V

THE SENATE

It is very difficult to form a just estimate of the Senate of the United States. No body has been more discussed; no body has been more misunderstood and traduced. There was a time when we were lavish in spending our praises upon it. We joined with our foreign critics and appreciators in speaking of the Senate as one of the most admirable, as it is certainly one of the most original, of our political institutions. In our own day we have been equally lavish of hostile criticism. We have suspected it of every malign purpose, fixed every unhandsome motive upon it, and at times almost cast it out of our confidence altogether.

The fact is that it is possible in your thought to make almost anything you please out of the Senate. It is a body variously compounded, made many-sided by containing many elements, and a critic may concentrate his attention upon one element at a time if he chooses, make the most of what is good and put the rest out of sight, or make more than the most of what is bad and ignore everything that does not chime with his thesis of evil. The Senate has, in fact, many contrasted characteristics, shows many faces, lends itself easily to no confident generalization. It differs very radically from the House of Representatives. The House is an organic unit; it has been at great pains to make itself so, and to become a working body under a

single unifying discipline; while the Senate is not so much an organization as a body of individuals, retaining with singularly little modification the character it was originally intended to have.

As I have already said in a previous lecture, it is impossible to characterize the United States in any single generalization; and for that very reason it is impossible to sum up the Senate in any single phrase or summary description. For the Senate is as various as the country it represents. It represents the country, not the people: the country in its many diverse sections, not the population of the country, which tends to become uniform where it is concentrated.

Most of the leading figures among the active public men of the country are now to be found in the Senate, not in the House. This was not formerly the case. Before the House became an effective, non-debating organ of business, it shared quite equally with the Senate the leading politicians of the country; but it has not been so of recent years. Organization swallows men up, debate individualizes them, and men of strong character and active minds always prefer the position in which they will be freest to speak and act for themselves. The Senate has always been a favorite goal of ambition for our public men, but it has become more and more the place of their preference as the House has more and more surrendered to it the function of public counsel.

Of course, there are fewer senators than members of the House, and it is a more conspicuous thing to be one of a body of ninety than to be one of a body of three hundred and fifty-seven. Moreover, the tenure of a senator of the United States is three times as long as the tenure of a

member of the House of Representatives, and every member of the Senate must feel it a considerable advantage that six years instead of two are given him in which to make his impression on the country. There is time to find out what he is about and to master a difficult task. Both the smaller membership of the Senate and the longer term of its members contribute to individualize the men who compose it and to give them an advantage and importance which members of the House do not often have, unless they rise to one of the three or four places of real power which crown the committee organization of the representative chamber.

And yet these are not the radical and fundamental differences between the House and the Senate. Size and tenure are after all matters of detail. They count, and count a good deal, in giving the Senate its character, but they do not go to the root of the difference between the two houses. What gives the Senate its real character and significance as an organ of constitutional government is the fact that it does not represent population, but regions of the country, the political units into which it has, by our singular constitutional process, been cut up. The Senate, therefore, represents the variety of the nation as the House does not. It does not draw its membership chiefly from those parts of the country where the population is most dense, but draws it in equal parts from every state and section.

It seems to me that those critics of our government — they are, I believe, without exception domestic critics — who criticize the principle upon which the Senate is made up on the ground that states having little wealth and small population have as many representatives in the Senate as the richest and most populous states of the

Union, the newest and least developed as many as the oldest and most highly organized, entirely mistake the standard by which the Senate should be judged as an instrumentality of constitutional government in a system like ours.

They are entirely wrong in assuming, for one thing, that the newer, weaker, or more sparsely populated parts of the country have less of an economic stake in its general policy and development than the older states and those which have had a great industrial development. Their stake may not be equal in dollars and cents, — that, of course, — but it is probably greater in all that concerns opportunity and the chances of life. There is a sense in which the interest of the poor man in the prosperity of the country is greater than that of the rich man: he has no reserve, and his very life may depend upon it. The very life of an undeveloped community may depend upon what will cause a richer community mere temporary inconvenience or negligible distress. And yet even this, vital as it is to the validity of the usual criticisms of the make-up and character of the Senate, is in fact neither here nor there as compared with the essential point of the matter.

