Mr. ALLEN resumed his speech, and after having spoken in all two hours,

Mr. MCPHERSON said: As the Senator from Nebraska is somewhat tired and has been on the floor a long time, I move that the Senate do now adjourn.

[Mr. ALLEN'S speech will be published entire after it shall have been concluded. See Appendix.]

The VICE-PRESIDENT. The Senator from New Jersey moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate adjourned until Monday, October 9, 1893, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *October 7, 1893.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. SAMUEL W. HADDAWAY.

The Journal of the proceedings of yesterday was read and approved.

REPORT OF MANAGERS OF NATIONAL SOLDIERS' HOME.

The SPEAKER laid before the House a letter from the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, transmitting the report for the fiscal year ending June 30, 1893; which was referred to the Committee on Military Affairs.

The SPEAKER. The Chair will state, in relation to this communication, that the accompanying papers are quite voluminous, and therefore the Chair will refer them with the report, without ordering them printed, so that the committee may examine and see what portion ought to be printed.

Mr. OUTHWAITE. Mr. Speaker, the committee have already looked into that matter, and I submit a resolution in relation to it.

The resolution was read, as follows:

Resolved, That there be printed of the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers, in addition to the usual number, 500 copies of the full report of the Board, 500 copies of the report proper, 500 copies of the report of the assistant inspector-general on the State homes, and 150 copies of the record of members.

Mr. SAYERS. Mr. Speaker, the sundry civil bill generally carries the appropriation for the Soldiers' Home.

Mr. OUTHWAITE. That is true, but this is simply a resolution to publish the report. It provides for the publication of the number which was printed at the last two sessions of Congress and at previous sessions. It is the number requested by the Board of Managers, and heretofore the matter has always been referred to the Committee on Military Affairs. The additional expense will be about $330, so that it comes within the $500 limit.

Mr. SAYERS. I have no objection to the resolution, Mr. Speaker.

The resolution was agreed to.

The SPEAKER. The usual number will be printed by order of the Chair.

INTRODUCTION OF PRIVATE BILLS AND PETITIONS.

The SPEAKER. The Chair desires to call the attention of the House for a moment to the matter of the introduction of private bills and petitions. The Chair does this because it has been found necessary to make some change in the method. Heretofore there has been a box, known as the petition box, in which members could deposit private bills and petitions, but some embarrassment has arisen from that practice and a change has been found necessary. The box being here at all times, even when the House is not in session, it has been possible for persons other than members to deposit petitions or bills indorsed with members' names, so that they would appear as having been introduced properly, and there have been instances of that kind. The Chair, therefore, has directed the removal of the box, and hereafter private bills and petitions will be introduced in another manner under the rule.

The first clause of Rule XXII provides that they may be introduced by delivering them to the Clerk, and the box was used simply as a medium for the reception of them by the Clerk; and the box being removed, the Clerk now designates the Journal clerk of the House, who will always be found at the desk, to receive petitions or private bills from members. The rule requires that bills and petitions shall be indorsed with members' names, but the Chair would ask further, that members indorse them themselves, which will be, to some extent, a protection from mistake; and the pages will be instructed not to convey bills or petitions to the Journal clerk unless they are received from Members or Delegates. Public bills and joint resolutions are to be introduced, under the rule, by handing them to the Speaker, and the clerk at the Speaker's table will receive them; but hereafter the Journal clerk will receive private bills, petitions, and memorials.

Mr. NORTHWAY. Mr. Speaker, I have here a petition which I should like to have read from the desk. It is quite short. It asks for the repeal of the Geary law. I do not agree with it, but as it represents the views of a large number of signers, I ask to have it read.

Mr. SAYERS. Let the petition take the usual course, Mr. Speaker.

The SPEAKER. Objection is made.

PERSONAL EXPLANATION.

Mr. HICKS. Mr. Speaker, I rise to a question of personal privilege. In a report in the Washington Star of yesterday evening, and also in the Washington Post of this morning, of the remarks that I made in the House yesterday, I find this language:

Speaking of the Senate, he declared that it had become the laughingstock of the country, and thought it had humiliated the President by its course.

I desire to state, Mr. Speaker, that I have before me the original manuscript of my remarks and the Reporter's notes in full, and that I did not use the language attributed to me by the gentleman who made this newspaper report. All that I said about the Senate was this, in speaking of the repeal of the Sherman act:

And with proper effort upon the part of the Democratic Senate the same measure could have been enacted by that body.

All that I said about the President was this:

Is not this movement—

Speaking of the introduction of the Tucker bill—

intended to humiliate him?

These are my words, and I do not wish it to go to the country that I made the remarks which are attributed to me by the publication in these papers. I trust, therefore, that the gentleman who made the report will do me the justice to make the correction.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees for reports.

Mr. BURROWS. In view of the special order, the debate on the election bill, I presume there will be no objection to dispensing with the call of committees and also with the morning hour for the consideration of bills.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] asks unanimous consent to dispense with the call of committees for reports and also to dispense with the call of committees under what is known as the second morning hour.

Mr. BURROWS. I will modify my request by adding a provision that gentlemen having reports to make may pass them into the hands of the Clerk.

Mr. MCRAE. What is the purpose of this proposition?

Mr. BURROWS. There are more gentlemen desiring to speak to-day on the election bill than can possibly be accommodated.

Mr. MCRAE. Does not the gentleman think they can possibly get through even if we devote some time to our regular committee business. There are a number of little matters that ought to be disposed of.

Mr. BURROWS. It will be impossible. Some gentlemen will be crowded out at any rate. That is my only reason for making the request.

Mr. OATES. I hope the gentleman from Arkansas [Mr. MCRAE] will not object.

The SPEAKER. Without objection two morning hours will be dispensed with, and gentlemen having reports to file will be permitted to hand them to the Clerk. The Chair hears no objection.

REPORTS OF COMMITTEES.

The following report was handed in at the Clerk's desk, and referred to its appropriate Calendar, as indicated below:

OFFICERS OF THE ARMY DETAILED TO COLLEGES.

Mr. OUTHWAITE, from the Committee on Military Affairs, reported back favorably the bill (H. R. 3571) to increase the number of officers of the Army to be detailed to colleges; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

Mr. CLARK of Missouri. My colleague from Missouri [Mr. MORGAN] is sick at his rooms, and has sent word to me to secure him indefinite leave of absence.

The SPEAKER. Without objection, indefinite leave of absence will be granted to the gentleman from Missouri [Mr. MORGAN].

There was no objection.

ELECTION LAWS.

The House resumed the consideration of the bill (H. R. 2331) to repeal all statutes relating to supervisors of elections and special deputy marshals, and for other purposes.

Mr. EVERETT. Mr. Speaker, I was anxious that before this debate closed some word should be heard from the part of the country which I represent, and particularly from my own State, to indicate that there is sympathy in New England with those members from the Southern States and their constituencies and with members from other parts of the country who are endeavoring to have these acts repealed. We have no local interests to subserve, Mr. Speaker, in giving this support. These election laws do not press hardly—I can scarcely say they press at all—on the State of Massachusetts. But it has been the habit of Massachusetts, sir, when she sees wrong done anywhere, or what she believes to be wrong—when she hears any call to be relieved from oppression—to listen to it and endeavor to give her support to have the oppression removed.

Let me say, Mr. Speaker, fairly and candidly, that I do not agree with many of my friends from the South as to the constitutional questions involved in the repeal of this bill. I was brought up, as many of them are aware, in a different school of constitutional interpretation from my friends the Southern Democrats. I was brought up in the school of Marshall and Webster, rather than that of Jefferson and Calhoun—the liberal rather than the strict constructionists; and if those great men could be with us to-day to instruct us by their wisdom—always supposing that Marshall and Webster and Jefferson and Calhoun could stand the atmosphere of the present House of Representatives without returning with content to their graves [laughter]—I suspect I should be found still sitting at the feet of the liberal constructionists rather than the strict constructionists. I say that fairly to my Southern friends and to my friends of the Republican party that I may not be misinterpreted or called to account for anything that I do not believe.

But, sir, it does not follow that because an act is within the range of the constitutional powers of Congress, as I am willing to grant these acts are—it does not follow because Congress has the might and the power to do a thing, that it has the right and the authority to do it. There is more tyranny, and there is worse tyranny and worse oppression within the constitutional powers of Congress than can be found outside of it. There is no worse pretense, there is no more immoral sentiment in politics than that which says, "Because I have the power, therefore I have the right, and the legal right carries with it the moral right," as I have heard it urged in this Congress.

Run through any of the constitutional powers of Congress, Mr. Speaker—consider any of the things that Congress is allowed to do, and see if they do not all give room for oppression and tyranny. Congress has the power to lay and collect taxes; Congress has the power to borrow money; Congress has the power to coin money and regulate the value thereof; Congress has the power to provide and maintain an army and a navy; Congress has the power to call out the militia of the United States; Congress has the power to rule the Federal district. Why, sir, these are all undisputed powers of Congress. Yet under every one of them it is perfectly possible to exercise tyranny and oppression. Shall Congress lay an income tax of 40 per cent? Shall Congress draft every other able-bodied man? Shall Congress do a thousand things which despots and aristocracies and even republics have done in past times to the oppression of their own citizens, simply because it has the power to do them under the Constitution?

Now, I am willing to grant, if it is desired on the opposite side of the House, that these Federal-election laws are within the scope of that clause of the Constitution which says that Congress shall have power to make and alter regulations as to the holding of elections. But it must be conceded, Mr. Speaker, that this is an extremely delicate power; it must be conceded that any acts of Congress which even seem to trench on the rights and privileges of the States ought to be framed with extreme delicacy and passed only under circumstances of extreme pressure.

Mention is made in the report of the committee as presented to the House by my friend from Virginia [Mr. TUCKER] of the feelings raised under this clause of the Constitution at the time of its proposal, especially in the convention in Massachusetts in February, 1788, and it was shown there that the reason for the adoption of the clause in question was that several States under the old Confederation had neglected to provide for the election of Representatives to Congress. It was a sad time in the Congress of the old Confederation. The great men who had risen against Great Britain in 1775, and who had signed the Declaration in 1776, no longer appeared in the Halls of Congress when it met at Lancaster and at Annapolis.

Congress was sadly diminished in numbers. It was sadly diminished in intellect, and sadly diminished in efficiency. Many States positively refused to appoint, elect, or send delegates, and it was from the fear that the States should stand out of their constitutional obligation that this clause was inserted, that Congress in the last resort, when the States were neglectful of their obligations, should have the power to make regulations with reference to the election of the members of this body.

The change has been great, sir. I wonder how many members here, I wonder how many members in the entire Congress are aware of the fact that at the first Presidential election the State of New York took no part and no Presidential electors were chosen from that State when Washington and Adams first became President and Vice-President of the United States? New York does not usually neglect her Federal duties in that way now. [Laughter.] She is generally perfectly willing and ready to send just as many Representatives and delegates as she is entitled to, and a few more if she could have the opportunity. [Laughter.] It was, then, with a view of checking that neglect, that possible neglect on the part of the States in this regard, that this clause was introduced.

But this is a very delicate power. It is a power that ought to be exercised only in cases of absolute necessity and only by means which can be effective, and always in such way as not to cause irritation in the several States and the communities by reason of its exercise. It can not be denied, sir, that these acts are irritating; it can not be denied by the very warmest friend of the election laws that they do not cause bad feeling, that they do not cause sectional feeling, and that they do not raise the very evil spirit which it took four years to put down and consign to the grave. It is admitted, too, that they are absolutely ineffective. If I understood the speech of the gentleman from Pennsylvania [Mr. HICKS] yesterday, and I hope I did, these laws do not fulfill the purpose with which they were enacted.

The same causes are at work, the same alleged motives, the same corruptions in elections in some States, the same alleged corruption in our great centers of population goes on under these laws that went on before, at least to a great extent. This is demonstrated by the fact that when our Republican friends were in power they sought to place upon the statute books what is known as the force bill. If they had thought that these laws which they seek to retain effected the purifying of elections, they would not have attempted to put in the hands of Congress that more tremendous weapon, the so-called force bill.

Happily, Mr, Speaker, that attempt failed. There was patriotism enough and good generalship enough in the Senate of the United States to prevent that force bill from being carried; and the people have twice declared since that that was right, and that that force bill ought never to be passed and never can be passed. [Applause on the Democratic side.]

And, sir, now that that attempt has failed, now that the attempt to give these laws the desired efficiency has failed, I say it is right that the impotent, ineffective, the irritating laws which are on the statute books, should be removed, and that we should stand clear before the country, as removing the last relics of imperious domination, and what I call tyranny. [Applause on the Democratic side.]

But we are told, Mr. Speaker, that these laws are necessary. We are told, and I will not deny it for the purposes of debate, that the elections in many of the Southern States are carried on without due reference to the rights of the citizens. We are told that in the great cities, such as New York, there is corruption at Federal elections, that the vote can not fairly be cast without the authority of the National Government to keep it within proper and pure limits. Ah, sir, even if those necessities do exist, even if the elections in the South and the elections in New York are conducted in an unsatisfactory manner, even if the vote does not represent the will of the people, it is not by such single enactments as these, it is not by this irritating petty special legislation that you are going to cure that corruption. It is deeper seated than that, Mr. Speaker.

The problem of race in the Southern States is a terrible one. I am not going to look into its causes. I am not going to say who is to blame; whether it was the English founders of the Southern States or whether it was their statesmen at the time of the Constitution or later; whether it was the fault of one party before the war, or of another party after. I will not go into that discussion. I will not consider on whom the blame lies that there is the race problem as it stands in the Southern States; but I know that it stands there; I know the difficulties of election are only one single point where that race problem breaks out, and I know that if by such enactments as this you could check the operation of that problem at the polls, it would break out in a dozen other places, and it can not be settled or healed from the outside. No, there is that sore. I believe if you leave it to itself it will heal by the recuperating forces of nature. I believe that your irritating, probing, provoking, old-fashioned surgery is only going to keep a wound open which would otherwise heal of itself. [Applause on the Democratic side.]

It is just so, Mr. Speaker, with reference to the problem of our great cities, such cities as New York, Philadelphia, Brooklyn, Chicago, London, and Constantinople. Those great cities are another terrible problem of this day. The corruption, the restlessness, the distress, the misery of these great Babylons is something that the social reformer, the philanthropist, the lawyer, and the divine tremble to think of. They do not know what is to become of modern civilization, with that vast army of barbarians concentrated at these great points of population.

Why, undoubtedly there will be corruption at city elections. There is deeper corruption in city life, there is deeper corruption in city existence, and if by such a plaster as the Federal election law you close up this one sore and prevent the poison from breaking out at the ballot box it will strike inward to the great organs, and there it will take hold of the very centers of life and poison them beyond control.

The great city problem has got to be taken hold of. All the brain and all the heart in the country North and South, East and West have got to turn their attention to the social and political problems of our great cities and what to do with them. But it is vain to think that by checking at the ballot box the casting of a few hundred or even a few thousand votes you are going to solve a problem which is taxing all our best energies.

Mr. Speaker, granting that Congress has the power, granting even that Congress has the right, granting the terrible necessity, granting if you please the efficiency of these laws, I would still have them repealed. I would have them repealed because I am a Union man. The word Union, Mr. Speaker, means something more to me than it does to most men. It strikes back in my heart to the old times which I just saw as a child. In the year when I first acquired the right to vote, in the year 1860, when North and South were flying at each other's throats, when the new Republican and the old Democratic party were engaged in an internecine quarrel, and the old Democratic party was quarreling with itself and within itself, then there stood up the Union party between the Republicans and Democrats, the Mugwumps of that day. [Applause on the Democratic side.]

They stood between the two parties. They rebuked them both. They said to the extreme North and to the extreme South, "You are both wrong, and above party, above Democracy, above Republicanism, there is a nation, a Union, and a Constitution." The electoral ticket of that party carried Virginia, Kentucky, and Tennessee, and if it had carried one single Northern State the civil war would never have existed, and our problems, as I believe, would have been solved peaceably. Providence willed otherwise. Providence decided that the question of States rights and national rights should be left to the arbitrament of war. That side of the question, which I upheld in that year, drevailed in the arbitrament of war. My Southern friends lost their cause, but they retain their opinions. It would be very hard for a man to lose his cause and his opinions too. [Laughter and applause.] And it is not to be expected.

But, sir, when that war was over the Union men were as strong as ever; and the Union means, I say, something more to me than it does to many. It does not mean that we are to try to turn South Carolina into a poor New Hampshire; and Texas into an inferior Illinois. [Laughter.] It means that every State needs every other; it means that every State exists in every other and in the whole. I am a Massachusetts man, passionately devoted to my own Commonwealth; I believe in my own Commonwealth; we have only four Commonwealths in the Union and it is better than being a State. [Laughter.] I believe my own pine-tree State ranks high in the highest, but because I am a Massachusetts man I am a Union man. Massachusetts is not Massachusetts without Mississippi; Alabama is not Alabama without Iowa; Georgia and California, Florida and Nebraska, are nothing separate; they are everything together.

Therefore it was, sir, that after the war was over I rejoiced as a Massachusetts man to have the old States back again. We fought to get them back, and we fought to have the Union what it was. I have welcomed everything in the rising prosperity of the South. I have welcomed the spirit of self-sacrifice by which they gave up their lives, their fortunes, and their sacred honor for their view of what citizenship meant. I have welcomed the patience with which they turned to the plow, to the loom, to the forge again, when everything was lost. I have welcomed the energy by which they have developed their mining, their agriculture, even their commercial resources. I have welcomed the patience with which they bore restriction after restriction. I have welcomed their efforts in the cause of education.

I believe in an educational requirement for voting; we have it in Massachusetts, and it is the right thing to have. I welcome the Southern States back to the halls of Congress with the old fire and old energy which characterized their statesmen in the times gone by, and because they are my brethren, because Massachusetts is a Union State, I desire to have every relic of those bad old times swept away with the spirit of domination that then prevailed. [Applause.] The gentleman from Pennsylvania [Mr. HICKS] appealed to the glorious record of the Republican party. He named the great leaders that had done honor to that party. Ah, Mr. Speaker, the greatest leaders of the Republican party are not identified with any coercion by the Government. [Loud applause.] You will not find Governor Andrew, you will not find Charles Francis Adams, you will not find Abraham Lincoln associated with any such acts controlling Federal elections. If Mr. Lincoln's life had been preserved he never would have signed any such bills as these for checking the franchise in the South. [Loud applause.]

It has been said that these are the last relics, the last fragments of that shield which the National Government extends over the rights of the ballot box. I do not hold to that, Mr. Speaker. It seems to me that they are the last relics of the sectional spirit, a spirit which does not understand what the Union means. It may be that we ought to have some such laws as these. It may be that the substitute of my friend from New York [Mr. FITCH] is the better form of the bill, and that there should be recognized the power of the United States to exercise control at Federal elections; but, sir, if there is such an act passed; if Congress is to extend its shield over the voting population of the United States let it be done afresh in a Congress of the new generation with the new South and the new North, when all the sections shall meet in the new Union. Let us keep away everything that belongs to the bad old times: everything that reminds us that there once was war, and forget that there ever was war except in the romantic unions on Decoration days of the boys in blue with the boys in gray. Let a united Congress of the United States pass such laws, if necessary, as shall preserve the frame of the many in one, to confine those undying words which a great son of Massachusetts spoke in yonder Hall, "Not a stripe erased or polluted, not a single star obscured" in the interest of "liberty and Union, now and forever, one and inseparable." [Loud and prolonged applause.]

Mr. GROSVENOR. Mr. Speaker, Massachusetts may be delighted that Mississippi has come back into the Union; so am I. Massachusetts may be delighted that her cotton mills depend largely upon the staple product of Mississippi for their prosperity; I am content. But when Massachusetts comes forward to blot out her own history and strike the most deadly and outspoken blow against the three great amendments of the Constitution which ordained that the results of a bloody war should be perpetuated in the Constitution of my country, I repudiate, not Massachusetts, but the utterance of her son upon this floor. [Applause on the Republican side.]

When the gentleman from Massachusetts [Mr. EVERETT] says in substance and legal effect that he favors the wiping out from the statute books of this country every law that relates to and is an incident of, or that grew out of, the great struggle for national unity, national independence, one flag, one Constitution, Massachusetts will repudiate that voice. Massachusetts will not permit her sons to stand in the Halls of Congress and declare that they are in favor of the repeal of the thirteenth amendment to the Constitution, which legalized the abolition of slavery. Yet the gentleman from Massachusetts has thus proclaimed his sentiment to-day without qualification or modification.

Massachusetts will not consent that the fourteenth amendment to the Constitution, which gives to every citizen of the United States equal civil rights before the law, and protests against the payment of pensions to rebel soldiers, the payment of the rebel war debt or the repudiation of the Union debt—Massachusetts will never consent, even though her distinguished son may proclaim here that he is for it, that these constitutional barriers shall be wiped out.

Nor, Mr. Speaker, do I believe that Massachusetts will consent that the fifteenth amendment to the Constitution shall be repudiated and repealed. In the excitement of the moment and in the enthusiasm of a political harangue inexperienced men sometimes go far beyond the purport of their own minds and utter words they are glad to withdraw. Outside of the report in favor of the passage of the pending bill this is the first unqualified declaration that any member of Congress or any Democrat has ever made since the defeat of Seymour and Blair in 1868 that the Democrats were in favor of wiping from the statute books the constitutional amendments which grew legitimately out of the war.

It is true that, in that fateful year for the Democracy, the Democratic party went to the country proclaiming that these constitutional amendments were "illegal, unconstitutional, null, and void." But the lesson which they learned in that election (when the gentleman from Massachusetts was not coöperating with the Democratic party) taught that party a lesson, so that

of late it has been wiser than some of the accidental and untimely accessions to its voting power in this House. [Laughter and applause on the Republican side.]

Now, Mr. Speaker, I wish to discuss the questions involved here from a somewhat practical standpoint, and I want to say, on the threshold of my remarks, that, so far as the interests of the Republican party in all the great Republican States of this country are concerned, and so far as its interests in all the non-voting, nonsuffrage States of this country are concerned, I do not care whether this law is voted up or voted down. I adopt as my deliberate opinion the utterance of a distinguished Representative from one of the Southern States, now a member of this House, that, no matter whether these election laws are repealed or not, as to the great body of the South, the wit of man can not devise a statute that will procure the election again of a Republican to Congress.

That has been the case, Mr. Speaker, for a good many years. The sectionalism of the Democratic party has been fully developed in the election of members to this House. So we have it that Louisiana, Arkansas, Texas, Florida, Mississippi, Georgia, Alabama, Tennessee with two exceptions, North Carolina with a single exception, South Carolina with a single exception, send only Democrats here. The Republican party, therefore, is not to be injured in all that mighty section of this great Union by the repeal of these laws.

But, Mr. Speaker, at this point I wish to turn aside and ask why we are engaged in this business. Why are we here devoting this beautiful autumnal time to the discussion of the repeal of these election laws? We were not called together for that purpose. The Democrats on this floor are mistaken if they think that they were ordered here in order to do this. Not only were they not ordered to do it by their great leader, but their platform did not order them to do it. I have sat here and listened, and read the RECORD, and have come to the conclusion that it is time that the Chicago platform should be referred to a master in chancery, to make known to the Democratic party what in the name of common sense it does mean. [Laughter and applause on the Republican side.]

I have it here before me, and I challenge any Democrat on this floor to say that the Chicago platform promises the repeal of these election laws. There is not a word of the kind in it. The Democrats at Chicago promised that they would prevent the passage of a force bill. They drew a great deal of comfort from the defeat of the force bill. Many members of the Democratic party are not drawing so much consolation now from that defeat, and the manner in which it was brought about, as they were some time ago. The Cleveland Administration, which depends for its future existence as an important factor in American politics upon Republican votes, is not so proud of the apparent results which grew out of the defeat of the force bill now as it was some months ago.

If I understood the gentleman from Massachusetts [Mr. EVERETT] he is in a singular attitude. He is very proud of the fact that a combination was formed in the Senate, or that a combination was acted there—for I do not wish to impugn the other branch of Congress—that a combination was acted there to defeat the force bill. It was a great thing then. The refusal, by a small minority of the Senate, to let the so-called Lodge force bill come to a vote was very nice then. How the Eastern Mugwump then vied with the Southern Democrat in sounding the praise of the men who defied the majority of the Senate. The defiance then set to the rule of the majority was, in the estimation of these specimens of consistency, a great thing.

Now the tables are turned. A majority of the Senate now finds itself unable to pass a simple act deemed by the best business minds of the State indispensable to the return of good times. These things come by example; such diseases are catching, and the Eastern Mugwump to-day is commended to the medicine *it* administered to others a few short years ago.

In speeches they said then, and they say now through their representatives, that filibustering is patriotism when there is a "force bill" to be defeated, but filibustering is a horrible crime against the Constitution and the liberties of the people of the country when there is a Sherman purchasing clause to be repealed; so says the Mugwump.

Why, if you should take the Democratic press of this country, especially in the South, and especially that unspeakable element which represents the Mugwumps of 1860 and their descendants, you would find that the patriotism of the Senate that defeated the force bill took the place for the time being of the Lord's Prayer and the Sermon on the Mount. But now, when it is desired for some purpose which nobody can understand that the Administration of Mr. Cleveland shall be upheld by Republican votes in the two bodies of Congress, the same element, combining for this purpose, are denounced all over the country as an obstruction and a menace to the liberties of the people. A man without a party has no criterion of consistency.

But what did we come here for? We were told that there was a condition in this country which required some action of Congress. What have the people of the country realized from that proclamation and the gathering of the clans of the Democratic party in these two bodies? Mr. Speaker, we have been here for two months. Two months ago to-day we assembled, and two months ago to-morrow the President of the United States told us that there was only one thing necessary to make happiness and prosperity take the place of sorrow and disaster and trouble. We have spent here two long, weary months; and the people of this country are worse off—worse off for the reason that they find it impossible to secure from the Democratic party any act of legislation that is worthy the dignity of legislation. The ability of the Democratic party to legislate on great public matters has been tested, and the party failed. It is incapable of public good. Its long career as a party of opposition has unfitted it for any sort of efficient leadership.

We have told the Democratic party for a great many years that they could not do anything if they had the chance, and they said we were unreasonable and unjust; and sometimes it has seemed to me that we were. Now, for the first time in the history of this generation, they have had a chance; and for two months they have been laboring at the little matter of the repeal of a single clause of a single act that their party convention declared should be repealed, and which their President ordered them to repeal.

And the foundation for the defeat of this proposition was laid in the Democratic party on this floor. It was the one hundred and odd Democrats who stood out against the appeal of the President and voted against the repeal of the Sherman purchasing clause on the floor of this House that suggested the organization in the Senate that to-day is the humiliation of the American people. To-day the Democratic party stands before the people of the country condemned, agreeing about nothing. You can not even agree exactly how conspicuously, and how certainly, and how deeply you will destroy Federal control or Federal regulation of elections.

You have succeeded in bringing from the great coal regions of the Northwest, and West, and Middle States, a protest by Democrats that has shaken the foundation upon which stands your Committee on Ways and Means, protesting against putting upon the free list raw materials which Massachusetts demands in order that Massachusetts may do as she has always has done—levy contributions upon the labor, the toil, the sweat, and the industry of the people of the West. You can not agree about the tariff; and when you come to vote you will find yourselves as badly dismembered and broken up on that question as you are on the financial question.

Why, sir, the Democratic party on this floor has presented a most remarkable appearance. It came here, one-half of it—a majority of it indeed—flushed with the idea that they were to take possession of the Government, break down the Democratic administration, humiliate the President in the White House, and destroy the last vestige of hope of the Democracy of the East in the matter of the repeal of this law. Only two months have rolled round, Mr. Speaker, and "the drummer boy of Marengo" has beaten one charge too many. Out upon the plains of Nebraska, surrounded by the people, "the growing sentiment against Wall street," the protests coming in from every direction that the people are there, he beat the last charge, and the sun of Austerlitz was obscured by the haze and cloud and discomfiture of Waterloo. [Laughter.]

But you are hung up. If there ever was a party on the face of the earth that was in a condition of paralysis, it is the Democratic party in this Congress. If there ever was a party that vindicated all that had ever been said about its incapacity to govern the country, you have done it here in this Congress. You have called for help to the Republican party, and we have not been wanting. We have not been unfaithful to duty. We came forward and gave to the President more than a hundred Republican votes and all the influence of the mighty hosts of Republicans that stand behind their Representatives on this floor.

Yet with all that, you have stood in a condition of paralysis, a condition of dry decadence, a condition more unspeakably terrible and humiliating than that of a mummy of the thirteenth century, revolution in one wing, demoralization in the other, discord and uncertainty in both, and throughout the country. And to-day, when the President of the United States, with the approval of nine-tenths of the party organs in the United States, has said that the whole remedy for the present distress of the country would be achieved by the simple repeal of a single section of a single statute, you have stood by until the trouble of the country

has become incurable. The record of to-day shows a condition of distress and commercial disaster such as this country never had under a Republican Administration. You fondly hope that a change for the better has already come in spite of your presence here. In this you are mistaken.

