



ABRAHAM LINCOLN: *Message to Congress in
Special Session*

Fellow-Citizens of the Senate and House of Representatives:
Having been convened on an extraordinary occasion, as authorized by the Constitution, your attention is not called to any ordinary subject of legislation. . . .

[The] issue embraces more than the fate of these United States. It presents to the whole family of man the question whether a constitutional republic or democracy—a government of the people by the same people—can or cannot maintain its territorial integrity against its own domestic foes. It presents the question whether discontented individuals, too few in numbers to control administration according to organic law in any case, can always, upon the pretenses made in this case, or on any other pretenses, or arbitrarily without any pretense, break up their government, and thus practically put an end to free government upon the earth. It forces us to ask: “Is there, in all republics, this inherent and fatal weakness?” “Must a government, of necessity, be too strong for the liberties of its own people, or too weak to maintain its own existence?”

So viewing the issue, no choice was left but to call out the war power of the government; and so to resist force employed for its destruction, by force for its preservation. . . .

Our popular government has often been called an experiment. Two points in it our people have already settled—the successful establishing and the successful administering of it. One still remains—its successful maintenance against a formidable internal attempt

President Lincoln sent this Message to Congress on July 4, 1861.

to overthrow it. It is now for them to demonstrate to the world that those who can fairly carry an election can also suppress a rebellion; that ballots are the rightful and peaceful successors of bullets; and that when ballots have fairly and constitutionally decided, there can be no successful appeal back to bullets; that there can be no successful appeal, except to ballots themselves, at succeeding elections. Such will be a great lesson of peace: teaching men that what they cannot take by an election, neither can they take it by a war; teaching all the folly of being the beginners of a war.

Lest there be some uneasiness in the minds of candid men as to what is to be the course of the government toward the Southern States after the rebellion shall have been suppressed, the executive deems it proper to say it will be his purpose then, as ever, to be guided by the Constitution and the laws; and that he probably will have no different understanding of the powers and duties of the federal government relatively to the rights of the States and the people, under the Constitution, than that expressed in the inaugural address.

He desires to preserve the government, that it may be administered for all as it was administered by the men who made it. Loyal citizens everywhere have the right to claim this of their government, and the government has no right to withhold or neglect it. It is not perceived that in giving it there is any coercion, any conquest, or any subjugation, in any just sense of those terms.

The Constitution provides, and all the States have accepted the provision, that "the United States shall guarantee to every State in this Union a republican form of government." But if a State may lawfully go out of the Union, having done so, it may also discard the republican form of government; so that to prevent its going out is an indispensable means to the end of maintaining the guarantee mentioned, and when an end is lawful and obligatory, the indispensable means to it are also lawful and obligatory.

It was with the deepest regret that the executive found the duty of employing the war power in defense of the government forced upon him. He could but perform this duty or surrender the existence of the government. No compromise by public servants could, in this case, be a cure; not that compromises are not often proper, but that no popular government can long survive a marked precedent that those who carry an election can only save the government from immediate destruction by giving up the main point upon which the people gave the election. The people themselves, and not their servants, can safely reverse their own deliberate decisions.

As a private citizen the executive could not have consented that these institutions shall perish; much less could he, in betrayal of

so vast and so sacred a trust as the free people have confided to him. He felt that he had no moral right to shrink, nor even to count the chances of his own life in what might follow. In full view of his great responsibility he has, so far, done what he has deemed his duty. You will now, according to your own judgment, perform yours.

He sincerely hopes that your views and your actions may so accord with his, as to assure all faithful citizens who have been disturbed in their rights of a certain and speedy restoration to them, under the Constitution and the laws.

And having thus chosen our course, without guile and with pure purpose, let us renew our trust in God, and go forward without fear and with manly hearts.



ABRAHAM LINCOLN: *Letter to A. G. Hodges*

My dear Sir:

You ask me to put in writing the substance of what I verbally said the other day, in your presence, to Governor Bramlette and Senator Dixon. It was about as follows:

I am naturally anti-slavery. If slavery is not wrong, nothing is wrong. I can not remember when I did not so think, and feel. And yet I have never understood that the Presidency conferred upon me an unrestricted right to act officially upon this judgment and feeling. It was in the oath I took that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States. I could not take the office without taking the oath. Nor was it my view that I might take an oath to get power, and break the oath in using the power. I understood, too, that in ordinary civil administration this oath even forbade me to practically indulge my primary abstract judgment on the moral question of slavery. I had publicly declared this many times, and in many ways. And I aver that, to this day, I have done no official act in mere deference to my abstract judgment and feeling on slavery.

I did understand, however, that my oath to preserve the Constitution to the best of my ability, imposed upon me the duty of preserving, by every indispensable means, that government—that nation—of which that Constitution was the organic law. Was it possible to lose the nation, and yet preserve the Constitution? By general law life *and* limb must be protected; yet often a limb must be amputated to save a life; but a life is never wisely given to save a limb. I felt that measures, otherwise unconstitutional, might become lawful, by becoming indispensable to the preservation of the Constitution, through the preservation of the nation. Right or wrong, I assumed this ground, and now avow it. I could not feel that, to

This letter to Albert G. Hodges, editor of the Frankfort, Kentucky, *Commonwealth*, was used as a campaign document in the election of 1864. From *The Complete Works of Abraham Lincoln*, John Nicolay and John Hay, eds. (New York: Francis D. Tandy Co., 1894), Vol. X, pp. 65–68.

the best of my ability, I had even tried to preserve the Constitution, if, to save slavery, or any minor matter, I should permit the wreck of government, country, and Constitution all together.