Neither is it of material consequence that some of the states represented in the Senate are not real communities, with distinct historical characteristics, a distinct social and economic character of their own, as most of the older states are. It is true that you have only to look at a map of the United States to see at a glance that many of the newer states of the Union are purely arbitrary creations, their boundaries established by the theodolite of the public surveyor. They are squares on a great checker-board, elaborated into rectangular sections on broad plains where

there are no natural boundaries to divide region from region; and these artificial squares, which Congress first laid off as the areas of territories, it has one by one converted into states, each of which sends two members to the Senate, just as Virginia and Massachusetts do, the history of whose boundaries and organization is a long history of constitutional struggle which gave them from the very outset characters and purposes of their own. Many a square western state, laid out by the public surveyor, has now a more homogeneous population and a more discernible individuality than some of her eastern sisters into whom a miscellaneous immigration has poured social chaos. And their very separateness of political organization insures them a development of their own.

Yet even that is not of material consequence. Even if every state of the Union were of artificial creation, not a natural community, but merely a region marked off to make a congressional district for elections to the Senate, the principle I am just now interested in pointing out as of capital importance in a system and country like ours would not be altered or affected. That is the principle that regions must be represented, irrespective of population, in a country physically as various as ours and therefore certain to exhibit a very great variety of social and economic and even political conditions. It is of the utmost importance that its parts as well as its people should be represented; and there can be no doubt in the mind of any one who really sees the Senate of the United States as it is that it represents the country, as distinct from the accumulated populations of the country, much more fully and much more truly than the House of Representatives does. The East and North are regions of concentration,

regions of teeming population and highly developed industry, — the regions north of Mason and Dixon's Line and east of the Mississippi. It will not long be so. Cities are springing up in the South and beyond the Mississippi in the Middle West, on the Pacific coast, and upon the great lines of traffic that connect coast with coast, which will presently rival the cities of the East and of the old Northwest in magnitude and importance; and many a region hitherto but sparsely peopled is thickening apace with crowding settlers and an accumulating commerce. But for the present the South and West, if I may use those terms in the large, are not the centres of wealth or of population, and have a character unlike that of the marts of trade and industry; and there are more senators from the South and West than from the North and East. The House of Representatives tends more and more, with the concentration of population in certain regions, to represent particular interests and points of view, to be less catholic and more and more specialized in its view of national affairs. It represents chiefly the East and North. The Senate is its indispensable offset, and speaks always in its make-up of the size, the variety, the heterogeneity, the range and breadth of the country, which no community or group of communities can adequately represent. It cannot be represented by one sample or by a few samples; it can be represented only by many, — as many as it has parts.

It thus happens that there are in the Senate more representatives of the individual parts of the country than of the characteristic parts of it. At least that is true if I am right in assuming that the characteristic parts of America are those parts which are most highly developed, where

population teems and great communities are quick with industry, where our life most displays its energy, its ardor of enterprise, its genius for material achievement. Other communities are no doubt more truly characteristic of America as she has been known in the processes of her making. Only modern visitors, visitors of our own day, have known her as industrial America, the leader of the world in all the processes, whether material or economic, which produce wealth and accumulate power, the land of manufactures and of vast cities. The older America is still represented by the South and West with their simpler life, their more scattered people, their fields of grain, their mines of metal, their little towns, their easier pace of intercourse, their work that does not crowd out companionship.

Certainly it is easier to represent a northern or eastern constituency in Congress than to represent a southern or western constituency. There is more individuality, man for man, in the West and South than in the East and North. How constantly we repeat each other's opinions and bow to each other's influence; how seldom we take leave to be ourselves and utter thoughts of our own genuine coinage, in regions where we are parts of a packed and thronging multitude! Rubbing shoulders every day with thousands of your fellow-citizens, putting your mind into contact with other minds at every encounter, you slowly have the individuality rubbed out of you by mere attrition and are worn down to a common pattern. Your opinion is everybody's opinion; my information is the common information current everywhere: your mind, like mine, like our neighbor's, is assaulted day and night with the multitudinous voices of clamorous talk, and a common atmosphere gives us a common habit and attitude. Only

very unusual men can remain individual under such pressure of uniformity. It is uncomfortable to be singular in any habit, whether of action or of thought, where so many look on and make comment. Conformity is the easiest, plainest, safest way, and countless multitudes there be that walk in it. "Always be of the opinion of the person with whom you are conversing," was Dean Swift's advice to all who would win the repute of being sensible persons. And in crowded places of enterprise it is a very valuable asset of success to be thus reputed a man of sense. To conform opens the ways to promotion. It is the common and very uncomfortable fortune of men of original views to be greeted at every turn with a stare and a shrug of the shoulders, as Mr. Bagehot has said, and to be followed with the comment, "An excellent young man, sir, but unsafe, quite unsafe." Mr. Bagehot must certainly have known: he was himself most singularly original and seemed always to have had the freshness of youth about him.

