never forget the mixture of relief and amusement I felt when I thoroughly grasped the fact that while they would heroically submit to anarchy rather than have Tweedledum, yet if I would call it Tweedledee they would accept it with rapture; it gave me an illuminating glimpse into one corner of the mighty brains of these "captains of industry." In order to carry the great and vital point and secure agreement by both parties, all that was necessary for me to do was to commit a technical and nominal absurdity with a solemn face. This I gladly did. I announced at once that I accepted the terms laid down. With this understanding, I appointed the labor man I had all along had in view, Mr. E. E. Clark, the head of the Brotherhood of Railway Conductors, calling him an "eminent sociologist" — a term which I doubt whether he had ever previously heard. He was a first-class man, whom I afterward put on the Interstate Commerce Commission. I added to the Arbitration Commission, on my own authority, a sixth member, in the

person of Bishop Spalding, a Catholic bishop, of Peoria, Ill., one of the very best men to be found in the entire country. The man whom the operators had expected me to appoint as the sociologist was Carroll Wright — who really was an eminent sociologist. I put him on as recorder of the Commission, and added him as a seventh member as soon as the Commission got fairly started. In publishing the list of the Commissioners, when I came to Clark's appointment, I added: "As a sociologist — the President assuming that for the purposes of such a Commission, the term sociologist means a man who has thought and studied deeply on social questions and has practically applied his knowledge."

The relief of the whole country was so great that the sudden appearance of the head of the Brotherhood of Railway Conductors as an "eminent sociologist" merely furnished material for puzzled comment on the part of the press. It was a most admirable Commission. It did a noteworthy work, and its report is a monument in the history of the relations of labor and capital in this country. The strike, by the way, brought me into contact with more than one man who was afterward a valued friend and fellow-worker. On the suggestion of Carroll Wright I appointed as assistant recorders to the Commission Charles P. Neill, whom I afterward made Labor Commissioner, to succeed Wright himself, and Mr. Edward A. Moseley. Wilkes-Barre was the center of the strike; and the man in Wilkes-Barre who helped me most was Father Curran; I grew to



FATHER CURRAN.

know and trust and believe in him, and throughout my term in office, and afterward, he was not only my stanch friend, but one of the men by whose advice and counsel I profited most in matters affecting the welfare of the miners and their families.

I was greatly relieved at the result, for more than one reason. Of course, first and foremost, my concern was to avert a frightful calamity to the United States. In the next place I was anxious to save the great coal operators and all of the class of big propertied men, of which they were members, from the dreadful punishment which their own folly would have brought on them if I had not acted; and one of the exasperating things was that they were so blinded that they could not see that I was trying to save them from themselves and to avert, not only for their sakes, but for the sake of the country, the excesses which would have been indulged in at their expense if they had longer persisted in their conduct.

The great Anthracite Strike of 1902 left an indelible impress upon the people of the United States. It showed clearly to all wise and far-seeing men that the labor problem in this country had entered upon a new phase. Industry had grown. Great financial corporations, doing a nation-wide and even a world-wide business, had taken the place of the smaller concerns of an earlier time. The old familiar, intimate relations between employer and employee were passing. A few generations before, the boss had known every man in his shop; he called his men Bill, Tom, Dick, John; he inquired after their wives and babies; he swapped jokes and stories and perhaps a bit of tobacco with them. In the small establishment there had been a friendly human relationship between employer and employee.

There was no such relation between the great railway magnates, who controlled the anthracite industry, and the one hundred and fifty thousand men who worked in their mines, or the half million women and children who were dependent upon these miners for their daily bread. Very few of these mine workers had ever seen, for instance, the president of the Reading Railroad. Had they seen him

many of them could not have spoken to him, for tens of thousands of the mine workers were recent immigrants who did not understand the language which he spoke and who spoke a language which he could not understand.

Again, a few generations ago an American workman could have saved money, gone West and taken up a homestead. Now the free lands were gone. In earlier days a man who began with pick and shovel might have come to own a mine. That outlet too was now closed, as regards the immense majority, and few, if any, of the one hundred and fifty thousand mine workers could ever aspire to enter the small circle of men who held in their grasp the great anthracite industry. The majority of the men who earned wages in the coal industry, if they wished to progress at all, were compelled to progress not by ceasing to be wage-earners, but by improving the conditions under which all the wage-earners in all the industries of the country lived and worked, as well, of course, as improving their own individual efficiency.

Another change which had come about as a result of the foregoing was a crass inequality in the bargaining relation between the employer and the individual employee standing alone. The great coal-mining and coal-carrying companies, which employed their tens of thousands, could easily dispense with the services of any particular miner. The miner, on the other hand, however expert, could not dispense with the companies. He needed a job; his wife and children would starve if he did not get one. What the miner had to sell — his labor — was a perishable commodity; the labor of to-day — if not sold to-day — was lost forever. Moreover, his labor was not like most commodities — a mere thing; it was part of a living, breathing human being. The workman saw, and all citizens who gave earnest thought to the matter saw, that the labor problem was not only an economic, but also a moral, a human problem. Individually the miners were impotent when they sought to enter a wage-contract with the great companies; they could make fair terms only by uniting into trade unions to bargain collectively. The men were forced to coöperate to secure not only their economic, but their simple human rights. They,

like other workmen, were compelled by the very conditions under which they lived to unite in unions of their industry or trade, and these unions were bound to grow in size, in strength, and in power for good and evil as the industries in which the men were employed grew larger and larger.

A democracy can be such in fact only if there is some rough approximation to similarity in stature among the men composing it. One of us can deal in our private lives with the grocer or the butcher or the carpenter or the chicken raiser, or if we are the grocer or carpenter or butcher or farmer, we can deal with our customers, because *we are all of about the same size*. Therefore a simple and poor society can exist as a democracy on a basis of sheer individualism. But a rich and complex industrial society cannot so exist; for some individuals, and especially those artificial individuals called corporations, become so very big that the ordinary individual is utterly dwarfed beside them, and cannot deal with them on terms of equality. It therefore becomes necessary for these ordinary individuals to combine in their turn, first in order to act in their collective capacity through that biggest of all combinations called the Government, and second, to act, also in their own self-defense, through private combinations, such as farmers' associations and trade unions.