When, early in the war, Gen. Fremont attempted military emancipation, I forbade it, because I did not then think it an indispensable necessity. When a little later, Gen. Cameron, then Secretary of War, suggested the arming of the blacks, I objected, because I did not yet think it an indispensable necessity. When, still later, Gen. Hunter attempted military emancipation, I again forbade it, because I did not yet think the indispensable necessity had come. When, in March, and May, and July 1862 I made earnest, and successive appeals to the border states to favor compensated emancipation, I believed the indispensable necessity for military emancipation, and arming the blacks would come, unless averted by that measure. They declined the proposition; and I was, in my best judgment, driven to the alternative of either surrendering the Union, and with it, the Constitution, or of laying strong hand upon the colored element. I chose the latter. In choosing it, I hoped for greater gain than loss; but of this, I was not entirely confident. More than a year of trial now shows no loss by it in our foreign relations, none in our home popular sentiment, none in our white military force—no loss by it any how or any where. On the contrary, it shows a gain of quite a hundred and thirty thousand soldiers, seamen, and laborers. These are palpable facts, about which, as facts, there can be no cavilling. We have the men; and we could not have had them without the measure.

And now let any Union man who complains of the measure, test himself by writing down in one line that he is for subduing the rebellion by force of arms; and in the next, that he is for taking these hundred and thirty thousand men from the Union side, and placing them where they would be but for the measure he condemns. If he can not face his case so stated, it is only because he can not face the truth.

I add a word which was not in the verbal conversation. In telling this tale I attempt no compliment to my own sagacity. I claim not to have controlled events, but confess plainly that events have controlled me. Now, at the end of three years struggle the nation's condition is not what either party, or any man devised, or expected. God alone can claim it. Whither it is tending seems plain. If God now wills the removal of a great wrong, and wills also that we of the North as well as you of the South, shall pay fairly for our complicity in that wrong, impartial history will find therein new cause to attest and revere the justice and goodness of God.

THE EMERGENCE OF THE MODERN PRESIDENCY



THEODORE ROOSEVELT: *The "Stewardship Theory"*

The most important factor in getting the right spirit in my Administration, next to the insistence upon courage, honesty, and a genuine democracy of desire to serve the plain people, was my insistence upon the theory that the executive power was limited only by specific restrictions and prohibitions appearing in the Constitution or imposed by the Congress under its constitutional powers.

My view was that every executive officer, and above all every executive officer in high position, was a steward of the people bound actively and affirmatively to do all he could for the people, and not to content himself with the negative merit of keeping his talents undamaged in a napkin. I declined to adopt the view that what was imperatively necessary for the nation could not be done by the President unless he could find some specific authorization to do it. My belief was that it was not only his right but his duty to do anything that the needs of the nation demanded, unless such action was forbidden by the Constitution or by the laws. Under this interpretation of executive power I did and caused to be done many things not previously done by the President and the heads of the departments. I did not usurp power, but I did greatly broaden the use of executive power. In other words, I acted for the public welfare, I acted for the common well-being of all our people, whenever and in whatever manner was necessary, unless prevented by direct constitutional or legislative prohibition. . . .

Biblical
allusion

Theodore Roosevelt was the 26th President of the United States (1901-1909). This selection is from *The Autobiography of Theodore Roosevelt*, edited by Wayne Andrews (New York: Scribner's, 1958), pp. 197-200. Copyright © 1958 Charles Scribner's Sons. Reprinted by permission.

The course I followed, of regarding the Executive as subject only to the people, and, under the Constitution, bound to serve the people affirmatively in cases where the Constitution does not explicitly forbid him to render the service, was substantially the course followed by both Andrew Jackson and Abraham Lincoln. Other honorable and well-meaning Presidents, such as James Buchanan, took the opposite and, as it seems to me, narrowly legalistic view that the President is the servant of Congress rather than of the people, and can do nothing, no matter how necessary it be to act, unless the Constitution explicitly commands the action. Most able lawyers who are past middle age take this view, and so do large numbers of well-meaning, respectable citizens. My successor in office took this, the Buchanan, view of the President's powers and duties.

For example, under my administration we found that one of the favorite methods adopted by the men desirous of stealing the public domain was to carry the decision of the secretary of the interior into court. By vigorously opposing such action, and only by so doing, we were able to carry out the policy of properly protecting the public domain. My successor not only took the opposite view, but recommended to Congress the passage of a bill which would have given the courts direct appellate power over the secretary of the interior in these land matters. . . . Fortunately, Congress declined to pass the bill. Its passage would have been a veritable calamity.

I acted on the theory that the President could at any time in his discretion withdraw from entry any of the public lands of the United States and reserve the same for forestry, for water-power sites, for irrigation, and other public purposes. Without such action it would have been impossible to stop the activity of the land-thieves. No one ventured to test its legality by lawsuit. My successor, however, himself questioned it, and referred the matter to Congress. Again Congress showed its wisdom by passing a law which gave the President the power which he had long exercised, and of which my successor had shorn himself.

Perhaps the sharp difference between what may be called the Lincoln-Jackson and the Buchanan-Taft schools, in their views of the power and duties of the President, may be best illustrated by comparing the attitude of my successor toward his Secretary of the Interior, Mr. Ballinger, when the latter was accused of gross misconduct in office, with my attitude toward my chiefs of department and other subordinate officers. More than once while I was President my officials were attacked by Congress, generally because these officials did their duty well and fearlessly. In every such case I

stood by the official and refused to recognize the right of Congress to interfere with me excepting by impeachment or in other constitutional manner. On the other hand, wherever I found the officer unfit for his position, I promptly removed him, even although the most influential men in Congress fought for his retention.

