The President of the United States

By Gaillard Hunt

The State Historical Society of Wisconsin
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1

"What sort of government is that of the United States?" asked Napoleon of Baron Humboldt when the Baron returned from America in 1804.

"One, Sire, that is neither seen nor felt," was the answer.

Go into a railway car, and, if the travelers are of the usual order, you will not find one who can tell you the names of the members of the president's cabinet. When I was in charge of the exhibit of the Department of State in the Government Building at the World's Fair at Chicago in 1893, I was constantly asked by perfectly respectable people to what state the exhibit belonged. They knew of the existence of the Treasury Department because of the money and of the Post Office Department from the mail, and, of course, they knew something of the army and navy, but, in the main, the national government was a sealed book to them. They lived comfortably and patriotically without seeing or feeling it; indeed, their comfort and patriotism were due partly to the fact that they did not see it or feel it. Perhaps the average citizen of the present day gives less attention to the national government than the average citizen gave to it when it first began to operate. If this is so, it is because the government is now a settled thing and it was then an experiment which everybody was watching; but there never was a time when the rank and file of citizens knew much about its operations. This ignorance is accounted for by the conclusive reason that it has not been necessary for them to know. Nevertheless, the government has been a greater factor in developing the national character than it would have been if it had laid its strong hand upon every citizen every day. Its influence has come from the things it has not done. It has allowed nature to do her own work without harmful interference. After all the boasting of our power nature effectually controls us. She will give a great destiny to a country where the land is abundant and rich and the climate healthful and invigorating, if the people have sound traditions and are not cramped in their expansion by too many laws.

There is one feature of the government, however, of which no one is ignorant and which has exerted positive influence upon the development of the national character. The people in the railway car all know that the president of the United States is Woodrow Wilson, and the thousands of people who looked with uncomprehending eyes upon the sign "Department of State" at the World's Fair all knew that there was a president and that his name was Grover Cleveland. There never has been a time, even when the president was commonplace or an unpopular man, when it was possible to find any American who was old enough to know anything and did not know who he was. This common knowledge binds the people together. It is national and popular; it pervades all classes and all sections. The incumbent of the presidency is the one national officer for whom or against whom every voter has voted; consequently, all of them have a feeling of property in him. Yet no divinity doth hedge him, and he has never given rise to a feeling such as the ordinary Englishman used to have for his king. It is impossible to picture an American innkeeper, for example, defining the president in the spirit of John Willet's description of a prince in Barnaby Rudge:

> "Did you ever hear tell of mermaids, sir?" said Mr. Willet.
>
> "Certainly I have," replied the clerk.
>
> "Very good," said Mr. Willet. "According to the constitution of mermaids, so much of a mermaid as is not a woman must be a fish. According to the constitution of young princes, so much of a young prince (if any thing) as is not actually an angel, must be godly and righteous."

Nevertheless, without supposing him to be an angel or even always godly and righteous, the Americans have shown that they are well satisfied with that provision of their government which gives them a president. Upwards of two thousand amendments have been proposed to the Constitution from time to time, as evidence of passing discontent with its various features, and fewer of them have been directed against the functions of the president than against any other important feature.

The purpose of this lecture is to show how the office became what it is and the effect it has had upon the growth of American nationality.

II

In 1765, twenty-three years before the Constitution of the United States was adopted, Sir William Blackstone published his great work on precedent, which he called *Commentaries on the Laws of England*. "The doctrine of the law then is this:" he said, "that precedents and rules must be followed, unless flatly absurd or unjust." But precedent and rules seldom seemed absurd or unjust to him; the laws of England were the very acme of human wisdom in his eyes, and to prove this point he directed his argument. Thus it was that, writing about the harmony of human customs, he reached the same safe harbor of conclusion as Alexander Pope, in his poem on the harmony of the moral law, which he called an *Essay on Man:*

> All nature is but art, unknown to thee;
> All chance, direction, which thou canst not see;
> All discord, harmony not understood;
> All partial evil, universal good:
> And spite of pride, in erring reason's spite,
> One truth is clear, Whatever is, is right.

Blackstone was treating of a body of laws based upon customs which had prevailed for so long a time that the memory of man ran not to the contrary. He was expounding a constitution of government which had come slowly and gradually, every feature of it anchored firmly by prolonged acceptance. It had come out of more than five centuries of national life.