The variety of the country, therefore, is better represented in the Senate than in the House, its variety of opinion as well as its variety of social and economic make-up, — its variety of opinion because its variety of social and economic make-up. There are more opinions because there is more individuality in the uncrowded South and West than in the crowded East and North. Each mind is there apt to have a greater, freer space about it, space in which to look around and form impressions of its own. No country ought ever to be judged from its seething centres. To be truly known, it must be known where it is quiet, in places where impulse is not instant, hot, insistent; where you can at least presume that opinion will next week be what it is to-day.

In those hot centres of trade and industry, where a man's business grips him like an unrelaxing hand of iron from morning to night and lies heavily upon him even while he sleeps, few men can be said to have any opinions at all. They may bury their heads for a few minutes in the morning paper at breakfast or as they hurry to their offices, may dwell with dull attention upon the afternoon paper as they go wearily home again or drowse after dinner; but what they get out of the papers they cannot call their opinions. They are not opinions, but merely a miscellany of mental reactions, never assorted, never digested, never made up into anything than can for the moment compare in reality and vitality with the energetic conceptions they put to use in their business. In small towns, in rural country-sides, around comfortable stoves in cross-road stores, wherever business shows as many intervals as transactions, where seasons of leisure alternate with seasons of activity, where large undertakings wait on slow, unhasting nature, where men are neighbors and know each other's quality, where politics is dwelt upon in slow talk with all the leisure and fond elaboration usually bestowed on gossip, where discussion is as constant a pastime as checkers, opinion is made up with an individual flavor and wears all the variety of individual points of view. And the Senate has more members from such regions than from those where opinion is made up by conglomeration and upon the moment, out of newspapers and not out of the contributions of individual minds. It represents the population of the country, not in its numbers, but in its variety; and it is of the utmost consequence that the country's variety should be represented as thoroughly as its mass.

The processes by which we have made states out of

the territories of the United States have been seriously impaired once and again by mistakes which are the more to be deplored because they are apparently irremediable. Once make a state and you cannot unmake it. Once or twice Congress has admitted to the Union, in equal partnership with the older states, territories which not only did not have population enough to justify their admission, but which had no real prospect of gaining a population large and various enough to develop into compact and important communities with a character and purpose of their own, — communities already sufficiently represented in kind in the counsels of the country, and not constituted in a way which gave promise of political vitality. But such mistakes have been few, and many a state which at first seemed a premature and unjustifiable creation has been speedily lifted to a plane of real dignity and importance by the abounding forces of our national growth. It has been hard to make mistakes where populations throng forward so steadily and in such wholesome masses to occupy the free spaces of the continent. We have had to reclaim deserts to accommodate their multitude. And as each new-fledged state has come in, its two spokesmen in the Senate have added its voice to our counsels in a place where voices can still be individually heard.

The fact that the Senate has kept its original rules of debate and procedure substantially unchanged, is very significant. It is a place of individual voices. The suppression of any single voice would radically change its constitutional character; and, its character being changed, the individual voices of the country's several regions being silenced, there would no longer be any sufficient reason for its present constitution. If it were to follow the ex-

ample of the House and make itself chiefly an efficient organ for the transaction of business, the critics who condemn it because it is unequally compounded upon any balanced reckoning of the wealth and numbers of the country would have not a little tenable ground to stand upon.

Another circumstance gives a senator of the United States an individual importance which the average member of the House of Representatives lacks. He comes into contact with a much greater variety of the public business. He is not a mere legislator. He is directly associated with the President in some of the most delicate and important functions of government. He is a member of a great executive council. He is brought into very confidential relations with the President in matters which oftentimes call for not a little discretion and for very prudent judgments, — judgments not to be drawn from public opinion, but only from official facts privately considered, not spoken of out of doors, belonging to intimate counsel and not to public debate. There is no better cure for thinking disparagingly of the Senate than a conference with men who belong to it, to find how various, how precise, how comprehensive their information about the affairs of the nation is; and to find, what is even more important, how fair, how discreet, how regardful of public interest they are in the opinions which they will express in your private ear.