The Jackson-Lincoln view is that a President who is fit to do good work should be able to form his own judgment as to his own subordinates, and, above all, of the subordinates standing highest and in closest and most intimate touch with him. My secretaries and their subordinates were responsible to me, and I accepted the responsibility for all their deeds. As long as they were satisfactory to me I stood by them against every critic or assailant, within or without Congress; and as for getting Congress to make up my mind for me about them, the thought would have been inconceivable to me. My successor took the opposite, or Buchanan, view when he permitted and requested Congress to pass judgment on the charges made against Mr. Ballinger as an executive officer. These charges were made to the President; the President had the facts before him and could get at them at any time, and he alone had power to act if the charges were true. However, he permitted and requested Congress to investigate Mr. Ballinger. The party minority of the committee that investigated him, and one member of the majority, declared that the charges were well-founded and that Mr. Ballinger should be removed. The other members of the majority declared the charges ill-founded. The President abode by the view of the majority. Of course believers in the Jackson-Lincoln theory of the Presidency would not be content with this town-meeting majority and minority method of determining by another branch of the government what it seems the especial duty of the President himself to determine for himself in dealing with his own subordinate in his own department. . . .



WILLIAM HOWARD TAFT: *Our Chief Magistrate
and His Powers*

The true view of the Executive functions is, as I conceive it, that the President can exercise no power which cannot be fairly and reasonably traced to some specific grant of power or justly implied and included within such express grant as proper and necessary to its exercise. Such specific grant must be either in the federal Constitution or in an act of Congress passed in pursuance thereof. There is no undefined residuum of power which he can exercise because it seems to him to be in the public interest, and there is nothing in the Neagle case and its definition of a law of the United States, or in other precedents, warranting such an inference. The grants of Executive power are necessarily in general terms in order not to embarrass the Executive within the field of action plainly marked for him, but his jurisdiction must be justified and vindicated by affirmative constitutional or statutory provision, or it does not exist.

There have not been wanting, however, eminent men in high public office holding a different view and who have insisted upon the necessity for an undefined residuum of Executive power in the public interest. They have not been confined to the present generation. We may learn this from the complaint of a Virginia statesman, Abel P. Upshur, a strict constructionist of the old school,

William Howard Taft was 27th President of the United States (1909–1913) and 10th Chief Justice of the United States (1921–1930). This selection is from *Our Chief Magistrate and His Powers* (New York: Columbia University Press, 1916), pp. 139–145, 156–157. Copyright 1916 by Columbia University Press. Reprinted by permission.

who succeeded Daniel Webster as Secretary of State under President Tyler. He was aroused by Story's commentaries on the Constitution to write a monograph answering and criticizing them, and in the course of this he comments as follows on the Executive power under the Constitution:

The most defective part of the Constitution beyond all question, is that which related to the Executive Department. It is impossible to read that instrument, without being struck with the loose and unguarded terms in which the powers and duties of the President are pointed out. So far as the legislature is concerned, the limitations of the Constitution, are, perhaps, as precise and strict as they could safely have been made; but in regard to the Executive, the Convention appears to have studiously selected such loose and general expressions, as would enable the President, by implication and construction either to neglect his duties or to enlarge his powers. *We have heard it gravely asserted in Congress that whatever power is neither legislative nor judiciary, is of course executive, and, as such, belongs to the President under the Constitution.* How far a majority of that body would have sustained a doctrine so monstrous, and so utterly at war with the whole genius of our government, it is impossible to say, but this, at least, we know, that it met with no rebuke from those who supported the particular act of Executive power, in defense of which it was urged. Be this as it may, it is a reproach to the Constitution that the Executive trust is so ill-defined, as to leave any plausible pretense even to the insane zeal of party devotion, for attributing to the President of the United States the powers of a despot; powers which are wholly unknown in any limited monarchy in the world.

The view that he takes as a result of the loose language defining the Executive powers seems exaggerated. But one must agree with him in his condemnation of the view of the Executive power which he says was advanced in Congress. In recent years there has been put forward a similar view by executive officials and to some extent acted on. Men who are not such strict constructionists of the Constitution as Mr. Upshur may well feel real concern if such views are to receive the general acquiescence. . . .

. . . Mr. Roosevelt, by way of illustrating his meaning as to the differing usefulness of Presidents, divides the Presidents into two classes, and designates them as "Lincoln Presidents" and "Buchanan Presidents." In order more fully to illustrate his division of Presidents on their merits, he places himself in the Lincoln class of

Presidents, and me in the Buchanan class. The identification of Mr. Roosevelt with Mr. Lincoln might otherwise have escaped notice, because there are many differences between the two, presumably superficial, which would give the impartial student of history a different impression. It suggests a story which a friend of mine told of his little daughter Mary. As he came walking home after a business day, she ran out from the house to greet him, all aglow with the importance of what she wished to tell him. She said, "Papa, I am the best scholar in the class." The father's heart throbbed with pleasure as he inquired, "Why, Mary, you surprise me. When did the teacher tell you? This afternoon?" "Oh, no," Mary's reply was, "the teacher didn't tell me—I just noticed it myself."

My judgment is that the view of . . . Mr. Roosevelt, ascribing an undefined residuum of power to the President is an unsafe doctrine and that it might lead under emergencies to results of an arbitrary character, doing irremediable injustice to private right. The mainspring of such a view is that the Executive is charged with responsibility for the welfare of all the people in a general way, that he is to play the part of a Universal Providence and set all things right, and that anything that in his judgment will help the people he ought to do, unless he is expressly forbidden not to do it. The wide field of action that this would give to the Executive one can hardly limit. . . .

I have now concluded a review of the Executive power, and hope that I have shown that it is limited, so far as it is possible to limit such a power consistent with that discretion and promptness of action that are essential to preserve the interests of the public in times of emergency, or legislative neglect or inaction.