What would he have said, if he had been called upon to comment upon a constitution of government which had been made in four months? How would he have approached a fundamental law which had had no infancy, but had sprung full-grown from the brains of those who made it, as Minerva came from the head of Jupiter? Reasoning, as he did, from the established precedent, he would have been confounded by this unorthodox statute; his whole system of logic would have stood helpless in its presence. Yet, there it was— seven articles, twenty-one sections, about one hundred paragraphs; ratified and accepted as the supreme law of the land after a debate of only eight months' duration; entrusted to twenty-two senators, sixty representatives and one executive to construe and put into operation.

How were they to construe it? The science of Blackstone availed them nothing. Here were no court decisions, no luminous expositions and learned commentaries accepted as authority to guide them. Nor could they explore the intentions of the makers of the law, for the makers had sat behind closed doors, and their debates were not published till fifty years after they had taken place. The Constitution was really at the mercy of those who put it into operation.

They had listened to the exposition of its making which had been given during the brief period that elapsed between the close of the Convention which framed it and the ratification. Especially, they had listened to the exposition of *The Federalist*, a series of papers known to have been written for the most part by two prominent members of the Convention and to be worthy of serious attention; but even *The Federalist* only gave the opinions of the writers; there was nothing definitive about it. Alexander Hamilton wrote the numbers which reviewed the office of the presidency, and, among other things, said that the president's veto power over acts of Congress would hardly ever be used. He drew an analogy between this power and the right of the king of England to disapprove acts of Parliament, which had not been exercised for more than a century. He said that the participation of the Senate in making treaties was concurrent with the power of the president to make treaties. He meant that the two would work together in drawing up treaties, and that the Senate must finally consent to them. He said, also, that the consent of the Senate would be necessary to the displacement as well as to the appointment of officers of government. Evidently, he conceived of the Senate as having a participation in federal patronage equal with that of the president. He thought that the executive duties of the Senate would require it to be in session often when the House was not in session. He had it in his mind as an executive council constantly advising the president. He did not prognosticate such an office as the presidency became immediately after the government began.

Nor was there any profit to those who were intrusted with the duty of putting the government into operation in examining the legislative, executive, and judicial branches of other governments, for conditions in foreign countries were entirely different from conditions here. They derived some assistance from their own experience, however. They had lived as colonists under the British crown; they had had state governments; they had had a confederated general government. The confederated government had been wholly a congress, and all of the states had legislatures of two chambers, except Pennsylvania which had one chamber. Therefore, the duties of a congress were fairly well understood. The judiciary, too, was not wholly a new invention, because all the states had supreme courts, and, during the Revolution, there had been a federal court of appeals in cases of capture on water. Moreover, a court could proceed deliberately, feeling its way, meeting each case as it arose, listening to exhaustive arguments before it reached a decision. A presiding officer over the government was a familiar idea, also, and the title of president was not a novelty. Joseph Galloway's plan of a continental government introduced in the Continental Congress of 1774 included a president general. The Continental Congress had a presiding officer called "the President of the United States in Congress Assembled." In Delaware, New Hampshire, and Pennsylvania the chief executive officer was called the president. But Galloway's president general was to be appointed by the king and to have a council chosen by the people; the president of Congress had no power greater than any other member, and the chief magistrates of the states all had councils, which they did not select themselves, to share their power and responsibility. In the Constitutional Convention, James Madison correctly described them as being little more than cyphers. As a matter of fact, therefore, the precedents with reference to the presidential office had very little influence in developing the powers of that office.

Let us examine the intention of the makers of the Constitution with reference to the presidency, ascertaining it by the revelations of later years. When they began their deliberations they had not intended to make the office one of overweening importance. The Virginia plan had proposed that there should be a national executive to execute the laws, but the judiciary was to be associated with it in reviewing state and national legislation. The Jersey plan contemplated a plural executive with no power over foreign affairs. Hamilton's outline, however, suggested a chief executive with powers such as the president afterwards assumed. He was to have a negative on all laws about to be passed, the power to make treaties with the advice and consent of the Senate, absolute power of appointment of the heads of departments and power of nominating all other officers to the Senate. But he was to hold office for life, and the plan found no supporters in the Convention. After three months of debate, it was agreed that the Senate should have the treaty-making power and the appointment of ambassadors and judges. A change of feeling towards the presidency came in the latter days of the Convention, induced, doubtless, by a realization that the Senate was being given too much power. Unwilling to trust it with unrestricted power over appointments to office and the conduct of foreign affairs, these functions were given in large part to the president; unwilling to trust them wholly to the president the Senate was put in surveillance over his exercise of them. As the article providing for the president was finally framed it gave him too much power in the opinion of at least two of the three members of the Convention who refused to sign the Constitution. George Mason thought his duties were too loosely defined and that he ought to have a council, and Edmund Randolph was unwilling to entrust the executive authority to one man and wanted a commission.

