THE FATE OF THE ELECTION BILL.

In December, 1889, the Republican Party succeeded to the legislative power for the first time in sixteen years. During all that period the men entitled to speak for it, if anybody could speak for it, had insisted that it represented the true and lawful majority of the American people. They had held that the House of Representatives, as constituted for fourteen years of that time, and that the presidency itself, when occupied by Mr. Cleveland, represented nothing but usurpation, by which, in large districts of the country, the will of the people had been defeated. The party attributed more or less importance to other questions; there were resolutions in State and national platforms on other subjects, in regard to some of which differences of opinion were known and tolerated; but no difference of opinion was ever heard of among Republicans as to the duty of providing a remedy for this great wrong. The Chicago convention of 1888 placed the subject foremost in its platform, devoting to it three resolutions, as follows:

"We reaffirm our unswerving devotion to the national Constitution and to the indissoluble union of the States, to the autonomy reserved to the States under the Constitution, to the personal rights and liberties of citizens in all the States and Territories in the Union, and especially to the supreme and sovereign right of every lawful citizen, rich or poor, native or foreign-born, white or black, to cast one free ballot in public elections and to have that ballot duly counted.

"We hold a free and honest public ballot and just and equal representation of all the people to be the foundations of our republican government, and demand effective legislation to secure integrity and purity of elections, which are the fountains of all public authority.

"We charge that the present administration and the Democratic majority in Congress owe their existence to the suppression of the ballot by a criminal nullification of the Constitution and the laws of the United States."

Republicans might be men who favored a high tariff or a low tariff, free raw material or a duty on everything that can profitably be produced here, silver currency or bimetallism; but these

resolutions were accepted everywhere as constituting the very definition of Republicanism. It is believed that a Republican constituency could scarcely have been found in the country within the past fifteen years which would have elected to any considerable political office, State or national, any man who denied them.

The writer, in presiding over the convention which nominated President Garfield at Chicago in 1880, charged that the Democratic Party had done or had tried to do nothing in this country for sixteen years except to break down the legal safeguards which make free elections possible.

"United in nothing else, proposing no other measure of policy, it wages its warfare upon the safeguards which the nation has thrown around the purity of its elections. It can see nothing else of evil, except that a freeman should cast a free vote under the protection of the national authority."

And, after reciting some of the great achievements of the Republican Party which have affected the business interests of the country, he added:

"But not for these things alone does the Republican Party challenge your respect or demand your confidence. National wealth may exist, commerce may increase, in a nation whose people are degraded and enslaved. The keynote of every Republican platform, the principle of every Republican union, is found in its respect for the dignity of the individual man. Until that shall become the pervading principle of the Republic, from Canada to the Gulf, from the Atlantic to the Pacific, our mission will not be ended. The Republic lives, the Republican Party lives, but for this: that every man within our borders may dwell secure in a happy home, may cast and have counted his equal vote, and may send his child at the public charge to a free school. Until these things shall come to pass, the mission of our party will not be accomplished, nor will its conflict with its ancient adversary be ended."

It will not be doubted that "the effective legislation" which the Chicago platform of 1888 promised to the country, "to secure integrity and purity of elections, which are the fountains of all public authority," meant legislation by Congress. The convention was announcing the purpose of a national party in regard to national elections. It had no expectation that it could, in the campaign for which it was defining the issues, dislodge its antagonist from power in the States where the abuse chiefly existed. After the election of 1888, when it became known that the Re-

publicans had elected the president and a majority in each house of Congress, many bills, intended to secure honest elections of members of the House, were introduced in the Senate during the short session beginning December, 1888, and were referred to the committee on privileges and elections. The chairman of that committee brought to Washington, in December, 1890, a carefully-prepared bill based on one introduced by Mr. Sherman, providing for holding under national authority separate registrations and elections for members of Congress in all the States; but it was found, on consultation with every Republican senator except one, that a large majority were averse to an arrangement which would double the cost of elections throughout the country, and which, in States where personal registration every year is required, would demand from every citizen his presence at the place of polling or registration four times every alternate year. Accordingly, another bill was drawn, which provided for national officers, of both parties, who should be present at the registration and election of members of Congress, and at the count of the vote, and who should know and report everything that should happen, so that all facts affecting the honesty of the election and the return might be before the House of Representatives. To this were added some sections providing for the punishment of bribery, fraud, and misconduct of election officers.