There is little danger to the public weal from the tyranny or reckless character of a President who is not sustained by the people. The absence of popular support will certainly in the course of two years withdraw from him the sympathetic action of at least one House of Congress, and by the control that that House has over appropriations, the Executive arm can be paralyzed, unless he resorts to a coup d'état, which means impeachment, conviction and deposition. The only danger in the action of the Executive under the present limitations and lack of limitation of his powers is when his popularity is such that he can be sure of the support of the electorate and therefore of Congress, and when the majority in the legislative halls respond with alacrity and sycophancy to his will. This condition cannot probably be long continued. We have had Presidents who felt the public pulse with accuracy, who played their parts upon the political stage with histrionic genius and commanded the people almost as if they were an army and the Presi-

dent their Commander in Chief. Yet in all these cases, the good sense of the people has ultimately prevailed and no danger has been done to our political structure and the reign of law has continued. In such times when the Executive power seems to be all prevailing, there have always been men in this free and intelligent people of ours, who apparently courting political humiliation and disaster have registered protest against this undue Executive domination and this use of the Executive power and popular support to perpetuate itself.

The cry of Executive domination is often entirely unjustified, as when the President's commanding influence only grows out of a proper cohesion of a party and its recognition of the necessity for political leadership; but the fact that Executive domination is regarded as a useful ground for attack upon a successful administration, even when there is no ground for it, is itself proof of the dependence we may properly place upon the sanity and clear perceptions of the people in avoiding its baneful effects when there is real danger. Even if a vicious precedent is set by the Executive, and injustice done, it does not have the same bad effect that an improper precedent of a court may have, for one President does not consider himself bound by the policies or constitutional views of his predecessors.

The Constitution does give the President wide discretion and great power, and it ought to do so. It calls from him activity and energy to see that within his proper sphere he does what his great responsibilities and opportunities require. He is no figurehead, and it is entirely proper that an energetic and active clear-sighted people, who, when they have work to do, wish it done well, should be willing to rely upon their judgment in selecting their Chief Agent, and having selected him, should entrust to him all the power needed to carry out their governmental purpose, great as it may be.

President's later relations with his Cabinet suggest. General Washington, partly out of unaffected modesty, no doubt, but also out of the sure practical instinct which he possessed in so unusual a degree, set an example which few of his successors seem to have followed in any systematic manner. He made constant and intimate use of his colleagues in every matter that he handled, seeking their assistance and advice by letter when they were at a distance and could not obtain it in person. It is well known to all close students of our history that his greater state papers, even those which seem in some peculiar and intimate sense his personal utterances, are full of the ideas and the very phrases of the men about him whom he most trusted. His rough drafts came back to him from Alexander Hamilton and Mr. Madison in great part rephrased and retouched, in many passages reconceived and given a new color. He thought and acted always by the light of counsel, with a will and definite choice of his own, but through the instrumentality of other men as well as his own. The duties and responsibilities laid upon the President by the Constitution can be changed only by constitutional amendment—a thing too difficult to attempt except upon some great necessity than the relief of an overburdened office, even though that office be the greatest in the land; and it is to be doubted whether the deliberate opinion of the country would consent to make the President a less powerful officer than he is. He can secure his own relief without shirking any real responsibility. Appointments, for example, he can, if he will, make more and more upon the advice and advice of his executive colleagues; every matter of detail not only, but also every minor matter of counsel or of general policy, he can more and more depend upon his chosen advisers to determine; he need reserve for himself only the larger matters of counsel and that general oversight of the business of the government and of the persons who conduct it which is not possible without intimate daily consultations, indeed, but which is possible without attempting the tolerable burden of direct control. This is, no doubt, the idea of their functions which most Presidents have entertained and which most Presidents suppose themselves to have acted on; but we have reason to believe that most of our Presidents have taken their duties too literally and have attempted the impossible. But we can safely predict that as the multitude of the President's duties increases, as it must with the growth and widening activities of the nation itself, the incumbents of the great office will more and more come to feel that they are administering it in its truest purpose and with greatest effect by regarding themselves as less and less executive officers and more and more directors of affairs and leaders of the nation—men of counsel and of the sort of action that makes for enlightenment.

THE CONTEMPORARY PRESIDENCY



ON FRANKLIN ROOSEVELT: *from Roosevelt's View
of the Big Job by Anne O'Hare McCormick*

[Roosevelt] is a potent name, easily the most potent influence in the destiny of Franklin Roosevelt. Yet, though the Governor's versatile interests and unconventional methods are Rooseveltian, they do represent, nevertheless, his own conception of the personal and human relationship that should exist between the Executive and his State and by extension, between the Chief Executive and the nation. He thinks that the President should personify government to the citizen, should express the ideas germinating, ready for realization, in the popular mind.

"The Presidency," he says, "is not merely an administrative office. That's the least of it. It is more than an engineering job, efficient or inefficient. It is preeminently a place of moral leadership. All of our great Presidents were leaders of thought at times when certain historic ideas in the life of the nation had to be clarified. Washington personified the idea of federal union. Jefferson practically originated the party system as we know it by opposing the democratic theory to the republicanism of Hamilton. This theory was reaffirmed by Jackson. Two great principles of our government were forever put beyond question by Lincoln. Cleveland, coming into office following an era of great political corruption, typified rugged

Franklin D. Roosevelt, the 32nd President of the United States, was elected to the office four times and served from 1933 to 1945. This selection is from "Roosevelt's View of the Big Job" by Anne O'Hare McCormick, who interviewed Governor Roosevelt during his first campaign for the Presidency. *The New York Times Magazine*, September 11, 1932, © 1932 by The New York Times Company. Reprinted by permission.

honesty. T.R. and Wilson were both moral leaders, each in his own way and for his own time, who used the Presidency as a pulpit.