This the great coal operators did not see. They did not see that their property rights, which they so stoutly defended, were of the same texture as were the human rights, which they so blindly and hotly denied. They did not see that the power which they exercised of representing their stockholders was of the same texture as the power which the union leaders demanded of representing the workmen, who had democratically elected them. They did not see that the right to use one's property as one will can be maintained only so long as it is consistent with the maintenance of certain fundamental human rights, of the rights to life, liberty and the pursuit of happiness, or, as we may restate them in these later days, of the rights of the worker to a living wage, to reasonable hours of labor, to decent working and living conditions, to freedom of thought and speech and industrial representation, — in short, to a measure of indus-

trial democracy and, in return for his arduous toil, to a worthy and decent life according to American standards. Still another thing these great business leaders did not see. They did not see that both their interests and the interests of the workers must be accommodated, and if need be, subordinated, to the fundamental permanent interests of the whole community. No man and no group of men may so exercise their rights as to deprive the nation of the things which are necessary and vital to the common life. A strike which ties up the coal supplies of a whole section is a strike invested with a public interest.

So great was that public interest in the Coal Strike of 1902, so deeply and strongly did I feel the wave of indignation which swept over the whole country that had I not succeeded in my efforts to induce the operators to listen to reason, I should reluctantly but none the less decisively have taken a step which would have brought down upon my head the execrations of many of "the captains of industry," as well as of sundry "respectable" newspapers who dutifully take their cue from them. As a man should be judged by his intentions as well as by his actions, I will give here the story of the intervention that never happened.

While the coal operators were exulting over the fact that they had "turned down" the miners and the President, there arose in all parts of the country an outburst of wrath so universal that even so naturally conservative a man as Grover Cleveland wrote to me, expressing his sympathy with the course I was following, his indignation at the conduct of the operators, and his hope that I would devise some method of effective action. In my own mind I was already planning effective action; but it was of a very drastic character, and I did not wish to take it until the failure of all other expedients had rendered it necessary. Above all, I did not wish to talk about it until and unless I actually acted. I had definitely determined that somehow or other act I would, that somehow or other the coal famine should be broken. To accomplish this end it was necessary that the mines should be run, and, if I could get no voluntary agreement between the contending sides, that an

Arbitration Commission should be appointed which would command such public confidence as to enable me, without too much difficulty, to enforce its terms upon both parties. Ex-President Cleveland's letter not merely gratified me, but gave me the chance to secure him as head of the Arbitration Commission. I at once wrote him, stating that I would very probably have to appoint an Arbitration Commission or Investigating Commission to look into the matter and decide on the rights of the case, whether or not the operators asked for or agreed to abide by the decisions of such a Commission; and that I would ask him to accept the chief place on the Commission. He answered that he would do so. I picked out several first-class men for other positions on the Commission.

Meanwhile the Governor of Pennsylvania had all the Pennsylvania militia in the anthracite region, although without any effect upon the resumption of mining. The method of action upon which I had determined in the last resort was to get the Governor of Pennsylvania to ask me to keep order. Then I would put in the army under the command of some first-rate general. I would instruct this general to keep absolute order, taking any steps whatever that were necessary to prevent interference by the strikers or their sympathizers with men who wanted to work. I would also instruct him to dispossess the operators and run the mines as a receiver until such time as the Commission might make its report, and until I, as President, might issue further orders in view of this report. I had to find a man who possessed the necessary good sense, judgment, and nerve to act in such event. He was ready to hand in the person of Major-General Schofield. I sent for him, telling him that if I had to make use of him it would be because the crisis was only less serious than that of the Civil War, that the action taken would be practically a war measure, and that if I sent him he must act in a purely military capacity under me as commander-in-chief, paying no heed to any authority, judicial or otherwise, except mine. He was a fine fellow—a most respectable-looking old boy, with side whiskers and a black skull-cap, without any of the outward

aspect of the conventional military dictator; but in both nerve and judgment he was all right, and he answered quietly that if I gave the order he would take possession of the mines, and would guarantee to open them and to run them without permitting any interference either by the owners or the strikers or anybody else, so long as I told him to stay. I then saw Senator Quay, who, like every other responsible man in high position, was greatly wrought up over the condition of things. I told him that he need be under no alarm as to the problem not being solved, that I was going to make another effort to get the operators and miners to come together, but that I would solve the problem in any event and get coal; that, however, I did not wish to tell him anything of the details of my intention, but merely to have him arrange that whenever I gave the word the Governor of Pennsylvania should request me to intervene; that when this was done I would be responsible for all that followed, and would guarantee that the coal famine would end forthwith. The Senator made no inquiry or comment, and merely told me that he in his turn would guarantee that the Governor would request my intervention the minute I asked that the request be made.

These negotiations were conducted with the utmost secrecy, General Schofield being the only man who knew exactly what my plan was, and Senator Quay, two members of my Cabinet, and ex-President Cleveland and the other men whom I proposed to put on the Commission, the only other men who knew that I had a plan. As I have above outlined, my efforts to bring about an agreement between the operators and miners were finally successful. I was glad not to have to take possession of the mines on my own initiative by means of General Schofield and the regulars. I was all ready to act, and would have done so without the slightest hesitation or a moment's delay if the negotiations had fallen through. And my action would have been entirely effective. But it is never well to take drastic action if the result can be achieved with equal efficiency in less drastic fashion; and, although this was a minor consideration, I was personally saved a good deal of future trouble by being able

William A. Stone was Governor of Pennsylvania at this time.

to avoid this drastic action. At the time I should have been almost unanimously supported. With the famine upon them the people would not have tolerated any conduct that would have thwarted what I was doing. Probably no man in Congress, and no man in the Pennsylvania State Legislature, would have raised his voice against me. Although there would have been plenty of muttering, nothing would have been done to interfere with the solution of the problem which I had devised, *until the solution was accomplished and the problem ceased to be a problem.* Once this was done, and when people were no longer afraid of a coal famine, and began to forget that they ever had been afraid of it, and to be indifferent as regards the consequences to those who put an end to it, then my enemies would have plucked up heart and begun a campaign against me. I doubt if they could have accomplished much anyway, for the only effective remedy against me would have been impeachment, and that they would not have ventured to try.¹

¹ One of my appointees on the Anthracite Strike Commission was Judge George Gray, of Delaware, a Democrat whose standing in the country was second only to that of Grover Cleveland. A year later he commented on my action as follows:

"I have no hesitation in saying that the President of the United States was confronted in October, 1902, by the existence of a crisis more grave and threatening than any that had occurred since the Civil War. I mean that the cessation of mining in the anthracite country, brought about by the dispute between the miners and those who controlled the greatest natural monopoly in this country and perhaps in the world, had brought upon more than one-half of the American people a condition of deprivation of one of the necessities of life, and the probable continuance of the dispute threatened not only the comfort and health, but the safety and good order, of the nation. He was without legal or constitutional power to interfere, but his position as President of the United States gave him an influence, a leadership, as first citizen of the republic, that enabled him to appeal to the patriotism and good sense of the parties to the controversy and to place upon them the moral coercion of public opinion to agree to an arbitrament of the strike then existing and threatening consequences so direful to the whole country. He acted promptly and courageously, and in so doing averted the dangers to which I have alluded.