The bill was ready to be reported early in February, 1890. But in the mean time the House of Representatives had appointed a committee charged with a similar duty. Members of that committee thought, with much reason, that a measure which concerned the election of the House should originate in that body. Accordingly, the Senate committee held back its bill, and awaited the action of the House, which, on July 15, 1890, sent a bill to the Senate. The bill passed by the House dealt not only with the matter of elections, but also with the selection of juries and some important kindred subjects. The Senate committee struck out everything that did not bear directly on elections, mitigated the severity of the penalties, and reduced very considerably the bulk of the bill. The measure was reported in a new draft by way of substitute, and remained before the Senate until the beginning of the present session, when it was taken up for

action. It was a very simple measure, and merely extended the law which, with the approbation of both parties, had been in force in cities of more than 20,000 inhabitants since 1870. This law had received the commendation of such leading Democrats as the late Mr. Cox, Secretary Whitney, the four Democratic congressmen who represented Brooklyn, and General Slocum, then representative at large from the State of New York; and it had been put in force on the application of Democrats quite as often as on that of Republicans. The bill modified it by providing that, in case of a dispute concerning an election certificate, the circuit courts of the United States should award a certificate entitling the member to be placed on the clerk's roll, and to hold the seat until the House itself should act upon the case. This provision is copied from an English law enacted in 1868, which, though viewed with great apprehension by the English judges, as likely to bring them into politics, has been carried out there to the entire public satisfaction.

The bill reported provided that, on the application of one hundred voters, the registration and election, though left entirely in the hands of the State officers, should be witnessed by supervisors belonging to the two political parties, who should preserve the facts for the information of the House, or, in case the intervention of the court should be sought by either candidate, for the information of the judge. This, and a few provisions against bribery, frauds by election officers, and abuse of power by the officers of the United States, made up the whole of this much-abused bill. It did not provide for the use of any force whatever, still less for the calling out of troops. It did not interfere in the least with the State election officers in the performance of their duties, or remove the conduct of elections from the States. It did not apply to the South more than to the North. It did not in the least affect State or local elections. It gave no exclusive control to either political party. While it originally provided that the supervisors should consist of three persons, only two of whom should be of the same political party, that feature was changed, after the bill reached the Senate, by a provision that there should be at each polling place but two supervisors, who should be of different political parties.

It is impossible to think that any man who understood this bill could oppose it unless he desired the continuance of fraud or of violence in the election of representatives to Congress. During the progress of the bill several amendments were made, all intended to remove the doubts or the objections of its opponents. An amendment had been carefully prepared, on consultation with Senator Allison, to provide against excessive fees, and to establish a system by which the accounting officers of the treasury should oversee the supervisors; and notice of this amendment had been given. When it was suggested that the phraseology of the bill might be construed to make the chief supervisor a life officer, or to limit the power of the judge and to increase that of the chief supervisor in the appointment of subordinates, amendments were at once consented to for the purpose of removing all such doubts. A bill of the same length or of the same importance can scarcely be found to which, however carefully it may have been prepared, more amendments have not been found necessary in its passage through the Senate. The great appropriation bills, which are prepared by experienced committees, and which go over the same ground year after year, frequently require hundreds of amendments in the course of their passage. No Republican who refused his support to the bill suggested any other measure, or scheme, or plan, or offered any amendment of importance that was not instantly accepted.

The bill was reported to the Senate on August 7, 1890. Meantime the tariff bill, which had been made by Mr. Cleveland, so far as he could make it, the sole issue in the late presidential election, had been matured and reported. It affected all the business interests of the country, and they were in a state of uncertainty and alarm. Mr. Quay, of Pennsylvania, proposed a resolution to the effect that certain enumerated measures, not including the election bill, should be considered at that session, and that all others should be postponed. There were Republicans enough in favor of the resolution to give it a majority, if it had been brought to a vote. This would have postponed the election bill without any assurance of its consideration in the short session. An agreement was therefore made, at a conference of Republicans, to the following effect:

"We will vote: 1. To take up for consideration on the first day of the next session the federal election bill, and to keep it before the Senate, to the exclusion of other legislative business, until it shall be disposed of by a vote. 2. To make such provision as to the time and manner of taking the vote as shall be decided, by a majority of the Republican senators, to be necessary in order to secure such vote, either by a general rule like that proposed by Mr. Hoar, and now pending before the committee on rules, or by special rule of the same purport, applicable only to the election bill."

