THE SENATORIAL CAREER OF
CHARLES WARREN FAIRBANKS

U.S. Senator (1897-1905)

Vice President of the United States (1905-1909)

A Thesis

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INTRODUCTION

A boy was born in a log cabin. He walked on dirt roads to a distant school, worked his way through college and later studied law at night. Through dogged persistence and ambition he was a millionaire by the time he was thirty-five, leader of the party in his state at forty, then successively United States Senator and Vice President. It was a minor American success story.

It is the purpose of this paper to examine the career of that man, Charles Warren Fairbanks, in his Senatorial years. Discussion will revolve in turn on his development as a political leader, his attitudes on the crucial issues at the turn of the century, his personality and political stature.

Special attention will be given to Mr. Fairbanks as a typical product of his age and the relationship, in his case, between personality and political success. He was in no sense a great statesman, a genius, or a politician who will be remembered very long. Already he is almost forgotten, and little has been written to preserve any remembrance. This is the study of how and why one man was important in his era.

CHAPTER ONE

THE EARLY YEARS

Straining like many another Puritan under the orthodox yoke of Bishop Laud and Charles I, Johnathan Fayerbanke joined the Great Migration to Massachusetts. Settling in Dedham in 1636, he was somewhat reluctant to enter into full communion with his Church. Finally after the traditional declaration of faith and conversion he was admitted to full membership in 1644.[1] The original Fayerbanke homestead was still standing in 1918.[2]

Johnathan's descendants lived in Massachusetts, Connecticut, New Hampshire, and Vermont. In the seventh generation Loriston Monroe Fairbanks moved from his birthplace, White River Junction, Vermont back to Massachusetts. There he worked in a woolen mill. When Loriston perfected his hobby, wagon-making, he decided to join a migration, like his ancestors. This time the journey was over the Alleghenies to Springfield, Ohio. The young New Englander set up a shop for wagon-making and courted Mary Adelaide Smith.[3]

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[1] E. I. Lewis, "Senator Fairbanks--The Boy and Man," Independent, LVII (July 21, 1904), 127-33.

[2] New York Times, June 5, 1918, 11.

[3] Julius Chambers, "College Reminiscences of Senator Fairbanks," Harper's Weekly, XLVIII (Aug. 20, 1904), 1278-9.

For reasons of health, Loriston closed his shop and moved with his wife Mary to Unionville Center, eighteen miles northwest of Columbus. There on the 216-acre farm Charles Warren Fairbanks was born on May 11, 1852.[4] It might be noted that the birthplace was of the popular variety for nineteenth-century American politicians, a log cabin.

The "long, lean, lank, hard working" young Fairbanks used to walk a mile and a half to school each day. His parents feared the worldly influence of the half-mile distant town school at Unionville Center, so he went to the more rural district school.[5] So it was only with fear and misgivings that Mary and Loriston Fairbanks took their fifteen-year-old son to be enrolled at Delaware's Ohio Wesleyan College. Charles was forbidden to go out after dark, and once when he disobeyed to buy oil for his lamp, he wrote his mother a contrite note promising amendment. Thereafter his parents were content that his virtue was safe.

Charles imbibed much from his parents. His father was an ardent Methodist and just as ardent an abolitionist. Loriston "gave food and shelter to fugitive slaves" whenever the opportunity presented itself.[6] When one of the employees at the Fairbanks farm refused to eat at the same table with a Negro, Mr. Fairbanks instructed his wife to set up a little table for the white man to eat by himself.

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[4] New York Times, June 5, 1918, 11.

[5] Chambers, loc. cit., XLVIII, 1278.

[6] James H. Eckels, "The Republican Convention at Chicago," Review of Reviews, XXX (Aug., 1904), 176-86.

The family ate with the Negro.[7] Charles' first job in Delaware was working for a Negro in a carpenter shop on Saturdays. He was the only white employee.

Though the young Ohioan "wasn't a phenomenon in his studies," and liked to chase the 1868 version of a fire engine, he managed to be eighth in his class. As a sophomore he gave a spontaneous speech to a student group protesting the dismissal of two seniors for printing a criticism of the faculty. Charles was reported for the outburst and called before a faculty board. He gave the speech again (perfected by revision and memorization), and the seniors were reinstated. Charles Fairbanks was the most popular man on campus.[8]

His popularity and habit of hard work earned him the prestigous position of co-editor on the college newspaper. Cornelia Cole, daughter of Judge Cole of Marysville, also worked on the newspaper staff. A romance developed, and the two were engaged in their senior year.[9] Following graduation, "the six-footer out at the elbows," as his more sophisticated friends from Delaware called him, traveled to Pittsburgh to work as a reporter for the Associated Press. His uncle, William Henry Smith, was one of the founders of the infant news agency. As Mr. Fairbanks himself admitted later in life, "his most arduous duty apparently, was to go daily to the river-front and report the stage of the Water in the Ohio."[10] In Pittsburgh he reported the Democratic and Liberal-Republican rallies at which the

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[7] Chambers, loc. cit., XLVIII, 1278.

[8] Ibid.

[9] New York Times, June 5, 1918, 11.

[10] Eckels, loc. cit., XXX, 176-86.

unfortunate Horace Greeley was the main speaker and center of attraction.

The ambition and determination that were to characterize his whole life were evident in the diligence with which the young Fairbanks studied law at night. He returned to Cleveland, Ohio in 1872. After a short residence at a Cleveland law school he was admitted to the bar. Now his career was to begin. Fairbanks' first step was to go to Marysville and marry Cornelia Cole.

Accepting an offer from another maternal uncle, the newly married couple moved to Indianapolis. Charles Warren Fairbanks began his career in 1874 as solicitor for the receiver of the Indianapolis, Bloomington and Western Railroad (later named the Peoria and Western). His salary was an extraordinary $5,000 per year. Fairbanks soon became manager of the road himself. When the Terre Haute and Evansville Railroad failed in the aftermath of the 1873 panic, Judge Cole, who had an interest in the road, asked his son-in-law to straighten out its affairs. He was such a success that "no railroad enterprise of any account has been undertaken in Indiana since then without his having a share in it."[11] The lawyer's chief gifts seemed to be an insight into the possibilities of development and a prudent husbanding of resources. With his natural talents, acquired virtues and the guidance of his uncle, the career of Charles Fairbanks blossomed into high finance.

Soon he was attorney for Jay Gould in his Erie enterprise, President of the Terra Haute and Peoria Railroad, Vice-President of the

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[11]Francis E. Luepp, "Charles Warren Fairbanks," Independent, XVII (July 7, 1904), 31-3.

Ohio and Southern, and director also for the Danville and Ohio. He was named receiver for the Bloomington and Western. Just prior to his election to the United States Senate, the Cincinnati, Hamilton and Dayton Railroad hired him as general counsel. Fairbanks' large stock and bond holdings in the Dayton and Ironton Railroad gave him control of that line too. By the mid-1880's he was worth $5,000,000; his sources of income were his legal fees, U. S. railroad profits, real estate investments and railroad interests in South America.[12] His fees had been unusually high from the beginning but since he was early "one of the leading lawyers in the state . . ." the charges were probably not extravagant.[13] In another ten years he came to be regarded as "one of the highest authorities on railroad law in the Middle West. . . ."[14]

Over the years in Indiana, Fairbanks had frequent occasion to plead a case before Federal Judge Walter Q. Gresham. The two became good friends. They were both members of the exclusive Indianapolis Literary Club. Other famous contemporary members were Benjamin Harrison, Thomas Marshall, Thomas Hendricks, and, later, Albert J. Beveridge.[15] It was only natural that Fairbanks offered his support to Gresham in his attempt to cop the Republican presidential nomination in 1888. Fairbanks was so energetic in his cause that Gresham asked him to direct his candidacy during the convention. When it

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[12] New York Times, June 5, 1918, 11.

[13] Eckels, loc. cit., XXX, 176.

[14] Harper's Weekly, XLVIII (April 9, 1904), 540.

[15] Claude G. Bowers, Beveridge and the Progressive Era (New York: The Literary Guild, 1932), 52.

became obvious that Harrison would win, Fairbanks advised the judge to withdraw.[16] This was the millionaire's debut as a political manager. It was a disappointment, but, true to his party, he was the "first . . . to offer his services on the stump." He patched up the lingering bitterness between Harrison and Gresham so that a split would not give the state to Grover Cleveland in the fall. A strong friendship sprang up between the presidential nominee and Fairbanks during the campaign. The younger man maintained a friendship with both Harrison and the maverick Walter Gresham until their deaths. The latter accepted the position of Secretary of State from President Cleveland in 1893.

As time for the Minneapolis Convention of 1892 approached, Fairbanks fought for Harrison's renomination over Blaine. He was made chairman of the state convention and "so valiant were his efforts that he was at the end of the campaign regarded as one of the most important Republicans in the Middle West."[17] As a reward he was nominated for the Senate in 1893. The Democratic majority in the legislature gave the seat to David Turpee (later to be defeated by Republican Albert Beveridge).

In 1896 Fairbanks offered his services once more to General Harrison. When he declined, the Hoosier turned to Ohio to support his friend, Major William McKinley. At the state convention Fairbanks fought against free silver and for McKinley. Success was his, and he

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[16] New York Times, June 5, 1918, 11.

[17] Ibid., June 24, 1904, 5.

led a solid delegation for gold and McKinley to the St. Louis convention.[18] The "Major," then an Ohio ex-Governor, invited Fairbanks to be temporary chairman and deliver the keynote address at the national convention.[19]

In reporting the highlights of the convention the New York Times wasn't enthusiastic about the Indiana financier. He was described as having "a high retreating forehead, a black beard not touched by the hand of an artistic barber, but roughly cropped and a long slim neck . . . ."[20] Mr. Fairbanks' task was to give the rallying cry for the campaign. He found it in sound currency and a protective tariff. He called for a currency "equal to the best in the world." As for the tariff, he said, "the best market in the world is the home market." Even the Democratic President, Grover Cleveland, had called the lower tariff of 1894, a "child of perfidy and dishonor" in his veto message. We lost money, Fairbanks said, mortgaged our future for $262,000,000, paved the way for fraud in ad valorem duties, and shook the confidence of the nation.[21] The speaker accused the Democrats of demanding greenbacks in time of peace and opposing them when needed to finance a war. On the other hand, President Harrison had attempted to reach an international agreement on bimetallism, but his work was overthrown in 1893. What America wanted most, Fairbanks said, was "honest currency and a chance to earn it by honest toil." American confidence was so

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[18] Current Literature, XXXVII (Aug., 1904), 130-1.

[19] Arthur Wallace Dunn, From Harrison to Harding (2 vols., New York, 1922), I, 218.

[20] New York Times, June 17, 1896, 5.

[21] Ibid.

undermined by the Democratic program that a panic and depression followed their election to power. In foreign affairs the keynoter called for adherence to the Monroe Doctrine, and a strengthened navy and merchant marine. The struggle for Cuba enlisted the "ardent sympathy of the Republican party." Implying watchful encouragement, Fairbanks expressed the wish for "a new republic born on Cuban soil."[22] Thus the Republicans were to champion a sound currency, protective tariff, economy, and a stronger navy.

The unimpressed Times claimed that Fairbanks' "voice lacked the magnetism to draw men's close attention, to say nothing of inspiring the listener. It is doubtful if half the hall heard what he said." The keynote address was received apparently with as much enthusiasm as "the reading of a brief before the New York Court of Appeals."[23]

Whatever the lukewarmness of his reception by the delegates, Mr. Fairbanks is credited, like so many others, with assuring a strong sound money plank in the party platform.[24] Before the canvass was over the eager campaigner had spoken in every one of Indiana's ninety-two counties. Naturally he was given credit for the overwhelming Republican victory in the Hoosier state that November.[25] His reward was the nomination to the Senate seat then held by Daniel Voorhees. The Republican Senate and House gave him an easy victory over the

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[22] Ibid.

[23] Ibid.

[24] Current Literature, XXXVII (Aug., 1904), 130.

[25] Eckels, loc. cit., XXX, 176.

distinguished Democrat Voorhees on January 19, 1897. The final vote in the joint session was 85 to 58.[26] The first Republican Senator in many years to represent Indiana in Washington was to see the last years of the comfortably isolated America and her first rash experiments in world power.