"So far from interfering or infringing upon property rights, the President's action tended to conserve them. The peculiar situation, as regards the anthracite coal interest, was that they controlled a natural monopoly of a product necessary to the comfort and to the very life of a large portion of the people. A prolonged deprivation of the enjoyment of this necessary of life would have tended to precipitate an attack upon these property rights of which you speak; for, after all, it is vain to deny that this property, so peculiar in its conditions, and which is properly spoken of as a natural monopoly, is affected with a public interest.

"I do not think that any President ever acted more wisely, courageously or promptly in a national crisis. Mr. Roosevelt deserves unstinted praise for what he did."

They would doubtless have acted precisely as they acted as regards the acquisition of the Panama Canal Zone in 1903, and the stoppage of the panic of 1907 by my action in the Tennessee Coal and Iron Company matter. Nothing could have made the American people surrender the canal zone. But after it was an accomplished fact, and the canal was under way, then they settled down to comfortable acceptance of the accomplished fact, and as their own interests were no longer in jeopardy, they paid no heed to the men who attacked me because of what I had done—and also continue to attack me, although they are exceedingly careful not to propose to right the "wrong," in the only proper way if it really was a wrong, by replacing the old Republic of Panama under the tyranny of Colombia and giving Colombia sole or joint ownership of the canal itself. In the case of the panic of 1907 (as in the case of Panama), what I did was not only done openly, but depended for its effect upon being done openly and with the widest advertisement. Nobody in Congress ventured to make an objection at the time. No serious leader outside made any objection. The one concern of everybody was to stop the panic, and everybody was overjoyed that I was willing to take the responsibility of stopping it upon my own shoulders. But a few months afterward, the panic was a thing of the past. People forgot the frightful condition of alarm in which they had been. They no longer had a personal interest in preventing any interference with the stoppage of the panic. Then the men who had not dared to raise their voices until all danger was past came bravely forth from their hiding places and denounced the action which had saved them. They had kept a hushed silence when there was danger; they made clamorous outcry when there was safety in doing so.

Just the same course would have been followed in connection with the Anthracite Coal Strike if I had been obliged to act in the fashion I intended to act had I failed to secure a voluntary agreement between the miners and the operators. Even as it was, my action was remembered with rancor by the heads of the great monied interests; and as time went by was assailed with constantly increasing vigor

by the newspapers these men controlled. Had I been forced to take possession of the mines, these men and the politicians hostile to me would have waited until the popular alarm was over and the popular needs met, just as they waited in the case of the Tennessee Coal and Iron Company; and then they would have attacked me precisely as they did attack me as regards the Tennessee Coal and Iron Company.

Of course, in labor controversies it was not always possible to champion the cause of the workers, because in many cases strikes were called which were utterly unwarranted and were fought by methods which cannot be too harshly condemned. No straightforward man can believe, and no fearless man will assert, that a trade union is always right. That man is an unworthy public servant who by speech or silence, by direct statement or cowardly evasion, invariably throws the weight of his influence on the side of the trade union, whether it is right or wrong. It has occasionally been my duty to give utterance to the feelings of all right thinking men by expressing the most emphatic disapproval of unwise or even immoral actions by representatives of labor. The man is no true democrat, and if an American, is unworthy of the traditions of his country who, in problems calling for the exercise of a moral judgment, fails to take his stand on conduct and not on class. There are good and bad wage-workers just as there are good and bad employers, and good and bad men of small means and of large means alike.

But a willingness to do equal and exact justice to all citizens, irrespective of race, creed, section or economic interest and position, does not imply a failure to recognize the enormous economic, political and moral possibilities of the trade union. Just as democratic government cannot be condemned because of errors and even crimes committed by men democratically elected, so trade-unionism must not be condemned because of errors or crimes of occasional trade-union leaders. The problem lies deeper. While we must repress all illegalities and discourage all immoralities, whether of labor organizations or of corporations, we must recognize the fact that to-day the organization of labor into

trade unions and federations is necessary, is beneficent, and is one of the greatest possible agencies in the attainment of a true industrial, as well as a true political, democracy in the United States.

This is a fact which many well-intentioned people even to-day do not understand. They do not understand that the labor problem is a human and a moral as well as an economic problem; that a fall in wages, an increase in hours, a deterioration of labor conditions mean wholesale moral as well as economic degeneration, and the needless sacrifice of human lives and human happiness, while a rise of wages, a lessening of hours, a bettering of conditions, mean an intellectual, moral and social uplift of millions of American men and women. There are employers to-day who, like the great coal operators, speak as though they were lords of these countless armies of Americans, who toil in factory, in shop, in mill and in the dark places under the earth. They fail to see that all these men have the right and the duty to combine to protect themselves and their families from want and degradation. They fail to see that the Nation and the Government, within the range of fair play and a just administration of the law, must inevitably sympathize with the men who have nothing but their wages, with the men who are struggling for a decent life, as opposed to men, however honorable, who are merely fighting for larger profits and an autocratic control of big business. Each man should have all he earns, whether by brain or body; and the director, the great industrial leader, is one of the greatest of earners, and should have a proportional reward; but no man should live on the earnings of another, and there should not be too gross inequality between service and reward.

There are many men to-day, men of integrity and intelligence, who honestly believe that we must go back to the labor conditions of half a century ago. They are opposed to trade unions, root and branch. They note the unworthy conduct of many labor leaders, they find instances of bad work by union men, of a voluntary restriction of output, of vexatious and violent strikes, of jurisdictional disputes between unions which often disastrously involve the best intentioned

On whose earnings did J. R. R. nearly all his life?

and fairest of employers. All these things occur and should be repressed. But the same critic of the trade union might find equal cause of complaint against individual employers of labor, or even against great associations of manufacturers. He might find many instances of an unwarranted cutting of wages, of flagrant violations of factory laws and tenement house laws, of the deliberate and systematic cheating of employees by means of truck stores, of the speeding up of work to a point which is fatal to the health of the workman, of the sweating of foreign-born workers, of the drafting of feeble little children into dusty workshops, of black-listing, of putting spies into union meetings and of the employment in strike times of vicious and desperate ruffians, who are neither better nor worse than are the thugs who are occasionally employed by unions under the sinister name, "entertainment committees." I believe that the overwhelming majority, both of workmen and of employers, are law-abiding, peaceful, and honorable citizens, and I do not think that it is just to lay up the errors and wrongs of individuals to the entire group to which they belong. I also think—and this is a belief which has been borne upon me through many years of practical experience—that the trade union is growing constantly in wisdom as well as in power, and is becoming one of the most efficient agencies toward the solution of our industrial problems, the elimination of poverty and of industrial disease and accidents, the lessening of unemployment, the achievement of industrial democracy and the attainment of a larger measure of social and industrial justice.