Outside of the members of the Convention, those who criticized the Constitution always criticized the provision for the president. Thomas Jefferson, for example, said that his elegibility to reëlection might result in one man holding the office for life and attempting to name his own successor.

That part of the Constitution which provided for a president defined his duties briefly. He must be the commander-in-chief of the army and navy; he might, if he chose, ask the opinions of the heads of departments on questions relating to the business of their offices; he was to make treaties by and with the advice and consent of the Senate; subject to the same restrictions he must appoint all the higher officers of government; he must give Congress information of the state of the Union and make recommendations to it; he could approve or disapprove bills; he must execute the laws. Taking the office as thus described, construing its duties in the light of the experience which lay back of it and such explanations of it as had been made, and especially the explanation in *The Federalist*, giving weight to the objections to it which well-meaning men had expressed, let us see what the first president could have made of it.

Under the right to ask for the opinions of heads of departments, he could have put the weight of responsibility for executive acts upon them, by making public their opinions and being guided by them. As they were appointed upon the advice and consent of the Senate, he could have made the Senate responsible for their selection by asking its advice in advance of the selection. They would then have been like the executive councils of the states. He could have made the Senate the chief agency in all appointments, thus avoiding that part of his duties which would surely involve the greatest personal embarrassment to him and would surely arouse the greatest personal enmity towards him. He could have made himself the mere agent of the Senate in the conduct of foreign affairs by consulting it before he acted. He was the head of the army and navy, it is true, but he was not expected to exercise command in person, and Congress had complete control over the size of the military establishment and might reduce it to nothing if it chose to do so. Moreover, the authority to declare war was reserved exclusively to Congress, and this gave it control over the army and navy for the main purpose of their existence. His messages and recommendations to Congress could be as brief and perfunctory as he might choose to make them. He was not obliged to veto bills he disapproved, nor even to agree to those he approved, but might allow them to become laws ten days after Congress passed them without any action on his part. If he had taken this limited view of his powers and had made himself a mere presiding officer over the government, he would not have antagonized the friends of the Constitution and he would have conciliated many of its opponents.

Let us see what he did. Consultation of the heads of departments he made an internal arrangement of his office. He did not make public their opinions, and he adopted or rejected them as he chose. He took the whole responsibility for executive acts. Upon the Senate he put the responsibility only of confirming or rejecting the nominations to office which he made. He did not consult it before he made the nominations. Under the leadership of Madison the House of Representatives determined that he had power to remove public officials without consulting the Senate. In the conduct of foreign affairs, as in appointments to office, he construed the Senate's power to extend to approving or disapproving what he did and he allowed it no participation in doing it. The "advice and consent" of the Senate he construed as meaning merely the knowledge and confirmation of his acts by that body. His messages at the opening of each session of Congress were programs of the legislation which he thought Congress ought to pass. He inspected each bill before he permitted it to become a law, and three years after he had been in office he returned a bill to Congress with a statement of the reasons why it ought not to become a law. All of these things he did soon after he had settled in his office and had had opportunity to study his duties and to receive advice concerning them. Like everybody else, when he first assumed office, he was in doubt about the powers which belonged to it.

Immediately after the Constitutional Convention adjourned, Madison described the Senate as "the great anchor of the government." It was generally believed, as Hamilton had said in *The Federalist*, that it would be in session nearly all the time and that the president would consult it in person. The picture was in men's minds of the president and Senate sitting together on executive business. Many of the senators thought that the president should make his nominations to office orally to the assembled Senate, and that the Senate should then and there say "Yes" or "No" to them. Washington, himself, told a committee of the Senate on August 10, 1789, that the Senate was a council to the president in the matter of appointments and treaties. He thought he and they could consult sometimes in the president's house and sometimes in the Senate chamber. Before he had been elected president he gave it as his view that appointments to office might be left to the heads of the departments, or, perhaps referred to the governors of the states. He entered upon his office with no definite preconceived notions concerning it. He had presided over the Constitutional Convention and knew as well as any man what it had meant to do. The fact that he did not know what the president was expected to do is fair proof that the Convention did not itself know. The belief that the Senate would be the most important part of the new government was general, and, in consequence, the most influential men sought election to that body. It opened with a great array of influential public men. Oliver Ellsworth, Charles Carroll, Rufus King, Robert Morris, Richard Henry Lee and others of equal importance were among the members. Unhappily for its prestige and power, it began its career by making a serious blunder, which showed that it had not correctly estimated the force which was destined to have more influence upon the government than any other. It seemed to think, in fact, that it would make itself the most powerful part of the government by placing itself beyond the reach of that force. So it sat behind closed doors, and public opinion could not influence its proceedings. The people, however, not knowing what it was doing, became suspicious that it was plotting against them. In the effort to protect itself against the influence of their applause or censure it received only the censure. As a consequence, the able men who sat in it found themselves neglected and their influence diminishing. Ellsworth, Carroll, Lee and several others resigned before their terms expired, and the personnel of the Senate deteriorated in importance. The House of Representatives, on the other hand, held open sessions and caught the attention of the country. It was given credit for the legislation which started the government, and from it came the leadership which shaped public policies.