"Isn't that what the office is—a superb opportunity for reapplying, applying in new conditions, the simple rules of human conduct we always go back to? I stress the modern application, because we are always moving on; the technical and economic environment changes, and never so quickly as now. Without leadership alert and sensitive to change, we are bogged up or lose our way, as we have lost it in the past decade."

"And you?" I asked. "Is that the reason you want to be President? What particular affirmation or reaffirmation is required of the national leader of today?"

The Governor laughed. "Months before the nomination I told you I didn't know why any man should want to be President. I repeat that I didn't grow up burning to go to the White House, like the American boy of legend rather than of fact. I have read history and known Presidents; it's a terrible job. But somebody has to do it. I suppose I was picked out because the majority of the party thought I was the best vote-getter. Now that I am picked out, naturally I want to be President. I want to win." He laughed again, then went on gravely:

"The objective now, as I see it, is to put at the head of the nation someone whose interests are not special but general, someone who can understand and treat with the country as a whole. For as much as anything it needs to be reaffirmed at this juncture that the United States is one organic entity, that no interest, no class, no section, is either separate or supreme above the interests of all or divorced from the interests of all. We hear a good deal about the interdependence of the nations of the world. In the pit of universal calamity, with every country smothered by its own narrow policies and the narrow policies of other countries—and that goes for us, too—every one sees that connection. But there is a nearer truth, often forgotten or ignored, and that is the interdependence of every part of our own country.

"No valid economic sectionalism exists in these States. There are opposed economic interests within every section, town against country, suburb against city, but as a nation we are all mixed up, fluid. All the States are in some degree like New York, a blend of agriculture and industry. The rural South is changing, the Western prairies are planted with factory towns. East and West, as we use the terms, are mostly states of mind, not localized but everywhere. What we need is a common mind, and, even more, common sense to realize that if we are not acting for the interest of the whole country we are acting against the interests of every section."

Perhaps this is Governor Roosevelt's answer to the charge that he is trying to be all things to all sections, conservative in the East, radical in the West; he simply denies that there are sections in that sense. He classifies himself as a liberal. I asked what he meant by that elastic term, how he defined the difference between the outlooks vaguely called conservative and progressive, or between his program and that of the opposing party.

"Let's put it this way," he explained. "Every few years, say every half generation, the general problems of civilization change in such a way that new difficulties of adjustment are presented to government. The forms have to catch up with the facts. The radical, in order to meet these difficulties, jumps, jumps in groups, because he doesn't count unless he's part of a group. One group usually differs from another in its program, but they are all equally definite and dogmatic about it. They lay down categorical terms—'my plan or none.' Their characteristic is hard-and-fast processes, cut-and-dried methods, uncompromising formulas. The conservative says: 'No, we're not ready for change. It's dangerous. Let's wait and see what happens.' Half way in between is the liberal, who recognizes the need of new machinery for new needs but who works to control the processes of change, to the end that the break with the old pattern may not be too violent.

"Or say that civilization is a tree which, as it grows, continually produces rot and dead wood. The radical says: 'Cut it down.' The conservative says: 'Don't touch it.' The liberal compromises: 'Let's prune, so that we lose neither the old trunk nor the new branches.' This campaign is waged to teach the country to move upon its appointed course, the way of change, in an orderly march, avoiding alike the revolution of radicalism and the revolution of conservatism."



FRANKLIN ROOSEVELT: *Message to Congress on
Wartime Stabilization*

Four months ago, on April 27, 1942, I laid before the Congress a seven-point national economic policy designed to stabilize the domestic economy of the United States for the period of the war. The objective of that program was to prevent any substantial further rise in the cost of living.

It is not necessary for me to enumerate again the disastrous results of a runaway cost of living—disastrous to all of us, farmers, laborers, businessmen, the Nation itself. When the cost of living spirals upward, everybody becomes poorer, because the money he has and the money he earns buys so much less. At the same time the cost of the war, paid ultimately from taxes of the people, is needlessly increased by many billions of dollars. The national debt, at the end of the war, would become unnecessarily greater. Indeed, the prevention of a spiraling domestic economy is a vital part of the winning of the war itself.

I reiterate the 7-point program which I presented April 27, 1942:

1. To keep the cost of living from spiraling upward, we must tax heavily, and in that process keep personal and corporate profits at a reasonable rate, the word "reasonable" being defined at a low level.
2. To keep the cost of living from spiraling upward, we must fix ceilings on the prices which consumers, retailers, wholesalers, and manufacturers pay for the things they buy; and ceilings on rents for dwellings in all areas affected by war industries.

President Roosevelt sent this *Message to the Congress Asking for Quick Action to Stabilize the Economy* on September 7, 1942.

3. To keep the cost of living from spiraling upward, we must stabilize the remuneration received by individuals for their work.

4. To keep the cost of living from spiraling upward, we must stabilize the prices received by growers for the products of their lands.

5. To keep the cost of living from spiraling upward, we must encourage all citizens to contribute to the cost of winning this war by purchasing war bonds with their earnings instead of using those earnings to buy articles which are not essential.

6. To keep the cost of living from spiraling upward, we must ration all essential commodities of which there is a scarcity, so that they may be distributed fairly among consumers and not merely in accordance with financial ability to pay high prices for them.

7. To keep the cost of living from spiraling upward, we must discourage credit and installment buying, and encourage the paying off of debts, mortgages, and other obligations; for this promotes savings, retards excessive buying, and adds to the amount available to the creditors for the purchase of war bonds.

In my message of four months ago, I pointed out that in order to succeed in our objective of stabilization it was necessary to move on all seven fronts at the same time; but that two of them called for legislation by the Congress before action could be taken. It was obvious then, and it is obvious now, that unless those two are realized, the whole objective must fail. These are points numbered one and four: namely, an adequate tax program, and a law permitting the fixing of price ceilings on farm products at parity prices.