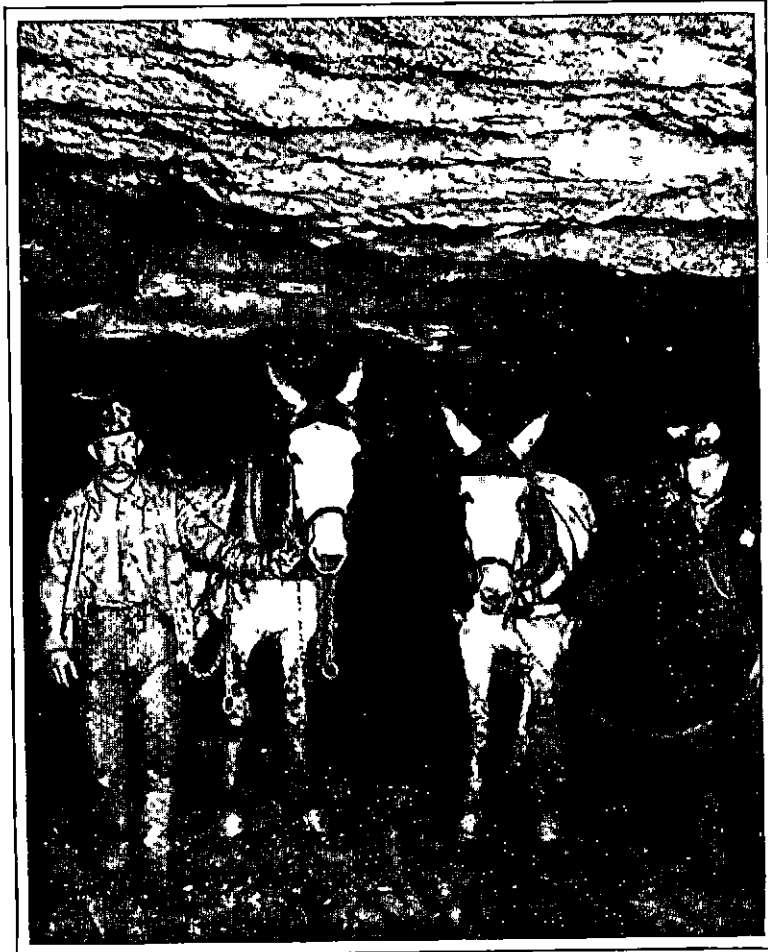
If I were a factory employee, a workman on the railroads or a wage-earner of any sort, I would undoubtedly join the union of my trade. If I disapproved of its policy, I would join in order to fight that policy; if the union leaders were dishonest, I would join in order to put them out. I believe in the union and I believe that all men who are benefited by the union are morally bound to help to the extent of their power in the common interests advanced by the union. Nevertheless, irrespective of whether a man should or should not, and does or does not, join the union of his trade, all

the rights, privileges and immunities of that man as an American and as a citizen should be safeguarded and upheld by the law. We dare not make an outlaw of any individual or any group, whatever his or its opinions or professions. The non-unionist, like the unionist, must be protected in all his legal rights by the full weight and power of the law.

This question came up before me in the shape of the right of a non-union printer named Miller to hold his position in the Government Printing Office. As I said before, I believe in trade unions. I always prefer to see a union shop. But my private preferences cannot control my public actions. The Government can recognize neither union men nor non-union men as such, and is bound to treat both exactly alike. In the Government Printing Office not many months prior to the opening of the Presidential campaign of 1904, when I was up for reelection, I discovered that a man had been dismissed because he did not belong to the union. I reinstated him. Mr. Gompers, the President of the American Federation of Labor, with various members of the executive council of that body, called upon me to protest on September 29, 1903, and I answered them as follows:

"I thank you and your committee for your courtesy, and I appreciate the opportunity to meet with you. It will always be a pleasure to see you or any representatives of your organizations or of your Federation as a whole.

"As regards the Miller case, I have little to add to what I have already said. In dealing with it I ask you to remember that I am dealing purely with the relation of the Government to its employees. I must govern my action by the laws of the land, which I am sworn to administer, and which differentiate any case in which the Government of the United States is a party from all other cases whatsoever. These laws are enacted for the benefit of the whole people, and cannot and must not be construed as permitting discrimination against some of the people. I am President of all the people of the United States, without regard to creed, color, birthplace, occupation or social condition. My aim is to do equal and exact justice as among them all. In the employment and dismissal of men in the Government service



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THE COAL MINERS.

I can no more recognize the fact that a man does or does not belong to a union as being for or against him than I can recognize the fact that he is a Protestant or a Catholic, a Jew or a Gentile, as being for or against him.

"In the communications sent me by various labor organizations protesting against the retention of Miller in the Government Printing Office, the grounds alleged are twofold: 1, that he is a non-union man; 2, that he is not personally fit. The question of his personal fitness is one to be settled in the routine of administrative detail, and cannot be allowed to conflict with or to complicate the larger question of governmental discrimination for or against him or any other man because he is or is not a member of a union. This is the only question now before me for decision; and as to this my decision is final."

Because of things I have done on behalf of justice to the workingman, I have often been called a Socialist. Usually I have not taken the trouble even to notice the epithet. I am not afraid of names, and I am not one of those who fear to do what is right because some one else will confound me with partisans with whose principles I am not in accord. Moreover, I know that many American Socialists are high-minded and honorable citizens, who in reality are merely radical social reformers. They are oppressed by the brutalities and industrial injustices which we see everywhere about us. When I recall how often I have seen Socialists and ardent non-Socialists working side by side for some specific measure of social or industrial reform, and how I have found opposed to them on the side of privilege many shrill reactionaries who insist on calling all reformers Socialists, I refuse to be panic-stricken by having this title mistakenly applied to me.