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[26] New York Times, Jan. 20, 1897, 1.

CHAPTER TWO

FIFTY-FIFTH CONGRESS (1897-1899)

The Fifty-fifth Congress of the United States met for the first time on March 5, 1897 in special session. In his inaugural address, President McKinley demanded an immediate remedy for our "depression in business, distress among the people."[1] He saw the answer in increased revenue for the government and protection for American industry. The Congress was asked to pass a higher tariff. Among "the most prominent new Senators"[2] were Thomas Platt of New York, Joseph Foraker of Ohio, Boies Penrose of Pennsylvania, John Spooner of Wisconsin, and Charles W. Fairbanks of Indiana. They stood united behind the President on the tariff issue. According to plan Thomas B. Reed was elected Speaker of the House of Representatives and Nelson Dingley, Chairman of the House Ways and Means Committee. A tariff was duly planned and nursed through the House by the resourceful Speaker and the veteran Representative from Maine. "No one in public life, except McKinley and Senator Aldrich, understood the subject better than Dingley."[3] His aim was a compromise between the McKinley Tariff of 1890 and the Wilson-Gorman Tariff of 1894. The compromise survived the House but

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[1] Cong. Record, 55 Cong., Special sess., 2 (Mar. 5, 1897).

[2] Dunn, op. cit., vol. 1, 218.

[3] James Ford Rhodes, The McKinley and Roosevelt Administrations (New York: The Macmillan Company, 1922), 39.

vanished after the log-rolling of the Senate. As finally passed by the Senate on July 7, 1897 it was the highest tariff of the nineteenth century.

Reports from Cuba relating the horrors of General Weyler's rule made the new Congress anxious for action. The concurrent resolution passed in the spring of 1896 urging acknowledgment of belligerent rights to the Cuban insurgents had been ignored by President Cleveland and Secretary of State Richard Olney. In their opinion the insurgents didn't have the control or organization necessary for recognition as an independent state. The outrages continued and the Senate was eager to try again.

Senator William Allen of Nebraska introduced a resolution to recognize the belligerency between Cuba and Spain and at the same time proclaim strict neutrality. The resolution had the expected wide support. An exception was Senator Fairbanks. His stand might be expected to have been one of caution and patience, befitting his temperament and reputation. Surprisingly, for him the request didn't go far enough. The Senator was in favor of sending the resolution back to the Senate Foreign Relations Committee to ascertain more facts. He hoped that a new proposal would be made for "more certain, more direct action," than the negative approach already proposed. Fairbanks' suggestion was that the President should offer his good offices to the Spanish cabinet to end the war. It may be, the Senator said, that there are Republican Senators who feel they are meeting the obligations of the party platform by supporting the resolution at

hand. He insisted they were mistaken and quoted from the platform: "We believe that the government of the United States should actively use its influence and good offices to restore peace and give independence to the island of Cuba." To Fairbanks "strict neutrality between contending powers, according to each all the rights of belligerents. . . ." is hardly carrying out the positive demands of the platform.

Concluding his first major speech in the Senate, Fairbanks made a final point. While he was sensible to the sufferings and longings of the Cubans, the even more immediate concern of the Senate should have been with the 2,000,000 unemployed, "seeking not charity but labor." "A tariff law and a currency commission are the imperative needs of the hour."[4] The tariff bill soon reached the Senate from the House and was approved.

In the outcome of the Allen Resolution, the Senate was more moderate than one of her most conservative new Senators. The resolution embodying his proposal was laid on the table on a vote of thirty-five to fifteen. The original resolution was passed with Fairbanks voting in its favor. Action by the House was not forthcoming. Speaker Reed had not appointed a Committee on Foreign Affairs. A few months later the House acted. On May 20, 1897, despite the irritation of the President,[5] the United States recognized the belligerency of the insurgents in Cuba and asserted strict neutrality.[6]

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[4] Cong. Record, 55 Cong., Special sess., 1178 (May 20, 1897).

[5] Rhodes, op. cit., 46.

[6] Cong. Record, 55 Cong., Special sess., 1186 (May 20, 1897).

In a mood to assert itself and reflect the opinion of the nation, the Senate passed another resolution suggested by Senator Allen. It asked for an investigation by the State Department of the report that a leader of the rebel Cuban army, General Ruis Rivera, was to be tried by drum-head court martial and shot. If true, the act was to be condemned by the President as a "violation of civilized warfare." An attempt to refer the resolution to the Committee on Foreign Relations was defeated. Senator Fairbanks was among those hoping for a stronger stand. Unanimous approval was then accorded the plan. There were forty-three abstentions.[7]

Senator Fairbanks introduced nineteen minor bills and joint resolutions during this special session. None were to receive approval in that session. He received numerous petitions from constituents to investigate banking laws, restrict immigration, pass a tariff bill, repeal the civil-service laws and remove the tobacco duty (special request of the Richmond, Indiana Cigar Makers' Union).[8]

In passing the tariff law Congress accomplished the main purpose of the early meeting. It likewise approved a bill to establish a uniform system of bankruptcy regulations, another to provide free home sites for actual settlers on public lands and a measure to provide money for Mississippi Valley flood victims. Fairbanks was in favor of all these laws, especially the bankruptcy law which was to be the first of its type to last more than a few years on the books without repeal.

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[7] Cong. Record, 55 Cong., 1 sess., 579 (April 5, 1897).

[8] Ibid., 97 (Mar. 19, 1897).

A week before the Senate adjourned on May 17, committee assignments were announced. For a new Senator, Fairbanks was lucky to be appointed Chairman of the Immigration Committee. He was also to serve on the Census Committee, Claims Committee, Committee on Public Buildings and Grounds and the Special Committee on the Geological Survey.[9]

The first regular session of the Fifty-fifth Congress convened in December. It was probably the most important session since the Civil War days. War was to be declared on Spain, a colonial empire begun, Hawaii annexed, and the world would watch another new world power experimenting with its untested strength. However, domestic affairs had to be settled too. As Chairman of the Immigration Committee, Fairbanks introduced a provision for new restrictions on immigration. In addition to the exclusion of Chinese coolies, prostitutes, insane persons, paupers, criminals, polygamists, contract laborers, persons liable to become a public charge and persons afflicted with a loathsome disease, persons over sixteen who were physically capable yet unable to read and write some language were to be denied admission to the United States.

In his presentation of the bill on January 11, 1898 Senator Fairbanks said "no more important question can engage our attention . . . than one which seeks to guard and preserve the high standard of our population and citizenship." Denying any discrimination against a race or nationality, the measure was "proscriptive of ignorance, and that only." Recalling the waves of immigrants from England, Ireland,

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[9]Ibid., 942 (May 10, 1897).

Germany, Sweden, Norway, and Denmark, the Senator enumerated their qualities. "It was in the main intelligent, industrious, frugal, law respecting and liberty loving." Since then there was a switch to newcomers from Eastern Europe. These, he claimed, were largely "ill-fitted to become part of our population. . . . They possessed a low order of intelligence and an inferior standard of life, and had no adequate conception of the marvelous significance of our institutions."

While in 1880 such people formed only 8.5% of the immigrants, in 1897 they accounted for 51.7%. Moreover, he argued, 39.9% of the immigrants in 1897 from southeastern Europe were illiterate and only 3.6% of those from northern and western Europe were in the same plight. "We may recall the warning of George William Curtis, 'Let us beware how we water our lifeblood.'" James Bryce, the perceptive British observer, commented on the "low standard of decency and comfort" of these people and their resistance to Americanizing influences. 20.6% of foreign-born criminals and 30% of foreign-born paupers were illiterate. They dwelt in slums, were not devoted to home building and tended to depress wages. Furthermore, he added, 73% of these immigrants remained in one section of the country, the Middle Atlantic states, where assimilation became highly difficult.

Clarifying once more the purpose of the bill, Senator Fairbanks repeated that the bill was "born of neither a want of hospitality nor a nativistic spirit, but of a more profound conviction that the illiterate elements which did not make for natural betterment should be excluded. . . ."[10]

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[10] Cong. Record, 55 Cong., 1 sess., 512 (Jan. 11, 1898).

Senatorial sentiment favored the bill, but there were several vigorous rebuttals of the logic of Fairbanks' arguments. How can a nation, his opponents demanded, which was founded as a land of opportunity and equality now refuse entry to those who come seeking economic, political and social opportunities. It was like limiting entrance to a land of opportunity only to those who didn't need it. Despite the intensity of the opposition the bill was passed with only one amendment. The addition required that immigrants be required to read or write a language. Final passage came on January 17, 1898, the vote being forty-five to twenty-eight.[11]

A disappointment in the continuing McKinley honeymoon period came in a Senate resolution. It was evidence of a sentiment he had managed to pacify during the first five months but which was nonetheless strong enough to activate a coalition of Democrats and silver Republicans. The bimetallists had passed a resolution declaring that the principal and interest of the government bonds were payable in silver dollars at the option of the administration. Fairbanks was consistent in his opposition but the January 28th vote wasn't even close. Luckily for the executive department the House of Representatives rejected the proposition.[12]

Soon after the Klondike gold rush began, Canada issued claims to Alaskan territory long since claimed and even occupied by the United States. Confidently President McKinley appointed three Senators to a Joint High Commission of British, Canadian, and American

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[11] Ibid., 688 (Jan. 17, 1898).

[12] Rhodes, op. cit., 37.

representatives. Senator Fairbanks was named chairman of the American delegation.[13] After a series of meetings late in 1898 and early 1899, a temporary agreement was reached to allow the Canadians a port on the sea by use of the Lynn Canal which ran eighty miles into the interior. The dispute was permanently settled in favor of the Americans during Theodore Roosevelt's administration.[14]

Because of the success of his first assignment in Canada, Senator Fairbanks was requested by the President in 1904 to lead another delegation to discuss a reciprocal trade agreement with our northern neighbor.[15] This time, however, Canadian resentment and retaliation to our high tariff rates forced Prime Minister Sir Wilfred Laurier to reject Fairbanks' overtures in January, 1905.[16]

With the publication of the DeLome Letter on February 9 and the sinking of the Maine on the 15th, Congress turned its entire attention to Spain and the Caribbean. McKinley's efforts were mainly exerted in trying, on the one hand, to force Spain to give Cuba her independence and on the other, to restrain Congressional eagerness for war.[17] A group of the President's closest friends in the Senate, including Fairbanks, watched the situation daily "to see if they could muster strength to sustain a veto if a war resolution should be

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[13] New York Times, July 17, 1898, 6.

[14] George E. Mowry, The Era of Theodore Roosevelt (New York: Harper and Brothers, 1958), 162.

[15] Elting E. Morison (ed.), The Letters of Theodore Roosevelt (8 vols., Cambridge, 1951) IV, 1030.

[16] Ibid., IV, 1093.

[17] Dunn, op. cit., I, 231 ff.

prematurely passed."[18] Fairbanks' name "was often connected with President McKinley's in the weighty conferences just prior to the stirring events of the war with Spain."[19] The Indiana Senator was called to the White House the night after the explosion of the Maine to discuss its ramifications. In fact he was at the White House almost daily before the final declaration of war.[20] During one of the conferences the President spoke of his determination to avoid haste. "I don't propose to be swept off my feet by the catastrophe. My duty is plain. We must learn the truth and endeavor if possible, to fix the responsibility. . . . When the responsibility is fixed, the Government will be prepared to act, and if the facts warrant it, will act with resolution--but not before."[21]

The President announced his findings to Congress on March 20. Investigation had shown that a submarine mine had probably caused the explosion. There was not evidence "fixing the responsibility . . . upon any person or persons."[22] This news served to make Congress even more anxious, and some Congressmen threatened a declaration of war without the President's request. McKinley explained his continued patience to Senator Fairbanks. "It isn't the money that will be spent, nor the property that will be destroyed, if war comes, that

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[18]Charles S. Olcott, The Life of William McKinley (2 vols., New York, 1916), II, 28.

[19]Review of Reviews, XXX (Aug., 1904), 176.

[20]Cincinnati Enquirer, June 24, 1904, 3.

[21]Margaret Leech, In the Days of McKinley (New York: Harper and Brothers, 1959), 168.