You point to the fact that in the banks of New York, and Philadelphia, and Chicago there is to-day more money than there was two months ago. That is true. You point to the fact that here and there a manufacturing industry which was shut a few weeks ago has now resumed operations. I say, Mr. Speaker, in the light of the financial reports, the commercial and industrial reports of the country, that no material shadow has been lifted from the great industrial concerns of the country. Paralysis to business caused by the hoarding of money in the hands of the people is no worse than the stagnation of money in the banks of the country.

When you came here two months ago the banks of the country had no money to loan; they could not loan; they were hoarding their money, and the people of the country were keeping their money out of the banks. That brought hard times and distress. To-day there is no hoarding of money, but there is a congestion of money in the banks, which most conclusively shows that the statement made at the time on this side of the House that the real difficulty was the uncertainty upon the tariff question was true. Consider for a moment the following statement. It is a comparison between 1892, under Republican rule and protection, and 1893, under Cleveland and Democracy:

Our industrial census—A deplorable depreciation in business—The volume of trade is but one-half that of last year, extending to all occupations—Over $1,000,000 less paid in weekly wages—Nearly 100,000 men shown to be out of work—Here are 600 reports from 41 States—Universal dread of a free-trade tariff—Prostration experienced everywhere.

Same industries.	November 5, 1892.	September 2, 1893.
Weekly wages	$1,509,891.35	$459,089.04
Hands employed ..... number..	143,401	56,384
Volume of trade ..... per cent..	100	50.75
Labor employed ..... do....	61	Decrease.
Wages paid ..... do....	69½	Decrease.
Weekly wages (average)	$10.56	$8.20

I here give the report of Dun's Review up to this day and hour. That authority is nonpartisan; its report may be safely accepted as a true barometer of the commercial, financial, and industrial situation:

THE WEEK.

It is difficult to detect any signs of improvement. While there has been some addition to the number of manufacturing establishments and the number of hands at work during the past week, it is becoming painfully clear that the orders obtained do not suffice to keep employed at full time even the limited force at present engaged. The business transacted is still far below that of last year in volume, in railroad earnings the decrease being 10.6 per cent in spite of large World's Fair business, and in payments through the principal clearing houses outside New York the decrease is 26 per cent.

There is not such encouragement as might be desired in the industrial reports for the week. In almost every department orders are found too small to keep the restricted working force fully employed. Many concerns are working short time, while the general reduction in wages also affects the purchasing power of the millions who still have work. An increased number of establishments is reported in operation, but the sagging of prices in print cloths and some other cotton goods, and in the most important products of iron and steel, discloses greatly retarded business. The demand for iron products is on the whole less satisfactory than it was a week ago. Steel billets are selling at Pittsburg for $18 per ton, and there is practically no demand for rails. In manufactures of wool there is still remarkable hesitation, and the demand for consumption is much restricted, so that the purchases of wool at the principal markets, notwithstanding some speculative buying, have been only 2,626,995 pounds against 6,272,400 for the same week last year.

The return of $50,000,000 gold from abroad and the increase of the national-bank currency, until we have to-day more than $106,000,000 more money than we had in 1893, in October, has not aided the industrial situation.

Money is abundant, as I have said. Fifty-odd millions of gold has been returned from abroad. There has been a large increase in the circulation of the national banks. All of this has come about in the last few weeks. There is more money in the country to-day, more money in circulation than there was when the panic began, vastly more, and yet to-day it is piling up in the banks of the country.

Nobody wants it, nobody can use it, nobody will dare to undertake to invest it. And yet in the face of all this you stand here trying to repeal a law to keep away marshals and inspectors of election from the polls of this country. You are trying to get together apparently, trying to fire the Southern heart again. It has served you a great purpose in times past to threaten the people in your States with the domination of the colored race.

One year ago last fall I went over into the campaign in West Virginia for a day and was met by a handbill—I wish I had it with me—a handbill describing what the force bill would do, and asserting that the Republican party would adopt it if they got into power again, and alleging that this claim was illustrated by the handbill. The intelligent voters of the State of West Virginia were asked to believe that that picture correctly represented the situation, and what would happen if the Republican party got into power again.

That picture, Mr. Speaker, was the representation of a colored soldier with a bayonet fixed driving a hopeless and helpless Democrat to the polls, while another colored man extended a ballot, and the colored man in the rear with the bayonet was prodding the Democrat and insisting that if he did not vote that ticket he would stick that bayonet into him. [Laughter.] Here is another one [exhibiting]. I call the attention of every Representative from Ohio and Indiana to it.

This is an illustration of a school, as supposed to be kept or managed in the States of Ohio and Indiana. It shows a number of white children and a number of colored children, and a very largely developed colored brother and schoolmaster, with a terrible whip in his hand flagellating the young and helpless Democratic offspring, and over the head of it is a legend intending to convey the idea that this is the condition of things now prevailing in Indiana and Ohio, which, if the Democratic party is defeated in West Virginia, will also be the condition in that State.

Right here, Mr. Speaker, let me say that I am not called on to give any gratuitous advice to the Democratic party, but do you not think now that you are making a mistake in undertaking to pass this bill? Do you not think you are making a great political blunder?

Does it not occur to you that it would be well enough for you to keep this little ambush for future use? Will it not be a mistake for you to repeal the Federal election laws? Nobody will know it, I grant you, unless you go and tell the people yourselves. Those of your constituents who can not read will never know it; but if they find it out, is there not some little danger that some of them will get a little restive and kick in the harness? Has not this specter of Federal election laws been of considerable use to you in the past?

Was it not a good thing for you to have it as a reserve stock in trade to parade on the eve of elections; and are you not afraid that the Democratic party in the South will be wiped out when it is transmitted over the wires that there is no longer any Federal interference at the ballot box; that the terror of United States supervision of elections has passed away, and that hereafter the United States shall not be permitted to interfere in the slightest possible way with your elections? Do you not think now that you are giving more than you are getting in the trade? You are not getting much for it. You can not elect any more Congressmen in the city of New York than you have now, for you have all of them.

If you wanted more and there were any more to be had you would get them; there is no doubt about that. It is not a question of votes; it is a question of certificates. Where are you to gain votes? Possibly one in Chicago; I do not know. You can not gain one anywhere that I know anything about. Then, what will you gain by stripping away the mask behind which you have carried election after election by frightening the people of the South, smothering the will of the people; by which you kept down the question of industrial interests; kept down and stamped out the tendency to rebellion and uprising down there, by flying in the face of the Southern people this black specter of negro domination?

Let me say right here and now for myself that I propose, speaking for myself alone, that from henceforth and forever, irrespective of the passage or nonpassage of this bill, that the people of the South shall have this question all to themselves, as they have had for the last ten years, and I want this other political party that has come on the stage of action in some of the Southern States, that has proclaimed to the people of the United States and the world that in a State election that gave 40,000 majority for one candidate for governor, a corrupt conspiracy—let me be candid, I neither affirm nor deny it, nor care anything about it—that affirms and proclaims to the civilized people of the world, that majorities have ceased to govern and that a majority of 40,000 has been transferred by fraud and corruption into a majority of 20,000 the other way—I want that party to stew in its own juice in these States. Let it take care of itself and die as it will.

Mr. MEREDITH. Will the gentleman yield for a question?

Mr. GROSVENOR. Yes.

Mr. MEREDITH. Do I understand you to say that any party electing a candidate by 40,000 majority in any Southern State

had been controlled by fraud so that that majority was reversed and a large majority given the other way?

Mr. GROSVENOR. I said that a party that claimed to have carried a State by 40,000, found itself, as it claimed, in a minority of 20,000. I neither affirm nor deny, nor yet care a farthing on which side is the truth.

Mr. MEREDITH. Mr. Speaker, I desire to say, if my friend will permit me, in the last gubernatorial election in Virginia we carried the State by over 40,000.

Mr. GROSVENOR. And had it been necessary, I take it you would have carried it by 100,000. [Laughter and applause on the Republican side.]

Mr. MEREDITH. Well, Mr. Speaker, any intimation that there was fraud or corruption in that election is an intimation without any foundation in fact, and the gentleman, if he was familiar with the facts, would not make it, I am satisfied.

Mr. GROSVENOR. Nor do I believe that there is, Mr. Speaker, and I do not propose to be drawn into any discussion about Virginia. It seems that there may be a skeleton in that closet which I never heard of. I do not refer to Virginia.

Mr. MEREDITH. You are perfectly at liberty to uncover it if you can.

Mr. GROSVENOR. I do not want to uncover it. I want the people of the South henceforth and forever to run this thing exactly as they please; and when they get through with the rule of the majority, let them take such rule as they find in their country. [Applause on the Democratic side.] Let us see what they have had.

The first organized defiance of law in this country was the defiance of the election laws in the South. I will not be drawn in a detailed statement about that. There is no intelligent man in the South who in private conversation will not boast of the fact that majorities have ceased to govern; and the gentleman from Mississippi boldly made a speech on this floor that was in effect a denunciation of the whole idea of the sacredness of majorities as a rule of government in this country. Whether you follow it through the stages of Kuklux, rifle clubs, tissue ballots, or whatever else, it is enough to say that it stands admitted that they have transformed a number of the Southern States, which I will make more specific and certain if I may, into a condition where there is no substantial suffrage.

I do not want to attack anybody's State on this floor. If I have time I shall reply to the attack of the gentleman from Mississippi on my own State; but it is a very strange condition, and I speak with entire respect for the gentleman from Alabama [Mr. OATES], for whom I have the highest regard, who so indignantly denounced the gentleman from Pennsylvania upon a supposition which I think did not exist; but it is a strange thing to present to the people of the country and of the world that a State with nearly 300,000 voting population votes only 60,000 in a great Presidential election.

I submit that I do not understand it. I submit that I can not go into details to explain it; but I do state that in most of the other States of this Union there is a rush to the polls in a Presidential election, and quadrennially the highest vote of the State is always given at such an election. And so when it appears that a fraction, less than one-fifth, of the votes of a State make their appearance at a Presidential election, and that, too, when there is a local election and members of Congress are to be elected, it astounds the people of this country and of the world.

And it is not important that I stop here to give an opinion, if I had one, as to what the reason for all that is. It is enough to say that by all these series of violations of law, beginning away back at the date of reconstruction, suffrage in the South, so far as the majority of the people are concerned, in some of the States in the South, has become a farce.

I here insert a table, a series of figures showing the vote for President in all the States in 1888 and in 1892:

VOLUNTARY DISFRANCHISEMENT—THE ELECTION BY STATES TABULATED—RETURNS OF 1888 AND 1892 COMPARED—CLEVELAND AND HARRISON EACH POLLS LESS VOTES IN 1892 THAN IN 1888—THE TOTAL VOTE SHORT A MILLION AND THREE-QUARTERS, OR MORE THAN FOUR TIMES CLEVELAND'S PLURALITY OVER HARRISON—THE STAY-AT-HOMES, SELF-DISFRANCHISED, LARGELY OUTNUMBER THE PROHIBITIONISTS, POPULISTS, KICKERS, AND CRANKS COMBINED.

The census of 1890 gives 16,798,000 as the aggregate number of all the males of voting age in all the States. Adding to this the proportionate increase shown by the growth in the decade from 1880 to 1890, there should have been in 1892 not less than 17,875,000 males of voting age. Computing the votable portion upon the basis of the vote in 1888 to that year's numbers of voting age gives 13,700,000 as the minimum estimate of the expected vote for President in 1892.

The returns show that only 12,028,008 actually cast their votes, including the females who are allowed to vote in some of the Western States. The actual votes were nearly 6,000,000 less than the males of voting age, and about 1,700,000 less than the above minimum estimate of the pollable vote.

In 1884 there were 837,091 more votes polled than in 1880. In 1888 there were 1,337,701 more than in 1884. In 1892 there were but 251,531 more than in 1888. The proportionate increase should have been not less than 2,175,000 more in 1892 than in 1888, showing something over 1,900,000 voters who were so busy, or indifferent, or sick at heart over politics they would not vote at all. Cleveland's plurality over Harrison in the popular vote was 391,379, only about one-fifth of this number of stay-at-homes.

The tabulated returns show the following gains and losses, comparing the votes of 1888 and 1892. In 1888 Cleveland received 5,538,536 votes. In 1892 the same States give him 5,494,100, a loss of 44,436. Harrison received in 1888 5,444,053, and in 1892 5,083,913, a loss in the same States of 390,140. Cleveland and Harrison together polled 434,576 less votes in 1892 than in 1888. But in 1888 there were only 495,079 votes for scattering candidates. In 1892 other candidates received 1,191,204 votes.

In all the Northern States Cleveland in 1888 received 3,619,084 votes, and 3,593,417 in 1892, a loss of 25,667; in all the Southern States, 1,919,456 in 1888, and 1,900,683 in 1892, a loss of 18,773.

Harrison received, in all the North, 4,093,183 in 1888, and 3,965,585 in 1892, a loss of 127,598. In all the South he received 1,351,870 votes in 1888, and 1,088,334 in 1892, a loss of 263,536.

The following table gives the votes for Cleveland and Harrison in each State for the years 1888 and 1892, arranged in parallel columns for each candidate; also the votes for each in 1892 in the new States admitted since 1892, and the aggregate vote for all Presidential candidates in the years 1880, 1884, 1888, and 1892:

States.	Cleveland.		Harrison.	
	1888.	1892.	1888.	1892.
Alabama	117,320	138,138	56,197	9,197
Arkansas	85,962	87,934	58,752	46,974
California	117,729	117,908	124,816	117,756
Colorado	37,610	----------	51,764	38,614
Connecticut	74,920	82,395	71,584	77,025
Delaware	16,414	18,581	12,973	18,077
Florida	39,561	30,143	26,656	----------
Georgia	100,472	129,386	40,496	48,305
Illinois	348,272	424,140	370,473	397,325
Indiana	261,013	262,817	263,351	253,920
Iowa	179,877	196,408	211,598	219,373
Kansas	102,541	----------	182,909	157,237
Kentucky	183,800	175,424	155,134	135,420
Louisiana	85,032	8[illegible],922	30,484	25,332
Maine	50,482	48,044	73,734	62,871
Maryland	106,168	113,866	99,986	92,636
Massachusetts	151,855	176,813	183,892	202,814
Michigan	213,404	202,296	236,387	222,708
Minnesota	104,385	100,575	142,492	122,736
Mississippi	85,471	40,237	30,096	1,406
Missouri	2[illegible],954	267,353	236,257	226,349
Nebraska	80,552	24,740	108,425	86,895
Nevada	5,320	711	7,229	2,822
New Hampshire	43,456	42,018	45,724	45,658
New Jersey	151,493	171,042	144,344	156,068
New York	635,965	654,908	648,759	609,459
North Carolina	147,902	132,951	134,784	100,346
Ohio	396,455	404,115	416,054	405,187
Oregon	26,522	14,243	33,291	35,002
Pennsylvania	446,633	452,064	526,091	516,011
Rhode Island	17,530	24,335	21,968	27,069
South Carolina	65,825	54,698	13,736	13,384
Tennessee	158,779	136,477	138,988	99,973
Texas	234,883	239,148	88,422	77,475
Vermont	16,783	16,325	45,192	37,992
Virginia	151,977	164,058	150,438	113,217
West Virginia	78,916	84,467	78,171	80,293
Wisconsin	155,282	177,448	176,553	170,978
Total	5,538,536	5,494,100	5,444,053	5,053,913
Add to 1892 States admitted since 1888:				
Idaho	----------	----------	----------	8,799
Montana	----------	17,534	----------	18,883
North Dakota	----------	17,527	----------	17,354
South Dakota	----------	8,907	----------	34,825
Washington	----------	29,922	----------	34,461
Wyoming	----------	----------	----------	8,376
Total	----------	5,567,990	----------	5,176,611

	1880.	1884.	1888.	1892.
Grand total for all candidates	9,302,894	10,139,985	11,477,686	11,739,217
Add for new States	----------	----------	----------	288,791
Total in 1892	----------	----------	----------	12,028,008

The census of 1890 gives 16,798,000 as the aggregate number of all the males of voting age in all the States. Add to this the proportionate increase shown by the growth in the decade from 1880 to 1890, and there should have been in 1892 not less than 17,875,000 males of voting age. Computing the votable portion on the basis of the vote in 1888 to that year's number of voting age, gives 13,700,000 as the minimum estimate of the expected vote for President in 1892.

Only 12,028,008 actually cast their vote, and this included all females who voted in some of the Western States. The actual vote was nearly 6,000,000 less than the males of voting age, and about 1,700,000 less than the above minimum estimate of the above pollable votes. And the loss is, as will appear, largely in the nonsuffrage States.

Here is a curious study of another feature of our election for President:

Electoral votes given in 1892 in States where aliens vote.

States.	Cleveland.	Harrison.	Weaver.	States.	Cleveland.	Harrison.	Weaver.
Alabama	11			Missouri	17		
Arkansas	8			Nebraska		8	
California	8	1		North Dakota	*1	1	1
Colorado			4	Oregon		3	1
Florida	4			South Dakota		4	
Indiana	15			Texas	15		
Kansas			10	Wisconsin	12		
Louisiana	8			Wyoming		3	
Minnesota		9					

*It is doubtful if Cleveland got a majority of the votes over Harrison of citizens of the United States.

And this is not all that has come of all this. To-day, Mr. Speaker, there is less reverence for law in the United States than at any other period in our history. There is more open, public, and defiant lawbreaking in this country to-day than ever before.

The violation of law has become a mighty cyclone of crime. It is rapidly sweeping away the foundations of civil liberty. In many of the States safety and protection to life and property is a thing of the past. A distinguished citizen of a Southern State in a letter I received from him only to-day said: "This whole Southern country is now reaping the crop that they have been sowing for the past twenty-five years. They have educated and trained every young man in the South to become a lawbreaker—to shoot negroes, stuff ballot boxes, and generally disregard law and order. Mississippi has now initiated a new reign of terror—the cotton-grower must not give or sell his cotton under 10 cents per pound."

I refer to the acts of White Caps, the lynchings which have their origin in defiance of law, in one way or other. If you say that the people of a country are justified in hanging a man without trial because the courts have not administered justice under the constitution speedily, I answer there is a disregard for law in that community, one way or another. If the lynching is unnecessary, then the law is disregarded. If the courts are inefficient, then the law is ineffectual. And it has gone on until, under the "higher civilization," which the gentleman from Mississippi so eloquently proclaims as the rule of action in that State, I read the other day in the Washington Post that there was such a condition of things existing as that direct threats by a secret organization had been made to prevent the planters of Mississippi from realizing money upon their cotton crop with the threat that if they did not hold it and bull the market up to 10 cents a pound their cotton gins and other property would be burned. And it is said the same condition exists in other States of the South.

And, now, I do not want to be misunderstood. I do not say that this condition of things, which I have imperfectly described, exists alone in the Southern States. I do not say that this moral and legal incubus upon national prosperity is confined to any section of the Union. These things exist to a limited extent in the North. They have gradually crept upward, and long ago I felt and said, and it was the teaching of mere common sense, that if there was in one section of this Union, aye, if there should exist in one State of this Union, a condition of public opinion and public action that should wrest the ballot from the people and subjugate and destroy the control of the majority by fraud and violence and carry that condition to such an extent as to affect the result of elections throughout the country, either as to Congressmen or Senators, that the young men of the North, the young men of the Middle States, and the young men of the East, and the whole voting population of the United States would be in time corrupted, and would in time turn aside the great instrument by which free government is carried on.

It is inevitable; it is beyond contradiction; it is the experience of mankind. If the majority shall cease to rule in Mississippi and the minority gain power that way, the deadly effect will be felt among the young men of the North. They will resist the encroachments of this evil power first by protest, and second, as sure as evil communications corrupt good manners, they will copy and enlarge upon and make more deadly the evil. They will fight back with the self-same weapons with which they are assailed.

I say now, and I say it without hesitation, that this disregard for law—which came first from the trampled upon in the South, and in certain localities in the North—the rule of the majority, the supremacy of law, respect and veneration for the Government, finds to-day its particular outcropping and development in the wholesale resistance to law, the wholesale violation of law, far-reaching contempt for law, which is sweeping all over the country. Organized bands are holding up and robbing railroad trains, and why more a crime than the robbing a State of its representation in the Senate of the United States? Which is the greater crime, the stealing of a package of money from an express train, or the stealing of an election return from a public office? And yet, in the one case it is called larceny and robbery and in the other political shrewdness and victory. And this wholesale contempt for law finds a most singular development in that which is a matter of common rumor in the country to-day, and which I will not characterize by any name.

The will of the majority has ceased to be the governing opinion, and the will of the minority is being substituted, not only in township elections, but in the higher walks and higher places of the Government, and the greatest development of political corruption, the highest achievement, the greatest height, the greatest depth, the greatest length, and the greatest breadth in utter political iniquity and in utter oblivion and appreciation of right and duty that ever was produced was when, as it is stated, a respectable gentleman had been charged by members of his own party—if he belongs to any—with having ascertained that a certain individual paid into a campaign fund a large sum of money with the understanding, expressed or implied, or hoped for by him, that if the campaign should be successful he should receive a high recognition at the hands of his party in the form of great office; and when this discovery came, so utterly dulled, so utterly vitiated, was the public sense, as expressed through certain individuals, that there was found a man or men capable of holding an inquest and deciding that the man was totally unfit for the office, and that the manner in which he had secured a claim upon it was totally immoral and vicious, and that it would be demoralizing and injurious to the party if the supposed and alleged agreement was carried out; and yet, it is said, that there was found a man or men sunken so low, with their appreciation of all that was due so dulled and stagnated that they would decide that that man had a standing, a status, a position, such as justified him in demanding and receiving, and they in securing and paying back to him, the money which he had thus paid under these circumstances.

Talk about Tammany Hall, talk about Boss Tweed, talk about the element which is made a byword of law and decency in other localities of the United States by political corruption; I say nothing ever so symbolized and so stamped and so called attention to the demoralization and ruin which has been afflicted upon the body politic of this country as that utterance and that suggestion and that idea and that act. Think of it! A man may go into a political conspiracy, pay money in advance for a political office, and when caught at it shall not be allowed to have an office, but shall have a standing in the court of equity and conscience among his fellows to recover back the money which he paid for an office that he did not get; like the green-goods man who has paid his money in advance for the material to violate the laws of his country, and when caught at it, sues to recover back the money which he paid on the contract. That sort of transaction will hereafter be the high-water mark reached by political corruption and demoralization. The time will never come again when there can be successful competition with this transaction by the small rascals in this country.

Mr. Speaker, I will not attempt to catalogue and state where elections have been and are corrupt, and how they are corrupted. I believe that the city of New York has become the focus of this debate. With the population of the city of New York and its surroundings no party standing upon the high plane of political morality that the Republican party does can expect to have representatives in Congress. You have driven them all out; you have utterly destroyed the Republican party in that locality, and you have destroyed the liberty of conscience in elections and the liberty of action at elections of a great portion of your people. Of it I have nothing to say.

What I know of the State of New York and the city of New York is ancient history. I know that Horace Greeley claimed that the electoral vote of the State of New York in 1844 was carried for Mr. Clay honestly, fairly, by a majority of the votes, and I know that he charged, and it was never denied, that by fraud and corruption that election was turned aside and the electoral vote was given to Mr. Polk. I do not know whether Mr. Greeley told the truth or not, but I believe he did. I believe the silence of the Democratic party upon that subject and the defiant utterances of Horace Greeley convinced the public mind of the truth. I know at a later period Horace Greeley wrote an open letter, directed to Samuel J. Tilden, and charged Mr. Tilden himself with having corruptly and criminally turned aside the voice of New York, that had been given by a large majority for Mr. Griswold for governor, and that the vote was given by fraud to Mr. Hoffman.

I do not know that Mr. Greeley told the truth about the Democratic party of New York, but I do know that years later he was selected to carry the standard of the Democratic party for President, and if he committed an offense originally in making these charges, they certainly condoned that offense afterwards, if it was an offense, and by their nomination of him they admitted and confessed before the great bar of public justice the truth of his utterances. I do not believe that the Democrats of New York can make a greater mistake than to carry out the personal spite and hostility of a few men against one man and relieve us of any divided responsibility in the condition of the elections in New York City.

It is said that there is there a man by the name of John I. Davenport. He is a local character. We have no interest in John I. Davenport. He has never succeeded in all his instrumentalities for years in electing a single member of Congress a Republican. He seems to have been a source of irritation to the Democrats of New York, and it is said that even in the prayer book of some of the leading saints of Tammany Hall they have an appendix to the ordinary prayer, in which they pray to be delivered from the temptations of the devil and to be kept out of the machinations of John I. Davenport. [Laughter.]

I will tell you, Mr. Speaker, how the people of the country look at that. They do not believe—I will not get into a personal controversy with any Representative from New York—they do not believe that there has been fraud and corruption in the city of New York in the administration of Davenport. They do not believe that John I. Davenport has been guilty of crime. They do not believe, nor do I, that a single man in the city of New York was ever deprived of his right and opportunity to vote at any election as he saw fit by any act of John I. Davenport. The whole story is a mere scarecrow. It is of a piece with the Democratic cry in the Southern States of the force bill.

And now, Mr. Speaker, lest my time shall expire, I desire to refer to the attack made, or whatever it may be called, and I will not here call it an attack, because it was made more in the spirit of a reply to what was supposed to have been said by the gentleman from Mississippi yesterday, or the day before, about Ohio.

There is nothing easier than for a man, even a member of Congress, to make a mistake when he goes to talking about the politics of another State in which he does not live and the history of which he has not studied. I will give briefly the history of the colored question in Ohio, and of a few matters pertaining to our elections there.

Mr. BLACK of Illinois. Will the gentleman allow a question?

Mr. GROSVENOR. Always from the gentleman from Illinois.

Mr. BLACK of Illinois. If it is probable, as the gentleman says, that a member of Congress may make a mistake about the politics of another State, why should he undertake to legislate for the politics of that State and the manner of conducting its elections?

Mr. GROSVENOR. I assume that the presence of the gentleman here was a mistake by the voters of Illinois; but if they were to make a mistake I am glad that their mistake involved the genial and able gentleman who has interrogated me. Congressmen do make mistakes, and people make mistakes in electing Congressmen. I may not be free from the one, nor my people from the other.

Mr. BLACK of Illinois. That might be so, and yet it would not furnish an answer to my question.

Mr. GROSVENOR. Mr. Speaker, I was about to reply to some criticisms made by the gentleman from Mississippi on my State. As I have not said a word yet about Ohio, I can not have made a "mistake" up to this time. There were upon the statute book of Ohio what were called the black laws. The date of their adoption I do not remember. They were passed by a Democratic Legislature. They were as tyrannical and unjust as the darkest code of any Southern State. They prohibited the colored man from giving testimony in the courts. They were passed in the times away back, before the war. But even before the war came on, under the growing influence of the Republican party, which carried the State in 1853, those black laws were repealed. They were repealed by the vote of the Whigs, the Know-Nothings, the Republicans and the enlightened Democrats. They were blotted from the statute book.

But, in the provision of the constitution of Ohio, prescribing the qualifications for voters, the word "white" was found. When the war was over the Legislature of Ohio indorsed and ratified the thirteenth amendment to the Constitution. The Legislature of Ohio, Republican in both branches, also ratified the fourteenth amendment. Then a Democratic Legislature came in and withdrew the consent of Ohio to the fourteenth amendment; that Legislature standing, where the gentleman from Massachusetts [Mr. EVERETT] stands, in favor of keeping the slave code upon the statute books of the United States.

Later on the fifteenth amendment was ratified by a Republican Legislature in Ohio, and still later a Democratic Legislature repealed or withdrew or rescinded the assent of Ohio to the ratification of the fifteenth amendment; as the Democrats did in New York, and as they did everywhere there was a Democratic Legislature. For, Mr. Speaker, there was no Democratic Legislature in this country that kept pace with the onward movement of the glorious triumph of liberty. They came dragging along behind, camping to-night where we camped last night, and standing ready to-day to indorse what we did yesterday. In 1867, before the ratification by the States of the fifteenth amendment, we submitted to a popular vote the question of striking out the word "white" from the Constitution.

Under the law of Ohio a majority of all the votes given at the election are required for a change of the constitution, so that it is almost impossible to make such a change. You have, in the first place, a tally of the votes for governor, or for the highest candidate on the ticket, and you must have, for a constitutional amendment, a majority of that number; so that each voter who votes for both propositions, or who fails to vote for either, is counted in the negative. We carried on that campaign as well as we could. We put it into the Republican platform that we favored the enfranchisement of the colored man, and there was no man in Ohio who more energetically and for his years more successfully took the stump in favor of that amendment than James E. Campbell, then a young Republican politician in the city Hamilton, in Butler County. He went everywhere, as I did, and we all did all we could; but along in some of the river counties of our State, and in some special localities, there was opposition.

The Democratic party put into their platform a denunciation of the proposition. They appealed to the people of Ohio on the ground that we were in favor of marrying white women to colored men. [Laughter.] They paraded wagons with beautifully dressed young ladies having above their heads transparencies on which was inscribed, "Fathers, protect us from black husbands." [Laughter.] That was done all through the State, and the result was that we lost the Legislature in both branches.

It is true that Rutherford B. Hayes was elected governor by a majority of perhaps 1,400, but the Legislature was Democratic, and Judge Thurman became the Senator from Ohio. And, Mr. Speaker, to-day that word "white" is in the constitution of Ohio as a qualification for the voter. We have a State constitution which was adopted in 1851, before there was a Republican party. We tried to amend it in 1867 and we failed. We had a constitutional convention in 1874 and got a new constitution framed with all the safeguards of liberty, but, because it embraced a great many other questions relating to corporations, taxation, and representation, it was voted down by a special election.