This was signed by a majority of the entire Senate, and entitled the friends of the election bill to the assurance that it would be brought to a vote at the short session.

It will, I think, be clear from the foregoing narrative that the Republican Party had promised to do its best to secure honest elections, by the exercise of the national legislative authority, and that the purpose to keep that promise is the one essential thing that constitutes Republicanism. To that promise the President and the great body of the Republicans in the House and in the Senate have been true. The mission of the Republican Party will not be accomplished until that promise shall have been kept. At present, the Fifteenth Amendment, and so much of the Fourteenth as relates to suffrage, are absolutely nullified. The condition of things in this country to-day, so far as relates to the election of representatives and presidential electors, is as if those two amendments did not exist. Let us see where the responsibility for this condition of things belongs, and what has been, and is likely to be, its effect upon the great interests of the country. I do not speak of the gentlemen, elected by Republican constituencies, who have separated from their brethren. It is no part of my duty to discuss the action of my associates in the Senate, except to answer their reasons in debate if I can. I am speaking now only of the larger influences which have made possible the overthrow of popular elections in this country, and the nullification of the Constitution itself, so far as it provides for such elections, and which have baffled any attempt to apply to these crimes a simple, lawful, constitutional remedy.

If the body of northern business men, the body of self-styled "reformers," the body of educated and wealthy men, who are indifferent to their political obligations, had acted for the past fifteen years with the Republican Party, election practices which

have made so many States of the South solid against the wishes of a majority of their own people, would have been unavailing. I believe that the great bulk of the business men of the North are, upon this question, sound to the core. I believe that they prefer liberty and honesty to ease and wealth. I believe that the great body of reformers and lovers of pure government in this land are to be found in the ranks of the Republican Party. But the overthrow of constitutional government in this country is due to the defection of the classes to which I have referred. Those classes will be the first to experience the bitter penalty, and it will fall on them most heavily. They have sent representatives to Washington from northern States to vote for a speaker in full sympathy with these practices, and for an organization of the House which will render the suppression of them impossible; to vote, in all disputed election cases, to assign to southern contestants the prizes in these Isthmian games of violence and fraud, and to vote against every attempt to secure free and fair elections by legislative authority or by the authority of the courts. It has frequently been demonstrated that, by reason of this usurpation, a number of representatives, varying from 39 to about 60, sit in the House, in places which, without such usurpation, would be filled by Republicans. In addition to this, many presidential electors and many senators owe their appointments to the same practices, although, in the case of presidential electors and senators, a remedy by national power is more difficult. The votes of these men have always been thrown against the interests and opinions of the business men and of the so-called reformers of the North, who have been in such large degree their political accomplices.

Take two recent examples: There is no pending measure which the business men of the country think likely to be more injurious to our prosperity than the proposition for the free coinage of silver. They think that, if the proposition should be adopted, the measure of our circulating medium, the measure and standard of all prices and contracts, would be in a state of constant fluctuation. They believe that, in such a case, every man who is hereafter to receive a dollar, whether in payment of a debt, in payment of a savings-bank deposit, in payment of a

pension, or in payment of wages, would receive a dollar whose value cannot be calculated beforehand, and about which he knows only that its value will be much less than that which he is now entitled to receive. They believe that the relations of this country to all the commercial nations of the earth would be seriously affected for the worse by such a measure. They believe that it would introduce a new period of speculation and of financial dishonesty. Yet, while they affirm this so vehemently, so conscientiously, so truly, it is due solely to them that the country is in any danger whatever from this source. On the recent test vote, where the attempt to put a provision for the free coinage of silver upon an appropriation bill was defeated by a majority of seven—the vote being 134 to 127—only 11 Republicans voted in favor of the provision, and but seven Democrats voted against it. Every Democratic vote in the House from States south of Mason and Dixon's line was for this measure. And yet committees visit Washington to utter earnest protests, almost every man of whom has given all his influence toward the election of these representatives and toward the overthrow of every practical measure which would have prevented 39 seats from being wrongfully filled by the advocates of free silver coinage. They tell us that the proposition to make a silver dollar of the present weight equal in value and in debt-paying power to a gold dollar of the present weight, is debasing the currency; that such a dollar is only another form of the old clipped dollar, and of the old clipped sovereign which Macaulay said wrought more harm to the people of England than all the tyranny of the Stuarts. And yet to-day the danger of the debased dollar comes solely from the political action of these gentlemen who profess to be so earnest in their opposition to it. Do they think, when they have introduced in the United States a clipped Constitution, a clipped manhood, a clipped suffrage, and a debased franchise, that clipped coinage and debased currency will not follow? Do they think, when every American is himself "a clipped sovereign," that he can hope very long to carry an honest dollar in his pocket, if the men who debased him are under any temptation to debase that dollar? In the Senate every Democratic vote but three was given for this proposition