Thus it was shown in the beginning that there was such a thing as national public opinion in America. It had existed during the Revolution; in fact, the war could not have been carried through without it. It had an outlet then in the Continental Army, with officers and soldiers coming from all parts of the country and a commander-in-chief over the whole. After the peace it almost disappeared. The common purpose which had called it into being had been accomplished, and the civil government of the continent was more calculated to stifle than to invigorate it. In Congress, the votes were by states; the individual delegates were subordinated to the states; the debates were not published, and no man could make a continental reputation by continental service. In the period between the Revolution and the Constitution no continental characters were produced.

One manifestation of the existence of national public opinion which the Revolution brought out was the demand for a national hero, and the insistence that George Washington should play that part was general. The cold light of history has shown that the contemporaneous estimate of him was correct, but a hero America would have had, even if it had been obliged to make one out of second-rate material.

In the course of a conversation, during the closing years of his life, Madison said that the basis of Washington's power during the Revolution was the perfect confidence everybody had in his "incorruptibility." If that confidence had been shaken, he said, General Greene would have been put in his place. The conviction of his incorruptibility was a sentiment which bound the continent together. It was felt as strongly by the people of Georgia and Massachusetts as it was by the Virginians.

To return for a moment to the intention of the makers of the Constitution with respect to the president, it should be remarked that the leading minds wished him to be a representative of the people of the whole country and that this was almost the only definite idea they had concerning the office. Gouverneur Morris said he ought to be given sufficient vigor to pervade every part of the Union, so as to preserve it, and that he must be "the general guardian of the national interests." Madison said he must act for the people, not for the states. Randolph, who wanted a plural executive, nevertheless said it must be chosen in such a manner as to secure the confidence of the people. John Rutledge suggested that the title of the executive should be "Governor of the United People and States of America." James Wilson, George Mason, and several other members wanted him elected directly by the people. The employment of special electors, as the only intermediary between the office and direct popular election, approached popular election and seemed to avoid its supposed dangers. It brought the president very close to the people. It swept aside the state governments as barriers between him and them.

There was never a question of who should be chosen to be the first president. This was a national office and the national hero must fill it. Thus the presidential office began operations, supported by public confidence. The other parts of the new government must prove themselves, but George Washington had already proved himself. As soon as the Constitution was ratified Hamilton and Madison told Washington that his service as the first president would be essential to the successful inauguration of the new government.

He distrusted his own capacity to preside over the government, however. After he had served for three years he had a frank conversation with Madison in which he disclosed what he considered to be his deficiencies. He then revealed the doubts of his equipment which had worried him before his election. He said he was not a lawyer and could not judge legal questions, that he was not trained in civil government and that he was too sensitive in temperament to consider calmly questions which came before him. So he consulted freely with those who had legal knowledge and were trained in civil affairs. The two with whom he advised most at the beginning of his term were Hamilton and Madison, both then fresh from their joint efforts to have the Constitution ratified, and, as yet, in full agreement in their political views. The nature of the advice which they gave him with reference to the functions of his office is not a matter of doubt. Hamilton's explanation in *The Federalist* of the limited powers of the president and the dependence of the president upon the Senate did not stand in the way of his advising the president to exercise his duties independently. He advised him to exercise them in such a way as to bring the office into as close resemblance as possible to the plan which he had laid before the Constitutional Convention and which he believed to be the best. As Madison explained some years later, Hamilton endeavored to carry the government into channels where he thought it ought to flow, without reference to the arguments which had been used to secure its ratification. Madison's own views on the subject of the office are clearly indicated in a letter he wrote to Edmund Randolph on May 31, 1789. "I think it best," he said, "to give the Senate as little agency as possible in Executive matters, and to make the President as responsible as possible in them."

But there was a popular conception of the president's duties. Naturally, it manifested itself with reference to the personal side of the office and the power which the president had to confer the emoluments and the honors of public office. Washington was left in no doubt that the people generally considered him to be the fountain of federal patronage. As soon as the Constitution had been ratified and before he had been elected president, the applications for office began to pour in upon him, it being assumed that he would be the first president, and the solicitations increased after his election. Very few of them were addressed to him and the Senate jointly; nearly all of them were made to him alone.

