

## **In Memoriam**

JOHN WATSON FOSTER

### AN APPRECIATION

The State of Indiana has a goodly list of soldiers, statesmen, and men of letters to its credit. In not a few instances the reputation which they have achieved has been national; in one, and the most recent, international. It is rare that distinction has been achieved in the three fields of activity, but whether soldier, statesman, or man of letters, or whether they be combined in one, the son of Indiana remains loyal to Indiana, whether he live within the State, at the capital of the nation, or perform the duties assigned to him in the larger world beyond our boundaries. He is never too great for the State; to the State he returns, and in the State he is laid to rest amid the admiration, respect, and regard of his fellow-citizens.

John Watson Foster, known alike as soldier, statesman, and man of letters, was a native of Pike County, State of Indiana, and in Evansville, State of Indiana, he sleeps his last sleep. Born on March 2, 1836, he died on November 15, 1917, and he justified his length of days not merely by good works, which alone would have been a justification, but also by great deeds, which gave him standing at home and abroad and an enduring reputation.

A graduate of Indiana State University, a student of the Harvard Law School, and a lawyer by profession, he served three years and a half in the war between the States, took part in many important engagements in the west, and commanded at various times three different regiments, a brigade, and a division of cavalry. The skill and the courage exhibited at Fort Donelson, where, although a major, he commanded and led the charge of his regiment, attracted the attention of General Grant, won his friendship and regard, and laid the foundations of that diplomatic career which began in 1872 upon his appointment by President Grant as Envoy Extraordinary and Minister Plenipotentiary to the then distracted Republic of Mexico. The incidents of this appointment the veteran diplomatist himself very modestly relates in the two volumes published in 1909, under the caption of *Diplo-*

*matic Memoirs*, an admirable work which supplies the facts of his career and only leaves to other hands its appreciation.

General Foster had been Chairman of the Republican Committee of his State in the presidential campaign of 1872, in which, at first, the tide seemed to be against General Grant, but which, in the end, turned strongly toward him and resulted in his triumphant reëlection. As Governor of Indiana, Oliver P. Morton had appointed Mr. Foster, as he then was, a major of volunteers, without solicitation and without his knowledge. Governor Morton was now United States Senator, and, realizing the obligation of the party to General Foster and desiring to recognize it by an appointment, asking him to choose the position which he most preferred and to give himself no worry about his appointment to it. The General was somewhat taken aback at this mark of confidence in his abilities, which he never rated so highly as his friends. He asked time to consult with Mrs. Foster, whom he had left to go into the army, but who, for fifty-eight years, administered to his comfort, making a great career possible, notwithstanding his delicate constitution and precarious health. They came to the conclusion that "a brief residence in Europe would be both pleasant and useful," and they picked upon the ministry to Switzerland, which General Foster says in his *Memoirs* "was in the lowest grade of our diplomatic service." Switzerland was promised, but Mexico was free; and in this casual, indeed accidental way, he began that diplomatic career which has given him an abiding place in the history of his country.

During his seven years in Mexico that country passed through the storm and stress of revolution and settled down, with a brief interval, to a policy of order, if not of law, under President Diaz, relapsing, as General Foster feared and for the reasons he stated, into anarchy after the strong hand was stayed. Commenting upon his service in the army, he had said, "My military life greatly enlarged my knowledge of men and gave me fuller confidence in myself." And no better example can be found of his knowledge of men and the reason why his countrymen had confidence in him than his analysis of the Diaz régime, its nature and its consequences:

It would have been a wise and patriotic act for General Diaz to have retired from the Presidency at the end of his second term, leaving the prohibitive clause of the Constitution in force. He would then have been in a position to guarantee a peaceful election of a successor and a continuance of the good order and pros-

perity which he had established. The people also might have had an opportunity to test their ability to conduct a government by means of a free and untrammelled exercise of the electoral franchise, a condition as yet unknown to Mexico. The benevolent autocracy under his administration has resulted in great prosperity for the country, but it has done little to educate the masses of the people in their duties under a republican government.

