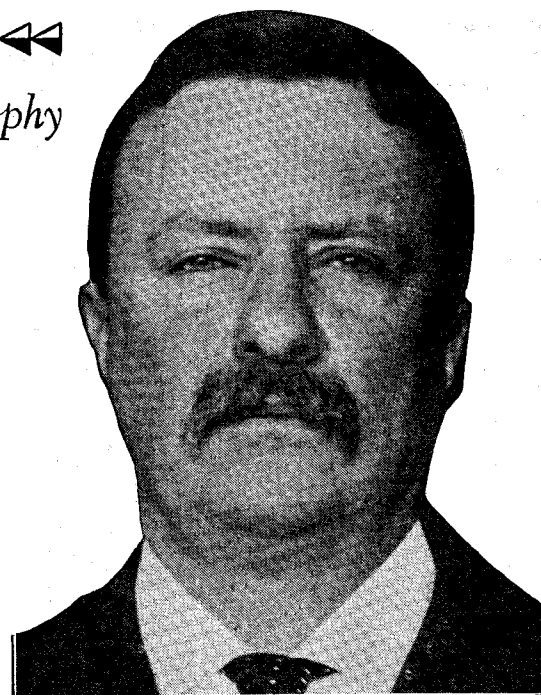


# ►► When Congress Fought T. R. ◄◄ *Thirteenth Installment of Roosevelt: A Biography*

By HENRY F. PRINGLE

Roosevelt's rows with Congress were violent and acrimonious, as told in this installment. One of his messages was rejected and even his staunch friend, Cabot Lodge, rebuffed him. But the Roosevelt reign was ending and, of all Presidents leaving the White House, T. R. left most regretfully, for he loved the job with all its trials and tears. Next week Mr. Pringle tells of the parting of friendships between T. R. on one side and Professor Woodrow Wilson, President Taft and Senator La Follette on the other



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T. R. IN 1908

THE Administration, said Roosevelt in September, 1906, when Speaker Cannon was running for reelection to Congress, "has had no stouter friend than the Speaker of the House. . . . He is a patriotic American. He is for every man, rich or poor, capitalist or labor man, so long as he is a decent American, and he is entitled to our support because he is a patriotic man." A fortnight earlier the President had written to Uncle Joe:

. . . . You need never waste your time in thinking that I will give so much as a second thought to any kind of a story in the remotest degree reflecting on you. I know your attitude absolutely. All you are trying to do is from the standpoint of the welfare of the country and the party, to strengthen all the factors that can be brought into play for success in November. You have done your part up to the handle. More power to your elbow!

Before the end of 1908, however, this cordiality had vanished. It had never been sincere. Too long had the proud head of Congress bowed to the imperial will in the White House. The memory of frequent defeats rankled, and the revolt began in 1907. Speaker Cannon, leader of the Republican party in the House, became a general of the rebel forces. The President was no longer the potent influence he had been, for the simple reason that he would go out of office on March 5, 1909; it had been a mistake to announce in 1904 that he would never again be

a candidate for the presidential nomination. Roosevelt may have suspected, although he never said so, that his support of Taft was also an error in political judgment. The President was facing an unpleasant fact—that power was slipping from his grasp.

Theodore Roosevelt, as the day of abdication rushed toward him all too swiftly, was not yet fifty years old. He had been the youngest President; he was far too young to retire to slippers ease. ". . . . When you see me quoted in the press as welcoming the rest I will

have . . . . take no stock in it," he told William Jennings Bryan in May, 1908. ". . . . I will confess to you that I like my job. The burdens . . . . will be laid aside with a good deal of regret. . . ."

The irritation of Congress was not, however, based solely on resentment for Rooseveltian victories of the past. It was also due to apprehension over 1908; depression had followed the panic, and the quadrennial claim that the Republican party was the guardian of prosperity might be discounted by the voters. Roosevelt's federalism was another factor. This had been increasing with the years and was to be emphasized in his forthcoming messages. He was constantly swinging closer, meanwhile, to the program of William Jennings Bryan. In June, 1907, the President said that "most great civilized countries have an income tax and an inheritance tax. In my judgment both should be part of our system of federal taxation."

