

soon had no weight at all with congress and who closed his term with almost as little power as Mr. Taft had the last two years of his term in the White House. Indeed, the administrations of Mr. Adams and Mr. Taft are almost duplicates.

Under Madison and Monroe congress was the real heart of the government, neither of these presidents having any influence with the legislative branch, but on the contrary, congress having decisive influence with them. Yet when Jackson took the executive reins he drove the government where and as he liked; and in spite of the herculean, savage, and remorseless opposition of giants like Clay and Webster, in spite of a split in his own party and the disruption of his cabinet, Jackson was all but absolute. Tyler, Taylor, and Fillmore were presidential manikins with no more force in their official arms than if they had been of wood; and Buchanan was pitiful in his weakness.

**L**INCOLN, of course, from the peculiar circumstances of war was almost as powerful as Washington; yet, so much on the decline was his power that his party had determined not to re-nominate him, and the committee to notify Lincoln of this fact already had gathered in Washington, when a fortunate turn of the war saved the political fortunes of the Great Emancipator. The time and circumstances of his assassination have glorified and idealized Lincoln, and a vague belief has grown out of this that if Lincoln had lived his power would have been so great that the storm of reconstruction never would have blown up; or, if it had, that we would have weathered it quickly and easily. Yet the probabilities are that Lincoln would have been shorn of his power by congress the moment he tried to put through his great, wise, kind, and humane plan for the reunion of the American people.

Johnson's power, of course, was as little as Lincoln's power had been vast; and his strength was so utterly crushed that he was barely saved on his impeachment trial. Grant went into office as the martial hero of a nation which his military genius had saved. At the beginning of his first term Grant had power that almost equaled that of Jefferson or Washington; yet in his second term he found himself bound hand and foot. Hayes, of course, had such little strength that he was almost neutral; and any one of half a dozen senators had more actual power than that wielded by Arthur. Cleveland was tremendously powerful for a season, yet most of this strength was gone early in his second term. Harrison had so little influence with the legislative branch of the government that he called the two houses of congress "that team of wild horses." McKinley had great power, due largely to the Spanish war; yet it was more apparent than real as is shown by his back-down from his Porto Rican policy at the dictate of a majority of his party in congress.

The power of Roosevelt was enormous and grew throughout his seven years of office; but strong as he was with the people and resourceful as he was in devices to make congress do his will, Roosevelt could not get through a single great measure without desperate resistance ending in compromise.

President Wilson appears to be having his own way at present; but he has been in office just one year and there is plenty of time for him to be broken on the wheel. From a study of the fluctuations in the rise and fall of the power of the presidency during our history, no human being can say at this time whether the power of the present administration will continue. His seeming control of congress is partly due to the same condition that gave Jefferson his immense advantage—the apparent break up of the Republican party which is precisely like the break up of the Federalist party.

Also Mr. Wilson has conserved his power by playing both ends against the middle quite cleverly. While using Mr. Bryan to placate the radicals, who have been made to feel that things are going their way, he also has made a strong appeal to the conservative business interests who are quite well satisfied on the whole. Witness the eager acceptance of the currency bill by the banks and the great financial interests on the one hand and the slumberous acquiescence of the people on the other hand. Witness, too, the strange silence of the trusts from the moment the tariff bill was introduced—a silence which began long before the lobby investigation was suggested or thought of and which was in violent contrast with their ruthless activities

against those who fought the Payne-Aldrich tariff bill only two years before; and then, on the other hand, consider the joy with which the people were induced to greet the new tariff by the promise that it would reduce the cost of living. Think, too, of the curious spectacle of the perfect accord between the administration and big business voiced by Mr. Ryan in his famous interview, "The only trust I know is trust the president;" and then parallel this with the way the people have swallowed Mr. Bryan's statement that "the eggs are being unscrambled."

These are a few examples of how the president thus far has managed to satisfy both conservatives and radicals. Still another, which adds the color of personality to the picture is President Wilson's open support of Mr. Underwood for senator, although Representative Underwood is a bold, able, and outspoken conservative; and at the same time, his championship of Senator Gore for the same position although he is an equally bold and outspoken radical.

