

## “SWAPPING HORSES IN MIDSTREAM”

BY CAPTAIN LOWELL M. LIMPUS

THE current Presidential campaign has brought forth two major questions:

1. Is the President *really* Commander-in-Chief of the armed forces?
2. What *does* happen if we “swap horses in midstream”?

A glance at our military history furnishes considerable information on both questions. Section 2 of Article II of the Constitution says that “the President shall be Commander-in-Chief of the Army and Navy of the United States,” as well as of the militia when called into active service. Many of our Presidents regarded themselves as actual Commanders-in-Chief and acted accordingly. They certainly didn’t regard that function as any “myth,” and they pointedly reminded their countrymen of their prerogatives.

Franklin D. Roosevelt didn’t discover the phrase by any means, and he has plenty of precedent for using it, even during an approaching campaign. He merely follows the examples of George Washington, William Henry

Harrison, James K. Polk, Zachary Taylor, Andrew Johnson and Abraham Lincoln. And he still has a long way to go to catch up with Lincoln, when it comes to exercising command functions.

President Washington actually went into the field to command the troops during the Pennsylvania Whiskey Insurrection, according to the report he made to Congress, November 19, 1794:

As Commander-in-Chief of the militia . . . when called into the actual service of the United States, I have visited the places of general rendezvous . . . to direct a plan for ulterior movements. . . . If the spirit of things had afforded reason for the continuance of my presence with the army, it would not have been forbidden. But . . . I have judged it most proper to resume my duties at the seat of Government, leaving the chief command to the Governor of Virginia.

Harrison and Taylor both specifically reminded Congress that each was the commander of the Army and Navy, and James Monroe, in a special message dated March 26, 1822, went

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into considerable detail regarding his own strategic plans for the defense of the coast of the Gulf of Mexico. Polk was touchy under legislative pressure during the War with Mexico, and on July 24, 1848, he snapped back at his critics:

When Congress has declared that war exists with a foreign nation, the general laws of war apply to our situation and it becomes the duty of the President, as the Constitutional Commander-in-Chief of the Army and Navy of the United States, to prosecute it.

But neither his predecessors nor his successors ever read into the command function the sweeping powers that Lincoln calmly assumed when he faced the crisis of Civil War. He used it to enroll troops, confiscate private property, suspend the writ of *habeas corpus* and “take possession by military force” of critical newspaper plants.

In fact, the Great Emancipator played an almost perpetual tune on that particular string of the Presidential instrument. “Now therefore, I, Abraham Lincoln, President of the United States and Commander-in-Chief of the Army and Navy thereof . . .” is the phrase that provides the authority for Presidential Proclamations and Executive Orders galore. That was the justification for the very first one of the series, issued May 3, 1861: “I do hereby call into the service of the United States 42,034 volunteers . . . also direct that the Regular Army be increased . . . and I further direct the enlistment of

18,000 seamen”; all this without one vestige of authority from Congress.

Orders went out from the War and Navy Departments, sometimes jointly, signed by the Secretaries, “by order of the President, Commander-in-Chief of the Army and Navy of the United States,” the first one of that type announcing on January 22, 1862, the victory at Mill Springs, Kentucky, to the service at large. And on March 19, he went even further. He calmly told the nation that his decisions as commander were nobody else’s business.

“Whether it be competent for me, as Commander-in-Chief of the Army and Navy,” he began, to free any slaves as a matter of military necessity, along with other matters, “are questions which, under my responsibility, I reserve to myself.” And the Emancipation Proclamation itself was based on the same authority: “By virtue of the power in me vested as Commander-in-Chief of the Army and Navy of the United States . . . and as a fit and necessary war measure.” Thus he confiscated private fortunes in slaves.

Furthermore, Lincoln actually ran the armies. He dictated tactics as well as strategy, juggled commanders about freely and relieved them brusquely when he thought it advisable. He never hesitated to give direct military orders. Witness this one, issued May 18, 1864, in a campaign year:

MAJOR-GEN. JOHN A. DIX,  
*Commanding at New York.*

Whereas there has been wickedly and traitorously printed and published this

morning in the *New York World* and *New York Journal of Commerce* . . . a false and spurious proclamation . . . designed to give aid and comfort to the enemies of the United States . . . you are therefore hereby commanded forthwith to arrest and imprison in any fort or military prison . . . the editors, proprietors and publishers of the aforesaid newspapers and all such persons [as may reprint the story later]. You will also take possession by military force of the printing establishments of the *New York World* and *Journal of Commerce* and hold the same until further orders and prohibit any further publication thereof.