[22]Ibid., 177.

concerns me; but the thought of human suffering that must come into thousands of homes throughout the country is almost overwhelming."[23] But popular pressure and Spanish procrastination got the better of the President. He presented his case to a joint session of Congress on April 11. During the following week Congress composed its war demands on Spain. "The new Senator (Fairbanks) became the recognized spokesman, in his branch of Congress, for President McKinley in . . . the war with Spain."[24]

Speaking on the war resolutions, the Indiana Senator drew upon history for justification. The United States had protected the Western hemisphere since 1823 from any foreign power. Other nations, he said, might have established more stable governments in Cuba, but we protected Spanish interests. Now we bear some responsibility for the present tragedy. Spain refused offers of negotiation with insult and wile. "We are morally bound to put an end to the wrongs, outrages, and evils which flow from Spanish misrule. . . . The misgovernment of Cuba has become so flagrant, the barbarisms, wrongs, the outrages have so offended the civilized world that we must intervene for and in the name of humanity." In his summary the Senator noted five major reasons for the war: first, the uncivilized warfare carried on by the Spanish; second, the 200,000 Cubans forced to starve on the reconcentrados; third, the destruction of lives and property of United States citizens; fourth, the destruction of the Maine and its

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[23]Olcott, op. cit., I, 400.

[24]Rhodes, op. cit., 50.

crew; and lastly, the vital commercial interests of the United States in the Caribbean.[25] Characteristic of the American approach, the moral argument is given the greatest prominence.

The final draft of four resolutions was adopted and signed on the same day, April 19. The resolutions declared that Cuba was independent; the Spanish had to relinquish their authority and withdraw all military forces; the President was to make use of the army and navy to insure Spanish compliance; and the United States disclaimed any intention of exercising sovereignty over Cuba. Fairbanks was reluctant in his support of the last resolution, the Teller Amendment, which he considered too hasty a proclamation for such an important matter.[26] War was declared on April 25.

As the great conflict occupied the press and the people, Congress returned to more unexciting matters. Fairbanks voted for a constitutional amendment changing the inauguration date from March 4 to May 4 to afford a longer second session for Congress. It was approved thirty-nine to ten on May 10.[27] As an expert on railroad affairs, the former attorney favored a bill establishing an arbitration tribunal for labor disputes in interstate commerce. The bloodshed, destruction, and disruption of business connected with the strikes of the nineties prompted the legislation. The decision of the tribunal would be legally binding if both parties had originally agreed to submit the dispute.[28] The bill was at first postponed and eventually

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[25] Cong. Record, 55 Cong., 1 sess., 3844 (April 14, 1898).

[26] Ibid., 4040 (April 18, 1898).

[27] Ibid., 4772 (May 10, 1898).

[28] Ibid., 4854, 5566 (May 12; June 1, 1898).

passed on June 1, 1898. Consideration of an income tax amendment was rejected on a close vote of thirty-two to twenty-nine. Fairbanks voted in favor of the resolution to table it.

The war revenue bill came under intense attack from the sound money Republicans. The measure provided for the issuance of $150,000,000 in greenbacks and $42,000,000 in seigniorage. Senator Fairbanks declared that there was "no exigency likely to arise making necessary the creation of unsound money." He quoted Senators Fessenden and Chase expressing their reluctance to issue paper money during the Civil War. Lincoln, too, he said, was hesitant but had no choice in the situation but to issue the money, then face the inflation and lack of confidence that followed. But now, the Hoosier said, there was no such necessity. "The people of our country will voluntarily furnish the government all the money necessary at a rate of interest as low substantially as prevails in a time of undisturbed peace." Arguments that the bonds would go to the rich was met by the Senator's plan of issuance first to the lowest subscribers in 60,000 offices throughout the country. To him bonds were a much safer and more economical way of meeting the need. Exasperated at the long and futile debate, Fairbanks finally exposed what he thought to be the real issue. "It would seem from the attitude of some . . . in opposition that they demand the capitulation of the gold standard as the price of voting the necessary means for prosecuting the war."[29] The $200,000,000 bond issue was approved as suggested; an issue of silver certificates temporarily pacified the Senate inflationists.

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[29] Ibid., 5464 (June 3, 1898).

Before this session ended, the Senate approved the annexation of Hawaii (July 6, 1898). A joint resolution had passed the House in June for fear of the defeat of a treaty. The vote of the Senate was forty-two to twenty-one.[30]

When the second session opened in December, 1898, the President had a full program for Congress to cover. The treaty of peace with Spain was to be ratified, army and navy appropriations had to be made, the government of the Philippines had to be settled, the Nicaragua canal route was up for final decision and shipping subsidies were requested. Of these measures, few managed to reach the stage of debate, much less final passage.

The Nicaraguan Canal Bill had the support of Senator Fairbanks, but he disagreed with details. His main complaint was that the legislation contradicted the Clayton-Bulwer Treaty of 1850. It provided that "neither one nor the other will ever . . . maintain for itself any exclusive control over said ship canal. . . ." While the Senator agreed that the old treaty was out of date, "unwise and unnecessary," these considerations did not change its binding force.[31] He preferred an agreement with England first. The bill passed nonetheless with an almost unanimous vote. Before a vote could be reached in the House, new developments forced a postponement of action. The Senate went on to finish off the war.

After Herculean efforts by the President and Senator Lodge, the treaty of peace was ratified on February 6 with one vote to spare.

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[30]Rhodes, op. cit., 114.

[31]Cong. Record, 55 Cong., 2 sess., 844 (Jan. 20, 1899).

There were constitutional, traditional, and emotional objections to the annexation of the Philippines. It was the most controversial issue. The imperialists had the double problem of justifying both annexation and denial of the Constitution to the Philippines.[32] The loyal Senator from Indiana worked for approval on the floor of the Senate and in committee.

To make up somehow for the nation's territorial expansion, the army budget was cut, the number of authorized war ships was reduced and the $20,000,000 promised Spain for the Philippine Islands was grudgingly granted. A joint resolution outlined the United States policy toward the Philippines. Senator Mark Hanna claimed that this "milk-and-water" resolution was the price of old Senator McEnery's vote for the treaty ratification.[33] The proposal provided that United States citizenship would not be extended to the Filipinos, the islands would not be permanently annexed, and our purpose in ruling was the formation of a suitable government and preparation of the natives for self-rule.[34] Fairbanks voted for the resolution in a close vote of twenty-six to twenty-two.

Newly acquired Hawaii was a minor problem. Nothing was done about setting up a government, but Fairbanks, as Chairman of the Immigration Committee, asked that the immigration laws of the U. S. be applied to Hawaii. His purpose was to stop the thousands of contract laborers from continuing to flow into the islands every month. Senator

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[32] Leech, op. cit., 353 ff.

[33] Ibid., 359.

[34] Cong. Record, 55 Cong., 2 sess., 1847 (Feb. 14, 1899).

Morgan objected that since Hawaii was allowing this immigration, any interference on the part of the Senate was unwarranted and needless.[35] By now it was March 2, and the Senate, being in no mood for debate, tabled the bill. The Fifty-fifth Congress expired on March 4, 1899.

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[35] Ibid., 2729 (Mar. 2, 1899).

CHAPTER THREE

FIFTY-SIXTH CONGRESS (1899-1901)

In an atmosphere of comfortable power, the Fifty-sixth Congress convened on December 4, 1899. Republicans were in control of all branches of the government for the first time since 1883. President McKinley was beloved, foreign trade was excitingly expanding, and the Open Door policy was acclaimed as a major accomplishment for the United States in world diplomacy.[1]

But the comfortable majority and unanimity didn't last long. The time had come for passage of a Gold Standard Act, a government for Puerto Rico, a free trade request for Puerto Rico, and a government for Hawaii. Despite the fact that the President intended to put off consideration of the Philippines, the new Senator from Indiana, Albert J. Beveridge, made a vigorous maiden speech on behalf of his own joint resolution that the Philippines be annexed permanently as a colony. Senior Senators were agast at his effrontery and ostracized him.[2] His fervor was undimmed, but his resolution was ignored. The opportunity was exploited by the Democrats. Ex-Republican Senator Pettigrew denounced imperialism and administration violations of the Constitution. Others accused the executive department of bungling and suppression of important facts. Just as party leaders were quieting the outbursts,

[1] Leech, op. cit., 481.

[2] Ibid., 475 ff.

Senator Hoar joined in with a mighty voice and demanded that all relevant papers be submitted to the Senate on military action in the Philippines. The resolution was tabled as soon as possible, but the Democrats were satisfied. The legislative program had been stalled for over a month and the disparities in Republican views were put on display for the public to see and to ponder.[3]

The ranks of the silver bloc had thinned since the last session, and passage of the Gold Standard Act seemed assured. This was a favorite topic of Senator Fairbanks, and since he represented the views of the President his speech was not new but important. He considered the money problem ". . . greater than any other question . . . before us." Republics and kingdoms, he began, seek in a monetary standard the only thing of long-term importance--stability. In this purpose the interests of capital and labor are identical. They are both, he said, either benefited or injured in common by any policy or scheme of monetary law. The Senator explained the Democratic plan as the "maintenance of the single silver standard with gold expelled from the channels of trade." More sensibly, he went on, the Republican party adheres to the gold standard and the consequent use of a large but limited volume of silver and paper currency. If free coinage of silver were adopted at 16-1 when the market value was 34-1, Gresham's law would take effect. Debased silver, he claimed, would drive gold from circulation and "debased legal-tender paper will usurp the currency functions of both gold and silver." To this dilemma the Democrats answered that free silver would increase the demand for

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[3]Ibid., 482.

silver and thus bring its value back to a real parity with gold. If this were true, the Senator asked, why didn't the free coinage of silver from 1797 to 1834 keep it on a parity with gold? The values had to be adjusted in 1835. Then the value of silver went up and gold did not follow. Since free coinage of silver restored a balance neither from 1797 to 1834 nor from 1834 to 1873, how can more be expected now when "there is a difference between them of 53% on the dollar"?

Another aspect ignored by the opposition was, he said, the tremendous profit to be made by owners of silver bullion. The favor of buying at a 16-1 ratio would far surpass any privilege which Congress might see fit to confer through subsidy rights in shipping. The silver profiteers, he disclosed, would be given $1.00 for 46¢ worth of silver. "By what right," he demanded, "do the silver bullion owners demand that the Government should impress 46.7 cents worth of silver bullion with a legal-tender value of 100 cents, and oblige labor to take it and require capital to accept it for a full 100 cents." The Republican party was not against silver currency. It made an addition of $534,897,795 to our silver currency in the last fifteen years. The President, true to campaign promises, likewise sent a commission to Europe to negotiate an agreement on bimetallism. Eighteen European countries had a gold standard. England closed her silver mint in India; Japan inaugurated a ratio of $32\frac{1}{2}$-1. Moreover, France had scrapped her coinage of silver because of superabundance. They would not even discuss the possibility of agreement.

The Senator was convinced that the Treasury could maintain the interchangeability of silver and paper with gold but "the Treasury strong as it is or as strong as it may become, would soon be unable to redeem with gold the mass of silver and paper which would be presented for redemption." In the end, free coinage of silver "proposed in the interest of the expansion of our currency, would result in its very great and serious contraction." Why? Fairbanks explained that once gold had been driven from circulation, we would slip to a silver standard. Now, the silver and paper currency worth at face value (gold standard), $1,250,647,748 would descend to a value based on the present market value of silver and the result would be $670,134,583.