The hostility toward Roosevelt was not limited to the legislative branch. He denied that the courts were exempt from criticism, and the judiciary shuddered at this blasphemy. At Vicksburg, Mississippi, in October, 1907, he dared to recommend that



TWO COMMON SCOLDS

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the Constitution be interpreted with liberality:

.... While I agree heartily that the Constitution of the United States represents a fixed series of principles, yet I hold that .... it must be interpreted not as a strait-jacket, not as laying the hand of death upon our development, but as an instrument designed for the life and healthy growth of the Nation. I want to see executive, legislator, judge, not only desire to do right, but able to do right. Sometimes executive and legislative officers are under temptation to yield too much to an improper public clamor. The temptation to the judge—the long term appointive or elective judge—is often just the reverse. ....

"The Constitution," rebuked Supreme Court Justice Brewer, "is not a criminal code. It is a theory of government and is not to be read in favor of anybody. . . ." Supreme Court Justice Harlan expressed regret over the trend toward the centralization of government. "A national government for national affairs, and state governments for state affairs," he said, "is the foundation rock upon which our institutions rest."

Two events in 1908, invalidation by the Supreme Court of the Employers' Liability Act of 1906 and reversal of the Landis fine against the Standard Oil Company of Indiana, strengthened Roosevelt's conviction of long standing that the courts were an obstacle to progress. On January 31, 1908, he addressed a remarkable message to Congress. Many of its recommendations were balanced by his customary qualifications. But there were phrases which stood out, startling and vehement phrases, and newspaper editors hurriedly crowded them into headlines.

First, the President recommended reënactment of the liability law, which had applied to all common carriers, so that the Supreme Court's objection would be met. The Court had ruled that the Federal Government could pass such a law for interstate carriers only. Then Roosevelt called for workmen's compensation for all government employees, and expressed the hope that the "same broad principle" would be made applicable "to all private employees." His next point was further emphasis upon the abuse of injunctions in labor disputes. He disclaimed any intention to abolish the injunction process which, in the hands of a wise judge, was an essential part of the judicial machinery. On the other hand, "it has sometimes been used heedlessly

and unjustly, and . . . some of the injunctions . . . inflict grave and occasionally irreparable wrong upon those enjoined."

This was the first of the statements which distressed the respectables. The message, which covered nearly every point in Roosevelt's philosophy of government, set forth the need for further power for the Interstate Commerce Commission. Physical valuation of railroads, once rejected by Roosevelt, was essential to fair rates. At the same time, he asked for restriction of stock market abuses; there was, he said, "no difference between gambling at cards . . . and gambling in the stock market." He thought that "mere gambling in futures" might be halted by law.

The President also paid his respects to the business leaders who had been attacking his attempts to enforce the law. He said that "corporation lawyers" were often successful in blocking endeavors to that end, and yet "the Federal Government does scourge sin; it does bid sinners fear; for it has put behind the bars with impartial severity the powerful financiers, the powerful politician, the rich land thief, the rich contractor — all, no matter how high their station, against whom criminal misdeeds can be proved." At this point Roosevelt came to the heart of his policy. It was "the moral regeneration of the business world." He would end insurance, banking and railroad scandals. He expressed his contempt for those who would hesitate because "it will 'hurt business'."

The President's message caused, too, a break between Nicholas Murray Butler and Roosevelt, although their friend-

ship and their political relations went back for twenty years at least. They exchanged letters, and then were silent:

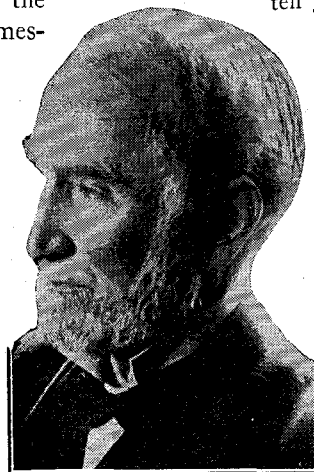
*Dr. Butler:* Of all your real friends perhaps I, alone, am fond enough of you to tell you what a painful impression has been made on the public mind by your special message sent to the Congress on Friday of last week. Every critic and enemy that you have is fairly beside himself with delight; but both those friends of yours whom I have met and those who, while not knowing you personally, are loyal supporters of your administration, without exception speak of the message with grief and sorrow. The specific recommendations contained in the message are, for the most part, very generally approved by intelligent people. One or two of the less important ones seem to me either unwise or impracticable, but, on the whole, the general impression is that if the recommendations of the message were acted upon favorably by the Congress the result would be distinctly in the public interest.