And this completes our examination of the reasons why the president became in the beginning of the operation of the government an officer of great independent power. There was no definite understanding of the nature of his duties and he was left to construe them for himself. The Senate which might have disputed the independent exercise by him of certain functions was too weak to do so, because it was not supported by public confidence. Those who advised the president with reference to the functions of his office were in favor of a strong, independent executive. Public opinion recognized him as having control of appointments to federal offices. The people recognized the office as their own and put their hero in it and gave it their confidence and support.

III

Probably no feature of the government has had so happy an effect upon the destiny of the country as that part which makes it difficult to add to or change the features of the government. When a demand for amendment emanates from the people generally and becomes fixed, the amendment follows almost automatically, but a passing desire for change, a mere fluctuation in public sentiment, the wish of a bare majority cannot be written into the constitution of government. In consequence, we have realized the advantages which Blackstone saw in a settled state of things. "Stability in government," he said, "is essential to national character and to the advantages annexed to it, as well as to that repose and confidence in the minds of the people, which are among the chief blessings of civil society."

As we were fortunate in having a government so limited in its field of operation that it did not interfere with our natural development, so were we happy in being able to form our nationality without foreign interference. This nation, at least, is its own work, and has developed without neighbors, allies or enemies to bend it as it grew. The influence which an ally might have had can be guessed by a glance at the effect of our alliance with France. For a time we imitated that country. We became less religious than we had been; we cultivated a confused philosophy concerning liberty which was not congenial to our mental habits; we sang French songs; we wore French pantaloons. If the alliance had lasted after our Revolution, the American character would have been appreciably affected by it. Fortunately, it terminated with the war, and soon there was friction between the two countries, then a breach, and France became unpopular. She is the only ally we have ever had. Our foreign wars since the Revolution have not lasted long and have brought no foreign occupation of American territory, so our English- and Spanish-speaking enemies have made no impression on our character. That an enemy may make such an impression is indicated by our experience with the Indians. The founders of the nation were fighting them constantly, and Indian warfare was a part of the life of the pioneers of the West even up to our day. Many men were obliged to think of Indians incessantly and so came to acquire some of their attributes. It is impossible to study the character of Andrew Jackson, for example, who was only a pronounced example of a type, without seeing in him many of the faults and virtues which Indians were supposed to possess. He harbored revenge; he thought it no sin to hate; he was merciless in his enmity; he looked upon personal courage as the greatest of virtues; but he was mild and hospitable towards his friends and he never forgot a kindness.

Nor has our development been appreciably affected by foreign neighbors; indeed, most of the territory contiguous to ours has been uninhabited. On the northeast boundary is a civilization as old as ours, and its influence is visible in the region which touches it, but this is only a spot of the country. If a populous Canada had stretched along the whole of our northern frontier we would have seen a decided Canadian influence upon our national growth. On our southern border there have been only a few feeble Spanish-speaking settlements, which have had no appreciable effect on their more virile neighbors.

We have never had any considerable body of foreigners within our borders, retaining alien ideas of government and society, exerting, willfully or unconsciously, foreign influence upon domestic policy and life. Emigrants to this country have always definitely abandoned their foreign nationality and sought admission to membership in the American nation. The instant they are admitted they have the same rights and privileges, and the same obligations and responsibilities, as native-born Americans. One of them cannot be elected president of the United States; that is his only disability; he may hold any other office of honor or power. When a foreigner is naturalized as an American, he is required, not only to swear allegiance to the United States, but to renounce specifically by name the foreign allegiance he is about to throw off. There can be no divided allegiance on his part; he must be wholly American. His naturalization is an espousal, and he must forsake the fatherland or mother country and cleave only unto the new nationality. No foreigners, however, have ever come to this country with the idea of changing it. Their object has always been to change themselves.