Finishing off his case, the lawyer accused the Populists and the Democrats with another contradiction in their assault on the national banks for their power to issue money and control the volume of currency of the country. The alternative they offered was to repeal the tax on the circulation of state bank notes and thus achieve expanding currency and dispersed control. Actually, the Senator said, in a short while we would have as many currencies as there are states, as we did before the Constitution superseded the Articles of Confederation. We would be afflicted with money not acceptable outside state limits, unredeemable in gold and prohibited in interstate commerce. Can we, he concluded, do better "by the introduction of a currency standard which has been discarded by every enlightened nation on the face of the earth?" "No higher duty rests upon the Congress

than that of providing a sound and stable monetary system . . ., a standard whose integrity is unquestioned and unquestionable."[4]

In his always carefully prepared and fully documented speeches, the Senator appealed first to the national desire for stability, and then tried to show how a free coinage of silver would achieve the opposite and even have a crippling effect on the economy. The Republican party was pictured as solicitous for labor as well as capital, and moderate too because of its continued approval of limited coinage and the appointment of the commission on bimetallism. As was usual too with him, he topped off his speech with a peroration designed to evoke the sentiments of patriotism, even implying a connection between the gold standard and love of country. On March 14, 1900 the Senate approved the Gold Standard Act.[5]

The greatest trial of party strength was yet to come. Administration plans called for a government for Puerto Rico and free trade between the island and the United States. The bills were entrusted to Representative Sereno Payne and Senator Joseph B. Foraker. The initial steps were taken with public approval, bipartisan support and a favorable press. After all, they reasoned, Puerto Rican trade was small; little damage could be done. A widely supported reciprocity program with Europe was even being formulated.

An unexpected explosion occurred at Payne's quiet introduction of the bill in the House on January 19. The dust rose as the protectionists and lobbyists assailed Washington. With the sugar-beet

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[4]Cong. Record, 56 Cong., 1 sess., 2533 (Mar. 5, 1900).

[5]Ibid., 2590 (Mar. 14, 1900).

growers in the lead, tobacco planters and citrus fruit growers and early vegetable farmers descended on the administration. Every mention of the Constitution was eliminated from the measure; free trade became 25% of the Dingley rates. In the light of McKinley's original exhortation to do "our plain duty," the public and the press were confused and annoyed at the reversal.

For the first time McKinley was to feel unpopularity in the Presidency. Party members were betrayed and the public felt duped. The Chief Executive had to meet the Democratic argument that a tariff in Puerto Rico would be unconstitutional because the Constitution would be in effect on the territory. Now he had to take a stand on the Constitution too. The President decided to deny that the Constitution was automatically applied. In a long conference with three confidants, including Fairbanks, he explained his stand, realizing the effect on his popularity. "He chose to stand the abuse and to maintain the right position as he saw it."[6]

To quiet the uproar by the free traders, the rates were changed to 15% of the Dingley rates, and the bill was called a relief measure of two-year duration rather than a permanent policy. Even at that, the sick were rounded up to vote. Two Representatives voted from their hospital beds. The bill passed the House with almost nothing to spare.

Now to the Senate. Here opposition was even stronger and more determined. Protectionists wanted higher rates (Platt of Connecticut

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[6]Charles G. Dawes, A Journal of the McKinley Years (Chicago: R. R. Donnelly and Sons Company, 1950), 216.

hoped for 80%), and the majority wanted free trade. Additional compromises gathered in needed votes. The tariff would terminate as soon as the island could support itself; all the revenue from the tariff would be turned over to the Puerto Rican government; the President would have the discretionary power to begin free trade at any time.[7] Throughout the Senate debate, Fairbanks defended the somewhat shifting stand of the party leaders. His major address on March 31 concentrated on the constitutional validity of the law and the soundness of the tariff.

Congressional power to declare war and make treaties, he began, was the justification for territorial expansion. Chief Justice Marshall had ruled that territory could be acquired "either by conquest or by treaty." Moreover, all further doubts had been resolved by the courts in favor of the government from that time to 1898. He also pointed out the constitutional provision for Congress to "make all needful rules . . ." for governing territories. The danger, he warned, lay in applying our system in haste to a land not quite ready for it. "Education and experience are essential before any people can appreciate and exercise that government which we enjoy . . . ."

The Senator then tried to explain the tariff provision in such a way as to reconcile both the free traders and protectionists to the compromises. He showed that the reduction in tariff rates for coffee, the chief export of Puerto Rico, would adequately favor it above the "cheap Brazilian product." While the decrease in sugar tariff from thirty dollars a ton to four dollars and eighty cents would be a boon

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[7]Leech, op. cit., 478 ff.

to island producers, yet there would be little effect on prices in the United States where of the two million tons of sugar consumed every year, only forty-five thousand tons came from Puerto Rico. Our tobacco imports were similarly small, only four million pounds from the island out of a total of four hundred fifty million pounds; but the savings for the individual farmer would mean prosperity for thousands.

In addition to economic help, the Senator continued, the United States intended to develop a democratic government. The process would take time because of the centuries of paternalism by Spain. Schools had to be built, roads constructed, school systems established. General Davis, provisional governor, estimated the necessity of a two million dollar minimum revenue. From customs and taxes, he would receive only about one and a half million. The rest could come from the U. S. Treasury but the effect would be to make the islanders feel like "mere helpless wards." There was no government to lend any money to if that suggestion were made, and no machinery existed to impose and collect direct taxes. The Senator, therefore, supported the Republican plan of letting the natives support themselves through tariff duties as an honest and dignified method, followed by the United States herself for one hundred years.[8]

With the tariff defended and the Constitution stretched to the necessary proportions, a final vote was called for April 3. Senator Foraker's confidence in a slim victory was almost dashed when Albert Beveridge announced that he would speak on the Puerto Rican

[8] Cong. Record, 56 Cong., 1 sess., 3564 (Mar. 31, 1900).

relief bill. He was known to be a radical free trader. Actually, the junior Senator from Indiana planned to announce his acceptance of the compromise at the conclusion of an eloquent defense of free trade. But the other Senators didn't know this. As he rose to give his speech, his fellow Republicans rose too, to leave the room. His brilliant address was delivered before six Republicans and a handful of interested Democrats. Beveridge had stubbed his toe again. Fortunately for him and the President, April 3 brought a forty to thirty-one victory for the Republicans. Only eight recalcitrant members of the G.O.P. voted with the minority.[9]

Three immigration bills introduced by Senator Fairbanks were referred to committee and allowed to lie untouched for the duration of the session. One was his suggestion from the previous year extending U. S. immigration laws to Hawaii; another would designate ports of entry along the U. S. southern boundary; and a third would clarify the exclusion of insane immigrants. Of the ninety-four bills the Senator introduced, eighty-three were private bills.[10] The new committee assignments announced on December 15, 1899 listed Fairbanks as Chairman of the Public Buildings and Grounds Committee and member of the new Pacific Islands and Puerto Rico Committee (Joseph Foraker was the first Chairman), the Immigration, Judiciary, Geological Survey, and Relations with Canada Committees.[11] Before summer completely engulfed

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[9] Leech, op. cit., 495.

[10] Cong. Record, 56 Cong., 1 sess., 287, 573, 701 (Dec. 13; Dec. 18, 1899; Jan. 9, 1900).

[11] Ibid., 411 (Dec. 15, 1899).

Washington the Senate adjourned on June 7, 1900. Conventions and the national election would demand devoted attention for the rest of the year.

The new year, 1901, began as a happy one for Americans. They were relaxed in fat prosperity and the future looked brighter by the day with industry booming, high employment, ever-expanding trade and the Grand Old Party in full control of it all. The "full dinner pail" was authorized by the people as the official ideal with the secondary addition of benevolent imperialism.

The Lame Duck Congress was not as content. From the beginning it itched to adjourn. But the urge didn't guarantee clear sailing for any legislation. Secretary of War Elihu Root had to contend with the attacks of lobbyists and a severe grilling by the Senate Military Affairs Committee on his Army Reorganization Bill. Only his brilliant defense in committee and behind-the-scenes activities of administration stalwarts such as the senior Senator from Indiana won an affirmative vote from the Senate. Now the army could recruit replacement for regiments withdrawn from the Philippines and a flexible staff system would avoid the civilian-military conflicts of previous years.[12]

An unexpected and unpleasant addition to the legislative agenda came in the form of a report from the Taft Commission in the Philippines. Mr. Taft explained the limitations of his power and requested broadened authority for pacification of the natives and permission to begin development of the natural resources. His purpose was to encourage passage of the already once-rejected Spooner Bill empowering

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[12]Leech, op. cit., 563, 568.

the President to use all military, civil, and judicial authority pending further Congressional action.[13] The request was backed strongly by the Secretary of War and Mr. McKinley. Another full-fledged intra-party fight was unavoidable. The hint of an extra session encouraged some laggards to take up the administration's banner. To ease the pain of passage, the Spooner proposal was made an amendment to the Army appropriation measure before the Senate.

Before any action was taken on this amendment, another irritant was introduced. The Cuban Constitutional convention announced its intention to make no reference to the United States in relation to its domestic affairs in the text of the Constitution. Mr. McKinley announced an extra session of Congress would be held if a draft of the Constitution was submitted to Congress without the specified provisions. Orville Platt of Connecticut complied with the President's desires and tacked his famous amendment on the overloaded Army appropriation bill.[14] For a time party leaders were confused as to how they could justify the Platt Amendment in light of the Teller Amendment. How could they reconcile Congressional regulation of the Constitution of a foreign country? The supreme legalist, Orville Platt, came up with a solution. Since Congress had authorized the original intervention in 1898, did it not have equal power to determine the conditions under which occupation would cease? This explanation was adopted as official doctrine. Majority leaders worked hard to build up Republican unanimity. When debate began on the second amendment on

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[13] Cong. Record, 56 Cong., 1 sess., 2961 (Feb. 25, 1901).

[14] Dunn, op. cit., I, 283.

February 25, unity was needed to suppress the opposition. Amendment after amendment designed to cripple action in Cuba and the Philippines had to be defeated. One provided that no official acts in the Philippines could contradict the U. S. Constitution; another called for United States withdrawal as soon as a stable government was formed on the Pacific islands; the Constitution would be extended to the Philippines; a shortened version of the Bill of Rights would be operative; and still another proposal would limit interference in Cuba to matters concerning its independence, not protection of "life, property or individual liberty."[15] Senator Hoar's amendment did manage to get approval; it limited the Taft Commission in its power to grant franchises and other commercial rights in the Philippines.

Senator Fairbanks called the White House shortly before the bundle of amendments was to be voted upon. "Is the President really anxious about it? Does he want this?" Fairbanks asked Secretary George B. Cortelyou worriedly. If he does we can sustain it, but only if it is deemed essential. The Senator got his answer. "He thinks it would be the gravest of blunders, having gone so far, to recede. . . . the President most emphatically desires it in its present shape."[16] The President had spoken, a sufficient number of the party closed ranks, and our colonial problems were solved for another session.

On more minor issues, the Senate rejected another income tax proposal, 2% on incomes over $4,000. Fairbanks was with his con-

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[15] Cong. Record, 56 Cong., 2 sess., 3139 (Feb. 27, 1901).

[16] Leech, op. cit., 571.

servative friends in opposition to the idea. As Chairman of the Public Buildings and Grounds Committee, the Indiana Senator introduced an omnibus bill for new construction and additional appropriations for structures already approved. Despite questions from Senator Platt about what he called suspicious increases in old estimates, the bill was passed. Senator Platt said his own action of resistance was foolish because no one could defeat an omnibus bill.[17]

In a line akin to his former progression, Fairbanks proposed an amendment to the Circuit Court of Appeals Act of 1891. This law allowed a defendant to appeal the granting of an injunction only. It was amended in 1895 to allow the appeal of granting, continuing, refusing, dissolving, or refusing to dissolve an injunction. This improvement was itself repealed in 1900. Now Senator Fairbanks asked that the plantiff and defendant be treated equally once more. His bill restored the 1895 amendment.

Senator Teller objected that such an addition would open the way for tying up property, litigation and blackmail "particularly in the Western country." Despite the amendment's endorsement by the American Bar Association and committee approval it was passed over.[18] The Senator's bill to admit Oklahoma to the Union was referred to the Committee on Territories.[19]

Contention and compromise were the lot of Congress to the last day. They sat all night on March 3. Each unit in the parade of bills

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[17] Cong. Record, 56 Cong., 2 sess., 3410 (Mar. 2, 1901).
[18] Ibid., 2651 (Feb. 6, 1901).
[19] Ibid., 23 (Dec. 4, 1900).

was twisted and distorted into acceptable shape by amendment and approved by the majority. Only the arrival of the Vice-President-elect the next morning for his inauguration silenced Senator Thomas Clark as he wearily filibustered the Rivers and Harbors Bill into oblivion. Theodore Roosevelt took his oath of office in a dreary, undecorated room before a weary audience, March 4, 1901.