The feeling of sorrow and regret of which I speak is due chiefly to the form in which you have couched the message, but also in part to the fact that you, as President, have descended into the arena of ordinary newspaper and hustings debate in order to attack those individuals and institutions that you do not like or that have attacked and criticized you. Surely the sorry record of Andrew Jackson is sufficient proof that a President, whether right or wrong, cannot afford to argue with his adversaries, after the fashion of a private citizen, either in a state paper or in a formal public address.

My honest opinion is that so far as the message has had any purely political effect, it is to bring Mr. Bryan measurably nearer the White House than he has ever been before.

*President Roosevelt:* My lukewarm friends . . . [have been] . . . upset . . . [my] real supporters . . . have hailed it as they have no other speech or action of mine for a long time. To me, your regret is incomprehensible. You blame me for what I have done. To me it seems that I have the right to the fullest and heartiest support of every good man whose eyes are not blinded by unhappy surroundings, and who has in him a single trace of the fervor for righteousness and decency without which goodness tends to be an empty sham. If your soul does not rise up against corruption in politics and . . . in business . . . why, then, naturally you are not in sympathy with me. If you felt, as I do, that the interests which these men and papers represent tell for unspeakable degradation for the Nation, and if left unchecked and un-offset would work a ruin such as was worked in the days of the Roman Republic by similar forces—why, then, you would naturally support my action.

So began the rupture which later



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## CANNON

For years "Uncle Joe" was Speaker and undisputed leader of the House of Representatives



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## BUTLER

Nicholas Murray Butler, when he first became president of Columbia University



separated Roosevelt from Root and Cabot Lodge also. At the end of February the President informed his son, Archie, that his mother had recently been riding a new mare and had, "because, at the moment she was angry with President Butler," named the horse "Nicoletta." Thus passed Nicholas Miraculous from the Roosevelt years.

However radical in theory, the President's criticisms of the courts were mild enough in phraseology until the summer of 1908. On July 22, however, the Circuit Court of Appeals in Illinois invalidated the \$29,000,000 oil fine. On the following day Roosevelt announced that the Government would again prosecute the Standard Oil for accepting railroad rebates, that "there is absolutely no question as to the guilt of the defendant nor of the exceptionally grave character of the offense," that "the President would consider it a great miscarriage of justice if, through any technicality of any kind, the defendant escapes punishment which would unquestionably have been meted out to any weaker defendant . . . guilty of such offense. The President will do anything in his power to . . . bring the offenders to justice."

Judges Grossoup, Seaman and Baker had handed down this decision which, Roosevelt said in a private letter, had "hurt the cause of civilization." The President felt most vindictive toward Judge Grossoup, perhaps because that jurist had said that he would take no more "notice of the comment of Mr. Roosevelt than I would of any private citizen." As for the other two judges, they were "merely the ordinary type

produced by improper subserviency to corporations."

"There is altogether too much power in the bench . . ." was Roosevelt's final word on the Standard Oil decision.

The Congress which convened in December, 1907, was virtually Roosevelt's last. The short session to meet after Election Day in 1908 would pay even less attention to the President's recommendations. Currency reform, made imperative by the panic, was the chief issue and Speaker Cannon was the undisputed leader of the House. His attitude toward the President was made clear in his statement that there had been "several incidents . . . in the last few years" which had shaken business confidence; the worst of them had been the Standard Oil fine. Roosevelt's annual message was a less important State paper than the blast against business corruption of January 31, 1908. Its principal weakness was the absence of definite ideas on the troublesome financial question.

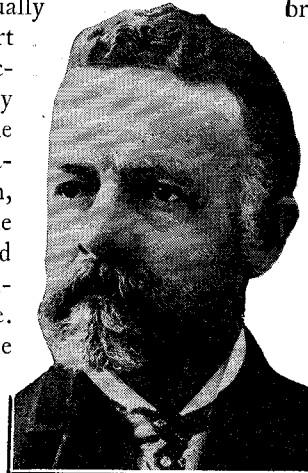
The session was marked by a deluge of messages from the White House: demands for improvement of inland waterways, labor reforms, insistence that the menace of Japan made four new battleships necessary, peremptory requests that Congress take action on postal savings banks, extension of Interstate Commerce Commission authority, limitation of the injunction, publicity

on campaign contributions. Toward the end of May, 1908, as Congress prepared to adjourn so that its members could hurry to their home districts for the coming campaign, the friction between the executive and the legislative branches was obvious. Only

two battleships had been authorized. The legislation against injunction abuses, for postal savings, for campaign publicity, for the Interstate Commerce Commission, had been killed. The Aldrich-Vreeland Act, providing additional currency elasticity, but of a very limited nature, had been passed. The liability laws requested by Roosevelt had also been enacted. But the majority of Roosevelt's twenty messages had been futile.