The very stability of the government, however, has awakened a suspicion in the minds of many people that we must have outgrown it, and the argument is often advanced that a government which was made for a scattered population of three millions of people, living in a fringe of territory along the seacoast, cannot be suitable to a great continent, one of the largest domains in the world, with a population of nearly a hundred million people. Without stopping to inquire whether the principles of government suitable to a small country are different from the principles suitable to the government of a large country, it should be remarked that for governing purposes the United States was larger in 1789 than it is now. Imagine a scholar of Madison, Wisconsin, going to Nome, Alaska, to lecture before an intellectual audience, to meet his friends there, to see the historical treasures of the place, to enlarge his knowledge by a visit of a day or two, and then to come back to Madison. It would take him a long time to get to Nome—more than a month certainly—the journey would be expensive, if not actually dangerous, in fact, it would not be feasible for a scholar in Madison to go to Nome to deliver a single lecture and come back. There is very little intercourse between Nome and Madison. Again: imagine a scholar of Georgetown, Maryland, in 1789, when there was no District of Columbia, making a journey to the beautiful lakes in the central part of the territory of Indiana, lecturing there and returning to Georgetown. He could not have done it. Leaving out the fact that there were no people to lecture to, he would have died of the hardships of the journey, or the Indians would have scalped him, or the wolves would have eaten him up. There was no communication between the lakes of Indiana Territory and Georgetown in 1789. Again: imagine a government drudge who takes care of musty old documents, a sort of *valet de manuscrit*, joyfully leaving Washington on Monday afternoon, arriving in Madison on Wednesday, fresh and well fed, in answer to an invitation to lecture extended to him by a gentleman who never heard him before—why, you see him before you! So it seems that Nome and Madison, now so far apart, are nearer to each other than Madison and Washington (neither of which existed) were in 1789, and that Washington and Madison are now alongside of each other. In 1789 the people of South Carolina were not influenced by the thought of Massachusetts; they did not know what it was. It will be recalled that Pierce Butler of South Carolina admitted in the Constitutional Convention that he had come to Philadelphia prejudiced against eastern men. His prejudice was only natural, for probably he had never met a dozen eastern men in his life. The people of the different localities were so far apart, when the Constitution was made, that their interests were strongly localized, and, being different in the different localities, there was much rivalry and jealousy between the localities. It was certainly harder to fit a government to thirteen jealous states and their scattered, factional inhabitants, than it is to make it cover a united people in a fairly compact continent.

We have reached, then, this conclusion: If our government was good for the Americans of 1789, that is no reason why it should not be good for us; and the fact that the government is not easy to change has encouraged steadiness in progress and steady development of national character; the fact that it is limited in its sphere of activity has allowed the development on natural lines; it has been free from alien influences, and we have met our own problems without outside interference.

The result has been that our development has been under the same governmental conditions for an unusually long period of time. The fact is that we now have the oldest government in the world. When our Constitution went into effect the king of England had the chief voice in the government of England. It was some years afterwards that the power which had been his passed finally to the House of Commons. It was in 1832 that the Reform Bill changed the whole theory of representation in the House of Commons. It cannot be contended that the American Constitution has ever undergone such fundamental modifications as the British constitution experienced when the king ceased to govern and the House of Commons became a democratic assemblage. France was a monarchy in 1789; its present constitution is not thirty years old. Spain has a constitution which is not much older. The kingdom of Italy and the empire of Germany were founded after I was born; and so on down the list, even to the semi-Oriental power of Russia, where parliamentary government is now being introduced, and to the Far East where Japan and China have adopted governments of western form.

IV

Dr. Johnson being in savage mood one evening, roared out, "Patriotism is the last refuge of a scoundrel!" and on several other occasions he expressed a general contempt for "patriots." His remark has been often quoted and nearly always misunderstood; for, at the time he wrote and among his contemporaries, a "patriot" was a man who professed to hold devotion to his country as an obligation higher than devotion to the royal head of his country. One of the definitions of the word given by Dr. Johnson in his dictionary was "a factious disturber of the government."

As he understood it, devotion to the country without devotion to the king was treason. The king and the country were one. I pick up a letter from one official to another in the government of South Carolina in 1736 and it begins: "After a man's duties to God are performed, I think his most grand obligations are to his King and country." When the Vicar of Wakefield gave his blessing to his son, who had just received a commission in the army he said: " 'And now, my boy,' cried I, 'thou art going to fight for thy country, remember how thy brave grandfather fought for his sacred king, when loyalty among Britons was a virtue.' " In paying a tribute to the British constitution, Macaulay said: "In our island the regular course of government has never been for a day interrupted. The few bad men who longed for license and plunder have not had the courage to confront for one moment the strength of a loyal nation, rallied in firm array round a parental throne."

The loyal nation and the parental throne went together; to fight for the sacred king was to fight for the country; a man's grand obligations next to God were to the king and country together.

But in America loyalty has not been understood in the Johnsonian sense since 1776, and patriotism has been wholly disassociated from the idea of a personal tie since Dr. Johnson's "scoundrels" triumphed in 1783. Here it has meant simply love of "that abstract conception, one's country," and has been looked upon as the first of civic virtues. No public man has ever admitted that his public action had any other than a patriotic motive; no political party has ever announced a creed or constructed a platform which did not profess to have patriotism as its foundation. A few individuals may have called it a prejudice; but so are most sentiments prejudices—family love, pride of race, fidelity to religion, for example. Others may have called it only a form of self-love, but so are they forms of self-love. It has been insisted that love of humanity is a more exalted passion; but love of humanity moves a few people only. There never was a political division of the world based upon it or kept alive by it.