So the constitution of Ohio to-day contains the word "white" in the clause prescribing the qualifications of voters, but nevertheless every colored man in Ohio, without coercion, without restraint, without intimidation, without fraud, casts his vote just as he sees fit, under the dominating power of one of those amendments to the Constitution of the United States which the gentleman from Massachusetts [Mr. EVERETT] is proud to say he wants wiped off the statute books. In Ohio, therefore, everybody votes. We had a little trouble in Ohio. Something has been said about the abuse of this matter of marshals and inspectors at the city of Cincinnati. It is an old story; I do not want to go into ancient history on that subject.

There was a condition of things in the city of Cincinnati, under a most effective election law then existing in our State, that became the subject of an investigation by Congress. I have here the action of a committee of which the distinguished gentleman from Illinois [Mr. SPRINGER] was a member. Here is the testimony, and, speaking upon the results of that investigation, I desire to say simply that there was perhaps the most thoroughly organized, far-reaching, and complete system of fraud attempted that has ever been attempted upon the ballot box anywhere in the country, and certainly greater than we ever had in Ohio before or since. I propose simply to say that in a single instance justice was meted out.

A man by the name of Michael Mullen, himself a lieutenant of police, was arrested, charged, indicted, and found guilty of having arrested one hundred and sixty odd legal voters, colored men, in the nighttime the night before the election, so secretly that in spite of the vigilance of perhaps twenty-five hundred deputy marshals and inspectors who had been appointed by the court, nobody found it out until the election polls were closed at night, when these men, having been deprived of their votes, were turned loose. That man was tried and convicted; and if the House will be kind enough to allow me to omit the reading, I will put into my speech the very brief sentence pronounced upon this man by Judge Baxter, one of the ablest, purest, and

most independent of all the judicial officers we have ever had in Ohio. In that sentence Judge Baxter sets out in language stronger than I could frame the enormity of the outrage:

JUDGE BAXTER'S SENTENCE OF MIKE MULLEN.

Michael Mullen, you stand convicted of the crime of having, by unlawful means, prevented a number of your fellow-citizens from voting in the recent Congressional election held in this city. You were at the time a policeman paid to protect every one in the exercise of their legal rights. But instead of doing this, you availed yourself of an unauthorized and indefinite order issued by the mayor, commanding the arrest of "all suspicious persons found on the streets," as a color for your wrongful action, and proceeded to arrest and imprison 152 citizens having as good a right to vote as you did, and detained most of them until the election was over, and in this way and by these means deprived them of their constitutional right to vote. The mayor's order, we think, was a usurpation. But if it were otherwise, you went beyond the most liberal construction that can reasonably be placed upon it. It proposes to authorize the arrest of "suspicious persons (whatever these terms may mean) found on the streets," whilst you invaded the homes of some of your victims at or about midnight preceding the election, and dragged them from their beds, without explanation, to the prison improvised for the occasion, and there detained them until after the polls were closed.

If there were any facts tending to bring them within the purview of the mayor's order, you failed to put them in evidence. On the contrary, the testimony demonstrated that you knew some of them to have been citizens of Cincinnati for several years preceding their arrest, and yet you proceeded, without inquiry, complaint, or proof, to arrest and hold them in durance vile, as alleged in the indictment, under the pretense of official duty, but in fact to prevent them from exercising their constitutional right to vote for a Representative in Congress. The evidence of your guilt was so convincing that your able and zealous counsel voluntarily yielded to its irresistible force, and with your acquiescence, manifested in open court, consented to the finding made by the jury. This finding, thus obtained, is a virtual confession by you that the arrest and imprisonment of the persons named were for the wrongful purpose alleged in the indictment.

Such an unprecedented invasion of the rights of American citizens by any one under any circumstances would be a grave violation of the criminal laws of the United States. But when it is remembered that you were at the time in the exercise of public authority and acting under the obligations of an official oath, requiring impartiality and integrity in the discharge of your duties, your infidelity to your official obligations seems to have been peculiarly flagitious, if not atrocious. You not only outraged the imprisoned parties, but you struck a traitorous blow to a fundamental and vital principle that underlies our republican institutions; and you did your work so noiselessly and expertly as to have eluded the vigilance of 3,000 regular and special policemen, deputy sheriffs and deputy marshals then on duty, and supposed to have been coöperating for the protection of all legal voters in the exercise of their legal rights, as well as the 75,000 other citizens of this great central city who (if we are to credit the city press) were so thoroughly solicitous on that occasion to preserve the purity of the ballot box.

The sublime impudence of such a raid upon the constitutional right of your fellows, in connection with its successful consummation, precludes the idea that the scheme was conceived and executed by you alone. That you had accomplices is manifest. You never would have ventured upon a scheme so full of danger, and from which you could in no event have derived any personal advantage, without assurances of coöperation from others. But your accomplices have so far escaped detection and punishment. Their immunity, however, is no mitigation of your offense. You were the active and conspicuous instrument in the perpetration of the wrong complained of, and it is our plain and imperative duty to impose the punishment prescribed by law. This must, however, be inadequate to your crime. Congress, never having anticipated such an extraordinary abuse of official power as practiced by you, has failed to prescribe punishment commensurate with the offense. But, as you have richly earned the maximum punishment prescribed by law, we can not in justice to the public and the Constitution we represent do less than inflict it upon you. The judgment of the court will, therefore, be that you be imprisoned for twelve months from this day in the common jail of Hamilton County, Ohio.

And I might stop here to say that since Mullen served out his time in prison under that sentence, or rather since he was pardoned out of prison by a Democratic executive, he has become the high priest of Hamilton County Democracy, as it were—has held office after office, always upon the highest pinnacles of party preferment, and is to-day on the ticket of the Hamilton County Democracy as a candidate for a judicial office in the city of Cincinnati.

Later on there was another fraud attempted. Two hundred names of men who did not vote were put upon the poll lists of precinct A in the Twenty-fourth ward. Thereby the result was changed. Ten Democrats were returned as elected to the Senate and House, where in fact the whole Republican ticket had been elected. By a close calculation made late at night, it was ascertained that the Republican ticket was elected by something like 200 majority. In spite of this forgery, as barefaced as was ever perpetrated, a certificate was given by a Democratic clerk of the court to these ten Democratic candidates as representatives and senators. They marched up to Columbus knowing that they had not been elected, knowing that their certificates were the product of forgery and crime, and took their seats in the Legislature.

In the house of representatives, where the opposite party had a clear majority, seven of those men who appeared there as representatives were at once kicked out and sent home. The Senators sat there, holding their places in defiance of the rules of the house. Finally, when matters became too hot for them, they fled to the mountains of Tennessee—all but one, a single Democrat being left to make the objection that no quorum had voted. The lieutenant-governor of the State—the president of the senate—counted the odd Democrat sitting there as a sentinel on the watch-tower, declared a quorum present; three senators not entitled to seats were turned out, and everything went on right and straight.

We had another attempt in Columbus, where a representative and a judge of the probate court was elected by fraud through the entering on the poll sheets of 200 names of men who had never voted. That result was at once ignored by the gentleman who was thus returned as a representative; he never took his place as such, but utterly repudiated the whole thing.

Now, Mr. Speaker, in the city of Cincinnati, and so far as I know in the city of Cincinnati alone, have the Republicans of Ohio ever invoked the presence of United States marshals. To-day we have an election law framed and put upon the statute book by the good men of both parties. It is the Australian ballot in probably as fair a form as it is in any of the best States of the Union. Cumbersome and obstructive to some extent it certainly is, an annoyance to some people beyond a doubt; but it has lifted Ohio out of the domain of possible fraud and made it what it is—a State that honors all its citizens and has no qualification that makes it impossible for her men of voting age to vote.

Mr. Speaker, the question of the constitutionality of laws relating to the election of members of Congress is not a new question, not an open question, not a question about which any intelligent lawyer, it would seem, ought to hesitate in his opinion; but the foundation for doubt and uncertainty in this country grew out of the early discussions of the power of Congress and the relation of the States to the Union, and more especially did it grow out of the early differences of opinion in regard to the relation between the Supreme Court and the other coördinate branches of the Government. It is not my purpose here and now to enter upon any considerable discussion of these questions.

Very early in the history of our Constitution Mr. Jefferson and others took the broad, and as it appears to us now looking back at it, incendiary ground that the Supreme Court, under the following provision of the Constitution could only interpret the laws for the guidance of the courts, and not to control the other branches of the Government:

SEC. II, ART. II. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States and treaties made or which shall be made under their authority. * * *

Mr. Jefferson not only held, with that vigor with which he maintained his own opinions and defied the opinions of others, that the Supreme Court could not bind his action as President, but that he would defy the Supreme Court or its mandates whenever he saw fit to do so. And I will here give the opinions and declarations of a number of other gentlemen of that day, and, among the rest, that of John Randolph, of Roanoke.

Strange is it not, Mr. Speaker, singular is it not, that the distinguished young relative of John Randolph, of Roanoke, should be here to-day urging with remarkable force, remarkable power, and pleasing eloquence the same doctrine of his distinguished ancestor. And yet, Mr. Speaker, in pleasing contrast to this mistaken dogma is the language of John Randolph Tucker, who closed his term as president of the National Bar Association at Milwaukee on the 1st of September last in an address of remarkable ability and power, in which he subdivides the achievements of our Anglo-Saxon race; and I quote section 10 of his address:

Finally, it has ordained a confederative system of government, a republic of republics, in which power is wedded to right by localizing power to control local right, and by combining power of all to direct the common rights and general interests of all, and thus has presented to the world a constitutional organism wherein government is potential for defense and impotent to destroy freedom, where the minimum of power and the maximum of liberty are made consistent with the order, peace, and safety of the people.

In this beautiful statement, so creditable to the learning and patriotism of the distinguished gentleman, there is nothing said about a power within that power to nullify it, and it has direct and pertinent reference to the acts and power of Congress.

I appeal from TUCKER, young and enthusiastic, carried away from the moorings of the Constitution and the decisions of the courts by the force and circumstances of his surroundings, to Tucker, ripe in age, wise in experience, strong in learning, and safe in counsel.

But, Mr. Speaker, it was the pernicious teachings of these ancient fathers that cost us a bloody war. The Kentucky resolutions emanated from the pen of the same gentleman who wrote the letter from which I will quote. The same incendiary doctrine followed us along our pathway, sowed the seeds of dissension in the teaching of Calhoun, culminated in the declaration of withdrawal from the Union of eleven States, was shot to death upon a hundred battlefields of war, and its bloody end was sealed with the blood of a million of men. John Marshall, of Virginia—Heaven bless his memory—struck the blow upon the Supreme Bench of the United States that laid the foundation to destroy this whole doctrine, and in later years no lawyer of eminence doubts the power of Congress to pass these laws.

I give from Federal Reporter, No. 41, an extract from the eloquent charge of Circuit Judge Howell E. Jackson, on page 330,

in the trial of certain men indicted for offenses against these laws, as follows:

But little need be said as to the law applicable to this case. Congress has, by various acts, so far adopted the election laws of the several States as to make all frauds and offenses committed against those laws offenses against the United States, when committed in any election at which a Representative in Congress is to be voted for.

The constitutionality of this legislation has been fully established by the highest tribunal in the land. It is not controverted that at the election held on the 6th day of November, 1888, in the fourth civil district of Fayette County, Tenn., at Garnett's store, a Representative in Congress was to be, and was in fact, voted for. If, at that election, the defendants, or either of them, committed or permitted any acts prohibited or made misdemeanors by the State law, such violations of their duty as judges and officers of said election will constitute offenses against the United States.

It was a glorious thing, independent of all political considerations, when Benjamin Harrison severed the ties that bound him as a partisan and put such a man as that upon the Supreme Bench of the United States—a Democrat who had passed away from the fog and the mist and the doubt and the confusion of the teachings of Jefferson and Jackson and others, out into the open sunlight, out into the clear sailing, out upon the pathway of national unity and national power. So much for this question and no more. Here I give the discussion to which I have referred. It is contained in letters written in the early years of the Constitution:

OPINIONS OF THOMAS JEFFERSON.

In a letter to John Adams, dated September 11, 1804, Mr. Jefferson says:

You seemed to think that it devolved on the judges to decide on the validity of the sedition law. But nothing in the Constitution has given them a right to decide for the Executive, more than the Executive to decide for them. Both magistrates are equally independent in the sphere of action assigned to them. The judges, believing the law constitutional, had a right to pass a sentence of fine and imprisonment, because the power was placed in their hands by the Constitution. But the Executive, believing the law to be unconstitutional, were bound to remit the execution of it, because that power had been confided to them by the Constitution.

Again, in a letter to Judge Roane, dated Poplar Forest, September 6, 1819, Mr. Jefferson remarks:

In denying the right they usurp in exclusively explaining the Constitution, I go further than you do, if I understand rightly your quotation from the Federalist, of an opinion that "the Judiciary is the last resort in relation to the other departments of the Government, but under which the judiciary is derived," if this opinion be sound, then indeed is our Constitution a complete *felo de se*. For intending to establish three departments, coördinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone the right to prescribe rules for the government of the others, and to that one, too, which is unelected by and independent of the nation. * * * The Constitution on this hypothesis, is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please. It should be remembered, as an eternal truth in politics, that whatever power in any government is independent, is absolute also; in theory only at first, while the spirit of the people is up, but in practice as fast as that relaxes. Independence can be trusted nowhere but with the people in mass. They are inherently independent of all but moral law. My construction of the Constitution is very different from that you quote. It is that each department is truly independent of the others, and has an equal right to decide for itself what is the meaning of the Constitution in the cases submitted to its action, and especially where it is to act ultimately and without appeal.

John Taylor, of Caroline, Va., who in his day used to speak and write "as one having authority" in the old Jeffersonian Republican party, in an essay entitled "New Views of the Constitution," says:

The legal features of the Constitution, in relation to judges, is expressed in the sixth article: "The Constitution is the supreme law of the land, and the judges in every State are to be bound thereby." Can the judgments of the Federal court be a supreme law over this supreme law? Is there no difference between the supremacy of a Federal court over inferior Federal courts, and the supremacy of the Constitution over all courts? The supremacy of the Constitution is a guaranty of the independent powers, within their respective spheres, allowed by the Federalist to the State and Federal Governments. A supremacy in the court might abridge or alter these spheres.

The State judges are bound by the Constitution and by an oath to obey the supremacy of the Constitution, and not even required to obey the supremacy of the Federal court. Why are all the departments of the State and Federal governments equally bound to obey the supremacy of the Constitution? Because the State and Federal governments were considered as checking and balancing departments. Had either been considered as subordinate to a supremacy in the other it would have been tyrannical to require it by an oath to support the supremacy of the Constitution, and also to break that oath by yielding to the usurped supremacy of the other.

During the Administration of John Adams the judiciary system was remodeled in such way as to create a large number of circuit judgeships, and to make the Supreme Court simply a court of appeal from the inferior jurisdictions. After the election of Mr. Jefferson, with a Republican (Democratic) majority in Congress, the act was repealed.

During the debate in the Senate, which was protracted, on this repeal bill, Mr. Jackson, of Georgia, said:

We have been asked if we are afraid of having an army of judges. For myself, I am more afraid of an army of judges under the patronage of the President than an army of soldiers. The former can do us more harm. They may deprive us of our liberties, if attached to the Executive, from their decisions; and from the tenure of office contended for we can not remove them; while the soldier, however he may act, is enlisted, or if not enlisted, only subsisted for two years, whilst the judge is enlisted for life, for his salary can not be taken from him. (See Annals of Congress, 1801-'2, page 47.)

During the same discussion Mr. Mason, of Virginia, said:

The objects of courts of law, as I understand them, are to settle questions of right between suitors, to enforce obedience to the laws, and to protect the citizens against the oppressive use of power in the executive officers. Not to protect them against the Legislature, for that, I think, I have shown to be impossible, with the powers which the Legislature may safely use and exercise, and because the people have retained in their own hands the power of controlling and directing the Legislature by their immediate and mediate elections of President, Senate, and House of Representatives. (See Annals of Congress, 1801-'2, page 73.)

In the House, Robert Williams, of North Carolina, said:

If this doctrine is to extend to the length gentlemen contend, then is the sovereignty of the Government to be swallowed up in the vortex of the judiciary. Whatever the other departments of the Government may do they can undo. You may pass a law, but they can annul it. Will not the people be astonished to hear that their laws depend upon the will of the judges, who are themselves independent of all law? (Annals of Congress, 1801-'2, pages 531, 532.)

John Randolph, of Roanoke, said:

But, sir, if you pass the law the judges are to put their veto upon it by declaring it unconstitutional. Here is a new power, of a dangerous and uncontrollable nature, contended for. The decision of a constitutional question must rest somewhere. Shall it be confided to men immediately responsible to the people, or to those who are irresponsible? For the responsibility by impeachment is little less than a name. From whom is a corrupt decision most to be feared? To me it appears that the power which has the right of passing without appeal on the validity of your laws is your sovereign. * * * But, sir, are we not as deeply interested in the true exposition of the Constitution as the judges can be? With all due deference to their talents, is not Congress as capable of forming a correct opinion as they are? Are not its members acting under a responsibility to public opinion which can and will check their aberrations from duty? Let a case, not an imaginary one, be stated: Congress violates the Constitution by fettering the press; the judicial corrective is applied to; far from protecting the liberty of the citizen, or the letter of the Constitution, you find them outdoing the Legislature in zeal, pressing the common law of England to their service where the sedition law did not apply.

Suppose your reliance had been altogether on this broken staff, and not on the elective principle? Your press might have been enchained until doomsday, your citizens incarcerated for life, and where is your remedy? But if the construction of the Constitution is left with us, there are no longer limits to our power; and this would be true if an appeal did not lie, through the elections, from us to the nation, to who, alone, and not a few privileged individuals, it belongs to decide, in the last resort, on the Constitution. * * * In their inquisitorial capacity, the Supreme Court, relieved from the tedious labor of investigating judicial points by the law of the last session, may easily direct the Executive, by mandamus, in what mode it is their pleasure that we should execute his functions. They will also have more leisure to attend to the Legislature, and forestall, by inflammatory pamphlets, their decisions on all important questions, whilst for the amusement of the public we shall retain the right of debating, but of not voting. (Annals of Congress, 1801-'2, pages 661, 662.)

Nathaniel Macon, of North Carolina, said:

We have heard much about the judges and the necessity of their independence. I will state one fact to show that they have power as well as independence. Soon after the establishment of the Federal courts they issued a writ—not being a professional man, I shall not undertake to give its name—to the supreme court of North Carolina, directing a case then pending in the State court to be brought to the Federal court. The State judges refused to obey the summons, and laid the whole proceedings before the Legislature, who approved their conduct, and, as well as I remember, unanimously; and this in that day was not called disorganizing. (Annals of Congress, 1801-'2, page 711.)

John Bacon, of Massachusetts, said:

The judiciary have no more right to prescribe, direct, or control the acts of the other departments of the Government than the other departments of the Government have to prescribe or direct those of the judiciary. (Annals of Congress, 1801-'2, page 983.)

THE SEDITION LAW.

When the case of Matthew Lyon was before the United States Senate in 1818, on petition asking indemnity for a fine imposed upon him under the sedition law, John J. Crittenden, of Kentucky, said:

The judiciary is a valuable part of the Government, and ought to be highly respected, but it is not infallible. The Constitution is our guide—our supreme law. Blind homage can never be rendered by freemen to any power. In all cases of alleged violations of the Constitution, it was for Congress to make a just discrimination. (Benton's Abridgment, volume 6, page 184.)

Hon. James Barbour, of Virginia, made a report on the subject of the petition, of which the following is an extract:

The first question that naturally presents itself in the investigation is, was the law constitutional? The committee have no hesitation in pronouncing that in their opinion it was not.

The committee are aware that in opposition to this view of the subject the decision of some of the judges of the Supreme Court, sustaining the constitutionality of the law, has been frequently referred to as sovereign and conclusive of the question.

The committee entertain a high respect for the purity and intelligence of the judiciary; but it is a rational respect, limited by a knowledge of the frailty of human nature, and the theory of the Constitution, which declares not only that judges may err in opinion, but also may commit crimes, and hence has provided a tribunal for the trial of the offenders.

GEORGIA.

In the case of Paddleford, Fay & Co. *vs.* The Mayor and Aldermen of the City of Savannah, Judge Benning, in delivering the opinion of the court, recited two or three cases in which the State of Georgia has acted in disregard of the decisions of the Supreme Court of the United States. In the case of Chisolm, executor, against Georgia, the Supreme Court of the United States—

Ordered, That unless the said State shall either in due form appear, or show cause to the contrary, in this court, by the first day of next term, judgment by default shall be entered against the said State.

The reporter adds, in a note, that—

In February term, 1794, judgment was rendered for the plaintiff, and a writ of inquiry awarded. The writ, however, was not sued out and executed; so that this cause, and all of the other suits against States, were swept at once from the records of the court by the amendment of the Federal Constitution.

Georgia treated the court with contempt in respect to this case. Her position was, that the court had no jurisdiction of her as a party. (Georgia Reports, volume 14, page 479).

The judge proceeds to say that, "in this position Georgia triumphed," and that the judgment against her "fell dead."

The judge next cites the case of Worcester and Butler, who had settled on the Cherokee lands in Georgia contrary to the laws of the State, and for which offense they were sent to the penitentiary. On a writ of error, the Supreme Court of the United States annulled the judgment in the State court, and issued a mandate to the superior court of Georgia, to carry its judgment of reversal into execution. Judge Benning proceeds:

Now, what did Georgia do on receipt of that special mandate? Through every department of her government she treated the mandate and the writ of error with contempt the most profound. She did not even protest against jurisdiction, as she had done in the case of Chisolm's executors; but she kept Worcester and Butler in the penitentiary and she executed in the Creek Nation the laws for violating which they had been put in the penitentiary.

Judge Benning, in delivering his opinion, says further:

It was not only in this case that Georgia occupied this position; she did it in two other cases, and those cases of life and death; the case of Tassels and that of Graves. One of these happened before those of Worcester and Butler, namely, in 1830; the other afterwards in 1834. The Supreme Court had issued writs of error in each of these cases on the application of the defendants to the State of Georgia, but, as the cases are not rdported, it is to be presumed that these writes never got back to the Supreme Court or that if they ever did it was too late. It is certain that Georgia hung the applicants for the writ.

In the Tassels case the Legislature passed these, among other resolutions:

Resolved, That the State of Georgia will never so far compromit her sovereignty as an independent State as to become a party to the case sought to be made before the Supreme Court of the United States by the writ in question.

Resolved, That his excellency the governor be, and he and every other officer of this State is hereby, requested and enjoined to disregard any and every mandate and process that has been or shall be served on him or them purporting to proceed from the Chief Justice or any associate justice of the Supreme Court of the United States, for the purpose of arresting the execution of the criminal laws of the State.

Similar resolutions were passed as to the case of Graves by the Legislature in 1834.

VIRGINIA.

The court of appeals of Virginia, in 1814, in the case of Hunter *vs.* Martin, devisee of Fairfax, entered the following unanimous opinion, after full argument:

The court is unanimously of opinion that the appellate power of the Supreme Court of the United States does not extend to this court, under a sound construction of the Constitution of the United States; that so much of the twenty-fifth section of the act of Congress to establish the judicial courts of the United States as extends the appellate jurisdiction of the Supreme Court to this court is not in pursuance of the Constitution of the United States; that the writ of error in this case was improvidently allowed under the authority of that act; that the proceedings thereon in the Supreme Court were *coram non judice* in relation to this court; and that obedience to its mandate be declined by this court. (See Benton's Abridgment, volume 6, pages 660, 661.)

GEN. JACKSON.

The following is an extract from Gen. Jackson's message vetoing the bill rechartering the Bank of the United States. It may be found on page 438 of the Senate Journal for the first session of the Twenty-second Congress, and is in these words:

If the opinion of the Supreme Court covered the whole ground of this act, it ought to control the coördinate authorities of this Government. That Congress, the Executive, and the court must each for itself be guided by its own opinion of the Constitution. Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges, when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress over the judges; and, on that point, the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

THE OTHER SIDE OF THE QUESTION—MR. WEBSTER'S VIEWS.

The other side of this question was lucidly and ably stated by the late Daniel Webster, in a speech delivered before the United States Senate on the 27th of January, 1830, in the famous debate between Mr. Webster and Mr. Hayne, of South Carolina, on Foot's resolution, as follows.

Mr. Hayne having rejoined to Mr. Webster, especially on the Constitutional question, Mr. Webster rose, and in conclusion, said:

A few words, Mr. President, on this constitutional argument, which the honorable gentleman has labored to reconstruct.

His argument consists of two propositions and an inference. His propositions are:

First. That the Constitution is a compact between the States.

Second. That a compact between two, with authority reserved to one to interpret its terms, would be a surrender to that one of all power whatever.

Third. Therefore (such is his inference), the General Government does not possess the authority to construe its own powers.

* * * * * * *

While the gentleman is contending against construction, he himself is setting up the most loose and dangerous construction. The Constitution declares that the laws of Congress passed in pursuance of the Constitution shall be the supreme law of the land. No construction is necessary here. It declares, also, with equal plainness and precision, that the judicial power of the United States shall extend to every case arising under the laws of Congress. This needs no construction. Here is a law, then, which is declared to be supreme; and here is a power established which is to interpret that law. Now, sir, how has the gentleman met this? Suppose the Constitution to be a compact, yet here are its terms; and how does the gentleman get rid of them? He can not argue the seal of the bond, nor the word out of the instrument. Here they are; what answer does he give them?

None in the world, sir, except that the effect of this would place the States in a position of inferiority; and that it results from the very nature of things, there being no superior, that the parties must be their own judges. Thus closely and cogently does the honorable gentleman reason on the words of the Constitution. The gentleman says, if there be such a power of final decision in the General Government, he asks for the grant of that power. Well, sir, I show him the grant. I turn him to the very words. I show him that the laws of Congress are made supreme, and that the judicial power extends, by express words, to the interpretation of these laws. Instead of answering this, he retreats into the general reflection that it must result from the nature of things that the States, being parties, must judge for themselves.

Mr. Speaker, the gentleman from Virginia [Mr. TUCKER] is mistaken, radically mistaken, when he says that the Republican party is a sectional party. It is astonishing that such a declaration as that should come from a member of the party that finds itself hopelessly divided on this floor upon every possible question. It is astonishing that it should come from a gentleman who voted upon the only great question we have had in this Congress in open defiance of the demands of his party majority, of the Administration to which he belongs, and who stands with a conquered but unsubdued minority in both Houses of Congress of his own party.

The Republican party is not a sectional party. From its origin until now it has held aloft a banner inscribed with a single sentiment in the North and in the South. It is never changed by reason of geographical lines. It is the same in one section of the country as it is in the other, It is not necessary that the Republican, traveling from the city of Boston, through New York and Albany and Pittsburg, and across by Cleveland and Chicago and Omaha to San Francisco, and who wants to speak upon political questions, shall read the State platforms of the several States to see how his party stands upon questions of tariff, and silver, and currency, and banking; but it is indispensable that a Democrat shall do so, for he will find the Democratic platform in one State denouncing free and unlimited coinage of silver; he will find it in another State proclaiming that as the essential doctrine of the Democratic party. He will find in one State a tendency to absolute free trade and a declaration that all tariff taxation for protection is fraud and robbery, and in another State he will find the subject gingerly handled by men who are still the followers of Samuel J. Randall in the protection wing of the Democratic party.

But the Republican party has borne a banner on which was inscribed a single legend, a banner of liberty—liberty to all. Afterwards it inscribed on its banner, Union and the supremacy of the laws, the indorsement of the Constitution; one flag, the flag of one nation. That flag was to be made the harbinger of peace and prosperity to all future generations, the representative of peace, victory, and prosperity. On all great industrial questions the Republican party teaches the same doctrine and stands by the same principles in Massachusetts as it does in San Francisco, and its teachings are alike on every foot of the great highway of the nation between those two points. It stands holding aloft a banner that is the same yesterday, to-day, and forever. [Applause on the Republican side.]

It is not sectional; it guarantees to the people of the South, it has guaranteed to them in the reconstruction acts and in the amendments to the Constitution, prosperity, liberty, and equality before the law. Is a Republican a sectionalist; am I, because I am a Republican, to be classed as an enemy of the South? Mr. Speaker, there is not a sign of prosperity which is seen in the South that I do not hail with equal joy with the gentleman from Massachusetts, and with much greater and more enlightened joy; for the possibility of that glory and greatness and prosperity which we see and hear of in the South came from the dominating principles of patriotism and intelligence of the Republican party. [Applause on the Republican side.]

There is not a flash of fire from a chimney or a furnace in the South that does not flash by the inspiration given it by Republican legislation. There is not a furnace out of which comes the smoke by day and the flame by night that is not a beacon light, testifying to the integrity and wisdom and the patriotism of the Republican party, for they made that prosperity possible for the South. Our great lines of railroads have been extended across their beautiful territory, and I hail with equal joy with the gentleman from Massachusetts any and all signs of returning or

growing prosperity in the South. I would treat the people of the South as I would treat the people of the North. I would treat the people of the West and the Northwest and the East all alike. I would bring them under the folds of the Republican banner that knows no North, no South, no East, no West, but stands upon the grand doctrine of equality and right before the law, equality of principle to the ends of the country, a banner, a platform, that declares in favor of American independence and American liberty and American prosperity to the people of all the land. [Prolonged applause on the Republican side.]