None the less, without impugning their motives, I do disagree most emphatically with both the fundamental philosophy and the proposed remedies of the Marxian Socialists. These Socialists are unalterably opposed to our whole industrial system. They believe that the payment of wages means everywhere and inevitably an exploitation of the laborer by the employer, and that this leads inevitably

to a class war between those two groups, or, as they would say, between the capitalists and the proletariat. They assert that this class war is already upon us and can only be ended when capitalism is entirely destroyed and all the machines, mills, mines, railroads and other private property used in production are confiscated, expropriated or taken over by the workers. They do not as a rule claim — although some of the sinister extremists among them do — that this class war is a war of blood and bullets, but they do claim that there is and must be a continual struggle between two great classes, whose interests are opposed and cannot be reconciled. In this war they insist that the whole government — National, State and local — is on the side of the employers and is used by them against the workmen, and that our law and even our common morality are class weapons, like a policeman's club or a Gatling gun.

I have never believed, and do not to-day believe, that such a class war is upon us, or need ever be upon us; nor do I believe that the interests of wage-earners and employers cannot be harmonized, compromised and adjusted. It would be idle to deny that wage-earners have certain different economic interests from, let us say, manufacturers or importers, just as farmers have different interests from sailors, and fishermen from bankers. There is no reason why any of these economic groups should not consult their group interests by any legitimate means and with due regard to the common, overlying interests of all. I do not even deny that the majority of wage-earners, because they have less property and less industrial security than others and because they do not own the machinery with which they work (as does the farmer) are perhaps in greater need of acting together than are other groups in the community. But I do insist (and I believe that the great majority of wage-earners take the same view) that employers and employees have overwhelming interests in common, both as partners in industry and as citizens of the Republic, and that where these interests are apart they can be adjusted by so altering our laws and their interpretation as to secure to all members of the community social and industrial justice.

I have always maintained that our worst revolutionaries to-day are those reactionaries who do not see and will not admit that there is any need for change. Such men seem to believe that the four and a half million Progressive voters, who in 1912 registered their solemn protest against our social and industrial injustices, are "anarchists," who are not willing to let ill enough alone. If these reactionaries had lived at an earlier time in our history, they would have advocated Sedition Laws, opposed free speech and free assembly, and voted against free schools, free access by settlers to the public lands, mechanics' lien laws, the prohibition of truck stores and the abolition of imprisonment for debt; and they are the men who to-day oppose minimum wage laws, insurance of workmen against the ills of industrial life and the reform of our legislatures and our courts, which can alone render such measures possible. Some of these reactionaries are not bad men, but merely shortsighted and belated. It is these reactionaries, however, who, by "standing pat" on industrial injustice, incite inevitably to industrial revolt, and it is only we who advocate political and industrial democracy who render possible the progress of our American industry on large constructive lines with a minimum of friction because with a maximum of justice.

Everything possible should be done to secure the wage-workers fair treatment. There should be an increased wage for the worker of increased productiveness. Everything possible should be done against the capitalist who strives, not to reward special efficiency, but to use it as an excuse for reducing the reward of moderate efficiency. The capitalist is an unworthy citizen who pays the efficient man no more than he has been content to pay the average man, and nevertheless reduces the wage of the average man; and effort should be made by the Government to check and punish him. When labor-saving machinery is introduced, special care should be taken — by the Government if necessary — to see that the wage-worker gets his share of the benefit, and that it is not all absorbed by the employer or capitalist. The following case, which has come to my knowledge, illustrates what I mean. A number of new machines were in-

stalled in a certain shoe factory, and as a result there was a heavy increase in production even though there was no increase in the labor force. Some of the workmen were instructed in the use of these machines by special demonstrators sent out by the makers of the machines. These men, by reason of their special aptitudes and the fact that they were not called upon to operate the machines continuously nine hours every day, week in and week out, but only for an hour or so at special times, were naturally able to run the machines at their maximum capacity. When these demonstrators had left the factory, and the company's own employees had become used to operating the machines at a fair rate of speed, the foreman of the establishment gradually speeded the machines and demanded a larger and still larger output, constantly endeavoring to drive the men on to greater exertions. Even with a slightly less maximum capacity, the introduction of this machinery resulted in a great increase over former production with the same amount of labor; and so great were the profits from the business in the following two years as to equal the total capitalized stock of the company. But not a cent got into the pay envelope of the workmen beyond what they had formerly been receiving before the introduction of this new machinery, notwithstanding that it had meant an added strain, physical and mental, upon their energies, and that they were forced to work harder than ever before. The whole of the increased profits remained with the company. Now this represented an "increase of efficiency," with a positive decrease of social and industrial justice. The increase of prosperity which came from increase of production in no way benefited the wage-workers. I hold that they were treated with gross injustice; and that society, acting if necessary through the Government, in such a case should bend its energies to remedy such injustice; and I will support any proper legislation that will aid in securing the desired end.

The wage-worker should not only receive fair treatment; he should give fair treatment. In order that prosperity may be passed around it is necessary that the prosperity exist. In order that labor shall receive its fair share in the

division of reward it is necessary that there be a reward to divide. Any proposal to reduce efficiency by insisting that the most efficient shall be limited in their output to what the least efficient can do, is a proposal to limit by so much production, and therefore to impoverish by so much the public, and specifically to reduce the amount that can be divided among the producers. This is all wrong. Our protest must be against unfair division of the reward for production. Every encouragement should be given the business man, the employer, to make his business prosperous, and therefore to earn more money for himself; and in like fashion every encouragement should be given the efficient workman. We must always keep in mind that to reduce the amount of production serves merely to reduce the amount that is to be divided, is in no way permanently efficient as a protest against unequal distribution and is permanently detrimental to the entire community. But increased productiveness is not secured by excessive labor amid unhealthy surroundings. The contrary is true. Shorter hours, and healthful conditions, and opportunity for the wage-worker to make more money, and the chance for enjoyment as well as work, all add to efficiency. My contention is that there should be no penalization of efficient productiveness, brought about under healthy conditions; but that every increase of production brought about by an increase in efficiency should benefit all the parties to it, including wage-workers as well as employers or capitalists, men who work with their hands as well as men who work with their heads.

With the Western Federation of Miners I more than once had serious trouble. The leaders of this organization had preached anarchy, and certain of them were indicted for having practiced murder in the case of Governor Steunenberg, of Idaho. On one occasion in a letter or speech I coupled condemnation of these labor leaders and condemnation of certain big capitalists, describing them all alike as "undesirable citizens." This gave great offense to both sides. The open attack upon me was made for the most part either by the New York newspapers which were frankly representatives of Wall Street, or else by those so-called —

and mis-called — Socialists who had anarchistic leanings. Many of the latter sent me open letters of denunciation, and to one of them I responded as follows:

THE WHITE HOUSE, WASHINGTON,
April 22, 1907.