On the other hand, if we go far back in the history of the world we find that Dr. Johnson's form of loyalty was once universal, and that it was the only form of patriotism that existed. It was an enlargement of the feeling of dependence and gratitude for protection which the child had for the father. The head of the house or the clan, or the patriarch of the tribe was the father of his people, protecting them and receiving their loyal devotion in return. The bond of nationality was the bond of kinship; whence arose the doctrine of citizenship by blood—the *jus sanguinis* of the Roman law. During the Middle Ages this was as much the basis of nationality as it had been in the ancient world. The nomad hordes were patriarchal groups, and their kings were always kings over the people and not over the land. This is shown by the titles surviving at the present day of some of the monarchs of Europe. The King of Belgium is King of the Belgians; of Denmark, King of Denmark and the Wendes and Goths; of Sweden, King of Sweden and the Goths and Vandals. But, as the nomadic age passed and the agricultural took its place, the man became more fixed in his place of abode and by the feudal system appurtenant to the soil. He drew all his sustenance from it and he became attached to it and gave it the affection and gratitude which before had belonged only to his patriarch or king. Then he personified his country and called it *she* or *her*, as he did his wife and mother, and spoke of it as the fatherland. A new doctrine of nationality arose—that it was derived from the place of birth and domicile, the law of the soil, or the *jus soli* of the common law.

America was settled after this doctrine had become fixed, and the emigrants had territorial patriotism as well as personal loyalty to their sovereign. But, naturally they transferred the feeling of love for the soil on which they had been born to the soil on which they lived, and from which their sustenance was derived. And here the feeling of personal loyalty had nothing to feed upon. The king lived thousands of miles away. His representatives came and went and nobody liked them; on the contrary, they were associated in the popular mind with ideas of disagreeable exactions and interference with popular desires. There were no people here immediately attached to the king's person and deriving consideration and prestige on that account; there was no court to attend; there were no royal pageants to excite the admiration of the multitude; in short, there was nothing to remind the people of the power and splendor of their sovereign. A sentiment cannot live forever upon report or recollection. The king became only a name to the Americans, and the sense of personal loyalty to him was strong in the hearts of only a few people. When the Revolution came, the Loyalists were for the most part people who had recently left England, or who belonged to the official class, or who had intimate family ties with England. The great body of the people threw off their personal allegiance without regret, having already lost it from their hearts. What took its place was a sense of American nationality, which many elements combined to produce and encourage. The growth of that sense can be traced in a few words.

As I said when I spoke of it as national public opinion, it was strong during the Revolution. It was called into being by common opposition to the parent country, or, to speak more accurately, by a common desire to be independent of the parent country. It weakened in the period of peace which followed, but was revived by the making of the Constitution and the discussion which preceded its adoption. After that stimulation it fell back again, and old habits of thinking reasserted themselves. Americans had been colonists for more than a hundred and fifty years; they had been independent for less than twenty years. It was only natural that the interests which had filled their minds during the long period of colonial dependence should reappear. Those interests were in their localities and in the politics of Europe, upon which they had so long been dependent. They were not yet accustomed to their own national government, but regarded it with aloofness and a feeling of uncertainty. So, according to their predilections, many of them favored the old mother country, England, while others preferred their recent ally, France. The harsh treatment they received from both countries drove them unwillingly into hostility to both, and then a new generation of leaders came upon the stage, composed of young men who had been born since the Independence and had never had a mother country to love or hate. They carried the discordant elements into the War of 1812, and from it the country emerged emancipated from foreign politics, with a firmer sense of nationality than it had ever had before. The years following the peace of 1815 were its growing years. It became strong enough to meet and destroy the artificial barrier of the sectional institution of slavery; and since then has gone forward with no obstacles in its way, except such as arise from prolonged peace and too rapid an advance in material prosperity.

The elements from which it sprang were many. Chief among them, probably, was the sense of possession. The Americans cared for that which they felt was their own. This land was the property of the men who lived upon it. They had conquered it from the wilderness and from the Indians. They held it by grace of no man's permission.

