

PRESIDENTIAL INTERVENTION.

Nobody has ever laid down an absolutely sound, consistent, and comprehensive rule about the attitude of the President towards pending legislation. Both the Constitution and precedent leave so many doors open to Executive influence, that one of them can always be used with some show of reason. Critics will usually confess, when candid, or when driven into a corner, that it is a matter not so much of principle, as of taste and the personal equation. A cynical Senator once put the case as follows: "I like to have the President interfere with Congress, when he interferes on my side. That is a proper discharge of his high Constitutional function. But when he steps in to help the other fellows, it is not only unconstitutional, but a damnable outrage."

The President has the undoubted right to "recommend" legislation. But recommend is a "bountiful word." It may be made to cover not only the initial urging of laws by message, but speeches and other public deliverances in their favor. For such recommending of legislative measures, the President has, by the nature of his office, peculiar fitness. He stands detached from the purely local interests and the personal squabbles which too often govern the action of members of Congress. He is the directly elect of the whole people, and has come to be looked upon as a court of appeal, above Congress, and less subject than it to being swayed by petty motives. He is also the leader of his party, and as such concerned in shaping its policy so as to command popular approval. Thus there has always been, and exists to-day, a powerful reason why the pronouncements of the President touching proposed legislation should have great weight. The country, in fact, looks to him to be an originating and guiding statesman as well as to execute faithfully the laws. And if we concede his right to recommend legislation, we cannot well deny his right to take an interest in what he has recommended, and to strive in every lawful and proper way to bring it to fruition. We cannot conceive of a serious President seriously urging upon Congress an important measure, and then dismissing it from his mind as something with which he has no further concern. It is only a question of the means he may nonora-

bly and safely employ to further his ends.

Between the recommending message and the inhibiting veto, given him by the Constitution, there lies a large area in which the Presidential power to secure needed laws may be exercised. Private consultations at the White House have been immemorially held. There can be no challenge of their propriety, unless improper things are done at them. A President may seek to persuade a Congressman; he ought to attempt neither to bully nor to bribe him. Whatever else the framers of the Constitution may have contemplated, they certainly did not expect the President to use the patronage of his office in order to bend a Senator to his will. Yet this, of course, has often been done. It has been done, too, from good motives and in great emergencies. We suppose that there is no doubt that Mr. Cleveland made appointments to office for the purpose of securing the repeal of the silver-purchase law. The silver champions openly charged him with buying the bill's way through Congress by the use of patronage. But men like Senator Allison were ready to defend this, and to assert that it was God's mercy to the country that Grover Cleveland was in the White House to force the repeal of the disastrous legislation. There, again, we see how the President's action is judged according to personal bias. We are all inclined to agree with the old deacon who said that he believed in special Providences—"when he wanted to." If a wicked enemy's barn was struck by lightning and burned up, the manifestation of divine justice was obvious; but if his own crops perished in a flood, it was not Providence, but Satan, who was visibly at work. Similarly, most Americans believe in the special intervention of the President—when they want to.

An unpleasant impression is undeniably created, however, when the President becomes unreservedly and openly a legislator. We have just had the unaccustomed spectacle of a law actually drafted under the President's eye, and by his aid, and introduced in the Senate hot from the White House. It is known as the "Taft amendment." Senator Aldrich asked, not for a general plan, or suggestion, but for a completed bill. There was method in this, if not malice. Aldrich wished to spare himself the respon-

sibility for either introducing or passing the measure. With a frankness never before seen in Congress, he stated to the Senate—and only those on the spot can say if he did it with a sneer—"Here is the President's bill." It had been viséed in every phrase at the White House. Now, we think that, saying nothing of the contents of the bill, it was unwise and undesirable to have it laid before Congress in this fashion. Should it be defeated, the result would be a deep wound to the President's prestige. If it succeeds, it will establish a precedent which, in ambitious and unscrupulous hands, might work great harm, and which could not fail to plague even Mr. Taft, since the effect would be to make men run to him to draft bills on all other subjects. It would have been better to maintain the appearance of aloofness from the actual devising and redacting of legislation.

Having put his hand to the plough, it is clear that President Taft will not look back. His course, thus far, has had the effect of keeping the Republican organization in both houses under control, and himself in control of it. That power he is now bound to use in a way not only to hold his party true to its pledges, but to care for the unrepresented consumer. The Washington report is that he is determined to do this; and such definite assurances as those the New Jersey Senators give their constituents that hides will be made free in the conference, imply that the President's wishes are to be more nearly met by the conferrees than they have been by the Senate. Only by a final tariff bill which will reasonably square with his promises, can Mr. Taft justify his intervention to save Aldrich from defeat. Upon that Senator's gratitude, however, we should not advise the President to count too confidently.

DENYING AMERICAN CAPACITY.