The most reticent men in Washington are the members of the Supreme Court of the United States. It would of course be a great breach of professional honor on the part of any member of that Court to discuss any question involved in a pending case which the Court was considering or was about to consider; but his obligation of reticence goes much farther than that. Almost any piece of public

policy that touches the individual, though it be never so indirectly, may sooner or later come before the Supreme Court for judicial examination. Every member of the Court, therefore, feels bound to keep his opinions upon such matters to himself. He will not discuss with you any but the most general public questions, holds discreetly silent with regard to every mooted matter of legal policy or construction. Men who know the proprieties never broach such matters with members of the Court. Senators feel a similar obligation of honor with regard to the matters in which they bear a confidential relation to the executive. They are not at liberty to state to you or even to their constituents at home the grounds for such action as they may have taken in executive sessions of the Senate until the whole matter is so long gone by that no possible harm or embarrassment can come of publicity with regard to it. Members of the House are not under such restraints. Nothing comes before the House of Representatives which it is not the right of every man in the United States to discuss if he will. No doubt members sometimes act upon private information from the White House or a department which they would feel it unwise to make generally known; but that seldom happens, and if the House talked at all, it might talk about anything it chose that it had information enough to understand.

It is no essential part of our present study to ask by what influences either members of the House or members of the Senate obtain their seats. That is a question concerning, not the form and purpose of our political institutions, but the moral character of the nation itself, the social influences which work in it for good or evil. But so much has been said in recent years about the methods

by which seats in the Senate are secured, so much that is of evil report has been believed, that the question cannot be passed by without giving our whole inquiry the appearance of a lack of candor. And, after all, any serious loss of prestige it may suffer must greatly impair the Senate's power and influence, its usefulness as an instrument of constitutional government. It has become customary to speak of it as a rich man's club, and any writer who professes to adduce proofs that the corporate interests of the country, the great railroads and the greater trusts, have secured virtual control of it by putting into it men of their own choice, engaged in their behalf by one of influence or another to block any legislation likely to harm them, gains easy credence. Where there is so much smoke, must there not be a little fire? It is a question which touches the integrity of our whole constitutional system. It would be affectation to avoid it.

There are many opinions as to the way in which men obtain seats in the Senate; and I dare say that for every opinion there is a corresponding method, — not just the method suggested by the opinion, but sufficiently like it to give the opinion more than plausible color. There are many ways of getting into the Senate. There are some very bad ways; some ways that are neither bad nor good; and some very good ways. What it interests me most to observe with regard to the matter, in view of what I have just been saying of the make-up of the Senate and its general relation to the country, is that, so far as one may judge from rumor and from what appears in the public prints, the bad ways have been oftenest illustrated where population is thickest and in a few of the recently created states, which, because of their peculiar economic character,

are dominated by a single interest or a single group of interests. They have not often been illustrated, to be more specific, in those normal western and southern states, which I have spoken of in contrast with the centres of population and industry as standing for the nation's variety, characteristic of its rich diversity alike of quality and of interest rather than of its accumulations of wealth and of material power.

The purchasing power of money in politics is chiefly exerted where there is most money. The selfish influence of great corporations is most often exhibited where they have their seats of control, at the financial centres of the country. The processes by which men procure places in the Senate have been most often under suspicion where men buy most things. One is forced to believe that there are some communities, even in the America which we love, where the dollar is god, where everything is estimated in money value, and where actual cash is paid for votes; and unquestionably there are other communities in which the highest political preferment has sometimes been bought, not by the direct use of money, but by means equally demoralizing, — perhaps more demoralizing because less obviously venal, — by a covert bartering of favors, unspoken promises, business opportunities offered and accepted without any sign given of aught but kindly interest and natural friendship. But the whole country knows the cases in which these things are suspected, and knows them to be few. No candid man who knows anything of the character and circumstances of the persons whose names he reads can look through the roll of the Senate and think for a moment that such influences predominate there.

In order to get a correct impression of the Senate, it is necessary that you extend your observation beyond particular sections of the country. One of the greatest disadvantages that public opinion labors under in the United States is that we have no national newspaper, no national organ of opinion. There is no newspaper in the United States which is not local, and narrowly local at that, both in the news which it prints and in the views which it expresses. Each paper makes such selections of general news as will interest the particular locality in which it is printed, and expresses such views of the nation's affairs as local interest or information suggest. If you read New York papers, you will have New York opinions; if you read Philadelphia papers, you will have Philadelphia opinions; if you read Chicago papers, you will have Chicago opinions; if you read San Francisco papers, you will have, not western, but merely San Franciscan, opinions. And if you read papers from all four cities, you will not get national opinion. Though the impressions they give you may sometimes seem to have the air of being national, you will find that they are after all local impressions, though made up out of national material. They bear the color of a place. I dare say the thing is inevitable in so big a country; but undoubtedly one of the reasons why we so habitually misjudge the Senate of the United States is that we have no national medium of intelligence, and the papers most widely read reflect not national, but local, conditions.