CHAPTER FOUR

FIFTY-SEVENTH CONGRESS (1901-1903)

News of Leon Czolgosz's attempt on President McKinley's life shocked the nation on September 6, 1901. Senator Fairbanks rushed to Buffalo immediately. He stayed until the President's physician assured close friends of the patient's imminent recovery. With Mark Hanna and Judge William Day, Mr. Fairbanks traveled to speak at a Cleveland program held in thanksgiving for the President's expected recovery. A telegram arrived the day after the banquet telling of McKinley's relapse. Expecting the end this time, the three men returned and waited in the President's temporary residence until he died the next morning. Theodore Roosevelt took the oath of office on September 14.[1]

The new President's first message to Congress, contrary to popular expectations, was a modest one. In working out the address Mr. Roosevelt very wisely called in prominent Republicans for advice. These included Senators Aldrich, Foraker, Hanna, Fairbanks, Spooner, and Hale.[2] The mild requests were for a Department of Commerce with a Bureau of Corporations to collect and publicize information about interstate industry; an act to expedite anti-trust prosecutions; and a railroad bill barring rebates. So much for big business legislation.

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[1] Olcott, op. cit., II, 321.

[2] Henry F. Pringle, Theodore Roosevelt (New York: Harcourt, Brace and Company, 1931), 244.

Financially, President Roosevelt asked for approval of the Aldrich plan for expansion and contraction of currency, reciprocal tariffs with Cuba and the Philippines, ship subsidies, construction of an isthmian canal, and a strengthened navy. Minor suggestions included new immigration restructions and army reorganization.[3]

The vigorous fight for the Department of Commerce was successful, but debate on the Bureau of Corporations was to be carried into the next session along with the bill to expedite anti-trust cases. The Elkins Act to prohibit rebates was not destined for passage until 1903 although apparently the railroads no longer opposed it. Senators Aldrich and Quay locked horns on the expansion of currency measure. Quay, remembering Aldrich's dismissal of the law to admit Oklahoma, New Mexico, and Arizona to statehood, led a successful fight to defeat the money bill of the Senator from Rhode Island. Another of the President's requests was stalled by some of his own party leaders. Senators Spooner and Allison spearheaded the drive which almost stopped the ship subsidy bill. Where they failed a stronger opposition in the House succeeded.[4] Fairbanks voted with the administration on each of its proposals.

Once a low tariff man, Theodore Roosevelt adapted his principles to the situation in 1901. Considering all angles and determining that "by far the most expedient thing was to do nothing," he narrowed his demands to reciprocal agreements with Cuba and the Philippines.[5]

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[3] Mowry, op. cit., 123.

[4] Ibid., 124 ff.

[5] Ibid., 128.

On this issue, the farmers concerned and the anti-monopoly crowd from the West and South united in opposition. As an ardent protectionist, Fairbanks joined the opposition. The Cuban bill failed with hardly a whimper. Provision for lowering the Philippine tariff was an amendment to the islands' revenue bill. It lost by a vote of twenty-nine to forty-three. Other amendments applying the Constitution, assuring eventual independence, denying incorporation intentions, and similar proposals were all rejected with almost the same vote.[6]

Fairbanks took the opportunity of the debate to defend his Philippine stand. He maintained that there was no longer a constitutional question to debate, that the real issue had become an immediate declaration of our future and permanent policy toward the islands. Democrats demand withdrawal when a stable government was formed. But in such unchartered territorial projects he thought we shouldn't be committed too far into the future. The Filipinos had had no experience with democratic institutions. The situation was being met by promotion of education, normal schools, and the introduction of Filipinos into responsible positions. "The obligation to care for and protect those who, through one of the great evolutions of human history have been committed to us, has seemed to me always to be our paramount duty." Mr. Taft reported from personal experience that to make the islands a colony or to grant independence would be to "hand the island over to disorder and to anarchy, to destruction and to chaos." In conclusion, the Supreme Court had decided the consti-

[6]Cong. Record, 57 Cong., 1 sess., 2125, 2131 ff. (Feb. 24, 1902).

tutional issue; Congress was free to legislate. Our immediate duty, he outlined, was to put down insurrection, educate the people, promote public improvements and admit the natives gradually to self rule.[7] These might have been the words of Rudyard Kipling explaining to the House of Commons the obligations of the "white man's burden." The essentials of the revenue bill were given Senate approval.

Upon the announcement of the formation of the Republic of Cuba, the Hoosier saw an opportunity to commend the territorial policy of the United States and her humanitarian, disinterested motives. "A solemn national pledge has been redeemed. A Republic has been erected under the authority of the United States, and the possession of that island has been surrendered under happy auspices. . . . No suggestion of territorial aggrandizement swerved the nation from its self-imposed and arduous task."[8]

Besides the role of the United States as a colonial power, the question of immigration was of special interest to the Indiana Senator. He had always defended restrictions to keep American blood "pure." To him and many other Americans the Pacific coast was in danger of invasion from densely populated China. This was obvious in 1880 when measures were taken to exclude the undesirables. Fairbanks defended the action on the grounds that "There is nothing immoral in our exclusion of those who do not tend to elevate our civilization." "Our first care is to our country." As of 1901, he claimed, many

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[7] Ibid., 2095, 2122 (Feb. 22, 1902).

[8] Ibid., 5719 (May 21, 1902).

laborers were slipping into the United States under the guise of being legitimate merchants or businessmen. The Immigration Committee had heard testimony from New England, Southern and California manufacturers, railroad unions, and sailor's unions. The Senator's plan of more careful inspection of passports and visas was passed in different form on April 16 with an almost unanimous vote.[9]

Having ratified the second Hay-Pauncefote Treaty on December 16, 1901, Congress turned its attention to the choice of a canal route. Recalling his opposition to a canal bill before the Clayton-Bulwer Treaty was definitely abrogated, Senator Fairbanks was happy now to discuss the possibilities. The 1850 treaty, he said, had "defeated its own purposes" and brought friction. The Hay-Pauncefote Agreement was a "conspicuous tribute to our national self-restraint, our national honor and to American diplomacy." Taking up the report of the Walker Commission, the Senator admitted that the Nicaraguan route was deemed "most practical and most feasible," but only because the physical advantages of the Panama route were outweighed by its high cost, $107,000,000 for the company rights alone. However, since that time the Panama Company had lowered its price to $40,000,000. On January 18, 1902 the Commission reversed its decision; through the Panama Canal $5,500,000 could be saved in construction, and $1,300,000 on operational costs. Moreover, the route would be 134.47 miles shorter than through Nicaragua, straighter, containing fewer locks, with better harbors at both ends and a higher degree of civilization in the surrounding area.

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[9] Ibid., 3716 (April 5, 1902).

For those who objected that our assumption of French charter rights would cause international complications, the Senator traced the history of the litigation in the French courts and showed our purchase to be free of obligations to the French government. As for cost, since the benefits would be far reaching, Fairbanks suggested a new bond issue. With this remark he proposed acceptance of the Spooner amendment to the original bill submitted before the Walker Commission reversed its decision. Under the addition, a treaty would first be attempted with Colombia, then, at the President's discretion, with Nicaragua. Both the bond issue plan and the Spooner Amendment were accepted, but far from wholeheartedly (42-34).[10]

Among the one hundred ninety-five bills submitted by Fairbanks during the session, his proposal to admit Oklahoma to statehood was once more referred to committee. Relief for the French West Indians suffering from the destruction of an earthquake was approved along, finally, with the two additional associate justices for the Oklahoma courts. The Senator had first introduced the latter bill three years previously. The committee announcements found Fairbanks promoted to the Foreign Relations Committee, Chairman of the Public Buildings and Grounds Committee and member of the Judiciary, Immigration and Coast and Insular Survey Committees.[11]

Press evaluation of the Fifty-seventh Congress was low. There were charges that not much of benefit to the people resulted from the

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[10] Ibid., 6597 ff. (June 11, 1902).

[11] Ibid., 387 (Dec. 18, 1901).

struggle between an aggressive administration and a reluctant Senate.[12] The short second session wasn't given a friendlier reception.

President Roosevelt was defeated on free trade for the Philippines even though some stalwart Republican protectionists reversed their stand. Senator Fairbanks was one of these.[13] An attempt of the Democrats to start an inquiry into the activities of the navy at Panama and Colon was at first conveniently dispatched to the Committee on Naval Affairs, but a week later (Feb. 13, 1903) a resolution requesting detailed data on naval operations in Panama was passed.[14] President Roosevelt complied with the request for information a month later.

In order to ease extended immigration restrictions through the Senate, the administration-supported educational test was omitted. A two-dollar head tax on immigrants from Canada and deportation for aliens who become insane, lunatic, or epileptic within two years after arrival were new approved restrictions.[15] At long last, the President's careful attention secured passage of the measure to speed up consideration of anti-trust suits. A certificate from the Attorney-General would force immediate consideration on top of the agenda. A divided decision would go to the Supreme Court automatically.[16] Before the bill's consideration in this session, President Roosevelt had written to Senator Fairbanks "to press Knox's bill to expedite the

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[12] Mowry, op. cit., 130.

[13] Cong. Record, 57 Cong., 2 sess., 3000 (Mar. 3, 1903).

[14] Ibid., 1875 (Feb. 7, 1903).

[15] Ibid., 2749 ff. (Feb. 27-8, 1903).

[16] Ibid., 1679 (Feb. 4, 1903).

hearing of cases under the Sherman Act. . . . I wish you could take hold of it and push it along."[17] Congratulations were forthcoming to the Senator from the President in a few weeks for his "success in securing the prompt consideration and passage . . . of the bill."[18]

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[17] Morison (ed.), op. cit., III, 406.

[18] Ibid.

CHAPTER FIVE

FIFTY-EIGHTH CONGRESS (1903-1905)

The Fifty-seventh Congress was no sooner history than the Fifty-eighth was called into special session on March 5, 1903. President Roosevelt called the assembly for ratification of a reciprocal trade treaty with Cuba and the Hay-Herran Treaty with Colombia. By the time the session adjourned on March 19, only the Colombia Treaty had been ratified. The administration's reaction was to announce another special session for November 9. In December the Senate gave its grudging consent to the commercial convention with Cuba. The bill provided a twenty per cent reduction on Cuban products in return for a twenty to forty per cent reduction on American products entering Cuba. An integral part of our empire, the Philippines, was denied these concessions granted to an independent state.[1]

The most important business before the regular session of Congress was ratification of the Hay-Bunau-Varilla Treaty. No one doubted its final approval, but its critics were not silenced with this knowledge. Senator Teller claimed "there would have been no secession of Panama if it had not been understood that they would have the support of the United States." He read an order of acting Secretary of the Navy Darling dated November 2, 1903: "Prevent landing of any hostile force. . . . Prevent their (govt. forces) landing if in

[1] Mowry, op. cit., 129.

your judgment this would precipitate a conflict." It was in effect an order of the President of the United States, the Senator declared, to the Colombian army not to assert its rights by force of arms. In reply Senator Fairbanks cited the 1846 Treaty with New Granada (Colombia) as the justification of the order. The President had the discretionary power, by treaty stipulation, to adopt such measures "to preserve peace and safe transit across the Isthmus."[2]

When Senator Paterson called the State Department's delivery of the Hay-Herran agreement to Colombia a coercive action, Fairbanks protested that the administration had not taken the position that the Colombian Congress was obliged to ratify the treaty or forbidden to amend it in any way. Paterson produced official correspondence of June 8, 1903. It read: "If Colombia should now reject the treaty or unduly delay its ratification, the friendly understanding between the two countries would be so seriously compromised that action might be taken by the Congress next winter which every friend of Colombia would regret." This message was given to the Colombian Ambassador. Senator Paterson termed the document an inexcusable threat and insult. The Indiana Senator jumped to the defense and said that the Secretary of State no doubt implied that Congress would select the Nicaraguan route if the treaty were not ratified. Senator Cormach interjected that no action by Congress would be necessary to take the other route; such a step was already approved in the Canal law. The Senator went on to quote from the President's most recent message to Congress: "Secretary Hay . . . repeatedly warned Colombia that grave consequences

[2]Cong. Record, 58 Cong., 1 sess., 831 (Jan. 18, 1904).

might follow her rejection of the treaty." The President had been speaking of the Panamanian revolution. Fairbanks still maintained that Secretary Hay referred to a resolution by Congress officially recommending the more northern route.[3]

Now it was the Hoosier's turn to take the offensive. In a speech in February he attacked what he called the narrow-minded actions of Colombia. "The world looks on with great solicitude, for Colombia had but to give her approval of the proposed convention . . . and on her initiative the great work would proceed. Her disapproval would put the enterprise in peril or delay it indefinitely." The Senator went on to quote dispatches from our minister in Bogota to Hay describing the root of the problem as desire for more money on the part of the politicians. The diplomat also described a spirit of revolt in the air.

