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THE STEWARDSHIP PRESIDENCY

THEODORE ROOSEVELT

AN AUTOBIOGRAPHY BY THEODORE ROOSEVELT

By Theodore Roosevelt

PREPARER'S NOTE

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~~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 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 consulted. 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 recommended for the position of District Attorney B when you had good reason to believe that he had himself been guilty 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~~