Indeed, one of the serious difficulties of politics in this country, whether you look at it from the point of view of the student or the point of view of the statesman, is its provincialism, — the general absence of national information and, by the same token, of national opinion. And

one is forced to believe, reluctantly enough if he live in the East, that the East is the most provincial part of the Union, — a very serious matter, because most of our information and most of our opinion is printed in the East and transmitted thence. The East, being the oldest part of the country, having been for a long time the whole of it, having the oldest roots of history, the longest traditions of influence, the greatest wealth and hitherto an unquestioned command of the economic development of the whole country, shows as yet little intimate consciousness of the rest of it; is much less aware of other communities and other interests than its own than are other parts of the country. The chief reason why the President of the United States can concentrate in himself, if he choose, greater power and a more extended influence than any other person or any other group of persons connected with the government, is, as I have already several times pointed out, that all the country is curious about him and interested in him as our one national figure, eager to hear everything that emanates from him. His doings and sayings constitute the only sort of news that is invariably transmitted to every corner of the country and read with equal interest in every sort of neighborhood. He is the one person about whom a definite national opinion is formed and, therefore, the one person who can form opinion by his own direct influence and act upon the whole country at once.

It has, therefore, too often escaped the attention of the country as a whole that the large majority of the members of the Senate of the United States obtain their seats by perfectly legitimate methods, because the people whom they represent honestly prefer them as representatives; that the large majority of them are poor men who

have little or nothing to live on besides their inadequate salaries; that the opinion and action of the Senate are for the most part determined by the influence of quiet men whom the country talks about very little and about whom it suspects nothing in the least questionable or dishonorable; and that the few notorious members whose reputations are most talked of generally play but a very obscure part in its business. In most of the states great corporations, great combinations of interest, have little to do with the choice of senators. Men go to the Senate who are in a very real sense the choice of the people, — or rather men to whom natural and genuine political leadership has come by reason of their personal force or of their services to their party, — men of the rank and file who have made their way to the top by political, not by commercial, means, and who enjoy a veritable popular support. There are one or two very influential members of the Senate who are also very rich men; but they are influential, not because of their riches, but because of their long and intelligent service, their complete experience in affairs, and the relations of intimate personal confidence which they have established with their fellow senators. You have but to make the most casual inquiries in Washington to ascertain that the men who are in fact most influential in the proceedings of the Senate are not the men most advertised in the newspapers, most conspicuous in the talk of the Capitol, not the men who talk most effectively for those far-off "galleries" which lie away from Washington, but small groups of quiet gentlemen seldom spoken of in the public prints, more thoughtful of their duties than of being generally talked about, — men who have not laid by fortunes, but who have been at the pains to grow rich in the esteem

of the fellow citizens at home who know and support them.

One of the present difficulties lying in the way of maintaining a high grade of excellence in the Senate, as in the House, is that we do not pay our representatives in either house salaries large enough to command men of the best abilities, or even sufficiently to support those who accept seats in the houses, in the sort of domestic comfort and dignity we naturally expect them to maintain. Men of the highest ability do accept seats in the House and Senate, but they do so generally at a great sacrifice, find it exceedingly difficult to live in so expensive a place as Washington without a very teasing economy, and are usually forced at last to seek some remunerative employment in order to pay the debts they have almost inevitably accumulated in serving a country which economizes in the wrong items of its budget. If the Senate should ever come to deserve in fact the reputation of being a rich men's club, the true cause will be found rather in the salary account on our national budget than in the power of wealth to buy legislative seats. As it stands now, only rich men can afford, if they be in love with self-respecting ways of living, to accept an election in the Senate.

This, then, is the Senate, the House of individuals, a body of representative American men, representing the many elements of the nation's make-up, exhibiting the vitality of a various people, speaking for the several parts of a country of many parts and many interests, a whole and yet full of sharp social and political contrasts; men much above the average in ability and in personal force; men connected in most cases by long service with the business of the government and accustomed to handle

its affairs in all their range and variety; a body of counselors who act, if not always wisely or without personal and party bias, yet always with energy and without haste.

It is interesting to the looker-on in Washington to observe the unmistakable condescension with which the older members of the Senate regard the President of the United States. Dominate the affairs of the country though he may, he seems to them at most an ephemeral phenomenon. Even if he has continued in his office for the two terms which are the traditional limit of the President's service, he but overlaps a single senatorial term by two years, and a senator who has served several terms has already seen several Presidents come and go. His experience of affairs is much mellower than the President's can be; he looks at policies with a steadier vision than the President's; the continuity of the government lies in the keeping of the Senate more than in the keeping of the executive, even in respect of matters which are of the especial prerogative of the presidential office. A member of long standing in the Senate feels that he is the professional, the President an amateur.