A. LINCOLN.

That's the way Lincoln functioned as Commander-in-Chief, and it is only a mild example. Space is lacking to go into details, but the fact that he claimed virtually unlimited war powers as supreme commander is very plain. He told Congress so in his message of July 4, 1861, justifying his illegal actions: "No choice was left but to call out the war powers of the government," and he was even more explicit in his letter to a group of Ohio Democrats, as cited by George Fort Milton in his illuminating work on *Abraham Lincoln and the Fifth Column*.

In this letter, dated June 29, 1863, Lincoln wrote that the "question who shall decide . . . what the public safety does require in cases of rebellion or invasion" is contemplated by the Constitution which, however, "does not expressly declare who is to decide it. By necessary implication . . . the decision is to be made from time to time; and I think the man

whom, for the time, the people have, under the Constitution, made the Commander-in-Chief of their Army and Navy is the man who holds the power and bears the responsibility for making it."

Lincoln's phraseology was adopted by his successor, and on June 21, 1865, we find a proclamation, appointing a governor of Georgia, emanating from the White House and beginning: "Whereas the President of the United States is by the Constitution made Commander-in-Chief of the Army and Navy, . . . therefore, in obedience to the high and solemn duties imposed on me by the Constitution, I, Andrew Johnson, President of the United States and Commander-in-Chief of the Army and Navy of the United States, do appoint . . ." *et. cetera*.

We could continue these citations, but they already seem sufficient to dispose of the theory that the command function is a "myth."

## II

Now about "swapping horses in midstream." Military history reveals that we *have* swapped horses — and we changed them three times in crossing one stream. The Presidents in question were Jackson, Van Buren, W. H. Harrison and Tyler and the stream was the Second Seminole War, of 1835–1842. Neither can it be discounted as "just another cheap little Indian war." It was an Indian War all right — but it wasn't little and it certainly

wasn't cheap. It was, in fact, the longest, hardest and *bloodiest* war we ever fought. It cost us far more lives, in proportion to the troops engaged — and we had to engage an astonishing number of them before we got through with it. It raged for seven years and presents a striking counterpart to many aspects of the present situation.

It began with a treacherous, unprovoked attack, launched by a savage foe. Osceola was the Hirohito of 1835 and the Dade Massacre was his Pearl Harbor. It, too, convulsed the country — and was followed by attacks from two other Indian nations. (Osceola even had an Axis to help him.) We recovered rapidly from the first onslaught and carried the fight to the foe for a year or two.

Then Andrew Jackson failed to run for a third term and we had to swap horses in midstream — the first of the three changes — one of which brought the opposition party into power. As a result the War was directed by four Presidents, four different Secretaries of War, two successive Commanders-in-Chief of the Army and seven separate commanders of the field forces. Serving under the four Presidents were Secretaries Cass, Poinsett, Bell and Spencer; Commanders-in-Chief Macomb and Scott; Theatre Commanders Clinch, Scott, Call, Jessup, Taylor, Armistead and Worth. (Scott and Clinch each held the field command twice and Macomb himself took charge of one campaign, making ten different shifts in all.)

One President (Van Buren) kept

his predecessor's Secretary of War most of his term, but the field commanders were changed five times during this period. When the Whig Party came to power, there was a new Secretary immediately, a new field commander within three months and a new commander-in-chief within four.

During the juggling of commands which attended the various changes, the war went from bad to worse and two of America's outstanding soldiers (Winfield Scott and Zachary Taylor) drew the serious fire of political opponents, each episode occurring when the generals were serving under a President of the opposite political faith. Scott was ordered tried for his alleged failure in Florida, but was later vindicated. The Missouri legislature voted a recommendation that Taylor be cashiered, because one of his official reports reflected on militiamen from that state. He, too, was upheld by his military superiors and, like Scott, survived to win fame in the Mexican War.