Any remnants of harmony were abandoned after the President's message had been read to the houses of Congress on December 8, 1908. In repeating his criticism of the courts, the President characterized as "a very slovenly piece of work" the liability law which, in 1906, had been held unconstitutional. This was interpreted as disparagement of a co-ordinate branch of the Government, and there was additional basis for Congressional indignation in Roosevelt's remarks regarding the Secret Service. The 1908 session had restricted the operations of the service to detection of counterfeit-

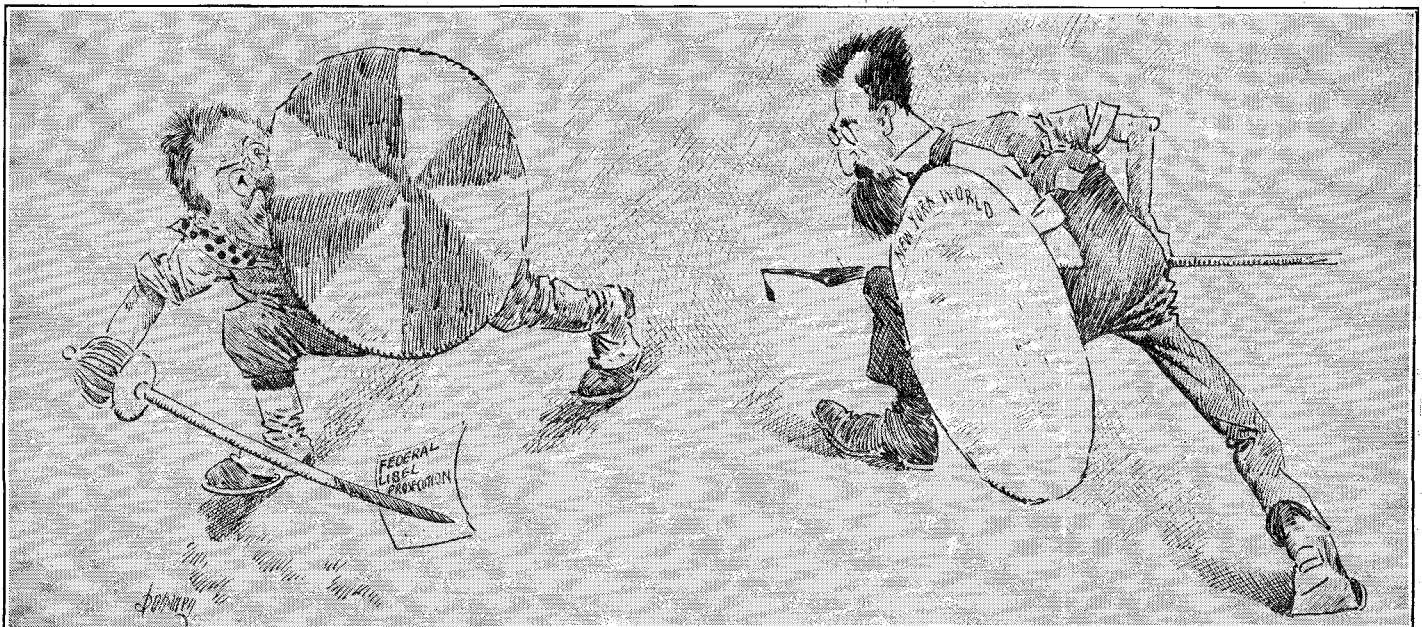
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LODGE

Henry Cabot Lodge, Senator from Massachusetts



T. R. vs. THE NEW YORK WORLD

The federal libel suit against Joseph Pulitzer's newspaper was thrown out of court on the ground that the federal government had no jurisdiction



## ▷▷ Wozzeck ◁◁

By MARSHALL KERNOCHAN

LAST winter the New York public was introduced to Alban Berg's "Wozzeck" through the medium of three fragments played by the Philharmonic Society under Erich Kleiber. On Tuesday night, at the Metropolitan Opera House, the work had its first local performance as a whole by the Philadelphia Grand Opera Company under Leopold Stokowski, who had his own magnificent orchestra under him. A unique audience attended, numbering nearly every New York musical name of distinction; and when, at the close of the third act, they filed out of the auditorium, their hushed voices and quiet demeanor bore eloquent witness to the power of the impression they had received.