I have dwelt at some length upon the character and the true constitutional purpose of the Senate because that character and purpose govern its whole organization and action. It is as different from the House in organization as in character and constitutional position. Its power is not concentrated in its presiding officer as the power of the House is. On the contrary, its presiding officer is of all its constituent parts the least significant. In mere fact, the Vice President of the United States is, in any analysis of the powers and activities of the Senate, practically negligible. Some occupants of that singular office

have, it is true, made a considerable impression upon the Senate and have left distinct marks of their individuality upon its record, particularly in matters of procedure. Men of great natural force and unusual personality cannot spend four years in the chair of so serious and so busy an assembly without leaving some memory of their influence. But the Vice Presidents of the United States have, almost without exception, whatever their natural vigor or instinct of initiative, felt that their relation to the Senate was purely formal. The Vice President is not a member of the Senate. His duties are only the formal and altogether impartial duties of a presiding officer. His position seems to demand that he should take no part in party tactics and should hold carefully aloof from all parliamentary struggles for party advantage. Its very dignity seems to rob it of vitality in respect of the only duties assigned to it by the Constitution. And yet the president *pro tempore* of the Senate, the Vice President's substitute upon occasion, is a vital political figure. He is chosen by his party associates of the majority to play a real part in the business of the assembly. He holds office at the pleasure of the Senate and is in a much more intimate and sympathetic relation with the party he represents than the Vice President of the United States can be.

Once or twice it has looked as if the president *pro tempore* were likely to accumulate powers and prerogatives which might give his office a power and authority comparable with those of the Speaker of the House of Representatives. The Senate, like the House, prepares its business through the instrumentality of standing committees, and in 1828 it conferred upon its president *pro tempore* the authority to appoint its committees. But in 1833, for political

reasons which it is not necessary to detail here, it again changed its rule and resumed to itself the right to constitute its committees by its own choice by ballot. Again in 1837 it turned to the president *pro tempore* for relief and conferred upon him the power of appointment, the balloting having proved very cumbersome and burdensome; but in 1845 circumstances again compelled it to withdraw the authority. Many considerations seem to render the president *pro tempore* unavailable for such functions. The statute of 1792 had put the president *pro tempore* of the Senate in the line of succession to the presidency of the United States in case of a vacancy, providing that if both President and Vice President should die or become disqualified, the president *pro tempore* of the Senate should assume the duties of the presidency. The Senate regarded its president *pro tempore,* therefore, as a necessary officer only in order that there should be no lapse in the office of President. It chose him only for the occasions when the Vice President was absent from his chair, and allowed his office to lapse again upon the Vice President's return. But a change in the law governing the succession to the presidency altered the whole character of the temporary office. In 1886 a new statute vested the succession in the heads of the executive departments, in an order of precedence determined by the dates at which their several offices had been created, and the president *pro tempore* of the Senate was omitted from the line of succession. Ten years before the Senate had decided that its president *pro tempore* need not be regarded as merely a temporary officer chosen from time to time upon the occasion of each absence of the Vice President from its sittings, and in 1890 it confirmed its decision in that

respect and extended the tenure of this officer of its own choice indefinitely. He now holds at the pleasure of the Senate, takes the chair whenever the Vice President happens to be absent, and is superseded only by the election of some one else in his place. He is appointed to many important committees of the Senate like any ordinary member, is usually himself chairman of a leading committee, and is always sure to be one of the chief figures of his party on the floor. Upon a change of majority his office lapses and a successor is chosen from the new majority.

And yet, singularly enough, though he has grown in importance with the permanence of his office and has seemed once and again to be chosen as in some sense the leading representative of his party in the chamber, as the Speaker of the House is, he is not in fact in command in debate or in the direction of party tactics. The leader of the Senate is the chairman of the majority caucus. Each party in the Senate finds its real, its permanent, its effective organization in its caucus, and follows the leadership, in all important parliamentary battles, of the chairman of that caucus, its organization and its leadership alike resting upon arrangements quite outside the Constitution, for which there is no better and no other sanction than human nature.