to lower the standard of the currency, while every Republican vote but 16 was given against it. Even the senators from the six newly-admitted States—Washington, Idaho, Wyoming, Montana, North Dakota, and South Dakota—in spite of the excitement of the people on that subject, in spite of the fancied interests of their mines, were evenly divided by their votes, or by their pairs, on this question. Every senator from the States the honesty of whose elections is in question, voted for the measure which their northern and eastern allies and accomplices profess so much to detest.

The business interests of the country have long earnestly demanded the passage of a bankruptcy bill. The framers of the Constitution intended that the passage of such a measure should be imperative upon Congress. If it could pass, not only would equality and honesty in the division of the estates of debtors among their creditors be assured, not only would immediate relief be given to the hundreds of thousands of debtors who are now carrying with them the chain of their indebtedness, and who, unless the passage of the pending measure shall be effected, will carry it with them to their graves, but the interest upon money throughout the South and West, where the best securities now bear eight, ten, or twelve per cent., would be reduced nearly to the rates that prevail in New York and New England. When this measure was last before the Senate, every Democratic member of that body voted to strike out "the involuntary clause," and thereby sealed the fate of the bill. When the bill now on the Senate calendar passed the House of Representatives at the last session, there were only 12 southern votes for the measure, seven of which were cast by Republicans, while there were 38 Democratic southern votes against it.

I see that a gentleman for whom I entertain great personal regard, has written to Mr. Cleveland that the southern Democrats were obliged to vote for the silver bill because of their apprehension of the passage of the election bill. He seems to think that the excuse, if not reasonable, is at least natural. I could not help wondering in what corner of Russia or Turkey he had been born, under what slave whip he had been brought up, what doctrine of submission to despotism he had learned, that he could

write such a letter without accompanying it with a single expression of manly indignation.

While the suffrage is violated or debauched, no interest of the country is safe. If injustice lies at the foundation of our political power, justice will not long be found anywhere. The pestilence which has its origin in the hovel, fills the palace also with mourning. Where the poor man is deprived of his vote, the wealth of the rich man loses its value. The peaceful remedy which has just been defeated would have saved many a disaster that is to fall most heavily on the men upon whose blindness, or indifference, or cowardice, rests the blame of this defeat. The question will not down. Nothing is settled that is not right. It is to be hoped that when, in 1892, a new appeal shall be made to the conscience and understanding of the American people, they will put forth strength enough to throw off the nightmare which oppresses them, and that it will still be in their power to vindicate in peaceful ways the rights which otherwise will surely be asserted through convulsion and in blood.

GEORGE F. HOAR.

A DEFECTIVE CENSUS.

THE Constitution requires Congress to provide for a decennial enumeration of the people of the United States. It was not intended thus to make a vain show of our national strength, but solely to secure to the people of each State their proportionate representation as stipulated in the organic law. When the population has been correctly ascertained and returned, it is the duty of Congress to apportion representatives among the several States according to the numbers so returned. If the return does not include "the whole number of persons in each State, excluding Indians not taxed," the right of representation, to the extent of the omission, is confiscated and lost. That right is the right preservative of all rights, and unless it is secured, every other is beyond the protecting power of the citizen. Under a free government no right should be more jealously guarded, none should be more firmly supported, and encroachment upon none should be more universally condemned. If any considerable number of persons is omitted from the return, and if that number is sufficiently large to be entitled to one representative, the wrong should be exposed and the proper correction should be made. Where the false return affects only a few small localities, the injury is comparatively insignificant; but when, either by negligence or by design, it extends so far as to decrease the number of the majority party and to increase the number of the minority party until they seem to have exchanged positions, then the wrong transfers the governing power from the majority to the minority and affects the entire people.

Since the advent to power of the present administration, a suspicion has been entertained by many that the eleventh census would prove to be a partisan raid on the right of representation. The official report of the census bureau, now made public, has not entirely removed all cause for that suspicion. The announcement that our population is only 62,662,250 was a genuine