Mr. SPRINGER. Mr. Speaker, the gentleman from Alabama [Mr. OATES] is entitled to the floor at this time, but has generously yielded to me five minutes of his time, at my request, for the purpose of enabling me to reply to that portion of the remarks of the gentleman from Ohio [Mr. GROSVENOR], who has just taken his seat, with regard to the October election in Ohio in 1884.

I had the honor to be the chairman of the committee sent out by the House of Representatives to Cincinnati to investigate that election. I am familiar with all of the facts to which the gentleman has referred and with all of the circumstances that entered into that election. I was surprised to hear the gentleman state that at no time in Ohio had the Republicans called to their assistance United States marshals for the purpose of aiding them in conducting the election.

Mr. GROSVENOR. The gentleman misunderstood me. I said at no other place in Ohio except Cincinnati.

Mr. SPRINGER. I beg the gentleman's pardon; I did not so understand him.

Then in Cincinnati at this election I wish to state that there was called into service nearly 3,000 deputy marshals at the October election in question, when Representatives in Congress were to be chosen, and of these deputy marshals about 600 of them were armed with revolvers furnished by the national Republican committee from the city of New York, and were sent to Cincinnati and distributed among the so-called deputy marshals. A great number of these persons who were sworn into service of the Government on that occasion were negroes, many of them from the neighboring State of Kentucky, and who had as little knowledge of the law as they had of the rights of the citizen to vote at that election—ignorant, depraved, and utterly brutal in their instincts.

Such distinguished men as Mr. Ingalls, now president of the Big Four Railroad Company, and Mr. Edgar Johnson, at that time the law partner of Governor Hoadley, one of the most distinguished lawyers of Cincinnati, amongst others, appeared before the committee and testified that a large proportion of the deputy marshals so appointed were ignorant negroes, who did not belong there and who had evidently come from Kentucky or other neighboring States.

Mr. CALDWELL. Will the gentleman from Illinois allow me a suggestion?

Mr. SPRINGER. No; I can not yield. I have but a few minutes.

Among others engaged in endeavoring to enforce the law in Cincinnati was Mr. Mullen, to whom the gentleman from Ohio referred as being engaged in depriving citizens of the right to vote. In that election Mr. Mullen, then chief of police——

Mr. GROSVENOR. Oh, no.

Mr. SPRINGER. Was he not chief of police?

Mr. GROSVENOR. No, a lieutenant of police. He did not even report to the chief.

Mr. SPRINGER. Then a lieutenant of police in the city of Cincinnati had been required to watch, through his subordinates, the bridges and ferries leading to Covington, Ky., and other parts across the river. About 8 o'clock in the evening one of the subordinates reported to him that 150 or more colored people had passed very nearly together, or so nearly together as to make it practically one company, and that they had gone to a disreputable place on the levee, kept by a Republican negro as a boarding house; that these negroes were followed to this place by the police, and reported to Mr. Mullen; and that about 10 or 11 o'clock at night he went to that house and arrested all that were in it, and took them to police headquarters, and put them in prison.

Mr. GROSVENOR. He took them to the station house.

Mr. SPRINGER. To a police station, and had them kept in custody.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. OATES. I yield to the gentleman five minutes more.

Mr. GROSVENOR. Will the gentleman allow me to ask him a question and answer me in his time?

Mr. SPRINGER. Yes, I will if you will be brief about it.

Mr. GROSVENOR. I will be very brief. I hold in my hand every word of the testimony taken before your committee. Will you state that there is any evidence tending to show—you are a lawyer and know the meaning of that word—tending to show that any man was prevented from voting the Democratic ticket in Hamilton County by these special deputy marshals?

Mr. SPRINGER. I will state the facts as fully as I can in the brief time allowed me.

Mr. CALDWELL. Answer yes or no.

Mr. SPRINGER. I answer that a great effort was made to prevent them, and if it had not been for the indomitable courage of the Democratic voters of Cincinnati hundreds, even thousands, of them would have been prevented from voting [applause on the Democratic side]; and among those who put forth the greatest efforts to preserve the purity of the ballot box in that city was Mr. Mullen. It is true that while 150 or about that number of negroes were arrested in that house, nearly all of whom had just come across the river and lived in Kentucky, there were a very few, perhaps three or four, of those persons who were arrested who did properly belong in Cincinnati.

Mr. CALDWELL. Will the gentleman pardon me——

Mr. SPRINGER. I have but five minutes' time, and I can not yield.

The SPEAKER *pro tempore*. The gentleman from Illinois declines to yield.

Mr. CALDWELL. Why did not the gentleman——

Mr. SPRINGER. I can not yield. There were three or four persons in the number arrested by Mr. Mullen who were legal voters of Cincinnati, and he was indicted for depriving those persons of the right to vote. Under the advice of his counsel he pleaded guilty, supposing that the court would impose a nominal sentence; but a partisan court, utterly disregarding the suggestions of counsel, imposed upon him the extreme penalty of the law, and he was sentenced to twelve months' imprisonment in the common jail.

I, among others, joined in a petition to President Cleveland, who was elected at the November election thereafter, for Mr. Mullen's pardon, and he was pardoned, and he ought to have been. He was earnestly endeavoring to enforce the law and to secure the right of the people to vote, and to prevent a horde of negroes from Kentucky from corrupting the ballot box at that election by their votes and by their presence at the polls.

These deputy marshals, 600 of them, were armed with revolvers. Most of the persons thus armed were negroes, and they were sent to the Irish wards in the hope that the Irish voters would resist their authority and cause bloodshed and riot to prevail, so that they could make a pretext of using the power that was in their hands to terrorize the rightful voters of that great city.

Such was that election, and Mr. Mullen, as the gentleman says, has been honored by his party since, and is now a candidate for a judicial office. Does the gentleman suppose that the people of Cincinnati, in the very midst of whom he performed his duty, could elect him to one of these responsible offices if he was the criminal the gentleman would have us believe? No; he was honestly endeavoring to enforce the law, and his people have honored him since as an honest man, fearlessly endeavoring to enforce the laws of his country.

Mr. GROSVENOR. He has been honored always by appointment, and never by election.

Mr. SPRINGER. The gentleman stated that he was a candidate for a judicial office, and I hope he will be elected.

That October election, so full of open defiance of constituted authority and lawful methods, had its effect upon the succeeding November election. The vaulting ambition of the Republican leaders overleaped itself. The reaction which it produced caused Indiana, which was trembling in the balance, to vote for Cleveland at the ensuing November election, and thus secured his election the first time he was elected President of the United States.

[Here the hammer fell.]

Mr. CALDWELL. Now will the gentleman yield for a question?

Mr. SPRINGER. My time has expired.

Mr. CALDWELL. Mr. Speaker, I only want to say——. [Cries of "Regular order!" on the Democratic side.]

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. OATES] is entitled to the floor.

Mr. OATES. Mr. Speaker, I have not prepared any speech upon this subject, and I do not therefore expect to consume much of the time of the House. The time which I do consume will be mainly devoted to the consideration of questions which I conceive to be of vital importance.

I listened to the speech of the gentleman from Ohio [Mr. GROSVENOR], and I am sorry to say that it consisted mainly in detailing incidents, derived in large part from utterly unreliable sources of a highly partisan character, and without throwing any light whatever upon the issues involved.

Among the statements of that gentleman was one charging against my friend from Massachusetts [Mr. EVERETT], who had just preceded him in a most excellent speech in the best temper, by which he represented him as favoring a repeal of the three last amendments to the Constitution of the United States. Why, I sat near that gentleman, and no such words came from his lips, nor could any man draw such inference from anything he said. But of such assertions was the speech of the gentleman from Ohio [Mr. GROSVENOR] composed.

On yesterday the gentleman from Minnesota [Mr. TAWNEY] dwelt at considerable length upon a point he found in the report of the committee prepared by my friend from Virginia [Mr. TUCKER] in reference to this bill, in which the language was used:

Let every trace of the reconstruction measure be wiped from the statute books.

I think my friend put that into his report thoughtlessly and merely to round out his sentences. I interrupted the gentleman from Minnesota when dwelling upon it, as he had a right to do, and called his attention to a fact, which every intelligent man knows in this country, that the reconstruction measures, however much opposed by Democrats, can not, if they were so disposed, be repealed. They are things of the past. They are laws that have been executed. The amendments to the Constitution have long since become parts of that instrument, and every member of this House has taken an oath to support them. The language employed had no reference whatever to any such thing as that; and the gentleman from Massachusetts [Mr. EVERETT] is as far from desiring a repeal or to reverse the action upon them, which are things of the past, as the gentleman from Ohio, who made the charge, and the gentleman from Ohio knows it quite as well as I do.

Why, sir, we ought to address the House and let our remarks go to the country like men of common sense, and not select remarks which may be made in the heat of debate or thoughtlessly of an improper character, when considered alone, and send them to the country as the real issues, when they are not. Now, sir, while the gentleman from Ohio was on the floor, in detailing these reports, he stated one which he said occurred in the Southern States recently, wherein one candidate received 40,000 majority for the office of governor and was counted out, and his adversary counted in with a majority of 20,000 votes. That is an old story. I have heard it so often that I know from whence it comes. It applies to my own State, wherein Capt. Kolb, one of my own constituents, claimed that he was elected by 40,000 majority, and it has gone forth from his own assertion and that of his political managers and from no other source, and it has always overtaxed the credulity of any honest and intelligent citizen of that State to believe any part of it.

Mr. GROSVENOR. Do I understand the gentleman to say that I made that charge?

Mr. OATES. I stated at the outset that you assumed no responsibility for these statements; that you gave them as rumors.

Mr. GROSVENOR. That is true.

Mr. OATES. And frequently from very unreliable sources.

Mr. GROSVENOR. That is true.

Mr. OATES. And none of them more unreliable than this.

Mr. GROSVENOR. That is your language.

Mr. OATES. That is my language; and I am always responsible for what I say.

Mr. GROSVENOR. Undoubtedly. I did not say anything about the source.

Mr. OATES. No; and hence your time was wasted in detailing them.

Now, sir, at that election, which was a very heated one, there may have been, and probably were, some frauds committed in some localities, on the side of each party, and in favor of each candidate. I have no doubt that some few did occur. But the assertion that Kolb was elected by 40,000 majority is utterly foundationless. It is not true, and there is nothing to support it further than I have stated. As to whether the successful candidate was elected by 20,000 may not be correct as to the number, but according to the returns as counted he was elected.

The Legislature elected at the same time held its session and counted the votes, and is it to be presumed that if such stupendous frauds existed that they, as honest men, would sit as a Legislature and decline to institute an investigation? On the contrary, that Legislature were so anxious that all elections should be perfectly fair, and finding that the election laws were somewhat deficient, and might be abused, passed a new election law for the purpose of securing honest elections and excluding the possibility of cheating and fraud. One gentleman said the day before yesterday, referring to this law, that it was an exceedingly bad and dishonest one. How does he know that it is?

It was enacted by the last Legislature and has had no test. It is the Australian ballot system, improved and modified, so that when any illiterate man goes to the polls and can not read his ticket it provides that a sworn officer shall read it for him, and write opposite the names he wishes to vote for. And I undertake to make this statement now that, if that law does not answer the purpose for which it was intended and secure perfectly free and fair elections, my State, when its next Legislature assembles will amend it and improve it so that it will. Its purpose was honest. My State desires no dishonest practices nor laws to sustain them. The people are honest.

Mr. GROSVENOR. I do not doubt the statement of the gentleman. I want to ask him if the provision in the Mississippi constitution, as there are no Mississippians upon the floor——

Mr. MONEY. Oh, yes, there is.

Mr. GROSVENOR. If that constitutional provision about which you spoke yesterday is the action of the people of Mississippi?

Mr. MONEY. Was it the action of the people of Mississippi? Is that the question?

Mr. GROSVENOR. Yes.

Mr. MONEY. In what sense?

Mr. GROSVENOR. Did they ratify that constitution?

Mr. MONEY. No, sir. I stated in my speech the other day, or if I did not I state now, that Mississippi never yet ratified any constitution, although she has had several presented to her, except the one submitted by Congress.

Mr. GROSVENOR. I am very glad to hear it.

Mr. MONEY. And I want to add that in that particular she has followed the example of many Northern States, notably Vermont.

Mr. OATES. Mr. Speaker, I do not indulge, and I do not think it is proper to indulge, in this discussion in the practice of taking up the several States of the Union one by one and discussing their systems of election. Whenever there is one which is flagrantly wrong in its election system the subject comes properly before this House in a contested election. But there seems to be a disposition on the part of a good many gentlemen to attack the systems of voting in the different States, ignoring the fact that those are subjects over which the States themselves have entire jurisdiction. At least that is what this side of the House is now contending for.

We have here a question as to the jurisdiction which Congress has and ought to exercise in respect to the election of Federal officials. Now, sir, these statutes which it is proposed by the pending bill to repeal are incomplete as a system. They do not provide the machinery for holding elections, but only for supervising and overlooking the instrumentalities provided by the States therefor. We go back to find the constitutional authority for this legislation, and while it recognizes the right of the States to provide for elections in the first place, it also provides that Congress may make or alter such regulations as the States may enact. We have only to refer to the language employed by leading men in the Convention which framed the Constitution to ascertain just what was meant and intended by that provision of the Constitution. I will not take time now to read more than one or two utterances of those who knew its purpose.

Mr. Madison said:

That it was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether. (Elliott's Debates, page 402.)

And in the Virginia convention, called to consider and adopt the Constitution, Mr. Madison observed—

that it was found impossible to fix the time, place, and manner of holding elections in the Constitution. As that was not done, manifestly it was left to the State Legislatures to do it. It was found necessary to leave the regulation of these [times, places, and manner] in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * *

Again, in the Federalist, Mr. Hamilton said:

That the propriety of the clause in question rested upon the evidence of the plain proposition that every government should contain in itself the means of its own preservation.

Without adducing further proof, Mr. Speaker, we gather from these utterances the purpose of inserting this alternative language in the Constitution. It was to enable the Government of the United States, in the event that any State should fail to provide for elections, or should make such obstructive provisions as would prevent the election of members of Congress, to interfere and excercise this power, but it never was intended to be otherwise exercised. It is a power with which Congress is vested, and therefore Congress may judge of the time and the necessity for the exercise of it. That I freely concede. Therefore it can not be said as to many of the provisions of law which have been made that they are unconstitutional.

But the question is, Has this power been prudently and properly exercised? Has there existed a necessity for its exercise?

Furthermore, and I invite attention to this question: If a necessity once existed for the enactment of any of these laws providing especially for deputy marshals and supervisors of election, does such necessity exist to-day? If no such necessity exists to-day, then the continuance of those provisions of law is only a source of irritation, well calculated to produce conflict at the polls rather than peace and quiet, and adds nothing to the fairness or security of the election from lawlessness. Whatever there may have been in the past, there is now no necessity for any such laws.

Now, sir, these provisions have been in force for many years. They were enacted in 1870, immediately after the reconstruction of the Southern States, when suffrage had recently been conferred upon the colored people who had been emancipated only a short time before, and knew not what or who to vote for, and when it was believed, and possibly was true, that in some localities improper means were used to prevent them from voting. But, Mr. Speaker, if that were a halfway excuse for such laws, twenty-three years have elapsed since their enactment.

Our people throughout the Southern States have honestly endeavored, and are now honestly endeavoring to enforce each of the amendments to the Constitution according to their letter and spirit as loyally as the people in any State of the Union. Is there any man who on account of his race and color has been denied the right to go to the polls and cast his ballot? No gentleman can point to a case of that kind that has occurred in many, many years, if ever.

The only charge of that kind that I have heard of, apart from some resting merely on rumor, is the charge of false counting. That may have occurred in some localities; but will gentlemen here indulge the presumption that whole States of people who have made such a history as the people of the South, both before the war and during the war, a people who sent forth their battalions in defense of what they believed was their right, and who in conflict with the brave men who wore the blue showed their sincerity and earnestness—is there any gallant man who was a Federal soldier and met our people in bloody conflict who would not feel ashamed to cast upon them, even impliedly, the imputation of intentionally establishing and maintaining a nursery of fraud and violence such as has been described here by those who maintain that deputy marshals and supervisors are necessary to prevent dishonesty in elections? I quote from a speech made by me in the Fifty-first Congress on this point:

"Why, sir, such a thing as fraud in elections was never heard of in Alabama until your Republican reconstruction measures sent a horde of scoundrels down there from the Northern States to steal what little property the war had left us. They brought with them the fine art of cheating at elections. On October 8, 1868, the Legislature, composed entirely of Republicans," with two exceptions, "passed an election law, the thirty-fourth section of which made it a misdemeanor punishable by a fine of $500 or imprisonment for six months, to question, challenge, object, hinder or delay any person offering to vote." And under its encouragement and protection they and the negroes under their control voted early and often, almost all ages, sizes, and colors. They had things their own way for two or three elections; but the Democrats and conservatives at last learned how the game was played, and then they took a hand and beat the rascals at their own game in 1874. In that year the Democrats regained complete control of the State. After they did so, there was no longer any necessity to have recourse to such practices except in a very few localities. The odious law was repealed and an honest election law was enacted, and challengers from opposing political parties at each polling place were provided for; and under the equal laws of the State the rights of no man, white or black, are discriminated against or denied.

"But since the colored voters of the Southern States have seen the predictions of the carpetbaggers falsified by Democratic rule * * * which did not interfere with their franchise nor their freedom, and since they have seen the Federal Administration in Democratic hands, and to their surprise and delight the President appointed some negroes to important offices and gave satisfactory assurance to that race throughout this country that they were just as secure in the enjoyment of their liberty and the elective franchise under Democratic as Republican Administration, a majority of them, especially those who have to labor in the fields, the factories, and the shops for a livelihood, have ceased to take an active interest in elections. They have all along exhibited a commendable zeal for the education of their children."

They know that in Alabama, and nearly all the Southern States, they are mainly dependent upon the white people to raise the money to pay for their children's going to school, and most of them have more sense than to go to elections and to make a political issue with their white neighbors, which would be contrary to their own best interests.

In my State the carpetbaggers and scalawags, when in power, embezzled or stole the public school fund and closed the public schools, and that, too, at a time when the negroes were voting with them and had put them into power. They now have more sense than to be gulled and misled by any of that crowd into trusting them again, so that now one-half of the negro voters who go to the polls vote the Democratic ticket, but the majority of them in most of the elections abstain from voting—stay at home and attend to their business. They have found out that this pays them a great deal better. Though a large majority of them have been and may be still Republicans, yet they are not afraid to trust Democratic officials, and hence they are less active in elections than formerly.

At first they knew that the Republican party enfranchised them, and for that they felt grateful and rallied at the polls to a man, under the leadership and direction of the carpetbaggers and scalawags, and would not listen to anything said to them by a white Democrat, though they would trust him implicitly in all other matters and take his advice. But now they feel that they have fully paid the debt of gratitude which they owed to the Republican party, have learned to think for themselves, and have thrown off the yoke of political slavery.

Therefore there is not that turmoil and partisan strife at elections in the Southern States which is observable at elections in the Northern States, and this accounts, in part, for the polling of a smaller vote in proportion to population in the Southern States.

As a specimen of the kind of men they elected to office soon after their enfranchisment, I will repeat what I said in a former speech, that William H. Smith, the first Republican governor of my State, a native and a respectable man, said in 1870, in a fit of virtuous indignation, impelled, I suppose, by a profound sense of the justice of the remark;

Our entire delegation in Congress, excepting, perhaps, Hoy, are a set of unprincipled scoundrels.

The negroes of Alabama, though never half so capable of self-government as the white race, have more sense and patriotism than ever to elect such another delegation to Congress, even though a white man did not cast a vote at the election.

Would the business men of the Northern States, even those who are Republicans in politics, prefer to have in Congress now the delegation which Gov. Smith denounced, or the present Democratic delegation? In whose hands do they think the interests of the country the safest?

The masses of the people, North and South alike, can not see the utility of a political party which fails to foster and protect the business interests of the country and to contribute to the prosperity of the people. The Democratic is the only party in the South which has done that since the war. The short reign of the Republican party, composed of negroes and led by carpetbaggers and scalawags, was noted only for its incapacity, reckless extravagance, thievery and corruption. It was a dismal, gloomy, and pitiable failure in every sense.

The negroes are not a bad people; there is much in their past history, their friendly relations with the white people with whom they have been reared and to whom they belonged during the war, and their good conduct during that trying period to commend them; no outrage was committed; they behaved well, worked and made supplies for the sustenance of our armies, and their good conduct during the trying ordeals through which they have passed since the war have made a large majority of the white people in the South their friends and sympathizers. We allow them all to vote if they wish and just as they please, unless we can control them by persuasion, but we do not elect any of them to high and responsible official positions, because we know their incapacity generally for the performance of such duties.

The defect is largely within their nature, as well as the lack of opportunity and experience. There are some exceptions, it is true; but right here in the city of Washington, the most intelligent community of colored people in the world, with Douglass, Gregory, Carson, Smith, and other men of learning to guide and direct them, they can not hold a convention to appoint delegates or other important meeting without quarreling, and frequently disgraceful rioting during their deliberations.

I have no doubt that it was a knowledge of such incapacity which caused Congress, when it was two-thirds Republican and with a Republican President, to abolish self-government in the District of Columbia, thereby disfranchising both white and colored voters for the good of the District, as they alleged.

Why was it that the Republican party enfranchised the negro when they did? It was mainly for the purpose of keeping that party in power. The fourteenth amendment was rejected by the Southern States because it disfranchised from holding office all who had ever held an office requiring them to take an oath to support the Constitution of the United States and afterwards en-

gaged in the so-called rebellion. Had this clause been omitted the amendment was otherwise right and would have been adopted by those States. That would have left them to have regulated suffrage and with an inducement to have enfranchised the negro, because such action would have increased their representation in Congress, and the fifteenth amendment would have been unnecessary.

THEY GAVE THE NEGRO THE RIGHT TO VOTE, BUT NOT TO HOLD OFFICE.

In framing the fifteenth amendment, entirely the work of Republican hands, they gave the negro the right to vote, but did not secure to him the right to hold office. From a speech I made against the force bill, July 1, 1890, I read the following reliable history of the origin and adoption of that amendment, which fully sustains what I have just declared:

The facts of the case show that the Republican party was much more concerned to secure the votes of the colored men of the South than they were to secure any benefits to them as voters. Does the fifteenth amendment to the Constitution secure to the negro voter any right to hold office?

In the case of Cruikshanks against the United States, 92 United States, 542, it is said:

"Under the fourteenth amendment each State has the power to refuse the right of voting at its elections to any class of persons, the consequences being a reduction of its Representatives in Congress in the proportion which such excluded class should bear to the whole number of its male citizens over the age of 21 years."

This is understood to mean and did mean that if one of the late slaveholding States desired to exclude its colored population from the right of voting at the expense of reducing its representation in Congress it could do so before the adoption of the fifteenth amendment.

In the case of the United States against Reese, same report, page 214, the Supreme Court said:

"The fifteenth amendment does not confer the right of suffrage upon any one; it prevents the States of the Union from giving preference in this particular to one citizen of the United States over another on account of race, color, or previous condition of servitude."

The first section of the fourteenth amendment declares—

"That all persons born or naturalized in the United States or subject to the jurisdiction thereof are citizens of the United States and the State wherein they reside."

The Constitution does not say that a negro shall not be disfranchised, but it prevents his disfranchisement on account of his "race, color, or previous condition of servitude." He may be disfranchised because he does not own property of any given value; he may be disfranchised because he can not read or write, or because he is not a believer in the Protestant or Catholic religion, or because he was foreign born, or because he can not read Latin, Greek, or Hebrew, or because he can not speak French or German; yet the law which disfranchises him for any of these causes must be made to apply to all white men within the State in like condition.

Citizenship which is secured by the fourteenth amendment does not confer the right to vote. Women and children born in this country or naturalized are citizens, but they can not vote. Neither does citizenship nor the right to vote, nor both combined, confer the right to hold office by reason of anything contained in the Constitution of the United States.

When the fifteenth amendment was under consideration in Congress on the 11th of January, 1869, the House Judiciary Committee reported a proposed amendment, to be known as Article XV, and recommended its adoption. On the 15th of the same month the Senate Judiciary Committee also reported one. The one reported to the House was in these words:

"The right of any citizen to vote shall not be denied or abriged by the United States or any State by reason of the race, color, or previous condition of servitude of any citizen or class of citizens of the United States."

The Senate proposition was in these words:

"The right of citizens of the United States to vote and hold office shall not be denied or abridged by the United States or any state on account of race, color, or previous condition of servitude."

Thus it will be seen that the House proposition only inhibited the States from denying the right to vote, while the Senate proposition was to inhibit the States from denying either the right to vote or to hold office. The House proposition was passed on the 30th of January, 1869, and sent to the Senate on the 3d of February. The Senate amended the House proposition by striking it out and inserting in lieu of it the Senate proposition. On the 17th of February, 1869, the Senate passed its own proposition and sent it to the House. Mr. Logan moved to amend the Senate proposition by striking out the words "and hold office," which was rejected. Bingham, of Ohio, moved to amend by inserting, after the word "color," the words "nativity, property, creed," which was adopted, and thus amended the Senate proposition passed the House, and read as follows:

"The right of citizens of the United States to vote and hold office shall not be denied or abridged on account of race, color, nativity, property, creed, or previous condition of servitude."

The Senate refused to concur in the House amendment, and a committee of conference was ordered by both Houses. The House conferees were Boutwell, Bingham, and Logan, and those of the Senate were Conkling, Edmunds, and STEWART—all Republicans, in politics, of the most pronounced type. No Democrat was placed on that committee. Five of the six members signed the following report:

"That the House recede from their amendments and agree to the resolution of the Senate, with an amendment as follows: Strike out the words 'and hold office;' and the Senate agree to the same.'"

The report of the conferees was adopted by both Houses and the fifteenth amendment was thereupon passed in the following words:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

So that it is clear from the amendment itself and the history of its origin and enactment, as well as from the debates in each House at the time of its passage, that it secured to the negroes only the right to vote in all cases where white men were allowed to do so and left the States free to prescribe whatever qualifications they deemed essential to the public welfare and safety for officeholding. It is therefore within the power of any State as well as of Congress to declare by law that white men alone shall be eligible to office.

The agreement and compromise among the conferees was that Boutwell agreed to strike out the words "and hold office" if Logan and Bingham would strike out the House amendment "nativity, property, creed." To this arrangement STEWART of Nevada, and Conkling of New York, assented; but Edmunds, of Vermont, refused, and did not sign the report of the conferees and spoke against the adoption of the same. See the debate in the Senate in which Edmunds, Wilson of Massachusetts, Morton, STEWART, and MORRILL of Vermont, participated.

Senator Morton said:

"We are liable to this charge which will now be made, and the force of which we can hardly avoid, that we are willing the negro shall vote, provided they vote for white men, but the office must be reserved for the white men."

What more conclusive evidence can any intelligent colored voter require that the great object of the Republican party was merely to strengthen itself by securing his vote for its candidates, and that they did not enfranchise him for his benefit, but theirs?

It is true that in the South we have had a difficult problem to deal with on account of the enfranchisement of the colored men before they were prepared, in the greater number of cases, to exercise the franchise intelligently—a difficulty which gentlemen in the Northern States would have experienced; and while we have among us some men who in the heat of controversy and influenced by partisan feeling may be led astray to do and say things which ought not to have been done or said, yet if you will look through the statute books of every Southern State you will find ample provision made for the punishment of all kinds of frauds in elections.

But, sir, when your Federal supervisors and deputy marshals appear at the polling places, though there be gathered there numbers of our best citizens, law-abiding and desirous that the election shall be honestly conducted—men who are there to lend their influence to the accomplishment of that result—yet those men when they see appear these deputy marshals and supervisors, who many times are men utterly wanting in high characteristics, and when they find these men pitted on one side of the question with some of the managers and "heelers" on the other, these men of standing in the community who might exercise a healthful moral influence are disposed to retire and say, "Well, if that is the case, we will have nothing to do with the matter." Thus they withdraw their wholesome influence and the matter is left, most unfortunately, to a conflict between those two opposing forces. In such cases the State law is not enforced as it would be if the Federal Government did not interfere. Nothing that can be done, sir, will do more to encourage these men who desire perfectly honest elections everywhere than the repeal of the laws which provide for this irritating cause of trouble.

Now what has been the construction adopted by the courts on this subject? Examine the cases of Siebold and of Clark, reported in 100 United States Reports. You will find that in the Siebold case several parties from Maryland were indicted for illegal action toward some of these supervisors and deputy marshals; were imprisoned under a sentence of the circuit court, and they applied to the Supreme Court of the United States for a habeas corpus. In this way that case originated. In the other case Clark was the manager of an election and failed to make a return which the law of the State enjoined upon him to make.