As to the revolt, Fairbanks blamed Colombia for the wrongs and outrages that had destroyed all love for the Republic in Panama. The province was subject to brutal dictatorship; all the money from the railroad and canal had gone to Bogota and none to Panama. From a copy of the newspaper El Relator he read a list of Panamanian grievances: no vote, no individual rights under law, no government jobs, illegal elections, no schools, and martial rule. On November 3, he said, they moved "as if by a common impulse."

Challenged again on the subject of our rights and our actual tactics, Fairbanks turned once more to the Treaty of New Granada. He quoted: "The United States guarantees positively and efficaciously to

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[3]Ibid., 916 (Jan. 20, 1904).

New Granada, . . . the perfect neutrality of the . . . isthmus, with the view that free transit from the one to the other sea, may not be interrupted or embarrassed in any future time while this treaty exists; and in consequence, the United States also guarantees, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory." Since New Granada failed to perform her obligation of seeing that the isthmus "be open and free to the Government of . . . the United States," the Senator concluded, we had to guarantee it ourselves during the revolution.

Secretary of State Seward had declared in 1865 that "the purpose of the stipulation was to guarantee the Isthmus against . . . a foreign power only. It could not have been contemplated that we were to become a party to any civil war in that country by defending the Isthmus against another party." To Fairbanks, this statement meant we had no obligation to preserve the canal from the forces of the Panama revolutionaries.

However, on our quiet resistance to Colombia forces, the Senator quoted Lincoln's Attorney-General: "If that freedom (of transit) should be endangered . . . the employment of force on our part to prevent this would be a question of great expediency. . . ." Our commander at Panama, no doubt, in Fairbanks' opinion, decided that the government forces were the ones who were endangering free and safe transit.

"Bloodshed was apparently imminent," he said, "and interruption to the highway across the isthmus was among the reasonably early probabilities." In defense of the President, Fairbanks declared that "in

view of all that occurred and in light of all that has followed, no one can say that he did not act within the limits of sound executive discretion." As to foreknowledge of the events of November 3, in his opinion "no one connected with this government had any part in preparing, inciting, or encouraging the late revolution. . . ." Any knowledge of the revolution was gained from the newspapers. Not only did we not help Panama, but it had been the U. S. support of the Colombian government that had enabled it to maintain even a semblance of sovereignty over Panama during the previous fifty years. Criticism of the administration, Fairbanks asserted, had been based on "vague suspicion, unsupported assertion and wild conjecture." Legally speaking, though Panama had no government under a Constitution, it was his opinion that "any form of organization which for the time being expresses the public will has the power . . . to enter into a treaty. . . ."

In summary, Fairbanks mentioned his main contentions: the revolution was due to a series of wrongs suffered by Panama and precipitated by the treaty rejection; it was not inspired by the United States; it was the duty of the President to preserve freedom of transit and to protect American citizens and property; the Panamanians accomplished their revolution by themselves; no vessel or armed forces of the United States landed at Panama; there was only one ship at Colon and forty-two marines landed to protect American citizens; the President had the constitutional right to recognize Panama; the Republic had the right to negotiate a treaty; and the old guarantees of the 1846 treaty now pass to Panama.

Heated debate continued for almost three more weeks. The President was requested to send to the Senate any additional documents not relayed the first time. The treaty was finally ratified on February 23, 1904 by a vote of sixty-six to fourteen.[4]

Our interests on the other side of the world were subordinated but not forgotten in the spring of 1904. The application of United States shipping laws to the Philippines was debated inconclusively. The purpose was to cut down coastal trade by foreign ships. A bill was passed in 1905.[5] Our shipping laws were changed to the extent that United States government supplies had to be transported in American ships. While Fairbanks favored this change, he opposed amendments which would require all or seventy-five per cent of the crews of American ships to be United States citizens. These additions were rejected but the shipping lines were required to file annual reports on nationality of ships and sailors used and the reasons for the choice.[6]

The nation lost one of its most famous, powerful, and successful politicians when Marcus Alonzo Hanna died on February 15. Senator Fairbanks, in one of the Senate eulogies, called him "one of the most eminent members of this great forum," a man possessed of "consummate skill" and "indefatigable industry."[7] The disappearance of the Cleveland Senator from politics cleared the nominating field of opponents of Theodore Roosevelt and the top power position in Ohio for

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[4] Ibid., 1501 ff. (Feb. 2, 1904).
[5] Ibid., 2261 (Feb. 23, 1904).
[6] Ibid., 2595 ff. (Mar. 1, 1904).
[7] Ibid., 4421 (Apr. 7, 1904).

Senator Joseph Benson Foraker. Congress adjourned on April 28 and hurried home to re-elect itself.

The newly-elected President's message to Congress in December, 1904 was indicative of his victory at the polls. The proposals were vast and progressive. For labor, he asked an employers' liability act, maximum hours for railroad labor, and obligatory safety devices in the railroad network. The Interstate Commerce Commission should be empowered to set up reasonable rates; all interstate business should be licensed. To give examples of social welfare, the President asked for child labor laws, compulsory school attendance, factory inspection, slum clearance, and juvenile court legislation for the District of Columbia. Once more, he requested a Philippine tariff bill and also statehood for Oklahoma, Arizona, and New Mexico.[8]

The fire of the President was quenched in the Senate. The Esch-Townshend Railroad Bill was talked to death in the Interstate Commerce Committee. The labor and social legislation would have to wait also for a more receptive upper house. The trial of Federal Judge Swayne resulted in his acquittal on all charges of misconduct and misrepresentation.[9] A Philippine tariff bill was ignored for the third time. A minor accomplishment was passage of the statehood bill for Oklahoma, the Indian Territory, Arizona, and New Mexico. The first two areas were to form one state, the latter two the other state. Alcohol was to be prohibited for twenty-one years. Movements for separate statehood for Arizona and the Indian territory were rejected

[8] Mowry, op. cit., 197 ff.

[9] Cong. Record, 58 Cong., 2 sess., 3468 ff. (Feb. 27, 1905).

by Congress. When the territorial legislature took up the matter, Arizona and New Mexico refused to consider uniting, so Oklahoma was admitted alone in 1907.[10] The Vice-President-elect did not take part in debate during this session except to deliver eulogies on the deaths of Senator George Hoar and Senator Matthew Quay.[11]

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[10] Ibid., 1975, 1993 ff. (Feb. 7, 1905).

[11] Ibid., 1518, 2832 (Jan. 28; Feb. 18, 1905).

CHAPTER SIX

1904: CONVENTION AND CAMPAIGN

In the midst of the debates on Panama, Senator Fairbanks travelled to New York to speak at the annual Lincoln Dinner of the New York Republican Club. He was introduced as "the next Vice-President" by President Louis Stein and commended for his "strong defense of the attitudes of the administration toward the Panama Canal affair." The Senator was cheered several times in his speech on the achievements of the Republican party, especially the Canal over which "shall float forever and ever, the Stars and Stripes."[1]

Mark Hanna's death in February cleared the field of strong opposition against Roosevelt, and the general feeling seemed to be as unanimous on the Vice-Presidential candidate. Harper's Weekly reported early in April, 1904 that "the prevailing opinion in Washington is that the nomination will go to Mr. Fairbanks." In analyzing the choice, the article asked why Frye, Hoar, Hale, Lodge, Aldrich, Platt, or Foraker should be overlooked. The author acknowledged "the respectable position which, without possessing any claim to eloquence, he (Fairbanks) soon attained in debate. . . ." He was re-elected in 1903 without opposition. But these reasons were not enough. The final concensus boiled down to three ideas. First, Fairbanks had the confidence of railroad men and big business; he had become a millionaire on

[1] New York Times, Feb. 13, 1903, 3.

his railroad investments. Second, he commended himself to sound-money men. In 1896 he was "thought to have contributed powerfully to fixing the status of the party with regard to bimetallism." He led the Indiana delegation which demanded open support of the gold standard. Third, he was popular and powerful in doubtful Indiana. "It would take a tidal wave . . . to give Indiana to the Democracy should Mr. Fairbanks be nominated for the Vice-Presidency. . . ."[2]

Senator Albert J. Beveridge, Fairbanks' colleague from Indianapolis, was quite willing to nominate Fairbanks for the Vice-Presidency if President Roosevelt wished it. He received no clear answer to a letter he wrote to the President, so he eventually seconded the nomination of Roosevelt.[3] Henry Cabot Lodge had written to Beveridge that spring and said that Fairbanks "did want it (the nomination) and is after it . . . and means to get it. . . ."[4]

The conservatives were still wary of the vigorous President and "were determined to name the Vice-President" as the price Roosevelt followers would have to pay for unanimous support. Senator Elkins and Elihu Root refused to consider running when the suggestion was made.[5] Since Senator Fairbanks was suitable and "anxious for the place"

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[2]"The Republican Nominee for Vice President?," Harper's Weekly, XLVIII (April 9, 1904), 540; "Charles Warren Fairbanks," Chautauquan, XXXIX (Aug., 1904), 514.

[3]Bowers, op. cit., 204; Morison (ed.), op. cit., 797.

[4]Bowers, op. cit., 204.

[5]John M. Blum, The Republican Roosevelt (Cambridge: Harvard University Press, 1954), 65.

conservatives agreed to back him. Lodge had also taken the precaution to notify the President of the choice. "If he pushes for it he will get it. So you must tread warily and say nothing."[6]

It was said that Roosevelt preferred the more progressive Robert R. Hitt, Representative from Illinois, but he followed Lodge's advice.[7] Fairbanks' attributes of wealth, conservatism and Indiana popularity were undebatable.

The Republican National Convention of 1904 opened without interest or enthusiasm. One delegate said: "We went there knowing that Roosevelt would be nominated for President, that Fairbanks would be nominated for Vice-President, and that Cortelyou would be Chairman of the national committee."[8] And so it was. Senator Dolliver of Iowa nominated Fairbanks, proclaiming him "the champion of all the great policies which constitute the invincible record of the Republican party during the last ten years."[9] Seconding speeches were made by Senators Depew, Foraker, and Pennypacker. The nomination was unanimous.[10] After Dolliver's speech, Senator Beveridge jumped onto a chair and led the delegates like a cheerleader. A minor faux pas was made by a Georgian, a Mr. H. Blumm, who made the declaration that "the state of Georgia realizes that sound money makes sound banks, and

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[6]Louis Clinton Hatch and Earl Shoup, A History of the Vice Presidency of the United States (New York: American Historical Society, 1934), 344.

[7]Mowry, op. cit., 176.

[8]Dunn, op. cit., I, 424.

[9]Cincinnati Enquirer, June 24, 1904, 3.

[10]Hatch, op. cit., 344.

sound banks make Senator Fairbanks." After a moment of shock, the delegates laughed and applauded.[11] The convention then adjourned as it had opened, with an air of "feigned enthusiasm punctuated with indifference." They "all knew why they had been invited to Chicago, and they had done it."[12]

Senator Fairbanks received a telegram from the President congratulating him for rendering "a real service by accepting the Vice-Presidential nomination." Roosevelt assured him that it was "the unanimous feeling of the representatives of the Republican party that you were the man above all others needed for the place."[13] Roosevelt wrote in quite a different vein to Nicholas Murray Butler. In the letter he said that Fairbanks would be nominated not because anybody wanted him particularly, but because "who in the name of Heaven else is there?"[14]

Lavish in its praise, the Review of Reviews reported that "the most extended campaign tours on the Republican side have been made by Senator Fairbanks . . . who has been well-received in all parts of the country and has made an excellent impression as a man of sagacity and conservative ideas."[15] As special envoy for the President, the

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[11]Bowers, op. cit., 210.