The biographer of Pericles, the greatest of the republican rulers of Athens, in describing the disorders which followed his death, makes these comments: "In his determination to be the foremost man in the city, he left no room for a second. \* \* \* Under his shadow no fresh shoots sprang. He taught the people to follow him as a leader, and left no one behind to lead them; he destroyed their independence—or at least the mutual play of opposite forces—and when he died came 'the deluge.' There was no one who could succeed him. A democracy without great men is a dangerous democracy."<sup>1</sup>

While still in Mexico, General Foster was, without consultation, and indeed without his knowledge, notified by telegram that he was to be transferred to the Russian mission. On January 19, 1880, President Hayes nominated him for that post, and General Foster recalls with pleasure that his name was sent to the Senate with that of Mr. James Russell Lowell, transferred from Madrid to London. He arrived in Russia on May 28, later than was expected, owing to the fact that he stayed in Mexico to receive General Grant, then visiting the country. He remained in Russia during the balance of 1880 and in August, 1881, he obtained a leave of absence to visit the United States, which, however, proved to be not only his farewell to Russia but his renunciation of diplomacy as a permanent career. For, although he later filled posts temporarily and was sent on diplomatic missions, they were as incidents or as interruptions in the career of a publicist and international lawyer,—not to be sought, yet not to be avoided if offered.

Having stated with frankness in his *Memoirs* the reasons which led him to enter, so with equal candor he gives the reasons which caused him to leave, the diplomatic service. Thus, he says:

After reaching home I came to the conclusion that the interests of my family and due consideration for my own future demanded my retirement from office. I had been continuously in the Diplomatic Service for nearly nine years. They had proved very interesting and instructive and I had reason to be satisfied with my

<sup>1</sup> *Diplomatic Memoirs*, Vol. I, pp. 106–107.

labors. But under our system of government I could not hope to make the Diplomatic Service a life career. I was giving to the Government the best years of my life, and I thought it better to choose my own time for retirement than to have it determined by a change of administration.

I had a growing family and I preferred to give them an education in our own country rather than abroad. Financial considerations also influenced my determination. Before entering the Service I had not accumulated a competency, and the salary received from the Government required me to exercise economy in office. I did not consider it either prudent or honest to adopt a style of living beyond my income. I do not advocate large salaries for our diplomatic representatives, but permanent houses should be provided for them, and there should be such a moderate increase in their salaries as would justify men of talents without fortunes entering the Service. Lavish display is not becoming in the representatives of a democratic government, but they should be enabled to live comfortably and in becoming style without drawing upon their private means or credit.<sup>1</sup>

In an earlier portion of his *Memoirs*, in connection with his entrance upon "the highest and most difficult mission on the American hemisphere," for such the Mexican mission then was, he makes the following observation upon diplomacy as a career, wise in itself and the fruit of his experience, which is an appropriate pendant to his observation upon leaving the service:

I am a strong advocate for the establishment of a regular career for the diplomatic service of the United States; I would have all Secretaries of Legation enter the service through a competitive examination; continue in office during good behavior; and, as they should prove worthy, have them promoted to Ministers. But I doubt whether the time will ever come when our Government will think it wise to confine the appointment of Ministers and Ambassadors entirely to promotions from the posts of Secretary. It has never been so in the Governments of Europe where the regular diplomatic career has long been an established system. Many of their most useful and distinguished diplomats have been those who never entered the service through a competitive examination, but who were appointed from other branches of the public service or from private life.<sup>1</sup>

By resigning, on November 1, 1881, from the mission to Russia, to settle in Washington and to engage in the practice of law, particularly

<sup>1</sup> *Diplomatic Memoirs*, Vol. I, pp. 213-214.

of international law, in which he prospered and acquired fame, he doubtless thought that he had severed his relations with Russia; but in this he was mistaken, and it is probably the only mistake with which he can be taxed in his diplomatic career. He was sent on special mission by President McKinley in 1897. And if he really thought that he was not again to hold a regular diplomatic post, his judgment was again at fault, for President Arthur, who had regretfully accepted his resignation as Minister to Russia, insisted that he proceed to Spain, which, however, was in the nature of a special mission, although it was not confined to a single purpose with a temporary residence. He yielded to the President's request, and from 1883 to 1885 he served as American Minister to Spain, which in 1891 he visited a second time, as in the case of Russia, on special mission, demonstrating that his services were acceptable both to those countries and to the United States.