In these cases the opinion of the court, delivered by Justice Bradley, held that wherever the United States had enacted any law in conflict with the State law, the law of the United States was to prevail; that where the laws of the two jurisdictions were harmonious they could operate together, and if the United States law did not cover completely the case, it should operate as an adoption by Congress of the State law to which no reference had been made; so that the law of the State became a part of the legislation which Congress had a right to enact. In this way the court held that although there might be no Federal enactment, Congress had general power over the whole subject, and this power extended even to the punishment of a State officer for not complying with the law of his State at an election for State officers. That the power of the court did not apply only to the election of Federal officers, but applied to the State officials as well, not by virtue of an act of Congress, but by State law, because Congress has revisory power over the whole subject. In this view that decision has been found to be quite odious, because it undertakes to overrule principles and former decisions which prevailed for many, many years.

There is nothing better settled in the adjudications of this country from the time of the establishment of the Supreme Court of the United States down to the present time than that neither Congress nor any branch of the General Government has power to compel any State officer to exercise a jurisdiction under a law of Congress. Wherever a State officer voluntarily and of his own volition undertakes to perform a duty prescribed by Congress, if he is not denied that privilege by his State, the action is good and he is responsible. He becomes a Federal official, but when appointed by and acting under State authority the courts of the United States have no jurisdiction over him.

Mr. HOPKINS of Illinois. Will the gentleman allow me one question at this point?

Mr. OATES. I will.

Mr. HOPKINS of Illinois. In the case to which the gentleman has referred where the Supreme Court held, as he says, that a State officer may be punished by Federal authority for

nonperformance of duties prescribed by Congress, is it not a fact that the decision refers to the citizen in his individual capacity and not as a State officer; that it does not treat the party as a State officer, but simply as a citizen of the United States?

Mr. OATES. No; the decision treats him as a State officer and also as an adopted Federal officer, responsible as such; because the court claims that even though there is no special enactment of Congress covering the case, Congress has the superior jurisdiction and has complete supervision over the whole subject, and consequently a right to control all the instrumentalities, and hence the court assumed jurisdiction, even in the absence of statutory authority.

Mr. HOPKINS of Illinois. Is it not a fact that the court held that the party should be treated as a citizen of the United States.

Mr. OATES. Oh, I will say to my friend that the Constitution makes everybody, born or naturalized in the United States, a citizen.

Mr. HOPKINS of Illinois. But the gentleman was making the point that there was an authority asserted to interfere with State officers. Now in the case referred to, the fact of the individual being a State officer was an incident to the main subject, was it not?

Mr. OATES. It was not an incident when they were electing State officers; that was the prime thing, and the dissenting opinion of the two Democratic justices ought to have been the opinion of the court.

Mr. HOPKINS of Illinois. But in the view in which the court treated the subject——

Mr. OATES. If the gentleman will read the report of the decision, he will find that the court was not unanimous; that the Democratic members of the court dissented from the opinion rendered by the majority, and laid down the true doctrine. Then is it at all revolutionary or unexpected that the Democratic members of this Chamber should take the same view of that question that the Democratic members of the Supreme Court took? They differed entirely from the majority of the court as to the exercise of this power; and I say we are right, in view of a well-settled line of adjudication.

Why, sir, look back through the judicial decisions. One of the ablest opinions ever pronounced on this subject by any court was rendered by the supreme court of my own State, an opinion delivered by Richard W. Walker, in the case of *Ex parte* Gist, 26 Alabama. The decision in that case can not be controverted by my friend from Illinois [Mr. HOPKINS] or anybody else.

There was, as I have said, an extension of these statutes and of the power of the Federal courts over the subject of State elections whenever a Federal election occurred at the same time with the election of State officers, with the right by implication to control their action though it relate only to the election of a State official. One of the sections which the bill proposes to repeal gives the United States courts jurisdiction to try the right and title to a State office in certain cases, an invasion of and an insult to State authority and dignity which should no longer be tolerated.

These things are what makes these laws so offensive to the Democrats.

Then again, Mr. Speaker, are gentlemen on that side of the Chamber satisfied with these laws? They speak out now in thunder tones for their retention on the statute books, and taunt this side of the House for trying to repeal any of them. Why, sir, only in the Fifty-first Congress these gentlemen, every one of them who is here now, is on record as declaring for the repeal of these Federal election laws. They voted for the enactment of the force bill, which repealed these laws. They by their votes then declared in favor of a policy altogether different from that which these laws now on the statute books maintain. They took the position, just like that the minority of the Supreme Court took in the Clark case, that the laws were inefficient and did not cover the case.

Justice Field, in delivering the opinion in that case, doubted the right of Congress to the partial exercise of the authority. He did not doubt that Congress might, under the Constitution, take complete jurisdiction and enact laws for the election of members of Congress. But he said that Congress should never exercise the power unless a State should refuse to provide for an election. But if it was only a partial exercise of the power and a part of the power remained with the States, that this partial exercise did in nowise give full jurisdiction to the Federal Government for their enforcement, or to deal with the officers appointed by the States to conduct the election under such circumstances.

Mr. RAY. Will the gentleman allow an interruption?

Mr. OATES. I yield for a question.

Mr. RAY. I understand you have in your State very good laws for the protection of the ballot box and for the promotion of honest elections. Have you not?

Mr. OATES. We have.

Mr. RAY. And that the laws on the statute books were designed not to permit infractions of the law, but to protect the ballot box against possible offenses. Is not that the case?

Mr. OATES. Yes, sir.

Mr. RAY. Is it not true, then, that in the election of Representatives in Congress the power to elect is given by Congress itself, given I mean by the Constitution of the United States?

Mr. OATES. I will agree to that, but not to the former suggestion. The Constitution of the United States directs that the States elect Senators and Representatives.

Mr. RAY. Now, assuming (of course we disagree on the constitutional question) but assuming that it is constitutional for Congress to pass laws on that subject, then why is it not proper and right for Congress—assuming, mind you, that it has the constitutional power—why is it not proper and right, I say, for it to place on the statute books laws on that subject for the purpose of protecting the ballot box against possible offenses?

Mr. OATES. In reply to that question I might simply read to the gentleman that part of my speech against the force bill which was read the other day by the gentleman from Iowa [Mr. LACEY]. But I will go further, and say to you that though the constitutional power exists, it was never intended by the framers of that instrument nor is it wise for Congress to exercise that power as long as the States will do so.

The State in the first instance has that power, and it is expected that the State will make proper laws and will perform the constitutional function which is committed to it by proper legislation for the election of the necessary number of Representatives to Congress. If the States do that then the purpose of the Constitution is fulfilled, and there is no necessity whatever and can be no possible reason, except a partisan one, for Congress to undertake the exercise of a power that is already vested in and exercised by the States.

The Constitution clearly confers on Congress, after first conferring on the States, the right to "make or alter" the regulations. It was intended to be exercised by Congress only in the absence of State action, or to amend State action when obstructive. There are no State regulations which now call for Congressional action.

Now, Mr. Speaker, that side of the House has declared that these election laws were not ample, that they were defective and inefficient, by passing the force bill. Some take exception to calling it a force bill, but it was properly named. Most of these statutes were passed to enforce the fifteenth amendment to the Constitution, and therefore they were not improperly criticised. If there was any necessity for their enactment then, there is none now. The force bill proposed to vest the entire authority over Federal elections in the Federal Government. And, sir, I wish to say right here, without taking up the time of the House to read them, that I will print as a part of my remarks a complete synopsis of the fifty-nine sections of the force bill which I made in my speech in the Fifty-first Congress.

That bill was given fair consideration by me, and the meaning of each section analyzed and stated. Afterwards the Democratic campaign book published that analysis from my speech bodily, omitting only two or three paragraphs of argument which intervened. I am sorry to say that it did not give me credit for it. But if you will read that analysis you will not fail to see just what the force bill contemplated. It was a complete assumption of all power over the subject of elections.

Now, sir, that lost many votes to the Republican party, and none of them will deny it. That is what it merited. We have come back here with the Democrats in power, and we have taken the other end of the road, and have a bill pending which, though honestly conceived, with arguments in favor of the repeal of every section named in it, yet it may go a little further than it ought to. And I want to tell you just what I think about that. Some of my Democratic friends may not agree with me, but I do not wish to repeal any laws except those which are harmful and productive of bad feeling, and which do not properly fall within the province of Congress.

I noted carefully what my friend the gentleman from Iowa said when he cited some sections that were proposed to be repealed, and commented upon their meaning; sections which he did not think would do any harm, and were only in the interest of fairness, harmony, and good government. I do not quite agree with him. There are some sections which the bill covers that are not particularly offensive, nor are they worth much to anyone. What I want is this: I want to repeal every law which provides for a marshal, or deputy marshal and supervisors at elections, but statutes declaring in favor of rights conceded by us all or secured by the Constitution I do not care to interfere with. I am willing to leave them as they are or amend them if wrong in some respects.

With reference to those sections under which the court exer-

cised jurisdiction in the Siebold and Clark cases, I have this to say. They are good in part, but the power which the court claimed under them to punish officers for any acts of theirs performed in the election of State or county officers is utterly wrong; but I care not if they remain in the statute books, provided they are amended in a proper way. If you will adopt some such amendment as this:

Provided, That the courts of the United States shall not have jurisdiction over State elections, or any State officer or person, for any act done or omission of duty in connection with an election of any State or county officer.

This would thereby remedy the wrong developed in those cases. Let them exercise jurisdiction, if they want to, as to the election of Federal officials only in cases of frauds or wrongs committed. That keeps them within their bounds. That takes away from these decisions the point which we most object to. We do not intend to encourage fraud or unfairness, and we do not care to remove any constitutional barrier to such acts. And though the laws of all the States provide for the punishment of such acts, an accumulation will do no harm.

Now, gentlemen, I do not want to be guilty of going to any extreme in this legislation, nor half as far as our Republican friends did when they undertook to rob the States of all power in Federal elections and put it in the hands of some of their favorites, where it could have been used to keep them in power. I want these laws modified or amended in such a way as to take out of them the sting they now bear; so as not to allow any frauds or wrongs to be perpetrated, but to dispense with deputy marshals and supervisors and to prevent irritation, and keep them from being a source of wrong or trouble.

I believe, too, gentlemen, in the State governments; I believe the States are capable of self-government. If we can not trust the State governments, I ask you in the name of common sense how can you maintain this United States Government? If you can not trust the people of the States, if they are incapable of maintaining honest government, how can you maintain this United States Government in its present form? If you can not trust the States, you had better at once change it into a monarchy.

I have confidence in the honesty and capacity of the people of the States for self-government, and in all cases where the power is not expressly and exclusively vested in the Federal Government I believe in withdrawing its hand and allowing the States in their sovereignty to exercise those powers; and, gentlemen, if you think of it a few moments, we must rely upon the honesty of the people for our elections. You can not take it in hand. Why should the representatives in Congress determine that there is so much rascality and dishonesty among the people that they can not be trusted, and that we, being superior to them, must exercise all power over them, to see that they are doing the right thing, when in fact they are the authors of our political existence? We should have confidence in them; and the more confidence reposed in the people, the more properly they will exercise the power they have, and show to the country their capacity for self-government.

Now, sir, with the vast territory, population, and business of this country, the more the local governments have the right to legislate upon the interests of the people the better and the more they will strengthen the hands of the Federal Government and add to the days and years of its existence. It will cause it longer to continue, because at present it is incapable of legislating upon everything which the people desire. Here we have 15,000 bills in every Congress, and we can not attend to one-third of those that call for and need attention.

When by the express grants of power Congress has all or more than it can attend to it is nonsense to enlarge its powers, and good sense to reduce them.

What are you going to do about it? Take away from the Federal Government all assumed and all unnecessarily exercised jurisdictions, and leave them to the States. In that way you express the highest confidence in the people of the States. You naturally excite their pride to do better and more for themselves. At the same time you beget a greater affection for the Federal Government and you add to its perpetuity.

Now, sir, this is the real issue. You take the force bill, which our friends wanted to pass, on the one hand; and on the other hand the Democrats, differing with them, now want to and ought to take out of these Federal election laws all that is calculated to irritate and to produce unnecessary contention and conflict, and secure greater harmony, and thereby add to State pride and the honesty and security of elections.

The right of all men to vote will be conceded whereever the law allows it. The States prescribe the qualifications of their voters. The Supreme Court decided in the slaughterhouse cases that the United States have no voters. The good people of the States will see to it that every qualified voter has the right to exercise that privilege at the polls.

Now, sir, if I could take the time to read from the speech that I made against the force bill the statistics then gathered, I would answer and completely overturn the charges made by the gentleman from Ohio [Mr. GROSVENOR] and others that the paucity of votes polled in the Southern States shows, as they aver, intimidation and fraud in elections. And, sir, I want to give a little specimen from the statistics. Though they applied to that time, some years prior to the present date, they are as reliable for that purpose now as they were then. There is a great and false assumption that in the Southern States there is intimidation or fraud of some kind because there is not a heavy vote polled. Why, sir, these same arguments were made in favor of the force bill.

The gentleman from Iowa [Mr. HENDERSON] said that there was no necessity for proof of a general conspiracy among the Democrats in the Southern States to defraud the Republican colored men out of their votes; that they were intimidated or cheated at every election, and the fact was notorious; and then he proceeded to read from a Republican newspaper some bold assertions to sustain his allegation. In these and similar ways false reports are extensively circulated and believed by many people in the Northern States.

My genial friend from Michigan [Mr. BURROWS], in his rich voice, when he was on the floor at that time, declared:

We are told that elections in the South are quiet; so, too, is a graveyard.

That was a pregnant insinuation that Southern Democrats had murdered all their opponents and had planted them in a graveyard. I never heard a clearer case of *suggestio falsi* in argument, and a gentleman of such high reputation ought to have been ashamed of using it. That is just a sample of the arguments made in favor of that bill. Are not the elections in New England very quiet?

But let us take a few examples and see how the vote of different States is cast.

The six New England States had 1,144,919 males of the voting age in 1880, according to the census of that year. Five Southern States, the two Carolinas, Georgia, Florida, and Alabama, which contained, as shown by the census, 1,143,530 males of the voting age—1,379 less than the New England States, but most nearly approximating them in numbers, will by comparison serve to illustrate the falsity and ridiculousness of the argument of the other side to prove the suppression of the Republican or colored voters in the Southern States.

Take the Presidential and Congressional election of 1884, and the six New England States had 398,075 voters who did not go to the election, or if they did they failed to vote. Just think of it! Nearly 400,000 votes in cultured New England suppressed, presumably by the Republican party; while in the five Southern States, with nearly the same voting population, but 427,524 voters failed to go to the election, or, according to the logic of Mr. LODGE and others on his side, were suppressed and not allowed to vote. The difference is a mere trifle.

The last census shows that in 1880 Alabama had 259,884 voters, and that at the Presidential and Congressional elections of that year 151,507 voted and 108,377 failed to vote. In that year the State of Maine had 187,323 voters, and at the Presidential and Congressional election that year 143,618 voted and 43,705 failed to vote. California had 329,392 persons of voting age, but at the election that year only 164,166 voted, while 165,226 failed to vote, but some of them were Chinese, who could not vote.

Massachusetts had, by the census of 1880, 512,648 males of the voting age, and at the Presidential and Congressional election of that year only 281,713 voted, while 220,935 failed to go to the election, or if they did go and participate their votes were suppressed.

These official figures show that a larger percentage of voters in Massachusetts abstained from voting than in Alabama. And at the last election, in 1888, there were in Massachusetts 162,000 voters who abstained from voting, while in Alabama at the same election there were but 86,130 voters who did not vote.

In view of these figures, which can not be disputed, how does the gentleman from Massachusetts [Mr. LODGE] appear before this House and the country? Do they not show conclusively that his alleged facts and logic are as bad as his bill, which is damnable?

Why, sir, in the election of 1880, the year of the census, there were in Pennsylvania 221,487 males of the voting age who did not vote. In New York there were 306,328 who did not vote, although that was the home of the Vice-Presidential candidate. In Indiana at that election there were 175,131 voters who did not vote, and in the State of Ohio, the home of Garfield, the Republican candidate for the Presidency, there were 104,225 voters who abstained from voting.

Did Brother GROSVENOR suppress or intimidate those voters? [Laughter.]

Mr. GROSVENOR. Will the gentleman allow me a single word?

Mr. OATES. Yes, sir.

Mr. GROSVENOR. Can he tell what was the difference between the number of males of voting age and the number of qualified voters in Ohio at that time.

Mr. OATES. No. There was no practical difference. I know of nothing in your laws which excludes men from voting unless they are criminals or lunatics.

Mr. GROSVENOR. Oh, yes. They must have lived five years in the United States., they must be naturalized citizens, and I have seen the time when there were 50,000 men in the State of Ohio who did not come within that classification.

Mr. OATES. Do you say they were there at that time?

Mr. GROSVENOR. I can not say; and neither can the gentleman from Alabama say whether they were or were not.

Mr. OATES. I go by the census, and I undertake to say, basing my statement upon the census, that the voters were there at that time.

Mr. GROSVENOR. I find by examination that there were in Ohio in 1880 21,706 males of the voting age not entitled to vote.

Mr. OATES. That leaves 82,519 voters who did not vote.

Mr. DALZELL. Will the gentleman from Alabama permit me to say that in the year 1882, to which he has referred in connection with Pennsylvania, there was an exceptional condition of things in that State. There was a great deal of discontent with the nominees of the two leading parties and independent candidates were placed in the field, and a great many voters who ordinarily would have attended the polls staid away.

Mr. OATES. Why, sir, in every State at some elections there are fewer votes cast than usual because there is less to call them out. That is true in the Southern States as well as in the Northern States; and I have cited these figures in Northern States to show that we explain the smallness of our vote at times in Southern States upon the same ground that you explain yours, and that it is not to be attributed to intimidation of voters.

Mr. DALZELL. But the examples which the gentleman cites in Northern States are exceptional, and probably he could not cite any more than those he has cited, whereas in the Southern States the complaint is that that condition of things exists all the time.

Mr. OATES. In reply to the gentleman, I say that the cases cited by him and his friends of small votes in the Southern States are likewise exceptional, and the vote I cited in his State was in 1880, at the Presidential election, and the illustration of a small vote he gave for a State was two years later, in 1882.

In conclusion, I desire to say that I want to contribute in every way I can to fair and honest elections. I want nothing else, nor do I believe that any man on this side of the Chamber wants anything else.

While this is an important political question, its constitutional and legal aspect, should not be ignored, but seriously considered. If I vote for the repeal of every one of these statutes I know that my constituents will indorse my action. But I do not desire to embarrass any of my friends by a rash or inconsiderate act, or to do an unnecessary thing. I hope that the Democrats of this House will carefully consider every section which the bill proposes to repeal before the vote is taken.

Our States generally have fair and honest election laws. Leave it to them to make and enforce such laws, and we will hear less complaint than we do now of unfairness and fraud in elections.

The following is the analysis of the force bill:

I shall now proceed as briefly as possible to give an analysis of the bill by sections.

The first section continues in office all of the present chief supervisors, but section 22 excepts from that rule such chief supervisors as are, on the passage of the bill, clerks of either the United States circuit or district courts. The chiefs to be continued and the chief supervisors to be hereafter appointed, one for each judicial district throughout the United States, are charged with supervision of Congressional elections and the prevention of frauds in elections, irregularities in naturalization, and with enforcement of the election laws.

Under section 2, in any town or city containing a population of 20,000 or upwards, or in any entire Congressional district, on the petition of "one hundred persons claiming to be citizens and qualified voters," or upon the petition of fifty such persons claiming to be citizens or qualified voters in one or more counties or parishes of any Congressional district, the chief supervisor shall take action to secure supervision therein as provided by the laws of the United States; which means that when the chief presents these petitions to the circuit court the judge has no discretion but to grant them. And the third section provides that the chief may notify the judge and require him to convene the circuit court at the chief's dictation for the appointment of such supervisors as he may need, in his discretion, for the supervision of the election.

Section 4 provides that any person who can read and write may apply to the chief for appointment as a supervisor of election; and thereupon the chief will furnish him with a blank application printed and paid for by the Government, which will enable the "rounders," hangers-on, professional jurors, and court-house loafers to get in their applications to the exclusion of good, honest, and competent men who will never voluntarily apply for any such appointments.

Section 5 makes it obligatory upon the judge to appoint as many supervisors as the chief may desire, and while the chief may in his discretion present additional names to those who have formerly applied, the judge has no discretion, but is bound to appoint the number desired from the list furnished him by the chief, three supervisors at least to each precinct or polling place, two from one political party and one from the other, and gives full authority to the two who are agreed to act independently of the other; that is to say, the two Republican supervisors may act and their action is made lawful if no Democratic supervisor at all should be appointed, and if appointed and he should undertake to expose any rascality practiced by the other two, or should fail to pull smoothly in harness with them, the chief may remove him and suspend his pay in his discretion.

This section arms the chief supervisor with a complete muzzling process. He can order any amount of cheating and rascality to be perpetrated at any polling place within his jurisdiction, and if either one of the supervisors or the deputy marshal protests or attempts to expose it, or refuses to bear witness that what the majority does is fair and honest, or that what the State inspectors or poll clerks do is dishonest and fraudulent—in short, for doing or failing to do anything which the chief may desire or order—he may suspend or remove any officer within his jurisdiction, stop his pay, and cut off his rations. In short, this section is framed upon the idea that the chief supervisor, like the king, can do no wrong.

Section 6 establishes a kind of carpet-baggery by authorizing the chief to transfer his subordinate supervisors anywhere throughout a Congressional district. What is more irritating to the voters of one county than to have men who are citizens of another and frequently a distant county sent to supervise them, to watch them, and see that they commit no rascality, and do no dishonest act? And it may be that those sent from another county would themselves perpetrate a wrong or miscount the votes.

This section seems to have been framed for the purpose of provoking collisions, personal rencounters, and the shedding of blood. Why, sir, the advocates of this bill would be delighted to have a few negroes killed in each Congressional district througout the Southern States. Then abuse of Southern Democrats and waving the "bloody shirt," themes which have become partially stale, would be revived, and, they hope, prove most fruitful in keeping them in office.

The latter part of this section, in connection with the preceding, invests the chief supervisor with the autocratic powers I have described.

The seventh section declares the chief and all of the inferior supervisors and deputy marshals to be officers of the United States the moment they are assigned to duty, which puts them within the protection of the Nagle case recently decided by the Supreme Court, the effect of which is to exempt them from prosecution in the State courts for any crime they may commit under color of their office, or while assuming to discharge the duties thereof. If one of them should kill or maltreat a citizen of the State he would not be amenable to the State law, but could only be tried in a United States court, and before a partisan judge, whose creature he is.

What will free American citizens, accustomed to seeing those who violate the laws of their respective States tried in their courts and properly punished, think of such a law as this which puts the petty partisan officials of the Federal Government above the laws of the State? Yet that is exactly what this section of this bill does.

Section 8 invests the chief with the power, through his subordinates, to revise and supervise the registration of voters; to examine State ballot boxes before elections begin; to keep a poll list, and to number the voters; to receive and count ballots rejected by the State inspectors; to make statements and returns to the chief supervisor in whatever form, manner, and to the extent the chief requires, and such returns to be sent up to him by the deputy marshal; and in a city of 20,000 inhabitants and upward, the chief may require any of the supervisors and a deputy marshal to make a house-to-house canvass, which may begin five weeks before and be continued on the day of election, inquiring into the eligibility of voters and whether they have ever been legally naturalized, which is simply a provision for domiciliary visits to do the work of ticket peddlers in the interest of the Republican party. Neither of the men assigned to this work is required to belong to the opposing political party.

These officers are also authorized to call for and examine naturalization papers of our adopted American citizens, and to go into the courts and examine records to see whether naturalization papers have been regularly obtained. They are authorized to enter any court of any state or of the United States where naturalization proceedings are going on and to take a hand in the business and aid the courts in the discharge of their duties and to prevent fraudulent naturalization.

They are also authorized to inform all voters in which box to deposit their ballots. And if they see any Democrat go with a voter into any booth or room it is made the duty of one of them to enter and see that the voter is not misled or cheated; in other words, it is made their duty to see that no Democrat induces any negro or other Republican voter to vote the Democratic ticket, which is a well-devised scheme to get the heads knocked off of several supervisors for impudently projecting their noses into the private business of gentlemen. What right have they to participate in the proceedings of any court, much less a State court?

The sixth subdivision of section 8 authorizes the supervisors in towns of 5,000 inhabitants or upward "by proper inqulry and examination at the respective places assigned by or to those registered as their residences, all such names placed or found upon the registration books, rolls, or lists as the chief supervisor of elections shall require to be so verified, and to make full report thereof to such chief supervisor." And the fourteenth subdivision authorizes the chief supervisor, when he shall have reason to believe "that fraud or perjury has been, or is being, committed about the matter of naturalization in any place," to send his supervisors to prevent it, and when thus sent they are to be clothed with "all the power and authority conferred upon supervisors in cities of 20,000 inhabitants and upward." That is to say, whatever in the chief's own opinion gives him "reason to believe" is a matter for his own conscience, if he has any, and in cases where the exigencies of the party to which he belongs require it, his conscience will usually be found to be sufficiently elastic for the purpose, or altogether wanting. In the language of James Russell Lowell—

> "Some philosophers think a faculty's granted
> The moment it's proved to be thoroughly wanted;
> As for instance, that rubber trees first began bearing
> When political consciences came into wearing."

Whenever the chief supervisor's conscience makes a case where he could send his subordinates they would be clothed with all the powers which they have in cities of 20,000 inhabitants; and then they would proceed to make a house-to-house canvass as ticket peddlers for the Republican party, and no doubt impressing the negroes and ignorant foreigners that if they fail to attend the election and vote the tickets distributed, it may go hard with them.

The twelfth subdivision of section 8 beats knownothingism in its palmiest days. It requires the supervisors, when instructed by their chief, to make a complete list of all foreign-born persons who have been naturalized, with the date thereof, their place of nativity, and present residence, and the name and residence of the witnesses used to obtain naturalization papers; and they are to examine and note the original affidavits and application presented to the court, all of which shall be filed in the office of the chief supervisor and there preserved. It establishes political espionage over all of our naturalized American citizens with a view to controlling their votes for the Republican party.

Section 9 annuls the State laws and prescribes a new method of counting, canvassing, and certifying the votes cast at a Congressional election; it provides for counting by tens instead of fives, alternating between State inspectors and United States supervisors, and is so complicated as to create confusion, and will not be understood by one-third of the State inspectors, nor by the supervisors until drilled, taught, and instructed by their chief, and with section 8 completely destroys the secrecy of the ballot.

Section 10 relates to the same subject.

Section 11 requires the inspectors to make their returns under the State law and requires the supervisors to make a copy of such return and to send it with any outside statement to the chief supervisor.

Sections 12 and 13 relate to the same subject.

Section 14 provides that if the State inspectors at any polling place fail to open the polls for one hour from the time they may be first opened, it shall then be the duty of the supervisors present to open the polls and conduct the election for Representative in Congress.

Section 15 authorizes the chief supervisor to notify the judge of the United States circuit court in September that he has business for the court to transact; and thereupon the judge shall open his court the 1st of October, and shall appoint a board of three canvassers, not more than two of whom shall belong to the same political party, who shall hold their offices for "so long as faithful and capable."

They shall have a seal and the power of appointing a clerk who shall receive $12 per day, and each of them shall receive a salary of $15 a day for each day actually employed in the work of "canvassing the statements and certificates of ballots cast at any election, general or special, for a Representative or Delegate in Congress, and a further sum of $5 per day for their personal expenses." The board is required to convene on the 15th day of November of each even year, and shall convene at such place in the State as is most convenient to them where a circuit court of the United States is held, and are to have power to finally canvass and tabulate the statements of the votes in each Congressional district of the State according to the returns made to the chief supervisors; they may call before them and examine any of the supervisors who acted at the election anywhere in the district as to the correctness of the returns made by them.

The majority of the board are authorized to act, which is equivalent to saying that the Republican members of the board may decide any matter to suit themselves, and the Democratic member can do nothing more than to protest. When they arrive at a decision their finding is to be made public in triplicate certificates, one to be filed with the chief supervisor, one to be sent to the person elected, and one to be sent to the Clerk of the House of Representatives, unless they find that no one was elected; and then the certificate is sent to the governor of the State.

Section 16 makes it the duty of the Clerk of the House of Representatives to put on the roll of members-elect the name of the person certified by the board of canvassers to have been elected. And for failure to comply with this requirement they make the Clerk punishable by a fine of not less than one thousand nor more than five thousand dollars, and imprisonment for not more than five years, one or both, and to be forever disqualified from holding office under the United States.

A certificate of election from the governor of a State is set at naught and made worthless. Never before in the whole history of Congressional legislation were the great seal of a sovereign State and the certificate to which it is attached treated as mere waste paper. The certification of two partisan members of a canvassing board appointed by a Federal judge is to be received as Gospel truth, while the certification of a governor who speaks for a sovereign State is to be treated as waste paper and utterly disregarded. Are the American people prepared to submit to such degredation? Have they no longer any State pride?

Section 17 requires the Attorney-General of the United States to formulate and have printed and furnish to the board of canvassers in each State all such blanks as they and their clerks may need in the discharge of their official duties, to be paid for out of the Treasury.

Section 18 authorizes the State board of canvassers in all matters coming before them "to act by a majority of its members;" and if the third member dissents from the decision he may state his reasons therefor and attach a copy to each of the triplicate certificates.