I regret to have to call to your attention the fact that neither of these two essential pieces of legislation has as yet been enacted into law. That delay has now reached the point of danger to our whole economy. . . .

Therefore, I ask the Congress to pass legislation under which the President would be specifically authorized to stabilize the cost of living, including the prices of all farm commodities. The purpose should be to hold farm prices at parity, or at levels of a recent date, whichever is higher.

I ask the Congress to take this action by the first of October. Inaction on your part by that date will leave me with an inescapable responsibility to the people of this country to see to it that the war effort is no longer imperiled by threat of economic chaos.

In the event that the Congress should fail to act, and act adequately, I shall accept the responsibility, and I will act.

At the same time that farm prices are stabilized, wages can and will be stabilized also. This I will do.

The President has the powers, under the Constitution and under

Congressional Acts, to take measures necessary to avert a disaster which would interfere with the winning of the war.

I have given the most thoughtful consideration to meeting this issue without further reference to the Congress. I have determined, however, on this vital matter to consult with the Congress.

There may be those who will say that, if the situation is as grave as I have stated it to be, I should use my powers and act now. I can only say that I have approached this problem from every angle, and that I have decided that the course of conduct which I am following in this case is consistent with my sense of responsibility as President in time of war, and with my deep and unalterable devotion to the processes of democracy.

The responsibilities of the President in wartime to protect the Nation are very grave. This total war, with our fighting fronts all over the world, makes the use of executive power far more essential than in any previous war.

If we were invaded, the people of this country would expect the President to use any and all means to repel the invader.

The Revolution and the War Between the States were fought on our own soil but today this war will be won or lost on other continents and remote seas.

I cannot tell what powers may have to be exercised in order to win this war.

The American people can be sure that I will use my powers with a full sense of my responsibility to the Constitution and to my country. The American people can also be sure that I shall not hesitate to use every power vested in me to accomplish the defeat of our enemies in any part of the world where our own safety demands such defeat.

When the war is won, the powers under which I act automatically revert to the people—to whom they belong. . . .



HARRY TRUMAN: *Speech on Presidential Power*

. . . There's never been an office—an executive office—in all the history of the world with the responsibility and the power of the Presidency of the United States. That is the reason in this day and age that it must be run and respected as at no other time in the history of the world because it can mean the welfare of the world or its destruction.

When the founding fathers outlined the Presidency in Article II of the Constitution, they left a great many details out and vague. I think they relied on the experience of the nation to fill in the outlines. The office of chief executive has grown with the progress of this great republic. It has responded to the many demands that our complex society has made upon the Government. It has given our nation a means of meeting our greatest emergencies. Today, it is one of the most important factors in our leadership of the free world.

Many diverse elements entered into the creation of the office, springing, as it did, from the parent idea of the separation of powers.

There was the firm conviction of such powerful and shrewd minds as that of John Adams that the greatest protection against unlimited power lay in an executive secured against the encroachment of the national assembly. Then there were the fears of those who suspected a plot to establish a monarchy on these shores. Others believed that the experience under the Confederation showed above all the need of stability through a strong central administration. Finally, there was the need for compromise among these and many other views.

President Truman delivered this speech at a Birthday Dinner in his honor on May 8, 1954. © 1954 by The New York Times Company. Reprinted by permission.

The result was a compromise—a compromise which that shrewd observer, Alexis de Tocqueville, over 120 years ago, believed would not work. He thought that the presidential office was too weak. The President, he thought, was at the mercy of Congress. The President could recommend, to be sure, he thought, but the President had no power and the Congress had the power. The Congress could disregard his recommendations, overrule his vetoes, reject his nominations. De Tocqueville thought that no man of parts, worthy of leadership, would accept such a feeble role.

This was not a foolish view and there was much in our early history which tended to bear it out. But there is a power in the course of events which plays its own part. In this case again, Justice Holmes' epigram proved true. He said a page of history is worth a whole volume of logic. And as the pages of history were written they unfolded powers in the Presidency not explicitly found in Article II of the Constitution.

In the first place, the President became the leader of a political party. The party under his leadership had to be dominant enough to put him in office. This political party leadership was the last thing the Constitution contemplated. The President's election was not intended to be mixed up in the hurly-burly of partisan politics.

I wish some of those old gentlemen could come back and see how it worked. The people were to choose wise and respected men who would meet in calm seclusion and choose a President and the runner-up would be Vice President.

All of this went by the board—though most of the original language remains in the Constitution. Out of the struggle and tumult of the political arena a new and different President emerged—the man who led a political party to victory and retained in his hands the power of party leadership. That is, he retained it, like the sword Excalibur, if he could wrest it from the scabbard and wield it.

Another development was connected with the first. As the President came to be elected by the whole people, he became responsible to the whole people. I used to say the only lobbyist the whole people had in Washington was the President of the United States. Our whole people looked to him for leadership, and not confined within the limits of a written document. Every hope and every fear of his fellow citizens, almost every aspect of their welfare and activity, falls within the scope of his concern—indeed, it falls within the scope of his duty. Only one who has held that office can really appreciate that. It is the President's responsibility to look at all questions from the point of view of the whole people. His written and spoken word commands national and often international attention.

These powers which are not explicitly written into the Constitu-

tion are the powers which no President can pass on to his successor. They go only to him who can take and use them. However, it is these powers, quite as much as those enumerated in Article II of the Constitution, which make the presidential system unique and which give the papers of Presidents their peculiarly revealing importance.

For it is through the use of these great powers that leadership arises, events are molded, and administrations take on their character. Their use can make a Jefferson or a Lincoln Administration; their non-use can make a Buchanan or a Grant Administration.