Nevertheless, it is impossible for the impartial historian to affix the blame for the mixups that attended the conflict, as far as the change of administrations is concerned. Perhaps it would have been different if Jackson had remained in office — and perhaps it wouldn't. After all, it was Jackson who preferred the charges against the capable Scott and pressed them as long as he was able to do so. It seems probable, however, that swapping horses in this particular stream did *not* speed up the end of the war, and the fact is

undeniable that the situation grew perceptibly worse after each change.

What does happen when we do swap horses? There is every indication that it means replacing certain key members of a smoothly working and highly organized military team. They include the Secretaries of War and Navy, half a dozen assistant secretaries and a score or more of experienced civilian aides. All of these men have learned how to cooperate with the various generals and admirals who constitute their opposite numbers in the service. (A striking example is the Somervell-Patterson combination, which has gotten such excellent industrial production results.)

The President himself is of course, the captain of the entire team and he functions on two levels. As head of the nation he decides global political strategy in conference with the heads of other nations. As Commander-in-Chief of the armed forces he chooses between alternative combat programs submitted by military, naval and air chiefs. He also acts as umpire between them and his civilian subordinates in the departments.

The idea of non-interference — leaving the running of the war to the professional experts — simply has no validity. The experts don't always agree. There are times when the Army

wants to do one thing, the Navy another and the Air Force still a third. Somebody has to make a decision — choose one of the plans submitted — order it carried into effect. And that somebody is the Commander-in-Chief of the Army and Navy.

When he makes his decision, in the light of his experience with the various commanders supporting each recommendation, he then has to see that the plan chosen is carried out loyally and efficiently by the entire team. And he cannot evade the responsibility of choosing the commanders who are charged with carrying it out.

Presidents have always had to exercise that function — with varying results. Washington chose “Mad Anthony” Wayne to fight an Indian war; John Adams chose Washington for a threatened conflict with France; Madison chose half a dozen failures in the War of 1812; four Presidents made ten spotty selections in the Seminole War; Polk chose Scott and Taylor for the Mexican campaigns; Lincoln tried repeatedly before he found Grant to finish the Civil War; McKinley made excellent choices in the Spanish-American War; Wilson picked Pershing for the First World War; Roosevelt has given us Marshall, MacArthur, Arnold, Eisenhower, Stilwell, King and Nimitz in this one.



**T**HE law will never make men free; it is men who have got to make the law free. They are the lovers of law and order who observe the law when the government breaks it.

— HENRY DAVID THOREAU

## INSIDE THE STORK CLUB

By RUSSELL WHELAN

THE Stork Club in New York is America's most famous night club. It is also a sort of rose arbor for gilded youth, a Cheshire Cheese for the solvent intelligentsia, a town pump for Park Avenue clubwomen, a subject of fond dreams in Fortresses and foxholes, an irresistible lure to visiting firemen, a place to have a drink, and a tidy business venture for Sherman Billingsley, Sole Prop.

The Stork is where the Glamour Girl was invented; where Walter Winchell nightly covers a beat; where every other beverage order is for Scotch and soda; where a bottle of Coca Cola costs 85 cents; where a cigarette girl once got a \$2000 tip; where the coatroom concession nets \$50,000 a year, or enough to pay the rent three times over; where Hollywood royalty meets "Café Society" and where in one month the customers stole 1600 inscribed ash trays costing 60 cents each.

Being all these things and many more the fundamental fact remains that, like Dirty Gertie's in Galveston or the Bucket of Blood in Cicero, the

Stork is simply one more drink-dine-and-dance place run for profit. Then why has it become an institution instead of just another joint, an institution of such prestige that Paramount Pictures recently paid \$100,000 simply for the use of its name as a movie title?

The easy answer is simply because it has probably received more free advertising of a favorable nature than all its competitors put together. But the true reason seems to lie in the skill of its management, a skill manifested equally in securing all that free advertising as well as in making the place live up to most of its notices. The single fact that the Stork has survived and prospered for ten years at the same address in this most precarious and ephemeral business, in which the mortality rate is 90 per cent a year, supports the diagnosis. So does an examination of the management in action. It is a little like watching Farragut on the bridge to observe Billingsley on the job, his roving blue eyes noting a hundred details of service and conduct, the waiters and captains slithering up

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