

WHAT IS A GOVERNOR?

The election of Dr. Woodrow Wilson has already, even before his inauguration, been justified by the work which he is doing in educating public opinion on a profoundly important question of administrative politics.

This question is, What is the function of the Executive? One theory is that a Governor or a President is simply a great Office Manager. He is to sign or veto legislative bills which are laid before him; he is to see that the heads of the various bureaus or departments do their duty properly; he is to pardon or refuse to pardon criminals; and he is to make appointments to judgeships, postmasterships, and other official positions. This alone is a great and important work, and requires executive ability and wisdom of a high order. In doing this work he is regarded as the representative or the servant of all the people of the State or the Nation. This we may define as the limited theory of executive action. The other, and we believe the sounder, theory is that the Governor or the President is not merely the servant of the people, but their leader; that in a party government, like that which prevails in the United States, he is pre-eminently the leader of his party. This theory we may define as the Prime Ministerial theory of the executive. A Governor who acts on this theory attempts by every honorable means within his power to influence not only his party and the public but also the legislature in favor of legislative action and of public policies which will promote the welfare of the whole community.

It will be remembered that Governor Hughes began his career as Chief Executive of the State of New York upon the limited theory of executive action. He publicly said that he would do nothing to influence the Legislature in what he conceived to be its own peculiar field of work. But he soon discovered that this was an unworkable theory, and it is to his lasting credit that, convinced of his error, he changed his attitude, and during his second term did as much as, if not more than, any of his predecessors to shape the course of legislation and the action of the State with regard to certain great public policies.

This he did by messages and by addresses to popular audiences, as well as by the legitimate exercise of his personal influence upon individual members of the Legislature. Having been merely an Office Manager, he became, in addition, a Prime Minister and influenced the trend of political events in the Empire State much as the head of the British Cabinet influences the trend of political progress in the British Empire. In the Presidential history of the United States Mr. Roosevelt is a marked example of an executive who has believed in and pursued the Prime Ministerial theory of his office. Like Washington and Lincoln, he very definitely shaped public opinion and very forcefully threw himself into the work of urging upon Congress the propriety and necessity of certain forms of legislation.

The old controversy between the supporters of these two theories of the sphere of the executive has broken out afresh in the States of New York and New Jersey during the past few weeks. The two Governors-elect respectively represent and profess to represent these two opposing views. Mr. Dix, of New York, declines to take any part in the important election of a United States Senator to succeed Senator Depew. He declares that it is the business of the Legislature to select a Senator and it is his business to be Governor; and, by adding that his main object will be to see that the State has an economical and efficient administration, he makes it clear that he believes that his function is purely administrative. Dr. Woodrow Wilson in New Jersey, on the other hand, is taking a very active and forceful part in the forthcoming election of a United States Senator in that State. The platform of his party favors the popular election of United States Senators, and as a step in that direction the party held a primary last autumn in which a certain candidate, Mr. Martine, received the great majority of votes cast. In spite of this fact, ex-Senator Smith, who belongs to the category of those who believe in a compact political "machine" managed by political "bosses," is seeking the election for himself, and, by methods which have so often prevailed in the past in every State in the Union, hopes to control the Legislature in his behalf. Dr. Woodrow

Wilson takes the ground that the primary election of Mr. Martine, while not a legal mandate, is a moral mandate upon the Legislature, and he is appealing to the intelligent public opinion of the State to support him in his view. We cordially hope that he will succeed, for we profoundly believe that the best type of men can never be persuaded to take executive office in this country unless it is understood that, in addition to being faithful servants of the people, they are also to be looked up to as leaders and advisers of their respective parties in every political crisis.



THE NEW CHIEF JUSTICE

We find in "Who's Who in America" the following facts respecting the uneventful career of the new Chief Justice of the United States, Edward Douglass White. He was born in Lafourche, Louisiana, November 3, 1845; was educated in the Roman Catholic faith, of which he is a loyal adherent; served in the Confederate States Army; was admitted to the Louisiana bar in 1868; was made United States Senator from Louisiana in 1891; was appointed Associate Justice of the United States Supreme Court by President Cleveland in 1894, and has served in that capacity since that time; is in his political affiliations a Democrat, but has taken no active part in politics since going upon the bench. It thus appears that the man whom the President has appointed to a position of dignity and importance not second to that of the Presidency itself is a Southerner, an ex-Confederate, a Democrat, and a Roman Catholic. The appointment was confirmed at once by the Senate without opposition, and is approved by the country, so far as we have observed, without exception.

These facts may be taken to indicate that not only the President, not only the people's representatives in Washington, but the people at large, are entirely convinced of four important principles: that this is one country, not two sections, a North and a South, bound together by either military force, economic and industrial convenience, or tradition; that the Civil War is over and the last lingering remnant of feeling caused by that war

has expired, beyond the power of either reactionaries or demagogues to fan it into a new flame; that the Supreme Court of the United States, though it has sometimes to decide quasi-political questions, is not even a quasi-political tribunal, and political considerations have no place in determining appointments to it; that while the country demands not only intellectual and professional ability of the highest order in all appointees to that Court, but also the highest moral character, it does not take account of the theological opinions or the ecclesiastical connections of its members. The readers of *The Outlook* need no assurance from us that we heartily approve these four principles and rejoice in this public, official, and National recognition of them.

It has been somewhat extensively affirmed that Mr. Justice White is "conservative." The word is somewhat vague and is certainly capable of various interpretations. What his spirit and temper are as a judge may be best indicated by a review of some of his important opinions in cases involving fundamental principles.

In the "Insular Cases" the question before the Court was substantially this: Can the United States own territory which is not part of the United States, and govern subjects who are not citizens of the United States and not entitled to the privileges nor subject to the obligations created by the Constitution? Mr. Justice White agreed with the majority of the Court in answering those questions in the affirmative. The decision of the Court in these cases involved the broad principle that the United States is a Nation, that it possesses all the powers and prerogatives of nationality, and that the Constitution determines not what those powers are but how they are distributed.

In the so-called "Bakeshop Case" the question was whether a law regulating the hours of labor permissible in a bakery was Constitutional, or must be declared void by the courts on the ground that it violates the right of the laborer freely to contract to devote to his employment any hours of labor he and his employer can agree upon. Mr. Justice White was one of the four judges who constituted the minority in that case, and who held that such an act is Constitutional;