Moreover, a study of these aspects of our governmental and political history will save us from self-righteousness—from taking a holier-than-thou attitude toward other nations. For, brilliant and enduring as were the minds of the architects of our Constitution, they did not devise a foolproof system to protect us against the disaster of a weak government—that is, a government unable to face and resolve—one way or another—pressing national problems. Indeed, in some respects, the separation of powers requires stronger executive leadership than does the parliamentary and cabinet system.

As Justice Brandeis used to say, the separation of powers was not devised to promote efficiency in government. In fact, it was devised to prevent one form of deficiency—absolutism or dictatorship. By making the Congress separate and independent in the exercise of its powers, a certain amount of political conflict was built into the Constitution. For the price of independence is eternal vigilance and a good deal of struggle. And this is not a bad thing—on the contrary, it is a good thing for the preservation of the liberty of the people—if it does not become conflict just for its own sake.

I've always said that the President who didn't have a fight with the Congress wasn't any good anyhow. And that's no reflection on the Congress. They are always looking after their rights. You needn't doubt that.

Having been in these two branches of government, legislative and executive, I think I am expressing a considered and impartial opinion in saying that the powers of the President are much more difficult to exercise and to preserve from encroachment than those of the Congress. In part, this comes from the difficulty of the problems of our time, and from the fact that upon the President falls the responsibility of obtaining action, timely and adequate, to meet the nation's needs. Whatever the Constitution says, he is held responsible for any disaster which may come.

And so a successful administration is one of strong presidential leadership. Weak leadership—or no leadership—produces failure and often disaster.

This does not come from the inherent incapacity of the people

of the nation. It is inherent in the legislative government where there is no executive strong and stable enough to rally the people to a sustained effort of will and prepared to use its power of party control to the fullest extent.

Today, also, one of the great responsibilities and opportunities of the President is to lead and inspire public opinion. The words of a President carry great weight. His acts carry even more weight.

All of us remember the words of Franklin D. Roosevelt in his first inaugural address which did so much to rally the spirit of the nation struggling through the depths of a depression. He said "the only thing we have to fear is fear itself." Those words, however, would have had little effect if President Roosevelt had not backed them up by action. Following that speech, President Roosevelt plunged into a vigorous course, striking at the depression on all fronts. He backed his words by his action, and words and action restored the faith of the nation in its government and in its form of government, too.

. . . Today the tasks of leadership falling upon the President spring not only from our national problems but from those of the whole world. Today that leadership will determine whether our Government will function effectively, and upon its functioning depends the survival of each of us and also on that depends the survival of the free world. . . .



RICHARD NIXON: *Interview on Watergate*

DAVID FROST (narration): The wave of dissent, occasionally violent, which followed in the wake of the Cambodian incursion prompted President Nixon to demand better intelligence about the people who were opposing him. To this end, the Deputy White House Counsel, Tom Huston, arranged a series of meetings with representatives of the CIA, the FBI and other police and intelligence agencies. These meetings produced a plan—The Huston Plan—which advocated the systematic use of wire-tappings, burglaries or so-called black-bag jobs, mail openings and infiltration against antiwar groups and others. Some of these activities, as Huston emphasized to Nixon, were clearly illegal. Nevertheless, the President approved the plan. Five days later, after opposition from J. Edgar Hoover, the plan was withdrawn, but the President's approval was later to be listed in the Articles of Impeachment as an alleged abuse of Presidential power.

DAVID FROST: Now, when you were concerned about street crime and so on, you went to Congress and got laws passed and so on. Wouldn't it have been better here . . .

RICHARD NIXON. Much too late.

DAVID FROST: . . . wouldn't it have been better here though, to have done what you were going to do legally, rather than doing something that was illegal? I mean, seizing evidence in this way and all of that. In retrospect, wouldn't it have been better to do . . . to combat that crime legally, rather than adding another crime to the list?

This interview with David Frost was televised on May 19, 1977. The transcript is reprinted by permission of Paradine Productions.

RICHARD NIXON. Ah, basically, the proposition you've just stated in theory is perfect; in practice, it just won't work. To get legislation, specific legislation, to have warrantless entries for the purpose of obtaining information and the rest, would not only have raised an outcry, but it would have made it terribly difficult to move in on these organizations, because basically they would be put on notice by the very fact that the legislation was on the books that they'd be potential targets. An action's either going to be covert or not.

DAVID FROST: So, what in a sense you're saying is that there are certain situations, and the Huston Plan or that part of it was one of them, where the President can decide that it's in the best interests of the nation or something, and do something illegal.

RICHARD NIXON. Well, when the President does it, that means that it is not illegal.

DAVID FROST: By definition.

RICHARD NIXON. Exactly. Exactly. If the President . . . if, for example, the President, approves something, approves an action, because of the national security, or in this case because of a threat to internal peace and order of significant magnitude, then the President's decision in that instance, is one that enables those who carry it out to carry it out without violating a law. Otherwise, they're in an impossible position.

DAVID FROST: But, . . . so that . . . just so we understand this. Equally, it would apply presumably. . . these burglaries that we were talking about, that the people would not be open to criminal prosecution at the end; equally, it would . . . in the theoretical case, where the action ordered by the President was a murder, it would also apply, presumably? . . .

RICHARD NIXON. I don't know any . . . I don't know anybody who has been President, or is now who would ever have ordered such an action.

DAVID FROST: No, no, no. I . . . I . . .

RICHARD NIXON. And, I haven't. And, the Huston Plan . . .

DAVID FROST: . . . nor do I . . . nor do I have evidence . . .

RICHARD NIXON. . . . and the Huston Plan . . . and the Huston Plan, as you know, is very carefully worded in terms of how limited it is to be.