Again, consider President Wilson's careful nurturing of power by boldly adopting radical ideas which the Democratic national platform does not contain; and then dropping the subject as a matter of practical legislation after the president had gotten to the country the fact that he, personally, is for such a measure. An example of this is the president's formal endorsement of the plan of nominating presidents by presidential primaries, which Mr. Wilson recommended to congress in his formal speech and then some time afterwards caused the country to be informed, unofficially, that the administration did not urge this great reform. And



One reason for the Democratic control of Congress

even more important about-face is Mr. Wilson's championship of a method of handling the trust question, which his party refused to put in its national platform and which Mr. Wilson himself actually denounced during and after the campaign. Yet, only enough of this plan is taken by Mr. Wilson to give the impression that the president is in accord with this advanced position while in truth he only goes a little of the way and the result is not reality but appearance. So once more we see the president's proposals apparently accepted by the people and at the same time the trusts seem quite well satisfied. This is in no sense a criticism of the president's sincerity, but only an analysis of some of the reasons for his apparent power.

But, of course, this balancing cannot go on forever. Sooner or later Mr. Wilson must take his stand on the one side or the other. If he does not he will find both sides making common cause, in the end, in stripping him of his power.

Those who think that the power of the president is dangerously great, cite the appointment of ambassadors and ministers and consuls as an illustration. As a matter of fact, these foreign appointments give the president no power at all except as he uses them to placate senators and congressmen and strengthen his party organization. Aside from this, they are a source of weakness rather than strength. The Senate must confirm all these appointments and any one strong and determined senator usually is able to prevent such an appointment being made or stop its confirmation if made. This has happened time and again and often gets the president badly tangled since any president finds it hard to convince the aspirant that he could not have driven the appointment through the Senate if he really had wished to do so.

The power to negotiate treaties adds little to the

president's real strength, if indeed, it does not take away from it; for the Senate has guarded its power over these foreign compacts with greater jealousy than any of its other prerogatives. Time and again the Senate has vitally changed treaties carefully framed by the executive department and urged with all the influence, power, and prestige of the presidency. In the case of the Hay-Panncuffort treaty, so strong and adroit a president as McKinley and so able and resourceful a secretary of state as Mr. Hay were not able to save it; but it was radically changed and that, too, at the eleventh hour when a recent poll of the Senate showed that a majority of that body were in favor of it. Many instances have occurred where an administration was brought in humiliation to its knees, by the action of the Senate upon a treaty, upon which the president was determined and when he had the country back of him. Charles Sumner almost single handed and alone defeated Grant's San Domingo treaty, which had been sent to the Senate with the ablest message Grant ever sent to the Senate or to Congress.

The appointment of Justices of the Supreme Court and Judges of the federal courts has been thought to be a power so vast and far reaching as to give the president an actual control of the judiciary. But here, again, fact overthrows theory. When Cleveland was at the height of his power Senator Hill was strong enough to defeat Mr. Hornblower for the Supreme Court; and the same thing can happen whenever any senator of great strength and address can get a few other senators to stand by him in making a sturdy fight.

Even where the president's appointment of judges is confirmed by the Senate the chief executive has more often been disappointed in the result than he has been gratified.

A striking example of this curious truth was the appointment of Jefferson of Justice Story to the Supreme Bench. Story was appointed because he was the ablest and most determined of Jefferson's party in New England; and he was selected carefully for the express purpose of putting on the Supreme Bench a judge who could balance and counteract the dominance of Chief Justice Marshall, whom Jefferson hated and whose constitutional theories he disapproved. Yet, no sooner had Story taken his seat than he became the most powerful ally that Marshall had and the most effective foe of the very constitutional theory which he was appointed on the bench to champion.

Literally dozens of cases less conspicuous, but no less clearly defined than this, can be given of appointments of Justices of the Supreme Court and Judges of the Federal courts who, when actually on the bench, took positions diametrically opposed to those which the president appointing these judges thought they would take. The only prominent case to the contrary was the packing of the Supreme Bench by President Grant to secure the decision desired by the administration in the legal tender cases; but this was made possible only by the great national emergency.

**T**HE power of the president to appoint postmasters and revenue agents and other like officers gives him infinitely greater strength than his power to appoint ambassadors, ministers, consuls, Justices of the Supreme Court, or judges of the federal courts. For these small and local offices are made a vital part of the party machinery. It is through this agency that the president has often brought about his own re-nomination, determined party policies, and even influenced legislation. The most striking illustration of the use of the club of patronage over congress to get that body to pass a law which it did not want to pass but which the president wanted it to pass was the case of repeal of the Silver Purchase clause by congress under President Cleveland. In that case patronage was used openly and effectively. Indeed, no president has ever failed to avail himself of this real and concrete power over congress. The appointment of postmasters and other officers is constantly before the eyes of congressmen and senators and is a sleepless influence in our national legislation and the practical conduct of our national government. It is, indeed, the largest tangible source of strength the president has.

There has been a great deal of speculation about the freakish variability of the power of the American president. Many careful and even learned essays have been written (Continued on Page 13)