The Senate, like the House, digests and manages its business through standing committees, and the appointment of those committees it has in large measure kept in its own hands. But the old method of actually choosing them by ballot it has not found it convenient or even possible to maintain. Its machinery for the selection of committees, as for other party purposes, is the caucus. The caucus of each party has its Committee on Committees,

appointed by its chairman, subject to the ratification of the caucus itself, and charged with the important function of selecting its party's representatives on the standing committees. The majority caucus has, besides, its Steering Committee, similarly appointed, to which fall duties very like those of the Committee on Rules in the House.

The chairman of the majority caucus is much more nearly the counterpart of the Speaker of the House than is the president *pro tempore.* His influence is very great and very pervasive. Through the Committee on Committees and the Steering Committee, both of which he appoints subject to the confirmation of the caucus, he plays no small part in determining both the character and the handling of the business the Senate is called on to consider.

But the Senate is a deliberative assembly and is under no such discipline of silence and obedience to its committees as the House is. The duties of its committees are much more like those of ordinary old-fashioned committees such as are usually found in all parliamentary bodies, than are the duties of the House committees. They are by no means in complete control of the business of the Senate. A bill introduced by an individual senator may be put upon the calendar, debated, and voted upon without reference to a committee at all. The committees are an imperative convenience, and the greater part of the Senate's business is of course prepared by them; but they are not permitted to monopolize the floor, and the chamber is quick to recognize the right of its individual members to have their proposals considered directly, without committee intervention.

Moreover, the make-up of the committees of the Senate

is determined much more strictly by seniority and by personal privilege and precedence than is the membership of the committees of the House, with much less regard to party lines and much more regard to personal and sectional considerations, — by equitable arrangement rather than by the personal choice or individual purpose of the caucus chairmen. The variety of the country is allowed to show itself in the constitution of its committees, as in its debates and its recognition of individual privilege among its members. An old-fashioned air of equality and democracy is still perceptible in the Senate, its popular reputation to the contrary notwithstanding, — something of the discipline of party whips and leaders, as must in any political assembly be inevitable, but much more of the air of debate, much less the air of rigidly organized business and mere efficiency, than in the popular chamber.

Indeed, the Senate is, *par excellence*, the chamber of debate and of individual privilege. Its discussions are often enough unprofitable, are too often marred by personal feeling and by exhibitions of private interest which taint its reputation and render the country uneasy and suspicious, but they are at least the only means the country has of clarifying public business for public comprehension.

When we turn to the question which is the central question of our whole study, the question of the coördination of the Senate with the other organs of the government and the synthesis of authority and power for common action, it at once becomes evident that such a body as I have described the Senate to be, must be very hard indeed to digest into any system. A coördination of wills, united movement under a common leadership, is of the very essence of every efficient form of government. The Senate has a

very stiff will of its own, a pride of independent judgment, very admirable in itself, but not calculated to dispose it to prompt accommodation when it differs in its views and objects from the House or the President. Its very excellences stand in its way as an organ of coöperation: its slow deliberation, its tolerance of individual opinion, its confidence in the political judgment and experience of its own leaders, the feeling of permanency and stability which seems to lift it a little above the influences of the immediate day, the critical moment of decision. It looks upon the House of Representatives very much as it looks upon the President, — as an organ of opinion, indeed, and as a coördinate branch of the government of undoubted commission from the people, but as likely to change, a thing that, in its present character and disposition at least, is here to-day and gone to-morrow, to make room for new men and new moods.

The membership of the House is much less stable than the membership of the Senate. Not only is the term of a senator three times as long as the term of a member of the House, but members of the House are much less often reëlected than are members of the Senate. Most states are content to continue their senators in their seats for long periods together, but few congressional districts can be counted upon not to change their choice very frequently. Not only does the *personnel* of the House change rapidly and the *personnel* of the Senate change very slowly, but the party majority is much more often changed in the one than in the other. For a great many years now the leaders of our national parties have been obliged to think of the country as one thing when considered with a view to the make-up of the Senate, and another thing when con-

sidered with a view to the make-up of the House. Parties have often changed places in commanding the majority in the House during the last fifty years, but not often in the Senate. The people reckoned by states have usually preferred the Republican party; the people reckoned by numbers have turned in their choice of men and of parties first to the one party and then to the other, as men and programs have changed.