DAVID FROST: Yeah. No. But all I was saying was: where do we draw the line? If you're saying that Presidential fiat can, in fact, mean that someone who does one of these black-bag jobs, these burglaries, is not liable to criminal prosecution, why shouldn't the same Presidential power apply to somebody who the President feels in the national interest should murder a dissenter? Now, I'm not saying it's happened. I'm saying: what's the dividing line between the burglar not being liable to criminal prosecution, and the murderer? Or, isn't there one?

RICHARD NIXON. Because, as you know, after many years of studying and covering the world of politics and political science, there are degrees, there are nuances, which are difficult to explain, but which are there. As far as this particular matter is concerned, each case has to be considered on its merits.

DAVID FROST: So that in other words, really, the only dividing line, really, you were saying in that answer, really, between the burglary and murder . . . again, there's no subtle way to say that there was murder of a dissenter in this country because I don't know any evidence to that effect at all. But, the point is: just the dividing line, is that in fact the dividing line is the President's judgment?

RICHARD NIXON. Yes, the dividing line . . . just so that one does not get the impression that a President can run amok in this country and get away with it, we have to have in mind that a President has to come up before the electorate. We also have to have in mind that a President has to get appropriations from the Congress. We have to have in mind, for example, that as far as the CIA's covert operations are concerned, as far as the FBI's covert operations are concerned, through the years, they have been disclosed on a very, very limited basis to trusted members of Congress. I don't know whether it can be done today or not.

DAVID FROST: But, on the other hand, I don't think that . . .

RICHARD NIXON. And that's a restraint.

DAVID FROST: Yes. I don't think, reading the documentation, that it was ever intended, was it, that the Huston Plan and the black-bag robbery should be revealed to the electorate or really . . .

RICHARD NIXON. No.

DAVID FROST: . . . discussed with Congress?

RICHARD NIXON. No, these were not. That's correct. That's correct. . . .

DAVID FROST: Pulling some of our discussions together, as it were . . . speaking of the Presidency and in an interrogatory filed with the Church Committee, you stated, quote, "It's quite obvious that there are certain inherently governmental activities, which if undertaken by the sovereign in protection of the interests of the nation's security are lawful, but which if undertaken by private persons, are not." What, at root, did you have in mind there?

RICHARD NIXON. Well, what I . . . at root what I had in mind I think was perhaps much better stated by Lincoln, during the War Between the States. Lincoln said, and I think I can remember the quote almost exactly, he said, "Actions which otherwise would be unconstitutional, could become lawful if undertaken for the purpose of preserving the Constitution and the nation." Now, that's the kind of action I'm referring to. Of course, in Lincoln's case, it was the survival of the Union. In war time, it's the defense of the nation, and who knows, perhaps the survival of the nation.

DAVID FROST: But, there was no comparison was there between the situation you faced and the situation Lincoln faced, for instance?

RICHARD NIXON. This nation was torn apart in an ideological way by the war in Vietnam, as much as the Civil War tore apart the nation when Lincoln was President. No, it's true that we didn't have the North and South . . .

DAVID FROST: Thirteen states . . .

RICHARD NIXON. . . . fighting each other . . .

DAVID FROST: . . . weren't seceding and there wasn't fighting in that sense.

RICHARD NIXON. I understand. I understand. We didn't have the North and South fighting each other . . . what I was saying, it was torn apart ideologically speaking. I mean, you were there at the time, I mean nobody can know what it means for a President to be sitting in that White House working late at night, as I often did, and to have hundreds of thousands of demonstrators around, charging through the streets. No one can know how a President feels when he realizes that his efforts to bring peace, to bring our men home, to bring our POWs home, to stop the killing, to build peace, not just for our time, but for time to come, is being jeopardized by individuals who have a different point of view as to how things are to be done. Now, that's how I felt about it . . .

DAVID FROST: But, to quote somebody in conflict . . . Chief Justice Charles Evans Hughes, for instance, wrote, "The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the Constitutional rights of free speech, free press, and free assembly, in order to maintain the opportunity for free political discussion to the end that government may be . . . responsive . . . to the will of the people." Now, in other words, that from the beginning, the founding fathers had said that a little bit of the dangers, as he puts it there, of even incitement to overthrowing of institutions, has to be borne in the cause of freedom.

RICHARD NIXON. What he said has to be taken in the context of the times. When he was Chief Justice, let's remember what the times were. Oh, there was some concern, of course, a little, about domestic violence, and this and that, and some concern about perhaps the Communist threat, although not very great at that time, because Communist subversion hadn't reached a very significant level until long after Hughes left the bench. What we are talking about are two different periods here. The nation was at war when I was President. The nation was at war when Lincoln was President, and incidentally, since you've quoted Charles Evans Hughes, whom I respect incidentally as one of the great Chief Justices, I can go back to Jefferson. Jefferson, after he left the Presidency said, in essence, exactly what Lincoln said, that actions sometimes must be taken, which would

otherwise be unlawful, if the purpose of those actions is to preserve the very system that will enable freedom to survive.

DAVID FROST: But, as you said when we were talking about the Huston Plan, you know, "if the President orders it, that makes it legal" as it were. Ah, is the President, in that sense . . . is there anything in the Constitution or the Bill of Rights that suggests the President is that far of a sovereign, that far above the law?

RICHARD NIXON. No, there isn't. There's nothing specific that the Constitution contemplates in that respect. I haven't read every word, every jot and every tittle, but I do know this: that it has been, however, argued as far as a President is concerned, that in war time a President does have certain extraordinary powers, which would make acts that would otherwise be unlawful lawful if undertaken for the purpose of preserving the nation and the Constitution which is essential for the rights we're all talking about.