Dear Sir:

I have received your letter of the 19th instant, in which you enclose the draft of the formal letter which is to follow. I have been notified that several delegations, bearing similar requests, are on the way hither. In the letter you, on behalf of the Cook County Moyer-Haywood conference, protest against certain language I used in a recent letter which you assert to be designed to influence the course of justice in the case of the trial for murder of Messrs. Moyer and Haywood. I entirely agree with you that it is improper to endeavor to influence the course of justice, whether by threats or in any similar manner. For this reason I have regretted most deeply the actions of such organizations as your own in undertaking to accomplish this very result in the very case of which you speak. For instance, your letter is headed "Cook County Moyer-Haywood-Pettibone Conference," with the headlines: "*Death*—cannot—will not—and shall not claim our brothers!" This shows that you and your associates are not demanding a fair trial, or working for a fair trial, but are announcing in advance that the verdict shall only be one way and that you will not tolerate any other verdict. Such action is flagrant in its impropriety, and I join heartily in condemning it.

But it is a simple absurdity to suppose that because any man is on trial for a given offense he is therefore to be freed from all criticism upon his general conduct and manner of life. In my letter to which you object I referred to a certain prominent financier, Mr. Harriman, on the one hand, and to Messrs. Moyer, Haywood and Debs on the other, as being equally undesirable citizens. It is as foolish to assert that this was designed to influence the trial of Moyer and Haywood as to assert that it was designed to influence the suits that have been brought against Mr.

Harriman. I neither expressed nor indicated any opinion as to whether Messrs. Moyer and Haywood were guilty of the murder of Governor Steunenberg. If they are guilty, they certainly ought to be punished. If they are not guilty, they certainly ought not to be punished. But no possible outcome either of the trial or the suits can affect my judgment as to the undesirability of the type of citizenship of those whom I mentioned. Messrs. Moyer, Haywood, and Debs stand as representatives of those men who have done as much to discredit the labor movement as the worst speculative financiers or most unscrupulous employers of labor and debauchers of legislatures have done to discredit honest capitalists and fair-dealing business men. They stand as the representatives of those men who by their public utterances and manifestoes, by the utterances of the papers they control or inspire, and by the words and deeds of those associated with or subordinated to them, habitually appear as guilty of incitement to or apology for bloodshed and violence. If this does not constitute undesirable citizenship, then there can never be any undesirable citizens. The men whom I denounce represent the men who have abandoned that legitimate movement for the uplifting of labor, with which I have the most hearty sympathy; they have adopted practices which cut them off from those who lead this legitimate movement. In every way I shall support the law-abiding and upright representatives of labor; and in no way can I better support them than by drawing the sharpest possible line between them on the one hand, and, on the other hand, those preachers of violence who are themselves the worst foes of the honest laboring man.

Let me repeat my deep regret that any body of men should so far forget their duty to the country as to endeavor by the formation of societies and in other ways to influence the course of justice in this matter. I have received many such letters as yours. Accompanying them were newspaper clippings announcing demonstrations, parades, and mass-meetings designed to show that the representatives of labor, without regard to the facts, demand the acquittal of Messrs. Haywood and Moyer. Such meetings can, of



BREAKER BOYS.

course, be designed only to coerce court or jury in rendering a verdict, and they therefore deserve all the condemnation which you in your letters say should be awarded to those who endeavor improperly to influence the course of justice.

You would, of course, be entirely within your rights if you merely announced that you thought Messrs. Moyer and Haywood were "desirable citizens"—though in such case I should take frank issue with you and should say that, wholly without regard to whether or not they are guilty of the crime for which they are now being tried, they represent as thoroughly undesirable a type of citizenship as can be found in this country; a type which, in the letter to which you so unreasonably take exception, I showed not to be confined to any one class, but to exist among some representatives of great capitalists as well as among some representatives of wage-workers. In that letter I condemned both types. Certain representatives of the great capitalists in turn condemned me for including Mr. Harriman in my condemnation of Messrs. Moyer and Haywood. Certain of the representatives of labor in their turn condemned me because I included Messrs. Moyer and Haywood as undesirable citizens together with Mr. Harriman. I am as profoundly indifferent to the condemnation in one case as in the other. I challenge as a right the support of all good Americans, whether wage-workers or capitalists, whatever their occupation or creed, or in whatever portion of the country they live, when I condemn both the types of bad citizenship which I have held up to reprobation. It seems to be a mark of utter insincerity to fail thus to condemn both; and to apologize for either robs the man thus apologizing of all right to condemn any wrongdoing in any man, rich or poor, in public or in private life.

You say you ask for a "square deal" for Messrs. Moyer and Haywood. So do I. When I say "square deal," I mean a square deal to every one; it is equally a violation of the policy of the square deal for a capitalist to protest against denunciation of a capitalist who is guilty of wrongdoing and for a labor leader to protest against the denunciation of a labor leader who has been guilty of wrongdoing. I stand for equal justice to both; and so

far as in my power lies I shall uphold justice, whether the man accused of guilt has behind him the wealthiest corporations, the greatest aggregations of riches in the country, or whether he has behind him the most influential labor organizations in the country.

I treated anarchists and the bomb-throwing and dynamiting gentry precisely as I treated other criminals. Murder is murder. It is not rendered one whit better by the allegation that it is committed on behalf of "a cause." It is true that law and order are not all-sufficient; but they are essential; lawlessness and murderous violence must be quelled before any permanence of reform can be obtained. Yet when they have been quelled, the beneficiaries of the enforcement of law must in their turn be taught that law is upheld as a means to the enforcement of justice, and that we will not tolerate its being turned into an engine of injustice and oppression. The fundamental need in dealing with our people, whether laboring men or others, is not charity but justice; we must all work in common for the common end of helping each and all, in a spirit of the sanest, broadest and deepest brotherhood.

It was not always easy to avoid feeling very deep anger with the selfishness and short-sightedness shown both by the representatives of certain employers' organizations and by certain great labor federations or unions. One such employers' association was called the National Association of Manufacturers. Extreme though the attacks sometimes made upon me by the extreme labor organizations were, they were not quite as extreme as the attacks made upon me by the head of the National Association of Manufacturers, and as regards their attitude toward legislation I came to the conclusion toward the end of my term that the latter had actually gone further the wrong way than did the former — and the former went a good distance also. The opposition of the National Association of Manufacturers to every rational and moderate measure for benefiting workingmen, such as measures abolishing child labor, or securing workmen's compensation, caused me real and grave concern;

for I felt that it was ominous of evil for the whole country to have men who ought to stand high in wisdom and in guiding force take a course and use language of such reactionary type as directly to incite revolution — for this is what the extreme reactionary always does.