Section 19 provides for the compensation of supervisors and deputy marshals, and the lowest estimate of the cost I have seen made of Federal supervision in every district in the United States is for one selection $10,000,000. It authorizes the chief to refuse to pay any of the subordinates who may fail to carry out his orders.

Section 20 provides for the appointment of such number of special deputy marshals as the chief supervisor may "certify to be, in his opinion, necessary, to observe the manner in which the election officers are discharging their duties, to enforce the election laws of the United States, and to prevent frauds and irregularities in naturalization." One-third of the special deputies shall be appointed from a list of names furnished the marshal by the chief supervisor, and the marshal shall assign these special deputies according to the request of the chief supervisor; and the special deputies shall take charge of returns made by the supervisors "as rapidly as the canvass of each box is completed," and deliver them to the chief.

Just think of it! United States deputy marshals standing around, observing and overseeing State election officers to see how they are discharging their duties. You Republicans know what sort of men will be appointed for this dirty work.

The centralization of our Government strides on apace—stalks forth on stilts—over the prostrate forms of once sovereign States of this Union.

The remainder of this section provides for the location of the office of the chief supervisor, who is made an officer for life, and for the payment of the expenses thereof from a permanent appropriation.

Section 21 requires the chief supervisor to furnish to his subordinates all forms, blanks, maps, and instructions which he deems necessary, and requires him to file and preserve in his office returns, certificates, tally-sheets, poll-lists and telegrams.

Section 22 disqualifies clerks of the circuit and district courts of the United States from being chief supervisors. And in any judicial district where no chief other than a clerk of the court has been appointed "it shall be the duty of the circuit court * * * to appoint from among the circuit court commissioners one of them the chief supervisor of elections * * * for the judicial district for which he is a commissioner."

The remainder of the section fixes the term of office of all chief supervisors to be for life, or "so long as faithful and capable;" which means for life or so long as their administration is deemed by the appointing power to be "faithful and capable." But nowhere in the bill is the power or right of removal vested or declared to be in any person, court, or officer, unless it be as a penalty resulting from conviction for malfeasance in office.

It will be observed that no discretion whatever is given to the circuit court to appoint a chief supervisor except within the charmed circle of United States commissioners for the district; and what a sweet bevy, what a glorious lot of officials they are, in a large majority of the judicial districts of the Southern States! Many of them have been removed from other official positions, such as that of deputy marshal, for rendering false accounts and defrauding the Treasury. I appeal to the records of that Department and the accounting officers in charge of them for proof of what I say, and tenfold more. I appeal to the Attorney-General of the United States, who but recently suggested to the chairman of the Judiciary Committee of this House a thorough investigation of certain judicial officers, marshals and their deputies, clerks, and United States commissioners. Ask him as well as the accounting officers of the Treasury what he thinks of the United States commissioners, not only in Alabama and other Southern States, but in many judicial districts in the Northern States as well, as to their integrity and fitness for such an all-powerful office as this bill makes of the chief supervisor of election.

Why, sir, the records of the Treasury are reeking with bad odors, the multiplied frauds and perjuries committed by many of these officials to put money into their pockets which they never earned. I appeal to my colleagues on the subcommittee of the Judiciary Committee of this House, Messrs. Thompson, of Ohio, and McCormick, of Pennsylvania, to say what they think from the testimony taken and the appearance of the men as to the fitness of the commissioners whom they have investigated for the exalted position of chief supervisor of elections, and I would like for them to say whether they think that all the clerks of the United States courts whom they have investigated are fit and proper men to be trusted with drawing honest, competent, and discreet jurors for service in the court of which they are clerks?

Sections 23 and 24 provide for the manner of drawing from the Treasury and the manner of paying supervisors for their services, including the chief; payments, fees, and allowances all being extremely liberal.

Section 25 authorizes the chief as a circuit court commissioner to administer oaths to supervisors and deputy marshals, and empowers him to designate such other circuit court commissioners in his judicial district as he sees fit to administer such oaths, and allows 25 cents for administering and certifying the same.

A judicial district usually embraces two, and sometimes a dozen, Congressional districts; therefore, the chief supervisor may administer and certify the oaths to all the supervisors and deputy marshals appointed to serve at all the polling places in all the Congressional districts embraced in the judicial district. For instance, Massachusetts, with twelve Congressional districts, constitutes but one judicial district; Indiana, with thirteen Congressional districts, is but one judicial district, and Kentucky, with eleven Congressional districts, is but one judicial district.

Now, the chief supervisor in each of these States, if this bill becomes a law, is the only person, the only officer authorized by it to administer an oath to any and all of the supervisors and deputy marshals throughout the State, unless in his discretion he sees proper to designate one or more circuit court commissioners to administer and certify the oath. And in view of the fact that he would receive 25 cents for every oath administered and certified, the presumption is that he would exercise that discretion as far as practicable to put as many of those plums in his own pocket as possible, without much regard to the convenience of others. And if he is not an angel, as the advocates of this bill assume that he would be, he could farm out the privilege to other commissioners for one-half the fees received by them, and thus add considerable to his income. So, you see, he is directly interested in having supervision throughout his district.

What is there in this bill to prevent the chief supervisor in each and every judicial district from getting 100 voters, or, in the language of the bill, one hundred "persons claiming to be citizens and voters," for no other qualification is required, to sign a petition for supervision and thereby secure it throughout the district? You make it to his interest to do this, and notwithstanding your assumption of the chief supervisor's angelic qualities, I do not think you will find many who will forego the opportunity of such a harvest of fees. The advocates of this bill violate the sacred injunction of the Lord's Prayer, "Lead us not into temptation."

Another striking feature, striking because of its utter absence, is that the bill nowhere prescribes either the form or the substance of the oath to be administered to any supervisor or deputy marshal. The fees seem to have been a far more important consideration to the framers of the bill. And an oath to conduct the election fairly and to make honest returns would, upon the hypothesis that some of the appointees might have consciences, have been a provision inconsistent with the general purpose of the bill, which is, by any means and at all hazards, to perpetuate the Republican party in power, and to pay for it out of the Treasury.

Section 26 authorizes the chief to have appointed a deputy chief supervisor and a clerk, who shall each be selected from that charmed circle of favorites, United States circuit-court commissioners, and that they shall each receive such compensation as the chief in his discretion sees proper to give or allow them.

Section 27 provides that the chief supervisor shall present his account for expenses to a circuit or district judge for approval, and when approved shall be forwarded to the Treasury of the United States and there made "special," which means that they shall be audited in preference to any other accounts or claims, and shall be paid without delay. It also provides that for any items disallowed by the accounting officers, or for the entire claim, without presenting it to the Treasury at all, the chief supervisor may sue the United States either in the Court of Claims or in the circuit court of his judicial district, and recover judgment therefor; that all such suits shall be preferred causes and shall be tried without delay in preference to all other cases pending in such courts, and when judgment is recovered, which will usually be before the same judge who approves the account in the first instance, the same shall be promptly paid by the Treasurer of the United States. And the fees of commissioners for all services rendered in connection with the election laws are placed on the same basis as to allowance and payment.

Section 28 provides a permanent appropriation—a kind of appropriation which is vicious in the extreme—for the payment of all the fees and expenses of the new system provided by the bill.

Section 29, as amended by the House, provides for a review on appeal to the circuit court of any alleged erroneous action upon the part of the board of canvassers. It also empowers the circuit court, upon affidavit filed alleging error in the determination of any board of canvassers, "either national, State, Territorial, county, or any local board," to require such board to correct such error or to show cause why such correction should not be made, and to compel such correction by mandamus, if necessary; and section 30 continues any such board of canvassers for the purpose of being required to make any such correction.

Section 31 precribes a penalty for any marshal, warden, or keeper of any jail, prison, or penitentiary to which United States prisoners are ever committed or confined pending trial, "who shall refuse or decline to receive and safely keep any prisoner committed to his custody under any warrant or other process of any judge of any cour of the United States or any circuit court commissioner," by fine not to exceed $1,000 and imprisonment of not more than one year.

It will be observed that this section is not applicable alone to violations of this particular law, but is general in its provisions. Any State prison to which a United States prisoner has ever been committed or confined, although it be but pending trial, is so far confiscated, or, to speak more accurately, appropriated, to the use of the United States that this high penalty is prescribed against any jailor or keeper of such State institution who shall

refuse or decline for any cause "to receive and safely keep any prisoner committed" by any United States judge or commissioner.

The institution may be full of State prisoners and there be no room in which to receive and safely keep United States prisoners; no matter, the law is violated, the penalty incurred all the same. I suppose the author of the bill intended by describing the prison as one in which any United States prisoner had ever been confined to plead that as an estoppel of the keeper from denying the right of the United States perpetually and eternally to the use of such prison. To any legal mind that is preposterous and overwhelmingly ridiculous.

Any lawyer who has progressed in knowledge beyond the horn-books of the profession knows that a State officer can not be compelled to exercise a jurisdiction conferred upon him by Congress. The Supreme Court of the United States decided this question long ago. But where a State officer undertakes to exercise a jurisdiction conferred upon him by Congress, he is then and in that matter amenable to the courts of the United States for improper conduct. Congress, however, has no more constitutional right or power to appropriate State prisons for the confinement of United States prisoners without the consent of the State than it has to take and appropriate cemeteries, the capitol building, or any other property belonging to the State; and therefore no jailor could be convicted for refusing to "receive and safely keep" any United States prisoner unless the State whose officer he is previously assents thereto

A State officer may exercise, in his discretion, a jurisdiction conferred on him by Congress, unless the State whose servant he is refuses to allow him to do so. But if the State does not object and he undertakes to exercise the jurisdiction, he is responsible to the United States for his conduct therein.

Presumably the authors of this bill framed this section with a view to having ample prison facilities for the incarceration and subjugation of numerous offenders against it. Suppression and intimidation of voters and spoliation of the Treasury are its chief features.

Section 32 adopts a large number of sections of United States statutes so as to make them apply and conform to other parts of this bill. It reënacts those sections of the Revised Statutes referred to as touching "the elective franchise," and providing troops at the polls, and reënacts "civil rights," several sections of which were declared by the Supreme Court of the United States in the case of Reese, 92 United States Reports, to be unconstitutional and void.

The attempt to reënact those sections is a covert one and done by vague reference instead of a manly and open one. That is the way that silver was demonetized. That is nearly always the style of legislation adopted when the people are to be enslaved or robbed.

Section 33 repeals many sections of the Revised Statutes in conflict with the bill saving prosecutions and actions already accrued thereunder.

Section 34 requires State inspectors or local election officers to paste a label on the front of the ballot box for the reception of Congressional ballots and to point it out to all voters who may not be able to read the label. It requires such box to be kept upon a shelf, table, or counter in plain sight of the electors and easy of access to them and so that the voters themselves may deposit their ballots therein in plain view of all the election officers, national and State, and that the box all during the day of election shall not be shifted, changed, or otherwise moved from the place at which it is put on the opening of the polls, and that it shall not be removed from the room during the day or night following the election until all the ballots are "fully ascertained, tallied, counted, and canvassed, and the statements and certificates therefor have been made out, signed, and sealed."

The only objection I see to this, aside from that of inconvenience, is that the voter in depositing his ballot precludes the idea of numbering it in States where the law so requires, and enables the voter to deposit several ballots inclosed within each other which may have the appearance of but one. This will facilitate the perpetration of fraud by allowing one dishonest man to cast as many ballots as six honest ones. This provision, however, is in harmony in this respect with other parts of the bill.

Sections 35 and 36 provide penalties and punishment for stuffing ballot boxes, frauds, bribery of voters or officers, and are free from objection.

Section 37 prescribes regulations comparatively free from objection, except in a matter already referred to.

Section 38, as it came from the committee, was a proposition to amend the law in respect to the drawing of jurors in the United States courts. The law now provides that they shall be drawn by the clerk of the court and a jury commissioner of opposite politics, and the proposition was to repeal it as to the jury commissioner and to allow the clerks, nearly all of them being Republicans, to select and pack juries, to convict Democrats and acquit Republicans charged with the violation of election laws. Fortunately there were enough on the other side of the Chamber to rebel against this injustice, who, uniting with the Democratic minority, struck out this odious feature; but they afterwards adopted a provision for a jury commission.

The remaining sections of the bill, from section 39 to section 57, inclusive, are definitions of offenses and prescribing penalties for violations of the election laws, and are free from objection, except section 52, which makes it a misdemeanor, punishable by fine and imprisonment, to "willfully disobey any lawful command of a supervisor of election given in the execution of his duty at any election at which a Representative is voted for," etc. It is so vague and uncertain as to leave the person in ignorance of what commands of the supervisor are lawful. Perhaps it is designedly so, that the supervisor may command and no one will know whether disobedience is lawful or unlawful. It is a "blind tiger," which answers the purpose of the advocates of the bill much better than a plain provision defining what commands the supervisor may lawfully give.

But the other provisions tending to suppress fraud and securing an honest count of votes at Congressional elections are comparatively free from objection. I do not believe that any legislation is necessary. The present laws, if enforced, would fully accomplish fair counting in any localities where cheating is resorted to. But your laws are not enforced. The Republican party in such localities may have the numbers necessary to outvote the Democrats, but they are too ignorant and inefficient to enforce the law or to see that their ballots are counted. You make this bill a law and you will provoke contention, strife, and conflict, and injuriously affect material interests in the Southern States. But you will secure very few, if any, additional Republican members of Congress. My opinion is that you will lose more than you will gain by it, even in the Southern States.

REPUBLICAN GRIEVANCE—THE SOLID SOUTH.

Your grievance, gentlemen of the Republican party, is the solid South. Why is it solid Democratic with a largely increased representation? I will tell you. Your policy toward the South ever since the close of the war has been one of repression instead of encouragement. You reconstructed us a second time. We willingly accepted and ratified the thirteenth amendment, abolishing slavery. We were States in the Union for that purpose. You offered us the fourteenth amendment, which would have been accepted and ratified with equal alacrity but for the fact that you inserted a clause in it disfranchising our comrades in the struggle who ever had taken an oath to support the Constitution and afterwards engaged in the rebellion. They were no more to blame than we were. We had engaged in a common cause, and while we were conquered and had surrendered our arms we had not surrendered our honor, and we rejected the amendment solely for that reason. Then you declared that we were not States in the Union. The Supreme Court said that we never got out and were still in the Union. You admitted that we were in, but not as States with a republican form of government and entitled to representation in Congress.

You reconstructed us and made voters out of the negroes in violation of all precedent and constitutional authority, and in that way you adopted the fourteenth amendment. Not content with this, and overrunning all the Southern States with your carpetbag thieves and their allies, you adopted the fifteenth amendment. You were so intoxicated by your thus far successful campaign against the white people of the South that you adopted that amendment over the protests of some of your most thoughtful and considerate leaders. You supported your incompetent and corrupt State governments in the South by the Army; but when that was withdrawn you were surprised and chagrined to find what a mistake you had made. Now, to correct that error, you propose this force bill as a sort of third reconstruction. You do not disguise the fact that this measure is intended for the Southern States.

Do you ever expect to win the confidence, the friendship, and respect of the white people of those States by the continuation of your repressive and unfriendly policy? Are they of this generation or their sons who succeed them the men to kiss the hand which smites them?

How can you so think of the men you conquered only when their substance was gone, their means of transportation destroyed, they living upon less than half rations, with more than four to one against them; when three hundred thousand hillocks marked the last resting places of their dead comrades; when the whole land was draped in mourning; when the cries of the orphan and the moaning of the widow were borne to the ear upon every breeze; when nothing but omnipotence or death could have averted their surrender; for it was then, and not until then, that their sublime courage succumbed to the inevitable? They accepted in good faith the decision of the high court of force; in good faith they renewed their allegiance to the Union. Too much must not be expected all at once of human nature; they did the best they could as honorable men. All that was involved in the war and as incidental thereto was settled, and they turned their attention to the rehabilitation of their devastated country.

Adverse circumstances and unfriendly legislation have contended against them for the mastery, but with that tireless energy and dauntless courage that have ever characterized them they have brought every State of the South into a fairly prosperous condition, and notwithstanding the present heavy blow the South will yet be the Eldorado of North America, if not of the world.

Mr. HEPBURN. Mr. Speaker, this debate has proceeded on the part of many gentlemen on the assumption that the elections which are affected by the statutes proposed to be repealed are of interest only to the residents of certain particular States. I want to disclaim, for my part, any thought of that kind. I believe I am as much interested in having fair elections in the State of Alabama, or in the State of Mississippi—I mean fair Federal elections—as I am in having them in the State of Iowa.

I believe that a majority of the people of the United States who have the right of suffrage are Republicans, and that if they can be permitted to speak, the voice of the majority in this country will be in favor of administering this Government upon Republican theories; and if that majority is stifled, if a minority are permitted to assume control over this Government, it makes no difference to me in what particular State the wrong is done whereby that minority is allowed to control. The suppression of a Republican vote in the State of South Carolina or in the State of Mississippi is as much a crime against my rights as though the vote were suppressed in the State of Iowa.

I am not interfering with the rights of the State of South Carolina or of the State of Mississippi when I insist that members of Congress, who may come here and dominate in this Chamber, shall be elected by all who have the right of suffrage, or are entitled to vote, under the Constitution of the United States, in the States of which I speak. You commit a crime against the citizens of Iowa if you suppress Republican votes, or any votes, in the States of Alabama and Mississippi. It is not alone your affair, it is my affair. I have the same right, I insist, to complain as though some wrongdoer was trespassing upon my rights within the limits of my own State.

Mr. Speaker, I want to call attention to the important fact that these decried statutes do not attempt to interfere with the local elections in the States. These statutes propose what? Simply that there shall be proper scrutiny of the voter and the voting; that there shall be peace at the polls; that there shall be a right upon the part of every elector to vote as he pleases at Federal elections where the Congress is determined and where Presidential electors are chosen.

Again, I say it is not your affair, it belongs to all of us; and it is a shameful assumption when you gentlemen talk about our trying to "interfere" with your domestic affairs. Mr. Speaker, I have arrived at the firm conclusion that no man can object to these laws who understands the theory of our Government, who is familiar with the provisions of the laws, and who does not want to secure the benefit of a crime to himself by the suppression of law.

Mr. Speaker, we have talked a great deal here about localities, about what has been done in this State or the other State; but allow me to suggest that this proposition to repeal all the Federal election laws is but the prelude to something more. I do not believe that gentlemen would be so solicitous for the repeal of these statutes if there were not some ulterior object to be gained further on that can not be accomplished so well while these statutes are in force; and I believe that this ulterior object is of a most significant character—widespread in its effect, and that it means no less than a complete overturning of our method of

Government. I do not say this unadvisedly. I listened with the utmost attention to an able speech from the standpoint of the gentleman speaking, which was made two days ago by the distinguished Representative from the State of Mississippi [Mr. MONEY].

Mr. Speaker, that gentleman is eminent not only because of his great ability, but because of his long experience in this House and his full familiarity with all that is considered in Democratic councils. Let me suggest to you that as long ago as eight years he stood in the very first rank of his party; and when the Cabinet was about to be made up eight years ago it was expected all over this city by those most familiar with politics and the fitness of things that that gentleman would be called to preside over the Post-Office Department of the Government. When he speaks he does not speak unthoughtedly. If he announces convictions here, they are those of deliberation and of careful thought. That speech I noticed was well prepared. His utterances were not of the hustings, but were delivered from a manuscript so that every word was considered.

Let me call your attention, Mr. Speaker, to some of the extraordinary utterances of that gentleman—extraordinary because this is a Republic; extraordinary because here the fathers ordained that majority should be king. When it devolved upon them to determine how we should be ruled they discarded the old methods; no king, no emperor should be crowned, but majority was crowned the king of the Republic. The gentleman from Mississippi uses this language, which I find on page 2200 of the CONGRESSIONAL RECORD:

Now, you have said to my friend from Virginia [Mr. TUCKER], and to other gentlemen, that you were willing for us to take a constitution that purged the ballot of its ignorance, that you wanted the Government to reflect the intelligence of the State, but you wanted "the majority to rule." Now, please tell me why you want the majority to rule, either in Mississippi or anywhere else? Why should the majority rule? I admit that majority rule is a maxim in republican government; but why? What is the philosophy of it? What is the underlying reason for majority rule in Massachusetts, or Mississippi, or anywhere else?

Again he says, in discussing the status of his own State, the happy condition of intelligence among his people, that they are agricultural people, that they live upon their farms. This is his language:

The isolated condition of their lives makes each one an independent thinker and voter. He is no machine, reared in a manufacturing town where the division of labor strips the work of every trace of intellect and leaves the operative a mere automaton.

The common people of my State are all farmers. They are compelled to think, by the nature of their vocation, and they do think, and they are responsible men. They represent to-day the very highest type of manhood in this country. Yet you tell us that we ought to abdicate the power that we possess, which we have obtained by legal, peaceful, and constitutional means, and that we ought to put our necks beneath the foot of a veneered savage, for the colored man is nothing more than that.

I speak without any hard feelings at all for the black race. I was born on a plantation and reared with them. There is not a man who has a kindlier feeling for the colored race than I have, but I speak only the simple, sober truth when I say you have, in the great mass of the colored people of the South, a number of men who are civilized in the exterior, but who rapidly revert to the original type when the opportunity offers.

I quote further from the gentleman:

Now, gentlemen, I speak candidly about these things. I do not want to disclaim any responsibility. I accept the issue. I am willing to tell you to-day that, constitution or no constitution, no constituency of white people in Mississippi can ever again submit to the domination of the blacks.

These are the solemn utterances of the gentleman from Mississippi. They are made significant—ah, wonderfully significant—to-day by the utterances of a gentleman—a Democrat—from Massachusetts [Mr. EVERETT]. He says:

It is just so, Mr. Speaker, with reference to the problem of our great cities, such cities as New York, Philadelphia, Brooklyn, Chicago, London, and Constantinople. Those great cities are another terrible problem of this day. The corruption, the restlessness, the distress, the misery of these great Babylons is something that the social reformer, the philanthropist, the lawyer, and the divine tremble to think of. They do not know what is to become of modern civilization, with that vast army of barbarians concentrated at these great points of population.

Is not this a strange characterization of some of the laboring people of the great Northern cities and of Southern farms? "Vast army of barbarians," says the gentleman from Massachusetts. "Veneered savages," says the gentleman from Mississippi. Democrats from the extremes joining in such bitter assault upon men who labor in city and on farm!

Mr. Speaker, this language calls for reflection. This language sounds so much like that with which we used to be familiar in the two Houses of Congress that one must pause for reflection to determine just what it means. I remember as long ago as 1856, I think it was, when a Senator from the State of South Carolina, referring to the laboring people of the North, spoke of them as the "mudsills of society," as "close-fisted farmers," as "greasy mechanics," unfit to participate in this great Government of ours.

Why, gentlemen, can you learn nothing from the history of the last thirty years? You men of South Carolina, are you prepared to indulge in such talk as that now? Do you not remember that these "mudsills of society," these "close-fisted farmers," these "greasy mechanics," swept over your State like a whirlwind when you excited their patriotic wrath, and that your chivalry, your intelligence, your "better classes" fled from them as the kite and the vulture flee from the eagle of the mountains?

Can you learn nothing? These are the people that rule in this country. These are the men that constitute majorities here. These are the people who love these institutions of ours, and who will not permit themselves nor their fellow-laborers in Mississippi or Alabama or elsewhere to be robbed of their rights under the Constitution simply because your purposes require it. [Applause on the Republican side.]

The gentleman from Mississippi has announced that "Constitution or no Constitution, we do not proprose to submit to negro domination." I have no desire for negro domination, but I have a desire that every man who is a citizen of the United States, and who is invested with the political rights guaranteed in the Constitution, whether he be black or white, shall have the power on all occasions to exercise his rights.

Why, gentlemen blandly tell us that they do not interfere with the political rights of anyone, and the gentleman from Mississippi tells us that they had modeled the constitution of the State of Mississippi upon that of the grand old Commonwealth of Massachusetts. He repeated it over and over again, finally saying that one was an exact copy of the other. Let me read for a moment and see. I read from the suffrage plank of the constitution of Massachusetts:

No person shall have the right to vote or be eligible to office under the constitution of this Commonwealth who shall not be able to read the constitution in the English language and write his name: *Provided, however*, That the provisions of this amendment shall not apply to any person prevented by physical disability from complying with these requirements, nor to any person who now has the right to vote, nor to any person who is 60 years of age or upward at the time this amendment takes effect.

That amendment impairs no vested right, and was submitted, Mr. Speaker, to a vote of the electors of Massachusetts, and they were given the right to say whether it should be a part of the organic law. Here is the suffrage plank of the constitution of the State of Mississippi. It does provide, as the gentleman has said, that a person is allowed to vote who may not be able to read, provided he can interpret or understand a section of the constitution. But he must understand it as the election officers understand it.

The registration officer determines the fact whether he properly understands. It is true that they have an appeal to a county board of registers, but that board has a like discretion, and it is true also that they have an appeal to a county court, but the court can not inquire into the facts—the determination of the registering officers is final as to the fact of the person's understanding of the section read to him. The gentleman suppressed that. Then it provides further that the prepayment of a poll tax, burdensome in any State, shall be a prerequisite to vote. But here is the article as I find it in a newspaper:

ELECTIVE FRANCHISE—THE ARTICLE AS FINALLY ADOPTED BY THE CONVENTION.

SECTION 1. All elections by the people shall be by ballot.

SEC. 2. Every male inhabitant of this State, except idiots, insane persons, and Indians not taxed, who is a citizen of the United States, 21 years old and upwards, who has resided in the State two years, and one year in the election district or in the incorporated city or town in which he offers to vote, and who is duly registered as provided in section 3 of this article, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy, and who has paid on or before the 1st day of February of the year in which he shall offer to vote all taxes which may have been legally required of him, and which he has had an opportunity of paying according to law for the preceding year, and who is not delinquent for any taxes of the year next preceding, and who shall produce to the officers holding the election satisfactory evidence that he has paid said taxes, is declared to be a qualified elector: *Provided*, Any minister of the gospel in charge of an organized church shall be entitled to vote after six months residence in the election district if otherwise qualified.

SEC. 3. The Legislature shall provide by law for the registration of all persons entitled to vote at any election, and all persons offering to register shall take the following oath or affirmation: "I, ——, do solemnly swear (or affirm) that I am 21 years old and that I will have resided in this State two years and in —— election district of —— county one year next preceding the ensuing election," (or if a minister of the gospel in charge of an organized church, two years residence in the State and six months in said election district) and am now in good faith a resident in the same, and that I am not disqualified from voting by reason of having been convicted of any crime named in the constitution of this State as a qualification to be an elector; that I will truly answer all questions propounded to me concerning my antecedents so far as they relate to my right to vote, and also as to my residence before my citizenship in this district; that I will faithfully support the Constitution of the United States and the State of Mississippi; and will bear true faith and allegiance to the same, so help me God." Any willful and corrupt false statement in said affidavit, or in answer to any material questions propounded as herein authorized shall be perjury.

SEC. 4. A uniform poll tax of $2 is hereby imposed on every male inhabitant of this State between the ages of 21 and 60 years, except persons who are deaf and dumb or blind, or who are maimed by loss of hand or foot, to be used in aid of the common schools and for no other purposes; said tax to be a lien only upon taxable property: *Provided, however*, That the board of supervisors of any county may, for the purpose of aiding the common schools in that county, increase the poll tax in said county, but in no case shall the entire poll tax exceed in any one year $3 on each head. The payment of the whole poll tax imposed is declared to be a qualification to vote: *Provided further*, That no criminal proceedings shall be allowed to enforce the collection of the poll tax.

SEC. 5. On and after the 1st day of January, A. D. 1892, the following quali-

fications are added to the foregoing: Every qualified elector shall be able to read any section of the constitution of this State, or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof. A new registration shall be made before the next ensuing election after these qualifications are established.

SEC. 6. Electors in municipal elections shall possess all the qualifications herein prescribed and such additional qualifications as may be prescribed by law.

SEC. 7. Prior to the 1st day of January, 1892, the elections by the people in this State shall be regulated by an ordinance of this convention.

But worse than all, Mr. Speaker, this provision of the constitution was not submitted to the voters of the State for their ratification, but it was declared to be the fundamental law of the State of Mississippi by the convention that ordained it and scores of thousands of voters were thus disfranchised by the few men who composed the convention. I have heard it stated on this floor that that scheme was ordained for the purpose of enabling a comparatively small number of white people to dominate a much larger number of blacks in that State, which has been most vigorously denied.

I call upon a witness from the State of Mississippi, an eminent man and jurist of many years standing who was a member of the convention and, as I understand it, in favor of this scheme. Why? Because he wanted to stop the fraud and perjury and crime that was undermining the morals of the State in order that a few might control the elections and disfranchise the blacks. Let me read from a reported speech by Judge Chrisman, who is a native of the South, was in the Confederate army, was a Democrat, and a judge on the bench of Mississippi. On the constitutional provisions in Mississippi, Judge Chrisman, in discussing the Mississippi plan of suffrage, is reported to have said:

What was the shadow that hung over us, that darkened our future and alarmed our people? Sir, it is no secret that there has not been a full vote and a fair count in Mississippi since 1875—that we have been preserving the ascendency of the white people by revolutionary methods. In plain words, we have been stuffing ballot boxes, committing perjury, and here and there in the State carrying the elections by fraud and violence until the whole machinery for elections was about to rot down. The public conscience revolted. That which had a beginning in despair at the situation, and which seemed to justify any means for public preservation, was becoming a chronic ulcer upon the body politic, and threatened to disintegrate the morals of the people.