In the interval, however, between these two missions, General Foster had come to his own. In 1892, upon the resignation of Mr. Blaine as Secretary of State, General Foster was appointed by President Harrison, a citizen of his own State, to succeed that distinguished statesman; and it is interesting to note, in this connection, that it was not the first time that General Foster had been considered for the cabinet. President Hayes wanted the State of Indiana to be represented in his cabinet, and, unconscious of the threatened honor, General Foster was, as appears from Mr. Williams' *Life of President Hayes*, the President's preference. "Finally," to quote the President's biographer, "the choice narrowed down to John W. Foster, at that time Minister to Mexico, and Richard W. Thompson, famous since 1840 for his political oratory. \* \* \* Of these two Mr Hayes was inclined to prefer General Foster, the younger, abler, and more active man. But as it would take so long for him to reach Washington, and as it was desirable that all members of the cabinet should be installed at once, Colonel Thompson won the distinction."<sup>1</sup> But in 1892 General Foster was not in Mexico; he was in Washington, and he was appointed and entered at once upon the performance of his duties.

However, he did not long remain in this post, inasmuch as the Bering Sea controversy between Great Britain and the United States, a legacy of his predecessor, was very difficult, very perplexing, and required a tried and deft hand for its settlement. It was submitted to

<sup>1</sup> C. R. Williams, *The Life of Rutherford Birchard Hayes*, Vol. II, p. 23.

arbitration, and General Foster resigned the Secretaryship of State in 1893 in order to take charge of the case on behalf of the United States. Two years later he was drafted into service by the Chinese Government, then at war with Japan and anxious to extricate itself from the toils of the Island Empire, which, in a single campaign, had defeated that immense and venerable country. General Foster accepted the call and acted as adviser to the Chinese plenipotentiaries in the negotiations ending in the treaty of peace between the two countries—with such apparent satisfaction to his imperial client that, without solicitation or knowledge, China appointed him a member of its delegation to the Second Hague Peace Conference of 1907. In the interval between these dates, General Foster's practice of law was at least twice interrupted by his own country: in 1898, by his appointment as a member of the Anglo-American high commission to settle the disputes between Canada and the United States, and in 1903, as agent for the United States in the Alaskan boundary dispute.

Accidental and casual as his entry upon diplomacy, in which he achieved, however, solid and enduring distinction, was his entry into the domain of letters, in which he likewise succeeded. Urged to deliver a series of lectures on diplomacy in Columbian (now George Washington) University, he yielded, and what was an incident in his career as a diplomat and international lawyer has become the foundation of what promises to be an enduring reputation, for his lectures have been published as *A Century of American Diplomacy*, just as Kent's lectures, delivered at Columbia, were published and have remained a standard work, under the title of *Commentaries on American Law*.

The *Century* is a remarkable book. Published in 1900, it is as fresh as the day it issued from the press. The learned author wisely limited himself to a field, not, indeed, closed to controversy, but the great lines of which were drawn and within which he could move unembarrassed and at his ease. It begins, of course, with the 4th day of July, 1776, when the Declaration of Independence was proclaimed by a sturdy race and representatives worthy of the future of their country. It ended with 1876, a period when the United States had been reunited after the Civil War, through which it had passed but a decade before, and when our own fathers looked with wistful eyes, not to the past but forward to the second century of the Republic and to the future which time has in store for us.