[12]New York Times, June 24, 1904, 11.

[13]Morison (ed.), op. cit., IV, 844.

[14]Pringle, op. cit., 353.

[15]"Republican Campaign," Review of Reviews, XXX (Nov., 1904), 528.

Senator was sent to woo lukewarm Methodists in New York[16] and fence straddlers on the Wabash.[17]

The formal notification of nomination came on August 4, 1904 from the hands of ex-Secretary of War Elihu Root. In the ceremony at Indianapolis Root avoided extravagant praise and spoke of the "deliberate, informed and intelligent judgment of the delegates." Their conduct had been without "intrigue, bargains, emotionalism or misrepresentations." Fairbanks' reply stressed the benefits of Republican administration: the gold standard, protective policy, the "splendid administration" of Mr. Roosevelt" never surpassed in all the history of the Republic and never equalled by the party who seeks to discredit it," impartial enforcement of law, a surplus in the Treasury, favorable balance of trade, the irrigation policy in the West, and the Panama Canal. The Democratic New York Times outdid itself in reporting that the speech was "enthusiastically applauded throughout."[18]

The first formal address of the campaign for the prospective Vice-President was given at White River Junction, Vermont, birthplace of the Senator's father, Loriston Fairbanks. The speech was an attack on Democratic money and tariff policies. Fairbanks warned the audience of hard times if Parker were elected. He recalled the days of prosperity in 1892 when Cleveland was elected. The resulting weak money policy and lower tariff caused arrested economic development, panic, and depression. "Field, factory, and mine suffered alike." More

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[16] Morison (ed.), op. cit., IV, 892.

[17] Ibid., 983.

[18] New York Times, Aug. 4, 1904, 2.

optimistically he spoke of the benefits of the Dingley Tariff and the consequent business confidence, expanding trade and development of industry. The Senator implied that a vote for Parker was a vote for depression.[19]

Two days later, September 2, Roosevelt's anti-trust policy was the Hoosier's topic in Marion, Kansas. The President, he said, "has not allowed them (anti-trust laws) to encumber the statute books as a dead letter." He admitted the necessity for larger capital than in previous decades, but condemned the Democrats for not passing or enforcing any regulatory measure on business. President Cleveland was scored for claiming the inadequacy of the very laws which President Roosevelt later used in the Northern Securities Case. The Republicans, he went on, had expedited anti-trust cases, required more information of corporations, and "put an end to the rebate system." Having emphasized these progressive measures in a progressive state, Fairbanks urged that the ballot be used "to advance the political parties only as they promote the welfare of the home."[20]

Foreign policy was the main burden of the Senator's public letter accepting the nomination. With thirty treaties concluded, he wrote, the United States had increased its prestige abroad, not with the sword, but with the peaceful agency of enlightened diplomacy. "We have avoided entangling alliances, and, in the language of the eminent Secretary of State (John Hay) 'we are without an ally and without an enemy.'" Democratic opposition to the tariff was called

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[19] Ibid., Aug. 30, 1904, 6.

[20] Ibid., Sept. 2, 1904, 3.

immoral and a violation of sound economics. The Democrats had often argued that a lower tariff was the remedy for the trust problem. What they forgot, the Senator continued, was that trusts control commodities on the free list just as independent manufacturers produced protected goods. The President's actions relating to the Panama question were justified by "well-established precedents."[21]

Parker's charges of corruption and irresponsibility against the Republican administration were thought to be best answered by the Indiana Senator whose purity of conduct was beyond question. Fairbanks asserted that there was "no living man with a higher conception of civic duty, with a more exalted ideal of official responsibility than Theodore Roosevelt, President of the United States." There would certainly be, he assured his audiences, "certain condemnation and punishment of evildoers how low or how exalted they be."[22]

Another Parker accusation was that the United States had "sacrificed 200,000 lives" in the Philippines and that $450,000,000 of the Treasury's money was supporting that territory. Fully informed as always, Fairbanks destroyed the attack with facts. Actually, he said, the total number of men in the Philippines was only 122,401. As for the fighting, the Senator blamed outbreaks on the insurgents' hope that the Democrats might win the 1904 election and grant them freedom. Financially, the entire $200,000,000 required to support the islands came from the insular Treasury itself.[23]

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[21] Ibid., Sept. 22, 1904, 6.
[22] Ibid., Sept. 29, 1904, 5.
[23] Ibid., Oct. 18, 1904, 5.

Winding up the campaign in Indiana on November 3, Senator Fairbanks gave ten speeches in one day. He visited Plymouth, Michigan City, Walkerton, Argus, Rochester, Logansport, Monticello, Delphi, and Lafayette. Irritated at the recent mudslinging he asked that the campaign debates be taken "out of the swamps of personality and personal detraction and put on the high level where questions involving the destiny of the Republic should be considered."[24]

Despite his faults, the people wanted T. R. On November 8, the Republicans won overwhelmingly. Parker carried no state outside of the South and even lost Missouri. Roosevelt won 336 electoral votes to Parker's 140. His popular majority was 2,540,067.[25]

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[24] Ibid., Nov. 3, 1904, 5.

[25] Pringle, op. cit., 356.

CHAPTER SEVEN

PERSONALITY AND POLITICS

Charles Fairbanks' personality denied him a national following and real prominence in American life. He was as conservative and intelligent as McKinley but not as genial, fatherly or impressive. He was as crafty, politically conciliatory, and imperialistic as Roosevelt but not as original, dashing, inspiring or dynamic. Arthur Dunn rates him as a man of ability and one of careful and considerate manners. But his appearance showed "a certain marked reticence, a seeming lack of confidence in those whom he met, and a general aloofness which gained for him the reputation of a cold, austere sort of personage which was ever damaging to his political prospects." That this was a misconception made no difference. "He was a victim of his mannerisms, which his enemies were always too anxious to exaggerate and use to his disadvantage."[1]

The earnest Senator was cartooned as an icicle, and columnists devoted space to quips about his secretive and reticent manner. A more sympathetic reporter for the Cincinnati Enquirer thought that: "He (Fairbanks) really likes to meet and talk with people, but he does not know how."[2] At a reception in New York where local leaders had whipped the street crowd into an enthusiastic frenzy for the Senator,

[1] Dunn, op. cit., I, 218.

[2] Cincinnati Enquirer, June 24, 1904, 3.

he "relaxed not a whit of his customary solemn look at this outbreak" though the audience was "yelling like mad." "What was meant by the Senator for a smile but which would hardly be taken for that in anyone else's face appeared on the candidate's face. . . ."[3]

If his appearance was unexciting, the Senator's rhetoric was worse. The adjective used most often of his delivery was "funereal." Delegates dozed during the keynote speech at the national convention of 1896. Chairman of the Platform committee in 1900, Senator Fairbanks read the planks "in monotonous phrases" to an "inattentive and diminishing audience" and was interrupted with only "perfunctory bays of approval."[4] As Senator it is said that "he never broke the 'meditative repose' of the Senate with fiery eloquence."[5] The New York Times very colorfully and unkindly described a speech during the campaign of 1916. "Like Indian elephants, his solemn polysyllables tread along the hushed Meridian Street."[6]

He was sometimes characterized as the Great Oak of the Wabash in contrast to Dan Voorhees who was widely known as the Tall Sycamore of the Wabash. However, Fairbanks' oratory was not designed "to set that Hoosier Amazon on fire." He tread the well-used beaten paths of speech and avoided brilliance like an evil. His harmonious nature told him that the obvious is seldom resented, and he complied fully.[7] In delivering a serious speech in Indianapolis, Fairbanks was startled

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[3]New York Times, Sept. 3, 1904, 3.

[4]Leech, op. cit., 539.

[5]New York Times, June 5, 1918, 11.

[6]Ibid., Sept. 2, 1916, 6.

[7]Ibid., June 11, 1918, section 7, 2.

by a burst of laughter when he addressed a portion of his speech "to the great leaders of the party sleeping in yonder cemetery."[8]

The general estimation of the Senator by historians, newspapermen, and contemporary politicians alike would probably be "a bland mediocrity popular in his own constituency."[9] His career is described as colorless. He is accused of making no enemies or causing party antagonisms.[10] A severe editorial in the New York Times of June 29, 1904 rebuffed Senator Beveridge for calling Judge Parker a "mystery" personality. Who could be more of a mystery, the editor charged, than Fairbanks. In fact, perhaps "nullity" would be a better description than "mystery" for the career and accomplishments of Fairbanks.[11]

Was the Senator the bland, mediocre, useless nullity of his portrayals? There are indications that this is an oversimplified and exaggerated estimate of a methodical, retiring, and self-disciplined temperament. Can his intelligence be doubted in face of the fact that he was the outstanding lawyer in Indiana, and a top authority on railroad law and practices in the Midwest, all within fifteen years of his admission to the bar? Was ambition, perspicacity, or business acumen lacking during the years he became a millionaire, and that before he was forty? Did ignorance of politics prove his downfall? He was a leader in state politics before he was thirty-six, was chairman of

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[8] Hatch, op. cit., 344.

[9] Blum, op. cit., 65.

[10] New York Times, June 5, 1918, 11.

[11] Ibid., June 29, 1904, 6.

the state Republican committee at forty, and from that time on he was, after General Harrison, the most powerful political figure in Indiana until 1905 when Senator Beveridge began to share his control.

A colleague in the Senate once suggested a coat-of-arms for Fairbanks. He should take a crane for a crest since " 'though like a crane, he may seem merely to meditate, when he shoots out his neck he usually gets a fish."[12] To a man who asked President Roosevelt to influence a few Senators for a favor, the President replied, "To suppose that any outside body could dictate to or influence men like . . . Senator Fairbanks . . . in such a matter as this, is to suppose something even more absurd than it is wicked."[13]

The Independent would classify Fairbanks next to Mark Hanna for "first place in the list of recent American politicians for his ability to organize."[14] For over fifteen years he kept the Republican party united in Indiana. He was a close advisor and spokesman for President McKinley in the Senate, and his strong defenses of administration policy were never vague, brief, hesitant or slipshod. A cabinet post was even offered him by McKinley.[15] Other Senators esteemed him highly and thought "him one of the most astute, studious men in that body."[16]

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[12]Francis E. Luepp, "Charles Warren Fairbanks," Independent, LVII (July 7, 1904), 31-3.

[13]Morison (ed.), op. cit., IV, 967.

[14]Luepp, loc. cit., LVII, 31-3.

[15]Eckels, loc. cit., XX, 176-86.

[16]Cincinnati Enquirer, June 24, 1904, 3.

As for the Senator's notorious lack of a sense of humor, observers were probably misled by their Democratic principles or the speaker's quiet manner. His Vice Presidency was marked by a very active social life. In fact, the elite of Washington were offended by the informality of the Vice President's gatherings and the large numbers of people invited.[17] Likewise, despite his usual reserve in speeches, even the New York Times reported that the audience was "roaring with laughter" at his stories on September 11, 1904.[18] During his address on Judge Parker and the Philippines, he "kept his audience with good humor with frequent witty sallies."[19] At the Ohio Society's annual dinner in the Waldorf-Astoria, Fairbanks "was in fine fettle and delighted the society alike by a regular set and serious speech and by various interpolations which he made on the spur of the moment."[20] While his reserve shouldn't be denied, it is equally true that he was not a practicing Stoic.

Charles Fairbanks' leadership in Indiana was acknowledged after 1893 when Benjamin Harrison retired. Progressive Republicans did not have an articulate leader until Albert J. Beveridge appeared on the scene. The dynamic young politician was gathering a following in the late eighteen-nineties. In 1898 he hoped to be chairman of the Republican state convention, but Senator Fairbanks "insisted on

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[17] Hatch, op. cit., 48; Lawrence F. Abbott (ed.), The Letters of Archie Butt (Garden City: Doubleday, Page and Company, 1924), 218.

[18] New York Times, Sept. 11, 1904, 3.

[19] Ibid., Oct. 18, 1904, 5.