Often I was attacked by the two sides at once. In the spring of 1906 I received in the same mail a letter from a very good friend of mine who thought that I had been unduly hard on some labor men, and a letter from another friend, the head of a great corporation, who complained about me for both favoring labor and speaking against large fortunes. My answers ran as follows:

April 26, 1906.

"Personal."

My dear Doctor:

In one of my last letters to you I enclosed you a copy of a letter of mine, in which I quoted from [So and so's] advocacy of murder. You may be interested to know that he and his brother Socialists — in reality anarchists — of the frankly murderous type have been violently attacking my speech because of my allusion to the sympathy expressed for murder. In *The Socialist*, of Toledo, Ohio, of April 21st, for instance, the attack [on me] is based specifically on the following paragraph of my speech, to which he takes violent exception:

We can no more and no less afford to condone evil in the man of capital than evil in the man of no capital. The wealthy man who exults because there is a failure of justice in the effort to bring some trust magnate to an account for his misdeeds is as bad as, and no worse than, the so-called labor leader who clamorously strives to excite a foul class feeling on behalf of some other labor leader who is implicated in murder. One attitude is as bad as the other, and no worse; in each case the accused is entitled to exact justice; and in neither case is there need of action by others which can be construed into an expression of sympathy for crime.

Remember that this crowd of labor leaders have done all in their power to overawe the executive and the courts of

Idaho on behalf of men accused of murder, and beyond question inciters of murder in the past."

April 26, 1906.

"My dear Judge:

I wish the papers had given more prominence to what I said as to the murder part of my speech. But oh, my dear sir, I utterly and radically disagree with you in what you say about large fortunes. *What "certain" want "what amount" "excess" in "2"?* I wish it were in my power to devise some scheme to make it increasingly difficult to heap them up beyond a certain amount. As the difficulties in the way of such a scheme are very great, let us at least prevent their being bequeathed after death or given during life to any one man in excessive amount.

You and other capitalist friends, on one side, shy off at what I say against them. Have you seen the frantic articles against me by [the anarchists and] the Socialists of the bomb-throwing persuasion, on the other side, because of what I said in my speech in reference to those who, in effect, advocate murder?"

On another occasion I was vehemently denounced in certain capitalistic papers because I had a number of labor leaders, including miners from Butte, lunch with me at the White House; and this at the very time that the Western Federation of Miners was most ferocious in its denunciation of me because of what it alleged to be my unfriendly attitude toward labor. To one of my critics I set forth my views in the following letter:

November 26, 1903.

"I have your letter of the 25th instant, with enclosure. These men, not all of whom were miners, by the way, came here and were at lunch with me, in company with Mr. Carroll D. Wright, Mr. Wayne MacVeagh, and Secretary Cortelyou. They are as decent a set of men as can be. They all agreed entirely with me in my denunciation of what had been done in the Cœur d'Alene country; and it appeared that some of them were on the platform with

me when I denounced this type of outrage three years ago in Butte. There is not one man who was here, who, I believe, was in any way, shape or form responsible for such outrages. I find that the ultra-Socialistic members of the unions in Butte denounced these men for coming here, in a manner as violent — and I may say as irrational — as the denunciation [by the capitalistic writer] in the article you sent me. Doubtless the gentleman of whom you speak as your general manager is an admirable man. I, of course, was not alluding to him; but I most emphatically *was* alluding to men who write such articles as that you sent me. These articles are to be paralleled by the similar articles in the Populist and Socialist papers when two years ago I had at dinner at one time Pierpont Morgan, and at another time L. J. Hill, and at another, Harriman, and at another time Schiff. Furthermore, they could be paralleled by the articles in the same type of paper which at the time of the Miller incident in the Printing Office were in a condition of nervous anxiety because I met the labor leaders to discuss it. It would have been a great misfortune if I had not met them; and it would have been an even greater misfortune if after meeting them I had yielded to their protests in the matter.

You say in your letter that you know that I am "on record" as opposed to violence. Pardon my saying that this seems to me not the right way to put the matter, if by "record" you mean utterance and not action. Aside from what happened when I was Governor in connection, for instance, with the Croton dam strike riots, all you have to do is to turn back to what took place last June in Arizona — and you can find out about it from [Mr. X] of New York. The miners struck, violence followed, and the Arizona Territorial authorities notified me they could not grapple with the situation. Within twenty minutes of the receipt of the telegram, orders were issued to the nearest available troops, and twenty-four hours afterwards General Baldwin and his regulars were on the ground, and twenty-four hours later every vestige of disorder had disappeared. The Miners' Federation in their meeting, I think at Denver, a short while afterwards, passed resolutions denouncing

me. I do not know whether the *Mining and Engineering Journal* paid any heed to this incident or knew of it. If the *Journal* did, I suppose it can hardly have failed to understand that to put an immediate stop to rioting by the use of the United States army is a fact of importance beside which the criticism of my having "labor leaders" to lunch, shrinks into the same insignificance as the criticism in a different type of paper about my having "trust magnates" to lunch. While I am President I wish the labor man to feel that he has the same right of access to me that the capitalist has; that the doors swing open as easily to the wage-worker as to the head of a big corporation — *and no easier*. Anything else seems to be not only un-American, but as symptomatic of an attitude which will cost grave trouble if persevered in. To discriminate against labor men from Butte because there is reason to believe that rioting has been excited in other districts by certain labor unions, or individuals in labor unions in Butte, would be to adopt precisely the attitude of those who desire me to discriminate against all capitalists in Wall Street because there are plenty of capitalists in Wall Street who have been guilty of bad financial practices and who have endeavored to override or evade the laws of the land. In my judgment, the only safe attitude for a private citizen, and still more for a public servant, to assume, is that he will draw the line on conduct, discriminating against neither corporation nor union as such, nor in favor of either as such, but endeavoring to make the decent member of the union and the upright capitalists alike feel that they are bound, not only by self-interest, but by every consideration of principle and duty to stand together on the matters of most moment to the nation."

On another of the various occasions when I had labor leaders to dine at the White House, my critics were rather shocked because I had John Morley to meet them. The labor leaders in question included the heads of the various railroad brotherhoods, men like Mr. Morrissey, in whose sound judgment and high standard of citizenship I had peculiar confidence; and I asked Mr. Morley to meet them

because they represented the exact type of American citizen with whom I thought he ought to be brought in contact.