Chronologically, and in the form of a narrative, General Foster sketched with a masterly hand our diplomatic relations, confined, at first, to France, our first and for more than a century our only ally, until our relations broadened out and encircled the world. And he appropriately ended his survey with a statement of the origin and nature of the Monroe Doctrine, which should be treated as a whole, not drawn and quartered and apportioned to various sections of the book. Accurate it is, for General Foster's training and experience as a lawyer had made him accurate to a fault; but it is more than accurate, it is the work of a professional hand, for its author wrote as a diplomat, versed in the practice of his art, sometimes, alas, a craft, and familiar with its nature and its history. It is even more than the work of a diplomat; it is a book of wisdom and of large vision. Small in size, it bulks large in importance.

The *Century of American Diplomacy* was the first fruits of this pen. Fortunately, it was not the last. The appetite grows, it is said, by what it feeds on, and few authors can resist the temptation of success. General Foster, amateur as he then was, yielded as the professional author, but, prudently,—for he was prudent in all things,—he confined himself to the field in which he moved alone and where his appearance attracted and commanded attention. *American Diplomacy in the Orient* followed *A Century of American Diplomacy* within three years, and rounded out a phase of the subject which could only be touched upon in passing, but which is not the least of American achievements—the introduction of Japan to European civilization and the entering of the newer spirit into China. This book, like the *Century*, was born of familiarity with the subject, for he had come into contact with Japan as a representative of China in the negotiations which ended the war of 1894–95 between the two countries. But it was not alone personal interest which dictated the choice of the subject and caused him to enlarge and complete the earlier work, for he shared the views of William H. Seward, then a Senator, and whose words he quotes with approval: “The Pacific Ocean, its shores, its islands, and the vast regions beyond, will become the chief theatre of events in the world's great Hereafter.”<sup>1</sup>

Three years later, for General Foster apparently moved in cycles of threes, *The Practice of Diplomacy*, published in 1906, naturally followed the *Century* and *Diplomacy in the Orient*, showing how the re-

<sup>1</sup> *American Diplomacy in the Orient*, p. 135.

sults chronicled in these two works had been accomplished in practice. And finally, in 1909, the veteran closed his career as an author by a personal contribution, but not the least interesting or valuable of his writings. It is perhaps immodest in a man to set forth his own career, but General Foster did so modestly, for above all he was a modest man, and the *Diplomatic Memoirs*, in two volumes, would never have seen the light of day were it not for the fact that they gave an opportunity, in a very individual and intimate way, of informing his countrymen of the events which were taking place before their very eyes and in the lifetime of one man. There is no apology for their publication, there is no reason stated. The books speak for themselves, and they speak a language of grace, of dignity, and of personal charm.

By the wayside, as it were, he dropped a little book, entitled *Arbitration and The Hague Court*, prepared in 1904 at the request of the Mohonk Arbitration Conference, in which he was deeply interested and of which he was president; and this tractate, like its larger and more pretentious companions, is the work of a specialist, for General Foster had represented the United States in the Bering Sea arbitration of 1893 and in the Alaskan boundary dispute of ten years later.

But, great as were General Foster's attainments, he was preëminently a man of character. His life was busy and full of conflict, on the field of battle, at the bar, and in the less open but none the less real contests of diplomacy. He fought as a man of principle, and the principle he found laid down in the Old Testament as well as in the New, for the Presbyterian does not reject the wisdom of the race while accepting the milder doctrine of the newer dispensation. A man of ambitions, otherwise he would not have played his part in the world's affairs, he was a man of ideals; but his ambitions were consistent with, and his ideals were those of the Gospel. In the world, to that extent he was of the world, but the world was not too much with him. He heard and he heeded the counsel of his Master, and he found the words to be true of his own knowledge: "Seek ye first the Kingdom of God and His Righteousness; and all these things shall be added unto you." Pride did not enter into his being, and one can imagine him as Franklin, his first and most illustrious predecessor, looking back to the little town in the west from which he came, and recalling, as Franklin recalled as he stood in the Court of Versailles, the admonition of early days: "Seest thou a man diligent in his business, he shall stand before kings." And they not only stood before kings, they were kings.

JAMES BROWN SCOTT.