If the American polo players should demand that the English concede them 3 goals in the international match; if the foreign professional golfers should be compelled to give our natives half a stroke a hole, in the open championship; if our tennis experts should go over to try again to bring back the Davis cup, on condition that each game should be started 15-love in their favor; if Harvard should race the University of Cambridge again, first stipu-

lating that the English boat should have only seven oars; if the Wright brothers should ask odds in aeroplanes, and American yachtsmen insist upon a ten minutes' start over their German competitors—what would be said? There would be shouts of protest against such a reflection upon our strength and skill, such an insult to our national pride. Americans are ready to meet and beat the world on equal terms—in everything except commerce and trade. There we confess ourselves weaklings, and admit that our rivals will drive us from the field unless we impose a tariff handicap upon them.

Perhaps the most pitiable and certainly the most striking acknowledgment of our own inferiority yet seen in the Senate debate was made the other day when the duty on picture post-cards was increased by some 325 per cent. The souvenir or view-cards thus to be taxed are purely those for America. Senator Smoot explained for the Finance Committee that the business of printing them had "grown to mammoth proportions," and that the Germans practically supply our market. Hence, "to save this business," alarmed Senators, who had beheld the awful spectacle of "views of public buildings in Washington printed on postal cards made in Germany," were asked, in their downward revision of the tariff, to increase the Dingley rates on these articles by more than 300 per cent. It was agreed to without demur or debate. Yet this denial of American ingenuity, enterprise, and business ability was really as humiliating as if Congress were to declare war on Germany, provided that the Germans would agree to fight only one ship to our three.

The case of the picture post-cards is peculiarly flagrant. First, the German manufacturers must make or buy the photographs covering views in all parts of this country. Then these must be carried back to Germany, there reproduced and printed, then shipped to this country, paying freight and duties, to find here that the Americans confess themselves beaten even with such a great handicap in their favor. Now, under the natural conditions of American energy, what would be the first instinct of our manufacturers of view-cards, in the face of a good business taken away from them right under their noses? Why, it would be to "hustle" after that

trade. Technical methods would be improved, the whole business would be carefully studied in detail, organization perfected, economies effected, production and distribution cheapened. But the long years of drugging ourselves with the tariff have killed off that kind of spontaneous joy in responding to competition, and we now solely think to win by taking a stiffer dose of protection. It is as if a Marathon runner, falling behind, should begin taking whiskey and cocaine as a means of conquering the more speedy runners.

For our part, we do not see how any healthy-minded American, with a due share of pride in his nation, can look without shame upon these tariff confessions that we are hopelessly behind in the race. We boast that we have a land dowered with unrivalled natural resources; we glory in the ready inventiveness and pluck of our people; our talent for business we exalt to the skies. And yet no single question of international competition in manufacture or trade or ship-building can be raised, without calling forth horrified cries about our inability to stand the pace. The thing has become so settled a habit with us that we do not always see how craven and disgraceful it is. It is based, too, upon a glaring falsehood. It is not true that Americans are such incompetents as our tariff-makers would have it appear. On occasion, we can go out into the markets of the world and hold our own. The State Department has just lodged a protest with the Cuban government, because Americans were not invited to compete with foreign manufacturers of arms and ammunition, in furnishing recent supplies. But the simple-minded Cubans might well reply that they never dreamed that Americans could compete with foreigners. Is not our tariff a standing advertisement of our national backwardness and incapacity?

We can merely allude to the bad domestic effect of our confession that the combat is too sore for us. Refusal to meet the conditions of world-competition tends to throw us further behind than we really are; to make us cling to antiquated machinery and obsolete mills; to prevent us from improving by entering into the struggle for existence which makes for improvement. President Eliot has somewhere singled out these disastrous mental as well as

physical effects of shirking competition, as possibly the chief evil of the protective system. It certainly can never have had a more shameful, if petty, illustration than in this admission by the Senate that the Germans can beat us in making souvenir cards for Smoot's own Salt Lake City, unless we tax them more than 300 per cent.

EXECUTIVES AND STRIKES.

The settlement of the strike on the Pittsburgh trolley lines illustrates a task imposed of late years upon the executive departments of our governments, Federal, State, and local. One who is curious to study constitutions in the making may profitably consider the growth of this new duty, which, through public opinion at first and latterly by express statutes, has devolved upon our administrative departments. When the Federal Constitution was drafted, there was fear enough entertained of the possibility of sedition, riot, and rebellion. Shays's Rebellion had been a warning which was not lost upon the members of the Constitutional Convention. But in the early, not to say primitive, industrial situation, and in the absence of any considerable number of large cities, our present difficulties were not dreamed of. We have come to the pass where the emergence of a large industrial dispute, especially when it involves the safety or convenience of the dominant third party—the Public—brings an immediate pressure upon the authorities to act as mediators or arbitrators. The successive steps by which this position was arrived at are suggestive.

When industrial disputes of wide extent first began—such as the Pittsburgh railway riots of 1877—most impartial observers held the opinion that executive intervention must be limited to the maintenance of public order. The dispute between employee and employer was regarded as *privati juris*. Not until overt acts of violence occurred was the strong arm of the state to interfere, and then only to repress violence.

Most people were inclined to assimilate the strife to the draft riots of the civil war, and to see nothing distinctive in the industrial situation in which these difficulties arose. Old-fashioned believers in the delimited sphere of the executive were sternly averse to any intervention upon the part of the civil government beyond the maintenance of