One of the devices sometimes used by big corporations to break down the law was to treat the passage of laws as an excuse for action on their part which they knew would be resented by the public, it being their purpose to turn this resentment against the law instead of against themselves. The heads of the Louisville and Nashville road were bitter opponents of everything done by the Government toward securing good treatment for their employees. In February, 1908, they and various other railways announced that they intended to reduce the wages of their employees. A general strike, with all the attendant disorder and trouble, was threatened in consequence. I accordingly sent the following open letter to the Inter-State Commerce Commission:

February 18, 1908.

"To the Inter-State Commerce Commission:

I am informed that a number of railroad companies have served notice of a proposed reduction of wages of their employees. One of them, the Louisville and Nashville, in announcing the reduction, states that "the drastic laws inimical to the interests of the railroads that have in the past year or two been enacted by Congress and the State Legislatures" are largely or chiefly responsible for the conditions requiring the reduction.

Under such circumstances it is possible that the public may soon be confronted by serious industrial disputes, and the law provides that in such case either party may demand the services of your Chairman and of the Commissioner of Labor as a Board of Mediation and Conciliation. These reductions in wages may be warranted, or they may not. As to this the public, which is a vitally interested party, can form no judgment without a more complete knowledge of the essential facts and real merits of the case than it now has or than it can possibly obtain from the special pleadings, certain to be put forth by each side in case their dispute

should bring about serious interruption to traffic. If the reduction in wages is due to natural causes, the loss of business being such that the burden should be, and is, equitably distributed between capitalist and wage-worker, the public should know it. If it is caused by legislation, the public, and Congress, should know it; and if it is caused by misconduct in the past financial or other operations of any railroad, then everybody should know it, especially if the excuse of unfriendly legislation is advanced as a method of covering up past business misconduct by the railroad managers, or as a justification for failure to treat fairly the wage-earning employees of the company.

Moreover, an industrial conflict between a railroad corporation and its employees offers peculiar opportunities to any small number of evil-disposed persons to destroy life and property and foment public disorder. Of course, if life, property, and public order are endangered, prompt and drastic measures for their protection become the first plain duty. All other issues then become subordinate to the preservation of the public peace, and the real merits of the original controversy are necessarily lost from view. This vital consideration should be ever kept in mind by all law-abiding and far-sighted members of labor organizations.

It is sincerely to be hoped, therefore, that any wage controversy that may arise between the railroads and their employees may find a peaceful solution through the methods of conciliation and arbitration already provided by Congress, which have proven so effective during the past year. To this end the Commission should be in a position to have available for any Board of Conciliation or Arbitration relevant data pertaining to such carriers as may become involved in industrial disputes. Should conciliation fail to effect a settlement and arbitration be rejected, accurate information should be available in order to develop a properly informed public opinion.

I therefore ask you to make such investigation, both of your records and by any other means at your command, as will enable you to furnish data concerning such conditions

obtaining on the Louisville and Nashville and any other roads, as may relate, directly or indirectly, to the real merits of the possibly impending controversy.

THEODORE ROOSEVELT."

This letter achieved its purpose, and the threatened reduction of wages was not made. It was an instance of what could be accomplished by governmental action. Let me add, however, with all the emphasis I possess, that this does not mean any failure on my part to recognize the fact that if governmental action places too heavy burdens on railways, it will be impossible for them to operate without doing injustice to somebody. Railways cannot pay proper wages and render proper service unless they make money. The investors must get a reasonable profit or they will not invest, and the public cannot be well served unless the investors are making reasonable profits. There is every reason why rates should not be too high, but they must be sufficiently high to allow the railways to pay good wages. Moreover, when laws like workmen's compensation laws, and the like are passed, it must always be kept in mind by the Legislature that the purpose is to distribute over the whole community a burden that should not be borne only by those least able to bear it — that is, by the injured man or the widow and orphans of the dead man. If the railway is already receiving a disproportionate return from the public, then the burden may, with propriety, bear purely on the railway; but if it is not earning a disproportionate return, then the public must bear its share of the burden of the increased service the railway is rendering. Dividends and wages should go up together; and the relation of rates to them should never be forgotten. This of course does not apply to dividends based on water; nor does it mean that if foolish people have built a road that renders no service, the public must nevertheless in some way guarantee a return on the investment; but it does mean that the interests of the honest investor are entitled to the same protection as the interests of the honest manager, the honest shipper and the honest wage earner. All these conflicting considerations

should be carefully considered by Legislatures before passing laws. One of the great objects in creating commissions should be the provision of disinterested, fair-minded experts who will really and wisely consider all these matters, and will shape their actions accordingly. This is one reason why such matters as the regulation of rates, the provision for full crews on roads and the like should be left for treatment by railway commissions, and not be settled off hand by direct legislative action.

APPENDIX

SOCIALISM

As regards what I have said in this chapter concerning Socialism, I wish to call especial attention to the admirable book on "Marxism versus Socialism," which has just been published by Vladimir D. Simkhovitch. What I have, here and elsewhere, merely pointed out in rough and ready fashion from actual observation of the facts of life around me, Professor Simkhovitch in his book has discussed with keen practical insight, with profundity of learning, and with a wealth of applied philosophy. Crude thinkers in the United States, and moreover honest and intelligent men who are not crude thinkers, but who are oppressed by the sight of the misery around them and have not deeply studied what has been done elsewhere, are very apt to adopt as their own the theories of European Marxian Socialists of half a century ago, ignorant that the course of events has so completely falsified the prophecies contained in these theories that they have been abandoned even by the authors themselves. With quiet humor Professor Simkhovitch now and then makes an allusion which shows that he appreciates to perfection this rather curious quality of some of our fellow countrymen; as for example when he says that "A Socialist State with the farmer outside of it is a conception that can rest comfortably only in the head of an American Socialist," or as when he speaks of Marx and Engels as men "to whom thinking was not an irrelevant foreign tradition." Too many thoroughly well-meaning men and women in the America of to-day glibly repeat and accept — much as medieval schoolmen repeated and accepted authorized dogma in their day — various assumptions and speculations by Marx and others which by the lapse of time and by actual experiment have been shown to possess not one shred of value. Professor Simkhovitch possesses the gift of condensation as well as the gift of clear and logical statement, and it is not possible to give in brief any idea of his admirable work. Every social reformer who desires to face facts should study it — just as social reformers should study John Graham Brooks's "American Syndicalism." From