I have already spoken of another cause of the growth of national feeling. The limited powers of the government left the people free to adapt themselves to the work of developing the land they had conquered in the most natural way, and, as the work went on, their outlook grew larger. When the national government started in its operations, the fear was general that it had too much power—that it would interfere with freedom of local action and weigh down the people with too many laws. So the first action taken with reference to it was to pass a number of amendments declaratory of its limitations. These helped to dispel the fear, and experience soon taught that it had been groundless. The government which was neither seen nor felt was only a gentle bond to keep the parts of the country together, without coercing any of them. So, as the country progressed, the government came to be associated with the idea of the progress and everybody became proud of it. One feature of it positively encouraged the growth of the idea and materially helped to produce the pride.

As patriotism is a sentiment, an emotion, a passion, a very human thing, it must have some tangible object through which it can manifest itself. A flag or banner of particular pattern or colors, being a symbol of the national feeling, will call it up; but it is never wholly satisfied unless it can manifest itself through a human being. In the American system this demand was met by the creation of the office of president of the United States. The office intensified the American spirit, for the law required that no one should fill it who was not a natural-born American—that is to say, one who had never known any other than American allegiance.

The office was the people's own and never since their hero filled it has the sense of ownership diminished. Washington made it a place of responsibility and power and this arrangement was continued, because it also involved concentration of accountability and removed all complications from the way of the operation of public opinion. Individual senators in a body which started with twenty-two members; individual representatives in a body which started with sixty might escape from many of the consequences of the acts of bodies to which they belonged, but which they could not control; but the president could not escape from responsibility for acts which came within the accepted sphere of his duties. Public censure and approbation fell unerringly upon his head.

And, as the office was the people's own, they have had a jealous care lest any one should obtain possession of it, and deprive them of their ownership. Early in the history of the office it was decreed, without formal enactment, that no one should be reëlected more than once; and, whenever the personal following of a president has shown a desire to continue him in office for more than two terms, the public voice has assumed a threatening tone towards those whom the public have suspected of a purpose to rob them of their control of their favorite political institution.

Public censure as well as public approbation of the president has strengthened the sense of nationality for it has encouraged the people to coöperation and to feel dependence upon each other. Mrs. Humphrey Ward in one of her novels speaks of the good effect upon a person's character of his being mad with something, and it is also true that popular indignation raises the natural character. What produces it with reference to the president is a conviction that he is feeble or timid in protecting the national interests, or supine in guarding what is held to be the national honor, or that he persists in administering the office in defiance of the national will.

A greater force than popular censure of the president in raising the national character is popular approbation. The glow of admiration arouses the national pride and quiets all doubts of the reasonable basis of love of country. In "a loyal people rallying round a parental throne" Macaulay saw the strength of the British constitution. In a patriotic people rallying around the president lies much of the strength of the American system. When a president so conducts his office as to arouse the people's enthusiasm and pride, when they see him administer it without selfish motive and only with the idea of guarding the national well-being, when they realize that through his zeal and skill the standing and strength of the nation have been elevated in the view of other nations—then their patriotism rises to meet his own.

I have spoken of the stability of the government and how little it has changed since it was inaugurated; but in no particular has it changed less than in the essential administration of the office of president. Weak incumbents have avoided responsibility where they could, strong presidents have accepted and even assumed responsibility; some have been leaders of public opinion and others have followed it; some have on occasion even defied it. Those are fluctuations which are inseparable from varying individual dispositions and minds; they have not affected the continuous administration of the office under the same rules and with the same fundamental purpose. It would be difficult to find any vital point in which it is not now administered as George Washington administered it.

In the first Congress under the Constitution there was an interesting debate over the question of the title which should be given to the president. The Senate proposed to call him "His Highness, The President of the United States and Protector of their Liberties," but the House insisted upon the simple designation "The President of the United States." The Senate was not moved by any leaning towards royalty when it suggested a title which royalty might have assumed, but by a desire to give a title of dignity to an office of dignity; and when it called him protector of the liberties of the states it was thinking of the states as aggregations of the people rather than as separate political entities. The House could not have objected to this part of the title, except upon the ground that it was superfluous, for already it was generally agreed that the president was protector of the liberties of the people.

And here I rest my case. I have shown you that the government which is neither felt nor seen, nevertheless provides an office which pervades even the remotest part of the country, and penetrates the intelligence of even the most ignorant citizens; that this office is the great binding force of all sections and all classes; that it was planned to be the people's office, and circumstances combined to make it a more powerful and responsible office than those who planned it expected it to be, and that the chief circumstance in producing this result was that the man who stood for the rising spirit of nationality in the new nation was the first to fill it. I have shown that it was continued in the direction which he gave it, because it provided the easiest and most natural way for public opinion to operate. I say that the president is the rallying point for the patriotism of the people; that the existence of the office has satisfied their natural craving for a person through whom to show their patriotism; and that no institution in our system has done more to stimulate patriotism and develop national character.