All this, of course, has its effect upon the temper of the Senate. It is less disturbed by elections than the House is, feels itself in great part sheltered from the winds of party contest, and is apt to look upon itself as the poise and makeweight of the whole system, which might swing into an erratic orb were it allowed to yield to the impulses of changing opinion too rapidly. And it is confirmed in this view of its functions by the character of its leaders. It must be said that the method by which leaders are made in the Senate is much more normal, much more in the course of nature, than the method by which they are made in the House. Nature intended that leaders should be self-selected, by proof given of their actual quality in the business in which they aspire to lead. And since leaders of the Senate are expected to lead in counsel, they are generally men proved by counsel, men of long training in public affairs who have been under inspection by their fellow members for many sessions together. The Senate is inclined to follow its veterans, — not necessarily its chief debaters, but the men who by long service have gained a full experience and, by many evidences of good sense and cool judgment, the entire confidence of their party associates, as guides who will not blunder. The leaders of the House win their places by service on the floor, no doubt,

before being made Speakers, but they win them as masters of parliamentary tactics and as men of will and resource rather than as men of counsel; and they win them in a restless and changeful assembly few of whose members remain in the public service long enough to know any men's qualities intimately. The leaders the Senate prefers are almost of necessity its most conservative men, — men most likely to magnify the powers and prerogatives of the body they represent and to stickle for every privilege it possesses, not at all likely to look to the President for leadership or to yield to the House upon any radical difference of opinion or of purpose.

Particularly in its dealings with the President has the Senate shown its pride of independence, its desire to rule rather than to be merely consulted, its inclination to magnify its powers and in some sense preside over the policy of the government. There can be little doubt in the mind of any one who has carefully studied the plans and opinions of the Constitutional Convention of 1787 that the relations of the President and Senate were intended to be very much more intimate and confidential than they have been; that it was expected that the Senate would give the President its advice and consent in respect of appointments and treaties in the spirit of an executive council associated with him upon terms of confidential coöperation rather than in the spirit of an independent branch of the government, jealous lest he should in the least particular attempt to govern its judgment or infringe upon its prerogatives. The formality and stiffness, the attitude as if of rivalry and mutual distrust, which have marked the dealings of the President with the Senate, have shown a tendency to increase rather than to decrease as the years have gone by,

and have undoubtedly at times very seriously embarrassed the action of the government in many difficult and important matters.

The Senate has shown itself particularly stiff and jealous in insisting upon exercising an independent judgment upon foreign affairs, and has done so so often that a sort of customary *modus vivendi* has grown up between the President and the Senate, as of rival powers. The Senate is expected in most instances to accept the President's appointments to office, and the President is expected to be very tolerant of the Senate's rejection of treaties, proposing but by no means disposing even in this chief field of his power. Advisers who are entirely independent of the official advised are in a position to be, not his advisers, but his masters; and when, as sometimes happens, the Senate is of one political party and the President of the other, its dictation may be based, not upon the merits of the question involved, but upon party antagonisms and calculations of advantage.

The President has not the same recourse when blocked by the Senate that he has when opposed by the House. When the House declines his counsel he may appeal to the nation, and if public opinion respond to his appeal the House may grow thoughtful of the next congressional elections and yield; but the Senate is not so immediately sensitive to opinion and is apt to grow, if anything, more stiff if pressure of that kind is brought to bear upon it.

But there is another course which the President may follow, and which one or two Presidents of unusual political sagacity have followed, with the satisfactory results that were to have been expected. He may himself be less stiff and offish, may himself act in the true spirit of the Constitution and establish intimate relations of confidence

with the Senate on his own initiative, not carrying his plans to completion and then laying them in final form before the Senate to be accepted or rejected, but keeping himself in confidential communication with the leaders of the Senate while his plans are in course, when their advice will be of service to him and his information of the greatest service to them, in order that there may be veritable counsel and a real accommodation of views instead of a final challenge and contest. The policy which has made rivals of the President and Senate has shown itself in the President as often as in the Senate, and if the Constitution did indeed intend that the Senate should in such matters be an executive council it is not only the privilege of the President to treat it as such, it is also his best policy and his plain duty. As it is now, the President and Senate are apt to deal with each other with the formality and punctilio of powers united by no common tie except the vague common tie of public interest, but it is within their choice to change the whole temper of affairs in such matters and to exhibit the true spirit of the Constitution by coming into intimate relations of mutual confidence, by a change of attitude which can perhaps be effected more easily upon the initiative of the President than upon the initiative of the Senate.

It is manifestly the duty of statesmen, with whatever branch of the government they may be associated, to study in a very serious spirit of public service the right accommodation of parts in this complex system of ours, the accommodation which will give the government its best force and synthesis in the face of the difficult counsels and perplexing tasks of regulation with which it is face to face, and no one can play the leading part in such a matter with

more influence or propriety than the President. If he have character, modesty, devotion, and insight as well as force, he can bring the contending elements of the system together into a great and efficient body of common counsel.