Thoughtful men everewhere foresaw that there was disaster somewhere along the line of such a policy as certainly as there is a righteous judgment for nations as well as men. And I say, Mr. President, no man can be in favor of perpetuating the election methods which have prevailed in Mississippi since 1875, who is not a moral idiot, and no statesman believes that a government can be perpetuated by violence and fraud. The dullest intellect must see that it leads to political convulsions of some sort dangerous to life, liberty, and property.

Men of observation and men who read books know that a republican government rests mainly on the virtue and intelligence of the people, and the ballot, a pure and untrammeled ballot, is its main reliance. Shorn of this instrumentality it will surely begin to die. It requires no Solomon to see that the ballot-box stuffer can not always be relied on to elect the best men to office.

Gentlemen, I offer that testimony. No man will probably attempt to impeach this witness. He is a disinterested witness. He speaks apparently from his observation; from that he has seen. He declaims against that system—your old system of many frauds—and he advocates the one adopted, as I understand, as a relief from that other form of fraud that was in itself so corrupting.

And what is the result? The total number of males of voting age in the State of Mississippi, as shown by the census of 1890, was 271,000. (I will not read the hundreds.) The total number of white males of voting age was 120,000. The total number of black males of voting age was 150,000. The total number of whites registered was 68,000. The total number of blacks registered was 8,000. The total number of whites not registered was 52,000. The total number of blacks not registered was 141,000.

The total number of persons registered was 76,000, and the total number of persons not registered was 195,000.

One hundred and ninety-five thousand! Ah, says the gentleman from Alabama [Mr. OATES], there will be and there is a falling off of votes and of registration everywhere, and the gentleman attempts to show statistics sustaining his position. That is true to a certain extent. All do not register and all who register do not vote, but look at the enormous disparity—76,000 registered and 195,000 not registered. Can you attribute this great absenteeism from the registration list to these trivial causes that may and do exist from time to time in other localities?

Gentlemen, this was by design, and you can not make an intelligent people believe otherwise. It was in harmony with the spirit that animated the gentleman when he declared that, "Constitution or no Constitution, no constituency in the State of Mississippi would again submit to negro domination."

This was the method that you of Mississippi took to accomplish your own supremacy. Tired of the murders that took place at first, when the first Mississippi plan was adopted; tired of the frauds that were substituted for the murders and the violence; fearful of the consequences of these continual annual frauds, you resorted to this wholesale method, and undoubtedly you congratulate yourselves upon your success.

Gentleman, it may be that Mississippi has the right to determine who shall vote within her borders. I am not here to now argue that branch of this question. But I am here to insist that if Mississippi disfranchises her people in this wholesale way, then she shall not have representation for them upon this floor. That is the remedy.

Mississippi, under her registration, is scarcely entitled to two members of Congress, and if there was a righteous statute, giving due and proper apportionment, perhaps the gentleman who announced his hostility to the rule of the majority, who would be so willing, perhaps, to subvert the whole structure of our Government and build up some other determining force than the rule of the majority in our politics, that gentleman, perhaps, would not have had a seat on this floor and would not have been permitted to insult the Constitution and the memory of its fathers as he did.

In referring to that gentleman's speech, I again read:

Now, Mr. Speaker, I started out by saying that these election laws were not intended originally to purify or protect the ballot, but that they were the offspring, first of the vindictive passions engendered by the war, and, second, of the desire to perpetuate Republican rule in this country.

I want to controvert both statements, and I appeal to history in justification of the indignant denial that I make against these charges.

I say that there was no vindictive spirit manifested toward the people of the South at the close of the rebellion. On the contrary, gentlemen, let your minds revert to the situation. There was no greater magnanimity, there was never greater self-control exercised over the passions of men, than those men who reconstructed this Government exhibited in their intercourse and treatment of the people of the South. You had ruthlessly precipitated a war that had cost us 400,000 precious lives and $6,000,000,000, that had brought sorrow to every hearthstone.

Mr. TALBERT of South Carolina. I want to deny that the South was responsible for that war. [Manifestations of derision on the Republican side.]

Mr. HEPBURN. Ah, in the light of history you say that!

Mr. TALBERT of South Carolina. I do.

Mr. HEPBURN. Yet, notwithstanding all, when you were crouching at the feet of our power, not "worn out trying to whip us," as the gentleman from South Carolina yesterday said, but when your power was utterly annihilated, when there was no man in all your borders who was not ready to accept any terms, you were reëstablished in all your old forfeited rights, not a man was punished, you were given absolute amnesty, your States were permitted to be represented, not a dollar's confiscation of property was made, but everything was restored to you in the same ample manner as though it were Grant that had surrendered at Appomattox instead of Lee.

Mr. TALBERT of South Carolina. Were not those the terms of the surrender?

Mr. HEPBURN. No, sir.

Mr. TALBERT of South Carolina. I thought those were the terms.

Mr. HEPBURN. The terms were "unconditional surrender," the only kind that Grant ever accepted. [Applause on the Republican side.]

Mr. TALBERT of South Carolina. I deny that statement also, and appeal to history to sustain me.

Mr. HENDERSON of Iowa. Those were Grant's terms.

Mr. HEPBURN. Those were Grant's terms. In his first experience with you, three years before, he demanded unconditional surrender at Fort Donelson, and you complied. He demanded the same kind of a surrender at Appomattox, and again you yielded gracefully.

Mr. TALBERT of South Carolina. I thought the war was over. Did not you?

Mr. HEPBURN. Yes; it would be if you people would let it. [Laughter on the Republican side.]

Now, Mr. Speaker, I again assert that it was the misconduct, largely of this very State represented by the gentleman from Mississippi [Mr. MONEY], that stood in the way of absolute and immediate peaceable relations, and that made it necessary to vest the negro with suffrage. The gentleman from Mississippi, at least, ought to be familiar with the statutes of his own State. I hold in my hand a volume of statutes enacted by the first Legislature that was permitted to assemble after the cessation of hostilities in that State, in November, 1865.

This volume has enactment after enactment, numbered, I was almost ready to say, by the score, in which every right of the recently enfranchised black man was ruthlessly trampled under foot. Read these statutes and no man can come to any other conclusion but that they were intended to subvert the results of the war, to cancel the proclamation of emancipation, to wipe out the thirteenth constitutional amendment, and to put the unfortunate blacks again in a slavery worse than before. Look at the discriminations against them in these statutes. Look at the

burdens thrown upon them. No one of them permitted to own, or even rent, the soil. A vagrant law under the harsh and bitter proscriptions of which probably not one negro in the State would fail to be held a vagrant, or under which he might not be sold into servitude for a period. One statute, I remember, provides that if a negro perjured himself in a certain class of suits against a white man, the white man can bring suit against him, and recovering judgment, the defendant may be sold to the individual who will pay the judgment for the shortest period of his labor. There are very many instances and conditions under which this legislation authorizes that kind of sales. The legislation was intended to rob them of every right, and to give the whites the same masterful control they had in the old days.

It was statutes of this kind; it was the persistent showing made by you men that you did not intend to accept in good faith the new conditions that made it necessary to give the negro the right of suffrage in order that he might protect and defend himself against your rapacity. That was it; it was not vindictiveness; it was not vengeance; it was not hate; but the grand triumph of justice in the hearts of men in favor of those who had builded up your wealth, who had made your prosperity, and who had given to your States all within their borders of material wealth worth enumeration.

These election laws were not passed either, gentlemen, to enable the Republican party to dominate in this country.

Mr. PENDLETON of West Virginia. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. I will.

Mr. PENDLETON of West Virginia. Can you give an instance where a Democratic supervisor of elections was ever appointed?

Mr. HEPBURN. No; and I do not care to. I think it was right to appoint Republicans. I have no knowledge of my own of the way in which they manage the appointments.

Mr. PENDLETON of West Virginia. That is just what I think.

Mr. HEPBURN. And I can say further, that I do not know of any instance of one being appointed under this law; and so far as I know, it has never been invoked in the State in which I live.

Mr. HENDERSON of Iowa. That is correct.

Mr. HOPKINS of Illinois. I want to state right there. Is it not true that wherever they have been selected they have been selected with reference to their efficiency, regardless of their party affiliations. [Derision on the Democratic side.]

Mr. PENDLETON of West Virginia. Have you ever known a Democrat appointed?

Mr. HEPBURN. I have no personal knowledge of the working of these laws. The whole subject is committed to the judiciary of the United States, and I have confidence in the courts of this country. I do not believe——

Mr. RAY. Will the gentleman permit me?

Mr. HEPBURN. I yield to the gentleman.

Mr. RAY. In view of what the gentleman from West Virginia stated, I desire to state, and I think I am absolutely correct in my statement, that the very law itself requires that whenever, in any locality, Federal supervisors of elections are appointed, that there shall be Republicans and Democrats appointed.

Mr. PENDLETON of West Virginia. I am speaking of those who are chief supervisors, similar to the position of John I. Davenport.

Mr. HEPBURN. Mr. Speaker, I know John I. Davenport slightly. I do not believe he is the ruffian, the blackguard, and the villain that he has been depicted here. So far as I know him, and I say it with the utmost respect, I believe him to be the peer of any gentleman of my acquaintance. If there is anything in his character that justifies the anathemas that have been hurled against him, they are absolutely foreign to my knowledge, and certainly not developed in any acquaintance I have had with him. I do not believe them.

Mr. HENDERSON of Iowa. St. Paul would have been denounced in the same way if he had been in that office.

Mr. HEPBURN. I call attention to this fact in refutation of the charge that these election laws were partisan in their character: The Republican party at that time was dominant in the country. It needed no laws of this kind to perpetuate its power. And I call attention to the further fact, in defense of the right to enact the legislation and the propriety of enacting it, that these laws were passed by a Congress which contained as large a number of eminent jurists, as pure and upright men, men of as unblemished character as any that have ever assembled in the national capital, and I do not believe it is right or proper for any man to hurl his vituperative billingsgate at that Congress, as has been done here. [Applause on the Republican side.]

Mr. Speaker, I am sure that gentlemen who favor this measure of repeal have, to some extent at least, mistaken the necessity for it if they have favored it on the supposition that these laws might be used as an enginery by the Republican party in the perpetration of wrong. How would it be possible in any place, where the aid of these statutes could be invoked, for the Republicans to perpetrate wrong under them? You have nearly as many of the Federal judges now as have the Republicans. Further, it is a truth that every man, after long continuance in a position held for life, ceases to be partisan, and I am unwilling to believe that any of the eminent gentlemen now upon the bench who have been long in office, even though they were appointed as Republicans, have such party feeling or such party loyalty as would induce them to countenance any corrupt or improper action.

Then you have the United States marshals. Can not you trust Democratic marshals? So that it is utterly impossible, it seems to me, that that excuse for repeal can be a valid or a real one. Therefore, Mr. Speaker, I can see no other than the one I have already suggested, unless it be that feeling of restiveness which some of you Southern gentlemen seem to experience whenever Federal power touches you at any point. The old virus of Calhounism, the old doctrine of the Virginia and Kentucky resolutions, that there is no common arbiter to determine grievances which may exist between sovereign States, and that therefore you have the right to determine not only the grievance but the mode and measure of redress.

I can see, too, gentlemen, that you have a motive in repressing the black suffrage at the South. You have an interest in so doing. It is not, in my judgment, because you fear their denomination. The whites are the class of wealth, intelligence, and power. You do not fear the blacks. You have, as a rule, but a single industry there. It is an industry that does not require skilled labor, but one which you think requires cheap labor, and the certainty of labor at particular seasons of the year. The man who has the ballot values himself, values his manhood, and learns to value his labor. That you do not want. This is not altogether a political question with you, it is an economic question, the question of how you can maintain the cheap labor that is necessary to enable you to produce cotton in competition with the cheap labor of other parts of the world.

Mr. COX. Will the gentleman yield for a question?

Mr. HEPBURN. Certainly.

Mr. COX. Do you think that the Southern people are trying to control a political question upon the idea of how cheaply they can raise a pound of cotton or a pound of sugar? Do you really think that?

Mr. HEPBURN. Colonel, I have known you for a good many months. I do not think there is anything ulterior or hidden in your character, but I am sorry to say that I can not measure all Southern politicians by the estimate I have formed of you. [Laughter.]

Mr. COX. I am very much obliged to the gentleman, but let me tell him that I am only an humble member of the Southern Democracy and he has made a statement here that not one man in the South will indorse.

Mr. HEPBURN. If I am incorrect I am sorry. But I see certain causes operating; I see certain influences at work that are in harmony with the necessities of the case, and I draw my inference, and I think I am right in drawing it. I see the necessity for cheap labor. I see the efforts to degrade that labor. I see that you people are unwilling that the black man shall have the rights of citizenship as I understand them. I see that some of you who speak by authority call them "veneered savages," and point to the fact that they are retrograding to the old condition of savagery wherever their surroundings permit.

Mr. COX. Can you give one single solitary instance in my State where anything such as you have been depicting has ever occurred?

Mr. HEPBURN. I lived in Tennessee once for two years.

Mr. COX. That was during the war?

Mr. HEPBURN. No, sir; after the war. I met a great many estimable gentlemen in Tennessee, for whom I have a profound respect; and I am not able to give you an instance such as you ask for.

Mr. COX. You can not call to mind a single solitary instance in my part of the State where the black man did not put in his ballot as freely as I put in mine, or as any other white man put in his.

Mr. HEPBURN. I think that is true. In the State of Kentucky, in the State of Tennessee, in the State of Missouri, in the State of West Virginia, I have no doubt the elections are fair.

Mr. COX. I hope, then, the gentleman will except my part of the country from the denunciation he is bestowing on the other parts.

Mr. HEPBURN. I do. [Laughter.]

Mr. COX. That is all right; they will take care of themselves. Let the gentleman mark that.

Mr. HEPBURN. I find the reason for degrading the labor in the desire for cheap labor, and I put the two propositions to-

gether. I think you gentlemen are thinking more about the certainty and cheapness of the labor of the colored man than you are about any fear of his "dominating."

Mr. BANKHEAD. Will the gentleman allow me a question?

Mr. HEPBURN. I have only five minutes in which to conclude what I have to say.

Mr. BANKHEAD. We will extend your time.

Mr. HEPBURN. No, sir; there are others to follow, and I can not ask an extension of my time. I am sorry to decline the gentleman's request.

Mr. BANKHEAD. I was going to ask you a very hard question.

Mr. HEPBURN. Well, I am glad I did not permit you to do so. [Laughter.]

I should think that statesmanship would take a different view of this matter. These people will not always submit to this kind of treatment. I do not mean to say that by violence they will try to remedy themselves. Yet what would you do if you were placed under the same yoke? They will undertake to find relief by emigration, by moving out. Then what becomes of your industry.

You gentlemen have a most contemptuous idea of these "mudsills of society," these "veneered savages," these "barbarians of the cities," as you call them; but, do you not know, gentlemen, that they are the constructors of our wealth, that they have builded up this great colossal fabric of wealth in the United States? It is their brawn and their muscle that have placed us, in wealth, in the front rank of the nations of the world. I think you gentlemen had better reorganize your ideas of labor, and get proper conceptions of its respectability and dignity, and of the place that it holds in this great economic problem of ours.

I listened yesterday and once before to the eloquent pleading of the gentleman from South Carolina for relief for the people; yet it seemed to me that he had forgotten when he got to other parts of his speech who the people were. He seemingly was speaking only for one class of men, not for the great bone and sinew of this country, who through their labor have made this country of ours so great.

Mr. TALBERT of South Carolina. I would like to see you undertake to get the colored people to move from my State to yours or anywhere else. They are perfectly satisfied where they are.

Mr. HEPBURN. Oh, I know that is always the song—that they are "perfectly satisfied."

Mr. TALBERT of South Carolina. They would not leave.

Mr. HEPBURN. The man that is compelled to work for $10 a month is never satisfied; he can not in the nature of things be satisfied; and I insist that he ought not to be.

Mr. TALBERT of South Carolina. That is more than many people get in your State.

Mr. HEPBURN. No, I beg the gentleman's pardon; he is mistaken about that. Labor is well paid in my State. Labor is respected there. The laboring man is not ignored. We do not regard the laboring people in our State as "veneered savages."

Mr. TALBERT of South Carolina. Neither do we in our State. I repel the gentleman's insinuation; I throw it back.

Mr. HEPBURN. We do not regard them as "the barbarians" of the great cities, "as the mudsills of society," "as close-fisted farmers," as "greasy mechanics." Those are Democratic ideas; those are Democratic utterances. They belong to your side of the House, not to ours. [Applause on the Republican side and in the galleries.]

The SPEAKER *pro tempore* (Mr. KILGORE). The Chair would remind visitors in the galleries that they are here by the courtesy of the House, and they must not abuse that courtesy by disturbing the proceedings.

Mr. SWANSON obtained the floor.

EXPENDITURES ON PUBLIC BUILDINGS, ETC.

Mr. BANKHEAD. The gentleman from Virginia [Mr. SWANSON] kindly yields to me a moment in order that I may ask unanimous consent to have published in the RECORD a very interesting and valuable table prepared by the Secretary of the Treasury in regard to public buildings all over the country. It will not occupy more than about one page of the RECORD.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. BANKHEAD] asks unanimous consent to have printed in the RECORD a statement of figures from the Treasury Department in relation to the public buildings of the country. Is there any objection to the request?

Mr. RICHARDSON of Tennessee. I would like to know what space it will occupy?

Mr. BANKHEAD. About one page of the RECORD.

Mr. BURROWS. What is the object of having these figures printed?

Mr. BANKHEAD. We want the House to understand what the situation is with reference to public buildings.

Mr. BURROWS. What does the House care about it?

Mr. BANKHEAD. Some gentlemen may not care, but some others do. [Laughter.] This is a very valuable table, full of information. It undertakes to give correctly the status of each public building in the country, its cost, the progress of construction, how much money has been appropriated for each building, how much remains to be appropriated, how many buildings authorized by Congress are yet uncommenced, how many are still unprovided with sites, etc.

Mr. BURROWS. I do not know that I have any objection.

Mr. RICHARDSON of Tennessee. Under whose order is this statement or table prepared?

Mr. BANKHEAD. It has been prepared by the Secretary of the Treasury at the request of the Committee on Public Buildings and Grounds.

Mr. DINGLEY. The information is valuable, and I think the House ought to have it.

Mr. RICHARDSON of Tennessee. If this is a letter of the Secretary of the Treasury, addressed to the House in response to a resolution of inquiry, will it not be printed as a document?

Mr. BANKHEAD. It has not been addressed to the House; it was sent to our committee.

Mr. DINGLEY. But it was prepared officially?

Mr. BANKHEAD. Prepared officially.

Mr. DINGLEY. It ought to be printed, as suggested by the gentleman from Alabama, because it contains valuable information.

Mr. RICHARDSON of Tennessee. It will be printed as a document if it is an executive or departmental communication. I do not see any necessity for printing it in the RECORD.

Mr. BANKHEAD. It would have been printed as a document if it was furnished directly to the House; but this is information furnished at the request of the committee.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The table is as follows:

Statement, submitted in response to request of the Committee on Public Buildings and Grounds, dated August 18, 1893, showing the limit of cost, amount appropriated, under limit amount to be appropriated, under limit balance available, and condition of work upon various public buildings.

Location.	Designation of building or work.	Limit of cost of site and building.	Amount appropriated.	Appropriations to be made.	Balance of appropriation available to July 31, 1893.	Remarks.
Akron, Ohio	Post-office	$75,000.00	$75,000.00		$64,500.44	Sketch plans and estimates made and approved; working drawings not yet begun.
Alaska Territory	Construction and repairs of buildings.	21,000.00	21,000.00		224.08	Building in course of construction.
Alexandria, La	Post-office	60,000.00	60,000.00		55,608.10	Work same as Akron, Ohio.
Allegheny, Pa	do	425,000.00	250,000.00	$175,000.00	73,457.12	No sketch plans or other drawings made.
Ashland, Wis	do	100,000.00	100,000.00		8,049.20	Building in course of construction.
Atchison, Kans	do	100,000.00	100,000.00		13,568.35	Do.
Auburn, N. Y	Post-office, court-house, etc	202,000.00	202,000.00		1,700.43	Do.
Aurora, Ill	Post-office	100,000.00	100,000.00		59,565.25	Do.
Baltimore, Md	Post-office, court-house, etc	2,565,335.00	2,092,444.38	472,890.62	5,491.97	Do.
Baton Rouge, La	Post-office	100,000.00	100,000.00		82,175.94	Sketch plans and estimates made and approved; working drawings not yet begun.
Bay City, Mich	Court-house, post-office, and custom-house.	200,000.00	200,000.00		164.78	Building in course of construction.
Beatrice, Nebr	Post-office	60,000.00	60,000.00		10.54	Do.
Beaver Falls, Pa	do	50,000.00	50,000.00		38,699.48	No sketch plans or other drawings made.
Birmingham, Ala	Court-house and post-office	335,000.00	335,000.00		130.69	Buildings in course of construction.
Bloomington, Ill	Post-office	75,000.00	75,000.00		63,887.45	Sketch plans and estimates made and approved; working drawings not yet begun.
Boston, Mass	Marine hospital	5,700.00	5,700.00		4,208.78	Building in course of construction.
Brooklyn, N. Y	Post-office, etc	1,913,594.12	1,913,594.12		2,146.95	Do.

Statement, submitted in response to request of the Committee on Public Buildings and Grounds, August 13, 1893, etc.—Continued.

Location.	Designation of building or work.	Limit of cost of site and building.	Amount appropriated.	Appropriations to be made.	Balance of appropriation available to July 31, 1893.	Remarks.
Buffalo, N. Y	Post-office	$2,000,000.00	$600,000.00	$1,400,000.00	$122,115.55	No sketch plans or other drawings made.
Burlington, Iowa	do	125,000.00	125,000.00		45,214.00	Building in course of construction.
Camden, Ark	do	25,000.00	25,000.00		19,920.78	Sketch plans and estimates made and approved; working drawings not yet begun.
Camden, N. J	Post-office, custom-house, etc.	100,000.00	100,000.00		65,221.22	Working drawings finished two years ago; work suspended at request of members of Congress and citizens for extension of limit of cost.
Canton, Ohio	Post-office	100,000.00	100,000.00		670.84	Building in course of construction.
Cedar Rapids, Iowa	do	130,000.00	130,000.00		53,799.55	Do.
Charleston, S. C	Post-office, court-house, etc.	450,000.00	400,000.00	50,000.00	36,337.32	Do.
Chester, Pa	Post-office	80,000.00	80,000.00		46,532.02	Do.
Chicago, Ill	Custom-house and S. T. repairs.	419,011.51	419,011.51		42,701.56	Repairs in progress.
Do	Custom-house and S. T. extension.	100,000.00	100,000.00		11,630.39	Extension in progress.
Clarksville, Tenn	Post-office	35,000.00	35,000.00		28,236.84	Site not yet purchased.
Columbus, Ga	do	200,000.00	100,000.00		67,337.33	Building in course of construction.
Dallas, Tex	Court-house, post-office, etc.	291,000.00	291,000.00		42,957.93	Do.
Danville, Ill	Post-office	100,000.00	100,000.00		33,913.22	Do.
Davenport, Iowa	do	100,000.00	100,000.00		74,093.99	Do.
Detroit, Mich	Marine hospital	10,000.00	10,000.00		10,000.00	Drawings not yet made.
Do	Court-house, post-office, etc.	1,500,000.00	1,475,000.00	25,000.00	481,732.92	Building in course of construction.
Duluth, Minn	Court-house, custom-house, and post-office.	270,000.00	270,000.00		77,903.89	Do.
El Paso, Tex	Court-house, post-office, and custom-house.	200,000.00	200,000.00		92.65	Do.
Emporia, Kans	Post-office (for purchase of land).	10,000.00	10,000.00		197.41	Site purchased.
Do	Post-office (building)	Not fixed	Nothing		Nothing	No limit of cost fixed for building, therefore, no sketch plans yet made; no appropriation made!
Fargo, N. Dak	Post-office and court-house	100,000.00	100,000.00		93,922.63	Working drawings for foundation and basement finished, and work advertised.
Fort Dodge, Iowa	Post-office	75,000.00	75,000.00		25,876.03	Building in course of construction.
Fort Worth, Tex	do	175,000.00	175,000.00		69,723.48	Do.
Fremont, Nebr	do	60,000.00	60,000.00		20,448.35	Do.
Galesburg, Ill	do	75,000.00	75,000.00		8,769.74	Do.
Galveston, Tex	Custom-house, etc	280,581.71	280,581.71		1,453.46	Do.
Haverhill, Mass	Post-office	75,000.00	75,000.00		52,424.59	Do.
Helena, Ark	Court-house and post-office	75,000.00	75,000.00		4,254.08	Do.
Houlton, Me	Custom-house and post-office.	66,000.00	66,000.00		11,675.73	Do.
Jackson, Mich	Post-office	105,000.00	105,000.00		28,816.48	Do.
Jacksonville, Fla	Post-office, custom-house, etc.	275,000.00	275,000.00		71,584.92	Do.
Kansas City, Mo	Post-office and court-house	1,200,000.00	750,000.00	450,000.00	174,590.24	Do.
Lafayette, Ind	Post-office	80,000.00	80,000.00		6,627.52	Do.
Lansing, Mich	do	125,000.00	125,000.00		547.82	Do.
Lewiston, Me	do	75,000.00	75,000.00		19,635.72	Do.
Lima, Ohio	do	60,000.00	60,000.00		46,430.00	Drawings for the building under roof completed and specifications in hand.
Louisville, Ky	Marine hospital	1,200.00	1,200.00		1,181.00	Nothing done.
Lowell, Mass	Post-office	200,000.00	200,000.00		76,213.30	Building in course of construction.
Lynn, Mass	do	125,000.00	125,000.00		97,791.27	Title to site not yet perfected; no sketch plans made.
Madison, Ind	do	50,000.00	50,000.00		40,190.04	No sketch plans or other drawings made.
Mankato, Minn	Court-house and post-office	100,000.00	100,000.00		71,249.21	Building in course of construction.
Martinsburg, W. Va	do	75,000.00	75,000.00		6,911.86	Do.
Meridian, Miss	Post-office	50,000.00	50,000.00		42,175.63	Sketch plans and estimates made and approved; working drawings in hand; half done.
Milwaukee, Wis	Post-office, court-house, and custom-house.	1,871,126.37	1,471,126.37	400,000.00	779,414.05	Building in course of construction. The figures in this case will be increased by balance due on old custom-house site and interest on deferred payments on said site.
Mobile, Ala	Marine hospital	1,500.00	1,500.00		1,500.00	Nothing done.
Newark, N. J	Custom-house and post-office.	650,000.00	450,000.00	200,000.00	50,616.03	Building in course of construction.
New Bedford, Mass	do	100,000.00	100,000.00		876.81	Do.
Newbern, N. C	Post-office, court-house, and custom-house.	75,000.00	75,000.00		66,328.26	Sketch plans in hand; near ready for estimates.
Newburg, N. Y	Post-office	100,000.00	100,000.00		62,372.41	Sketch plans and estimates made and approved; working drawings begun.
New Haven, Conn	Custom-house and post-office.	65,000.00	65,000.00		40,861.71	Working drawings completed, specifications in hand.
New London, Conn	Post-office and court-house	75,000.00	75,000.00		49,731.90	No sketch plans or other drawings made.
New Orleans, La	Custom-house and post-office.	167,959.00	167,959.00		5,417.52	Building in course of construction.
Do	Marine hospital	16,000.00	16,000.00		2,371.03	Do.
New York, N. Y	Appraisers' warehouse	1,155,022.48	1,155,022.48		33,823.80	Do.
Do	Custom-house	1,494,977.52	1,494,977.52		1,455,363.89	No site purchased.
Do	Court-house and post-office repairs.	65,000.00	65,000.00		2,611.30	Repairs in progress.
Norfolk, Va	Court-house and post-office	150,000.00	90,000.00	60,000.00	43,117.20	Sketch plans and estimates made and approved.; working drawings not yet begun.
Omaha, Nebr	Court-house, custom-house, and post-office.	1,200,000.00	875,000.00	325,000.00	345,346.05	Building in course of construction.
Paris, Texas	Court-house and post-office	100,000.00	100,000.00		43,109.20	Do.
Paterson, N. J	Post-office	80,000.00	80,000.00		57,388.78	No sketch plans or other drawings made.
Pawtucket, R. I	do	75,000.00	75,000.00		50,384.16	Do.
Philadelphia, Pa	United States Mint	2,000,000.00	1,948,624.91	951,375.09	1,035,396.71	No site purchased.
Portland, Oregon	Court-house	750,000.00	250,000.00	500,000.00	88,183.90	No sketch plans or other drawings made.
Portland, Me	Marine hospital	6,000.00	6,000.00		6,000.00	Drawings finished, specifications in hand.
Port Townsend, Wash	Custom-house, post-office, etc.	240,000.00	240,000.00		97.43	Building in course of construction.
Do	Marine hospital	30,000.00	30,000.00		30,000.00	No drawings yet made; awaiting survey and other information.
Pueblo, Colo	Post-office	300,000.00	100,000.00	200,000.00	97,315.58	Sketch plans made and approved, including estimates; working drawings not begun.
Racine, Wis	Court-house and post-office	100,000.00	100,000.00		73,685.19	No sketch plans or other drawings made.
Reidsville, N. C	Post-office, court-house, and custom-house.	25,000.00	25,000.00		2,533.70	Building in course of construction.
Richmond, Ky	Post-office	75,000.00	75,000.00		31,850.02	Do.
Roanoke, Va	do	75,000.00	75,000.00		61,501.20	Sketch plans and estimates made and approved; working drawings not yet begun.
Rockford, Ill	do	100,000.00	100,000.00		76,118.23	Building in course of construction.
Rock Island, Ill	do	75,000.00	75,000.00		64,432.04	No sketch plans or other drawings made.
Rome, Ga	do	50,000.00	50,000.00		39,766.45	Sketch plans and estimates made and approved; working drawings not yet begun.
St. Albans, Vt	Custom-house and post-office	85,000.00	85,000.00		58,082.46	Building in course of construction.