The libretto of "Wozzeck," adapted by the composer from the play by Büchler, is dramatic, concise and expressive; it sets before us, with stark realism, the sordid tragedy of a weak, insignificant, downtrodden soldier, trampled under foot by all, from his superior officer to his mistress; yet driven at last, by unbearable suffering, into the frenzied courage of the cornered rat, which nerves him to violent vengeance upon his faithless leman, followed shortly by his suicide.

This work, in the writer's estimation, is thus far the only one in the modern manner to achieve greatness; it makes all other contemporary attempts in the same style seem puny and ineffective. The music written since by Berg himself fares no better than the rest, in spite of its skill and an underlying lyricism, as evinced in the three small pieces played recently by Mr. Kleiber.

It is, in fact, becoming increasingly evident that the Schönberg atonal system is failing in the field of absolute music. Based upon an arbitrarily chosen twelve tone scale, appealing only to a small circle of musical cerebralists, it is irreconcilable with the lines along which the natural human instinct, following equally natural physical laws, has developed and will continue to develop by a gradual process of progressive selection. Consequently, with the musical public, which forms its judgments on an emotional, rather than a cerebral basis, it can establish, by itself, no real rapport; and will continue to be felt, from the harmonic viewpoint, as mere noise. Its public successes have been few and ephemeral; even these have been due to considerations other than the music itself—as, for example, "Pacific 231," which amused concertgoers through its graphic though

slavish imitation of the well known sound of a locomotive, and is now moribund, not having the vitality which can only be derived from musical interest.

Tonality is selection. Its presence means that in the background of the music there is a chosen basic tone which serves the hearer's imagination as a point of departure and return. In absolute music, it is a necessity for the permanence of the work, which can establish rapport



Courtesy of Musical America

ALBAN BERG

with the listener only by its use; without it, the music will fail as fails a house built upon a shifting foundation. A piece, then, which has no tonality reverses the principles of selection and evolution and sinks back toward the primal chaos of mere indiscriminate sound.

HOWEVER, "Wozzeck" clearly demonstrates that there is another and probably permanent field for the atonal style. It is that form of music-drama in which the music is narrowly bound with and strictly subservient to the text and action; the artistic aim being to throw these latter into the highest possible relief. Here, intrinsic musical interest or beauty is non-essential; atonality or even chaotic noise is admissible—provided that they aid to focus the attention where it belongs—on the stage; as does the nerve-racking tom-tom in the "Emperor Jones," or the ceaselessly drumming deluge in "Rain."

Mr. Berg has, consciously or other-

wise, borne this distinction in mind; and this it is which has raised his work to the level of greatness. His music may justly be described as eclectic. To serve his artistic purposes, he makes free use of the old forms—the sonata, the pas-sacaglia and the fugue are all represented in his score. Atonality, with fitting orchestral color and percussive effects, is used with the finest discrimination to increase the poignancy of the declamation, *i. e.*, where he does not wish to focus the attention on the music. But it is pointedly clear that wherever he desires the music to attain intrinsic emotional expression, as in the superb interlude in the third act, he invariably invests it with a definite tonality.

The orchestration is characterized by a consummate sense of color, economy and rhythm. The writer has heard nothing in music-drama which better conveys the moods of anguish, pity and the sinister menace of impending tragedy. In this latter respect the second scene of Act One, where *Wozzeck* is at work outdoors with a comrade at sunset, is strikingly effective.

THE vocal parts are a form of intensified declamation, bringing out the words with masterly clarity and forcefulness, and obtaining a dramatic emphasis which at times reaches a well-nigh unbearable pitch of poignancy; only in a few places do we get something approaching the *arioso* style, as in some of the music of Marie.

Always the music intensifies the action without for an instant obscuring it or attracting undue notice to itself. If Berg uses mere noise, then that noise is un-failingly appropriate.

The performance was in every respect worthy of the work. Mr. Ivantzoff in the part of *Wozzeck*, Miss Roselle as *Marie*, Mr. Steschenko as the sinister *Doctor* and Mr. Korell in the *tenor buffo* rôle of the *Captain* were all, vocally and histrionically, adequate and satisfying.

Yet the highest honors of the performance must be awarded to two men. Robert Edmond Jones has designed a stage setting magical in its appropriateness, economy of detail and tremendous atmospheric pregnancy. Last, but most important of all, Mr. Stokowski's really great conducting infused into the performance the authority, vitality and brutal realism which must make it one of the outstanding musical events of the season.