[20] Ibid., Mar. 19, 1905, 6.

his right" and the young man's ire was aroused.[21] When Beveridge declared his candidacy for the Senate later that same year, Fairbanks was uneasy. He had admired Beveridge, and his ideas were not radical, but the candidate was a resident of Indianapolis. Already the Speaker of the state legislature and one Senator were from the capital city, and the rural Hoosiers were traditionally prejudiced against the city. Fairbanks feared "his own continuance in the Senate might be endangered . . . because of the prejudice" at the next election. Accordingly he backed the nomination of Judge Taylor.[22] It also just happened that immediately before the Senatorial election in 1899, President McKinley announced the appointment of Addison C. Harris of Indianapolis as United States Minister to Austria-Hungary. To Beveridge this was a deliberate move by Fairbanks to defeat him.[23] Whether it was or not we don't know. But Albert J. Beveridge was elected to the Senate nonetheless.

During the period of freshman Senator Beveridge's impetuosity in speech making, another incident occurred involving the two Hoosiers. When the junior Senator introduced his bill for free trade with Puerto Rico most of his Republican colleagues left the chamber. "Fairbanks kept his seat, described in the papers as 'ill at ease,' and talked with the venerable John Sherman, now retired, until the latter . . . indicated a desire to listen." Relations weren't improved when a vacancy occurred in the Senate Foreign Relations committee. The

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[21] Bowers, op. cit., 72, 83.

[22] Ibid., 85.

[23] Ibid., 88.

young Senator had been promised the "first possible vacancy" on the Committee, but Senator Fairbanks insisted on the place and got it himself.[24]

In a letter to a friend, Beveridge complained that he had tried every way he knew to accommodate his senior colleague. The only other thing left was resignation. "I will say that I do not think that it is the fault of Fairbanks either, but that it is the fault of interested parties and of newspapermen."[25] By 1905 Senator Beveridge had become a popular national figure and his followers had taken powerful positions on the Indiana Republican Committee.[26]

Before Beveridge shared the spotlight in Indiana, Senator Fairbanks was in the full glare. In 1900 Fairbanks was prominent enough to be named with Governor Roosevelt, Jonathen Dolliver, John Long, and Timothy Woodruff as a likely candidate for the Vice Presidency.[27] There is reason to believe that he was the real choice of McKinley, but the President wanted to be impartial and "gave no sign of preference." Without an indication from the President, Fairbanks, preferring to retain his seat in the Senate, "refused to be drafted."[28]

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[24] Ibid., 214.

[25] Ibid., 175.

[26] New York Times, April 15, 1905, 1.

[27] Herbert Croly, Marcus Alonzo Hanna (New York: The Macmillan Company, 1912), 309; Ellis Paxson Oberholtzer, A History of the United States (5 vols., New York, 1937), V, 631.

[28] Olcott, op. cit., II, 268.

After the 1900 election there were signs that Senator Fairbanks had plans for the 1904 convention. William Allen White informed President Roosevelt in a letter on August 8, 1901 that the Indiana Senator was trying to stir up Kansan support for his Presidential candidacy in 1904. The editor was confident, however, that "he is going to spend some money which will do him no good."[29] In a typically self-confident mood, Roosevelt told his confidant, Henry Cabot Lodge, that "Fairbanks has gone to Illinois, Minnesota, and Kansas, and in every place the leaders have told him they could not support him, because they were going to support me, as that was the popular demand."[30]

A more expensive step in his campaign program was Fairbanks' purchase of the Carolinian, published in Elizabeth City, North Carolina. It was operated "as an organ to advocate his candidacy for the Republican nomination for the Presidency." The Senator also bought papers in Greenville, Tennessee, Birmingham, Alabama, and other Southern cities. A Colonel Browning was his campaign manager in Richmond, Virginia. The overall Southern campaign was supervised by Roscoe Mitchell, editor of the Carolinian.[31]

Unfortunately for the Senator's ambitions, any nomination other than Theodore Roosevelt's in 1904 was unthinkable. Fairbanks had to be satisfied with second best. His friends, however, took

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[29]Walter Johnson (ed.), Selected Letters of William Allen White (New York: Henry Holt and Company, 1947), 73.

[30]Morison (ed.), op. cit., III, 143.

[31]New York Times, March 15, 1903, 1.

care that his nomination should be made under conditions which carried the suggestion that "four years hence he might be called to 'come up higher.'"[32]

The Vice President wasn't going to wait for a draft movement in 1908 any more than he had in 1904. He was assured that all federal office-holders in Indiana were loyal, but complained that Secretary of War Taft was pressuring for Taft men as federal employees in Ohio.[33] The President accused the Vice President and Joe Cannon of defeating a Taft man's nomination as U. S. marshall in Oklahoma.[34] As might be expected, the relationship between Fairbanks and Roosevelt became one of "covert hostility."[35] Someone else described it as an attempt to mix milk and thunder.[36] On one occasion a newspaperman questioned the President about his safety before a bear hunting trek in Newcastle, Colorado. Roosevelt joked with the reporter, and at one point recited Peter Finley Dunne's advice that "if Roosevelt had to go down in a submarine, he hoped he would please take Vice-President Fairbanks along with him."[37] The testy Senator Lodge once referred to the coolness between "Icebanks" and the Rough Rider.[38]

As the nominating convention of 1908 drew near, Secretary of War William Howard Taft informed an assistant that two collectors of

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[32]"The Republican Convention," Outlook, LXXVII (July 2, 1904), 493.

[33]Morison (ed.), op. cit., IV, 914.

[34]Ibid., 969.

[35]Hatch, op. cit., 39.

[36]New York Times, April 15, 1905, 1.

[37]Herbert H. Kohlsaat, From McKinley to Harding (New York: Charles Schribner's Sons, 1923), 147.

[38]Hatch, op. cit., 349.

internal revenue were behind Kentucky's "abortive presidential boom" for Fairbanks.[39] Obligated by duty and expediency, Senator Beveridge led the state delegation to Chicago "to work faithfully for Fairbanks' nomination. . . ."[40]

Afraid that their individual strength was no competition for Taft, Fairbanks, Philander C. Knox, Joseph Benson Foraker, and Joe Cannon "sought to head off the nomination of Taft" by collective action.[41] But even the Allies, as they were called,[42] were no match for the heir-designate of Theodore Roosevelt. The Boston Globe presumed that Vice-President Fairbanks would be renominated for the secondary position. "The Vice-Presidency is the only thing in sight for him. He cannot return to his old seat in the Senate. He is rich, out of business and fond of Washington and public life."[43] The Vice President thought differently. When he saw that his nomination for the Presidency was impossible, he absolutely refused to consider any other suggestions. He announced his retirement.

Speaking of Fairbanks' term as President of the Senate, Senator Cullom commented: "I do not know of a Vice President who so strictly observed the obligations adherent to his office. . . ."[44] Senator Bacon, on the other hand, thought Fairbanks was tricky and

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[39]Henry F. Pringle, The Life and Times of William Howard Taft (2 vols., New York, 1939), I, 322.

[40]Bowers, op. cit., 259.

[41]Dunn, op. cit., II, 69.

[42]James E. Watson, As I Knew Them (Indianapolis: Bobbs-Merrill Company, 1936), 125.

[43]Hatch, op. cit., 350.

[44]Ibid.

prejudiced in the use of his knowledge and position.[45] It was Fairbanks' successor, Vice-President James Sherman, whose hope was that he "might measure up to the standard you (Fairbanks) have set, and if I do I feel that I shall have met every expectation."[46]

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[45] Ibid.

[46] Ibid., 15.

CHAPTER EIGHT

LATER YEARS

The nation heard little from Senator Fairbanks during his retirement from national politics. He remained a power in Indiana politics. One visit to Rome, however, attracted wide attention. The former Vice President was scheduled to have an audience with the Sovereign Pontiff. But when the Vatican heard that he was also to address the students of the Methodist schools in Rome, the consent for his visit to the Pope was withdrawn. Fairbanks, a fervent Methodist, addressed the students anyway. He was highly complimented in the United States for his "American" attitude. It was later explained that certain radicals among the Methodists had been publishing slander against the Roman clergy.[1]

As a delegate to the stormy 1912 convention, the old veteran attempted to patch up the feud between Hoosier Regulars and the Progressives.[2] Although he supported Taft, he did not go along with the administration's "steam-roller tactics."[3] Still active in 1916, Fairbanks was being considered once more for the Vice Presidency, or even the Presidency by a few. Nicholas Murray Butler had suggested Root, Knox, or Fairbanks to Roosevelt, but he preferred General Wood

[1] "Fairbanks and the Pope," Outlook XCIV (Feb. 19, 1910), 372.

[2] Hatch, op. cit., 367.

[3] "Fairbanks and the Presidency," Outlook, CXIII (May 17, 1916), 110.

or Senator Lodge.[4] As for Fairbanks, the Bull Mooser said he "had voted for every robbery that was committed" in 1912.[5] However, Roosevelt was no longer running the Republican party.

Fairbanks' assets were weighed as they were in 1904. He had "an unassailable record on currency, tariff, and labor matters, and is known as a student of international law."[6] It was his good fortune to have been born on a farm; he was a respectable member of the Senate for eight years and a successful harmonizer.[7] Moreover, the impending renomination of Thomas Marshall of Indiana for the Vice Presidency "drove the Republicans to Charles Fairbanks." But now the former Senator would have nothing to do with campaigning. He issued a statement that he hadn't been a candidate, didn't want the job and had instructed the state delegation to withdraw his name if it was submitted.[8] Nevertheless the nomination of Fairbanks was generally taken for granted by politicians before the convention was assembled in Chicago.[9] Following Hughes' victory, "it did not take long to nominate Fairbanks for Vice-President and adjourn before he could decline. . ."[10] Faced with the accomplished fact, the Hoosier submitted and took to the stump again. Fence straddling on domestic issues and accusations

[4]Morison (ed.), op. cit., VIII, 1061.

[5]Dunn, op. cit., II, 285.

[6]Republican Candidate for the Vice Presidency," Review of Reviews, LIV (July, 1916), 52.

[7]Hatch, op. cit., 367.

[8]Ibid., 366.

[9]Ibid., 367.

[10]Dunn, op. cit., II, 285.

of "war party" led to the Republican defeat in November and the re-election of Woodrow Wilson.[11]

A year and a half after his defeat, Fairbanks suffered a serious attack of his chronic ailment, intestinal nephritis. He had been forced to refrain from campaigning for a month in 1916 because of this illness.[12] On June 4, 1918, at the age of sixty-four, Charles Fairbanks lapsed into a coma and died the same day. All of his family but his son, Major Richard Fairbanks, AEF, were present at his death.[13]

Bishop McDowell of Washington, D. C. delivered the eulogy at the funeral services on June 7. Present were the Presidents of Ohio Wesleyan and DePauw Universities, John H. Hoffman and George R. Grose. The distinguished pallbearers included Governor James Goodrich, and former governors Samuel Ralston and Winfield Durbin.[14]

The Fairbanks' estate was valued at $2,150,000. A $50,000 trust fund was set up for five hundred years, interest to be withdrawn regularly for Indiana social welfare activities. Ohio Wesleyan and DePauw both received bequests of $50,000. Mrs. John Timmons, the former Adelaide Fairbanks, was given an income of $15,000 a year. The remainder of the estate was to be divided among the surviving sons, Richard, Warren, and Frederick Fairbanks.[15]

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[11] Arthur S. Link, American Epoch (New York: Alfred A. Knopf, 1959), 189 f.

[12] New York Times, Sept. 16, 1916, 7.

[13] Ibid., June 5, 1918, 11.

[14] Ibid., June 7, 1918, 13.

[15] Ibid., June 20, 1918, 7.

Like so many politicians, Charles Warren Fairbanks died without attaining the aim of his life, the Presidency. He had the stuff of which Presidents were made in his era: he came from a President-making state; he was on good terms with all the men who made Presidents; his personal life was spotless; and his political career had been successful and respectable. But the closest he ever got was "a Vice-Presidency which he did not want except as a stepping-stone, and a subsequent Vice-Presidential nomination which he did not want at all and which in fact offended him." The crux of the matter was that when he had matured for the Presidency, his type of qualifications "were going out of fashion." "The easy jogging times" had given way to times of turmoil in politics and the demand was for dynamic leaders. "The times of Hayes and Arthur had gone and the days of Wilson and Roosevelt had taken their place."[16] The change had come at just the wrong time for Charles Warren Fairbanks.

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[16] Ibid., June 6, 1918, 12.

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