Statement, submitted in response to request of the Committee on Public Buildings and Grounds, August 18, 1893, etc.—Continued.

Location.	Designation of building or work.	Limit of cost of site and building.	Amount appropriated.	Appropriations to be made.	Balance of appropriation available to July 31, 1893.	Remarks.
St. Paul, Minn	Post-office, court-house, and custom-house.	$800,000.00	$400,000.00	$400,000.00	$66,110.78	Building in course of construction.
Sacramento, Cal	Post-office, etc	300,000.00	300,000.00		15,625.64	Do.
Saginaw, Mich	Post-office	100,000.00	100,000.00		96,969.72	Sketch plans and estimates made and approved; working drawings not yet begun.
Salina, Kans	do	75,000.00	75,000.00		58,375.13	Do.
San Francisco, Cal	Post-office, court-house, etc	3,554,232.71	1,250,000.00	2,304,332.71	193,919.62	No sketch plans or other drawings made.
Do	Marine hospital	40,000.00	40,000.00		25,691.55	Building in course of construction.
San Jose, Cal	Post-office, etc	200,000.00	200,000.00		56,999.87	Do.
Savannah, Ga	Court-house and post-office	400,000.00	200,000.00	200,000.00	86,606.53	Sketch plans finished, ready for estimates; no working drawings yet made.
Scranton, Pa	Post-office, etc	250,000.00	250,000.00		11,025.28	Building in course of construction.
Sheboygan, Wis	Court-house and post-office	55,000.00	55,000.00		41,914,67	Sketch plan and estimates made and approved; drawings for building under roof in hand, half done.
Sioux City, Iowa	Court-house, post-office, and custom-house.	250,000.00	165,000.00	85,000.00	142,418.84	Working drawings and specifications for foundation and basement finished and work about to be advertised.
Sioux Falls, S. Dak	Court-house and post-office	150,000.00	150,000.00		32,758.53	Building in course of construction.
South Bend, Ind	Post-office	75,000.00	75,000.00		57,831.00	Sketch plan and estimates made and approved; working drawings not yet begun.
Springfield, Mo	Court-house and post-office	150,000.00	150,000.00		7,452.73	Building in course of construction.
Staunton, Va	do	75,000.00	75,000.00		25,386.32	Do.
Stockton, Cal	Post-office	75,000.00	75,000.00		57,052.45	No sketch plans or other drawings made.
Tallahassee, Fla	Court-house and post-office	75,000.00	75,000.00		19,827.17	Building in course of construction.
Taunton, Mass	Post-office	75,000.00	75,000.00		74,197.14	Sketch plans and estimates made and approved; working drawings not yet begun.
Troy, N. Y	Post-office, court-house, etc	500,000.00	500,000.00		87,980.42	Building in course of construction.
Vineyard Haven, Mass.	Marine hospital	21,500.00	21,500.00		18,366.69	Work advertised; bids rejected; modified drawings necessary.
Vicksburg, Miss	Court-house, post-office, and custom-house.	109,500.00	109,500.00		990.19	Buildings in course of construction.
Washington, D. C	Post-office (site)	655,490.77	655,490.77			Purchase of land consummated.
Do	Post-office (building)	2,000,000.00	700,000.00	1,300,000.00		Building in course of construction.
Do	Boiler plant, Bureau of Engraving and Printing.	25,000.00	25,000.00		26.00	All drawings finished; bids received; work under contract.
Wilmington, Del	Court-house, post-office, etc	250,000.00	250,000.00		49,792.10	Building in course of construction.
Wilmington, N. C	Marine hospital	2,000.00	2,000.00		2,000.00	No drawings made.
Worcester, Mass	Post-office, etc	400,000.00	300,000.00	100,000.00	20,754.60	Building in course of construction.
York, Pa	Post-office	80,000.00	80,000.00		18,222.24	Do.
Youngstown, Ohio	do	75,000.00	75,000.00		60,965.83	Sketch plans and estimate made and approved; working drawings begun.

RECAPITULATION.

	Building.	Total limit of cost.	Total amount appropriated.	Total amount to be appropriated.	Total balance of appropriation available July 31, 1893.
Buildings in course of construction	71	$24,569,320.96	$20,846,430.34	$3,722,890.62	$3,634,009.64
Work on plans, etc., commenced	27	2,617,500.00	2,072,500.00	545,000.00	1,588,776.55
Work on plans, etc., not commenced	22	11,018,910.23	5,688,302.43	5,330,607.80	3,571,207.32
Total	120	38,205,731.19	28,607,232.77	9,598,498.42	8,793,993.51

FEDERAL ELECTION LAWS.

[Mr. SWANSON withholds his remarks for revision See Appendix.]

Before the conclusion of the foregoing remarks the hammer fell.

The SPEAKER *pro tempore*. The time of the gentleman from Virginia has expired.

Mr. SWANSON. Mr. Speaker, I should like to have unanimous consent to extend my remarks in the RECORD.

Mr. GROSVENOR. To what extent does the gentleman wish to extend his remarks? We ought to know that before consent is given.

I move to supplement the gentleman's request by providing that all gentlemen who have spoken to-day be privileged to extend their remarks in the RECORD, if they so desire, or those who may hereafter speak upon this question.

The SPEAKER *pro tempore*. The gentleman from Ohio moves to extend this privilege to all gentlemen who have spoken upon this question or may hereafter speak. Is there objection?

Mr. BURROWS. There is objection for the present, Mr. Speaker.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Virginia?

Mr. BURROWS. There would be no objection to that if we could ascertain with any definiteness to what extent this is to go.

Mr. SWANSON. Only some fifteen or twenty minutes longer.

Mr. BURROWS. There will be no objection to that.

The SPEAKER *pro tempore*. The gentleman from Virginia asks leave to extend his remarks in the RECORD.

Mr. OATES. There ought to be no objection to the suggestion of the gentleman from Ohio that universal consent be given to those who have spoken on this question.

The SPEAKER *pro tempore*. Objection is made to that. The Chair understands that there is no objection to the request of the gentleman from Virginia to extend his remarks.

Mr. BURROWS. There is no objection to that.

The SPEAKER *pro tempore*. The Chair hears no objection.

Mr. OATES. It seems to me, Mr. Speaker, that there could be no possible objection to gentlemen extending remarks pertinent to this subject in the RECORD, and I make that request again. There is no probability that anyone will abuse the privilege. I ask, therefore, that consent be given to extend, in their remarks, matters pertinent to the question which we are now discussing.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Alabama?

Mr. BURROWS. For the present, I object.

Mr. WEADOCK. Mr. Speaker, in the brief time at my disposal I can only refer to a few of the objections raised against this bill and a few of the reasons why it should become a law. I have lived all my lifetime in the Northern States of Ohio and Michigan. My sympathy throughout the entire civil war was with the Union, and it was the regret of my life that the war found me a boy of 11 years instead of being able as a man to take part in that great struggle. Every person in whose veins flows common blood with mine was in the Union Army. Thus it can not be said that my ideas on the subject of Federal election laws are tinged with Southern colors. When the war ended, happily settling the question in favor of the maintenance of the Union, I hoped it would be a union indeed.

I stand here to-day cherishing the same hope, and in whatever I shall say on this question, insisting that at this stage of the century the very same laws shall apply in one part of the Union that apply in any other part; that if Michigan is to have the

right, as she ought to have, to manage her own local affairs by her own people, then Mississippi, Missouri, and other States shall have exactly the same rights and the same privileges. And when gentlemen criticise one portion of the Union on account of the smallness of the vote cast or unfairness in representation in Congress, that criticism should be applicable to every other portion of it where similar defects exist, and applying exactly the same rule they seek to apply to other communities. We may well invite the attention of the country to the great injustice done to Democratic voters in strongly Republican States, and to the limitations and restrictions which many of the Northern States have seen fit to incorporate in their respective constitutions.

Let me state this, Mr. Speaker, as a broad, fundamental proposition, that these laws—the Federal election laws—were passed in 1870 and 1871 because a majority of the Representatives in the American Congress believed that there ought to be such provisions made in our statutes and that there was a need of such laws, and in saying this I am giving them the same credit for fairness and legislative integrity as we have a right to claim to-day. I take it that we will repeal these laws in 1893, because they are all wrong from our point of view, and a failure from our point of view, for exactly the same reason, namely, because in the judgment of a majority of the Representatives of the American people they ought not longer to be a part of the statutes of our nation.

The condition of the country has greatly changed in the intervening years. The colored men of the South, misled for a time by interested self-seeking, unprincipled men, are learning that their best friends are the white people among whom they live. The people who furnish them employment and contribute by taxation to educate their children and protect and care for them in need. I can see many reasons why the colored man should now begin to vote as he pleases, and that to become a political chattel of any party would be but a change in form and degree from being a personal chattel, which he, happily, is no longer.

I have not the time, if I had the inclination, to discuss the question of the constitutionality of these laws in the time allowed me, and for purposes of this argument I may concede their constitutionality, but when I study questions of constitutional construction on political subjects I shall not take my lessons from any judge of the Supreme Court who was a member of the Electoral Commission and joined in the eight to seven decision. [Applause on the Democratic side.]

Neither shall I take lessons from any judge afterwards appointed upon the bench of the Supreme Court who, when a member of Congress, voted to pass these very laws. Of the two cases referred to in the minority report, I wish to say that the Yarborough case was a proceeding to review by habeas corpus proceedings a conviction under the Federal laws, and Justice Miller delivered the opinion. The Siebold case was decided by a divided court, Justice Bradley delivering the majority opinion, with whom were Chief Justice Waite and Judges Swayne, Miller, Harlan, and Hunt. Judges Clifford and Field dissented, and I quote from and agree with the dissenting opinion, rendered in the Clarke case (100 U. S., pages 408–409):

> In what I have to say I shall endeavor to show, first, that it is not competent for Congress to punish a State officer for the manner in which he discharges duties imposed upon him by the laws of the State, or to subject him in the performance of such duties to the supervision and control of others, and punish him for resisting their interference; and, second, that it is not competent for Congress to make the exercise of its punitive power dependent upon the legislation of the States. * * * The act of Congress asserts a power inconsistent with, and destructive of, the independence of the States. The right to control their own officers, to prescribe the duties they shall perform, without the supervision or interference of any other authority, and the penalties to which they shall be subjected for a violation of duty is essential to that independence.
>
> If the Federal Government can punish a violation of the laws of the State, it may punish obedience to them, and graduate the punishment according to its own judgment of their propriety and wisdom. It may thus exercise a control over the legislation of the States subversive of all their reserved rights. However large the powers conferred upon the Government formed by the Constitution, and however its restraints, the right to enforce their own laws by such sanctions as they may deem appropriate is left, where it was originally, with the States. It is a right which has never been surrendered. Indeed, a State could not be considered as independent in any matter, with respect to which its officers, in the discharge of their duties, could be subjected to punishment by any external authority; nor in which its officers, in the execution of its laws, could be subjected to the supervision and interference of others.

Disguise it as you may, gentlemen, all of your anxiety or pretended anxiety in the interest of the negro is simply that his vote should be cast for the Republican party. If you are such great friends of his, why do not you in the North, where you have the power, elect him to Congress, place some colored lawyer upon the bench to try cases between your citizens, or give him any other official recognition beyond a chance nomination for coroner or constable? And on the other hand, why do not these colored people, who are so oppressed and so downtrodden in the South, leave the South and go to their brethren in the North, who are constantly extending their arms—purely as a figure of rhetoric—and welcoming them to their firesides and to the larger liberty of the Northern States?

These laws were passed as a part and parcel of the reconstruction measures of the country. They were passed at a time when the Southern people had nothing left to confiscate, when homes had been destroyed, when the war had destroyed the property of the South, when a horde of office-seekers, sutlers, and camp followers, aided by the ignorant negroes of the South whom they misled, were in the places of power, and were plundering that country. These official pests were never so well characterized as they were by the distinguished jurist, Judge Black, when he said in his article on the Electoral Conspiracy, in the North American Review, that "the ordinary thief was content with stealing whatever he could lay his hands upon, but these scoundrels reached their felonious fingers into futurity, and robbed posterity. [Laughter and applause on the Democratic side.] They robbed children whose fathers had not yet been born." And this they did by issuing bonds of the Southern States to the extent of millions of dollars and selling them for what they would bring. Do you wonder that the owners of property, the intelligence and the manhood of the South revolted against such government as that, and put it down?

These laws are twenty-two years old. You have had since their enactment six years of the administration of President Grant, you have had the Administrations of President Hayes, Garfield, Arthur, and Harrison. You have had control of the appointment of these officers, the marshals and chief supervisors of election. You have had control of the appointments to the bench and in the courts. You have had control of the purse of the nation. You have had the Army, and yet after all this, with the Republican party in power altogether most of the time, and at least to this extent all the time, with the single exception of four years, you confess to-day that these laws have been a failure. That was never so completely confessed as it was in the Fifty-first Congress of unsavory memory, when a law was attempted to be passed for the purpose of "amending and supplementing the election laws of the United States" and to provide for the more efficient enforcement of such laws.

That bill, generally known and condemned as the "force bill," proposed to go farther even than these laws: to subject the registration of every State in the Union to the inspection of the United States officers, appointed from we knew not where, under large salaries, with the right to interfere with and set aside the action of State officers.

Let me give some illustration from that bill showing what it proposed to accomplish:

> SEC. 3. Every registration—preliminary or final—every revision of registration, every antecedent or subsequent act or thing incident to or connected with any system of registration of votes, and every plan, mode, or method of ascertaining who are legal voters which may be required under any State, Territorial, or local law or ordinance prior to the casting of ballots by electors who may desire to vote at any general or special election at which a Representative or Delegate in Congress is to be voted for, and every such election shall hereafter, each and both of them, be guarded, scrutinized, and supervised in the manner herein set forth, etc.

It also gave these United States officers power—

> Fifth. To personally inspect and scrutinize the manner in which all registry books, check-lists, poll-lists, tallies, returns, voting lists, are, and every other paper connected with the registration or voting is, being kept, and where, in their or his opinion, it is necessary for purposes of identification, or where directed by the chief supervisor of elections, to affix his signature to each and every page of the original registration book, roll, or list, and to each and every copy of the said original book, roll, or list made for use, or kept or used, in his election district by any State, Territorial, or local election officer or officers, at such times upon each day when any name may or shall be received, entered, or registered, or may be stricken or dropped from any such original book, roll, or list or any copy thereof, and in such manner as will, in his judgment, detect and expose the improper or wrongful removal therefrom or addition thereto in any manner of any name or names.
>
> Sixth. To verify, in cities or towns having 20,000 inhabitants or upward, by proper inquiry and examination at the respective places assigned by or to those registered as their residences, all such names placed or found upon the registration books, rolls, or lists as the chief supervisor of elections shall require to be so verified, and to make full report thereof to such chief supervisor.

The count of the canvassing board provided for was to stand as the count if it differed from that of the State board. There is not time to refer to all the objectionable features of that bill, but I will especially refer to the worst and most flagrant provision in it. That was:

> SEC. 9. Hereafter all votes cast for the office of Representative or Delegate in Congress shall be counted, canvassed, certified, and returned in the manner hereinafter provided, and any State, Territorial, or municipal law or ordinance in so far as it conflicts herewith is hereby annulled.

The bill went in the teeth of the public opinion of this country. It flew in the face of the better men of the Republican party, and it was signally condemned in the succeeding election by a more triumphant majority than ever was given against any system of proposed laws, or upon any question submitted to the American people, except, perhaps, the revision of the tariff and the reëlec-

tion of Grover Cleveland to carry it out. [Applause on the Democratic side.]

We are told—and, by the way, we get a great deal of advice from that side of the House: "You are wasting your time, gentlemen, in repealing these laws." The advice may be very good from your standpoint, but we do not desire it and we will have none of it; and whether it is your Northern Narcissus or the sage Polonius who favored us this morning, we have no use for it, and we will follow our best judgment in doing what we think ought to be done with reference to this or any other matter of legislation.

Talk about partisanship and your want of partisanship in supporting the repeal of the Sherman law. The repeal of the Sherman law was asked because its operation had worked injury to the people of this country. Your people were injured as well as ours. It was your blunder and not ours. It was your mistake and your wrong legislation, and not ours, and instead of finding fault with the President for calling this special session, you ought to have blessed him for giving you an opportunity so soon to assist in undoing, in part, the wrong work which you had accomplished in the Fifty-first Congress, by the passage of the Sherman law. I will not think so meanly of any Representative on this floor as to assert that his vote on one measure is governed by that of his brother Representative on another.

We never hear an argument about nonpartisanship, or the talk about soaring to those lofty and serene heights where there are no distinctions of party, until our Republican friends are in the minority.

Then they grow very patriotic and desire that we should not have any partisanship. They say to us, "Will you please not repeal any law that we pass; because we think it will be very nice to leave them." That would be a delightful state of affairs if you could carry it out; but the American people have sent us here for the very purpose of repealing these laws. Every time that the matter has been submitted to the judgment of the Democratic party they have condemned them.

In 1872 the Liberal Republican convention, held just after the passage of these laws, adopted a platform, which the Democratic convention at Baltimore adopted in words which I will quote, and it must be remembered at this time the men who had made the Republican party great—Sumner, Chase, Greeley, Trumbull, and others—had left you because you had wandered so far from what they thought were the cardinal principles of the Republican party and were passing harsh and unconstitutional laws to harass the people of the Southern States.

4. Local self-government with impartial suffrage will guard all the rights of all citizens more securely than any centralized power. The public welfare requires the supremacy of the civil over the military authority, and the freedom of the person under the protection of the habeas corpus. We demand for the individual the largest liberty consistent with public order, for the State self-government, and for the Nation a return to the methods of peace and the constitutional limitations of power.

The Democratic platform of 1876 denounced—

The false issue by which they—

The Republican party—

seek to light anew the dying embers of sectional hate between kindred people once estranged but now reunited in one indivisible Republic and common destiny.

In 1880 the Democratic platform declared for "Home rule and opposition to the dangerous spirit of encroachment." In 1884, it said:

The Republican party * * * professes a preference for free institutions. It organized and tried to legalize a control of State elections by Federal troops.

In 1888 there was no specific reference to this question, the issue then being mainly upon the tariff and the Administration of President Cleveland; but our latest instruction comes from the Democratic platform of 1892, and the paragraph upon that subject I will ask the Clerk to read:

The Clerk read as follows:

We warn the people of our common country, jealous for the preservation of their free institutions, that the policy of Federal control of elections, to which the Republican party has committed itself, is fraught with the gravest dangers, scarcely less momentous than would result from a revolution practically establishing monarchy on the ruins of the Republic. It strikes at the North as well as at the South, and injures the colored citizen even more than the white; it means a horde of deputy marshals at every polling place armed with Federal power, returning boards appointed and controlled by Federal authority, the outrage of the electoral rights of the people in the several States, the subjugation of the colored people to the control of the party in power, and the reviving of race antagonisms now happily abated, of the utmost peril to the safety and happiness of all; a measure deliberately and justly described by a leading Republican Senator as "the most infamous bill that ever crossed the threshold of the Senate."

Such a policy, if sanctioned by law, would mean the dominance of a self-perpetuating oligarchy of officeholders, and the party first intrusted with its machinery could be dislodged from power only by an appeal to the reserved right of the people to resist oppression, which is inherent in all self-governing communities. Two years ago this revolutionary policy was emphatically condemned by the people at the polls; but in contempt of that verdict, the Republican party has defiantly declared in its latest authoritative utterance that its success in the coming elections will mean the enactment of the force bill and the usurpation of the despotic control over elections in all the States.

Mr. WEADOCK. Mr. Speaker, the gentleman from Iowa [Mr. HEPBURN] was particularly concerned because there were several States in the South which sent no Republican Representatives here. Let me call attention to the fact that in the Northern States, where Republicans control the Legislatures, and see how the matter has been so far as Democratic Representatives are concerned. The State of Iowa gave Mr. Cleveland, in 1892, over 196,000 votes. It gave Governor Boies 207,000 votes; and from the State of Iowa the Democrats, having 44 per cent of the vote of the State, have 1 Representative upon this floor. The State of Maine, where Mr. Cleveland received over 41 per cent of the votes, has no Democratic Representative while the Republicans have 4 upon this floor; and the same is true of New Hampshire, where, also, having a very large Democratic vote, 47 per cent, we have no Representative from that State.

I was astonished to hear the gentleman from New Hampshire [Mr. DANIELS] declaim against the laws of some of the Southern States, and how they restricted suffrage, remembering that in this age and under a Constitution such as ours, it was only in 1878 that it was possible for a man to hold the office of governor or lieutenant-governor in the State of New Hampshire unless he believed in the Protestant religion. In Rhode Island, until a very short time ago, it was not possible for a man to vote unless he owned real estate; no matter what his intelligence might be, no matter what personal property he might own, no matter what claim he might have upon the consideration of his fellow-citizens, unless he owned real estate he could not vote.

Think of such a requirement as that in a State the size of Rhode Island!

In Vermont, with 16,000 votes—29 per cent—we have no Representative. Nevada, with 10,000 votes now, was admitted as a State, has a Representative and two Senators, while New Mexico, with 31,000, has been refused admission by you because it was Democratic.

Now, speaking of the policy of these laws, gentlemen would have us believe that they were not passed for the sake of keeping the Republicans in power, but only for the purpose of insuring fair elections, so that colored citizens might vote in the South. The very best way to test the sincerity of that statement and its truth is to see how they have enforced these laws. I refer to the figures found in the speech of my gallant friend from Illinois [Gen. BLACK]. California has been considered as a Republican State, but close and doubtful. In the State of California they spent under these laws $77,610, and they spent in the State of Arkansas $375. Now, gentlemen, do not you think you are a little unkind in that to the negroes over in Arkansas and a little overkind to the Republicans in California. In Pennsylvania, that stronghold of Republicanism, you have expended $42,690 and in South Carolina only $2,275.

Not only that, but they have spent for the purpose of maintaining the negro vote in Georgia $325, while they have spent in the Republican State of Illinois $97,440. Does it not seem that this legislation was not exactly intended for use only in the Southern States? [Laughter.]

But it is said that this is not an opportune time to repeal these laws. Mr. Speaker, the time has gone by when this Congress might have speedily adjourned. That has not been the fault of this House. We have acted promptly upon the financial relief legislation submitted to us, and if we are still in session it is not our fault.

If these laws ought to be repealed, then the first time that the opportunity offers for their repeal is the time when it should be carried out. They were unjust always. They have been unjustly used. In the opinion of the country it will be doing justice to repeal them—"For justice all place a temple and all seasons summer." I am in favor of complete repeal, so that not a vestige of them shall remain upon the statute books. [Applause on the Democratic side.] For, sir, I do not believe that any part of them were ever wisely passed in the first place; I do not believe that they ever served any useful purpose; I do not believe that they should longer remain laws, and therefore I shall vote for their complete repeal. [Applause on the Democratic side.]

Mr. TUCKER. Mr. Speaker, there are several gentlemen who will not have time to be heard this afternoon, and I therefore ask unanimous consent that instead of adjourning this afternoon the House take a recess until 8 o'clock this evening; the evening session to be for debate only.

There was no objection, and it was so ordered.

[Mr. CANNON of Illinois withholds his remarks for revision. See Appendix.]

Mr. HUNTER. Mr. Speaker, I am glad to know that we are fast approaching the hour when we shall strike from the pages

of our statutes the most dangerous law ever enacted by the Congress of the United States. All partisan legislation is dangerous. But this Federal election law is more than partisan. It is revolution; not in hot blood and passion, but a cold, deliberate purpose to destroy the rights of the people and strike down popular government.

The discussion of this question thus far has been able and exhaustive, and both sides have given to the country all the information that is seemingly necessary to a proper appreciation of the real issue. The legal aspect of this law has been fully discussed, and I will content myself with a brief argument upon the purposes of the law and its effect.

The limitation of the Federal power under the Constitution has been clearly defined as well as the power and rights of the States, by some of the best constitutional lawyers in the country.

Mr. Speaker, since the formation of our Government to the present time it has been the fixed and recognized policy of all parties until 1871 to protect and maintain a popular form of government founded upon the will of the people; to give all classes, rich and poor, high and low, noble and ignoble, the unrestricted right to go to the polls, and there, under State regulations and State officers, exercise the highest prerogative of sovereignty without the aid of Federal supervisors or United States marshals. The fathers of this Republic recognized the authority of the different States as supreme in the control of all elections, and the ballot box was instituted as the medium through which the people might express their will and mold and fashion the institutions of their country to suit their conditions, to protect life, liberty, and property.

This system of voting, which has been adopted by all the States, has met every demand and every necessity for the maintenance of free institutions; and for more than a century has been revered and canonized by all parties, as the sure foundation of constitutional liberty and free government. This Government was founded upon the doctrine that majorities must govern, that the people must rule. Therein is where we differ from all other forms of governments that had ever existed in locating the sovereign power. Monarchies and despotisms, with the military force at their command and at their backs, was the recognized theory of all governments until ours was brought into existence. Mr. Jefferson and his colaborers conceived the new doctrine of founding our Government upon the will of the people.

It would seem from some of the arguments made by gentlemen on this floor that the people could not longer be trusted with the management and control of their own affairs, especially their own elections; that the people are below the standard of refinement that is necessary to meet the demands of monarchial ideas.

Mr. CANNON of Illinois. Mr. Speaker, I am unexpectedly called upon to leave the House in a short time, and I will ask my colleague to yield, as I desire to suggest where he has evidently fallen into an error.

Mr. HUNTER. Certainly, I yield.

Mr. CANNON of Illinois. My colleague a few moments ago read an extract from a debate participated in by Thaddeus Stevens, as my colleague thought, upon this law that is now proposed to be repealed. This law was enacted in 1870, whereas Thaddeus Stevens——

Mr. HUNTER. In February, 1871.

Mr. CANNON of Illinois. In 1870 and 1871 both. Whereas Thaddeus Stevens died on the 11th day of August, 1868. So that my friend has found something that Thaddeus Stevens probably said touching the submission of the constitutional amendment.

Mr. HUNTER. It was on the question of negro suffrage, and the enfranchisement of the negroes of the South.

Mr. CANNON of Illinois. Not upon this legislation; because he died two or three years before this legislation was enacted.

Mr. HUNTER. The language was used when the question of negro suffrage and control of the South was pending, as I understand. Mr. Stevens used the language that the negro vote was to be used to advance the interest of the Republican party. Then this Federal election law was to be put into force so that the negroes would be under the direction and control of supervisors and deputy United States marshals who would see that they voted the Republican ticket.

At this day and age of the world the refinements of modern Republicanism demand a higher civilization than the people are able to give them. What evidence have we that the great conservative body of the people have lost their desire or capacity to maintain the very best form of government? They have in all cases followed clearly in line with the fathers. Shall we now, after a century of successful experience, go back to the doctrine of Alexander Hamilton, and set up an aristocracy, and force it upon an unwilling people? I do not think the masses are ready to accept any such change. Has the intelligence of the masses failed to keep pace with the march of general civilization? I think not. Compare our country's history with monarchies of the Old World, and you will find the comparison exceedingly gratifying to American pride.

I ask the gentlemen on the other side of this House, what new revelation has fallen upon you that has elevated you so high above the heads of other mortals? Are you superior to the common herd? By what authority do you demand mentors and masters who shall direct and control the elections and the franchise of the people? Mr. Speaker, we are confronted here to-day with the most important and grave question that has ever been before this body. The question is: Shall we recognize and continue the independent, free right of the people to govern their own elections, by their own laws, with their own election officers, in their own States, and in their own way; or shall we repudiate the institutions of the fathers, and strike down and destroy the very essence of free government, and in its place establish the Davenport system of imperialism at the polls? Never, my countrymen, never. And we are here to-day to settle that issue upon the side of the people and against the consolidation of the powers of this Government.

The bill introduced by the gentleman from Virginia [Mr. TUCKER], when passed by this Congress, will leave the people once more free to govern their own elections and their domestic institutions in their own way, precisely as the authors of this Republic intended they should be. Why should we abandon this old and thoroughly tested rule of government? No honest or patriotic reason has been given. All governments are experiments. This of ours is now recognized as the model of the world. Has our system failed of its original purpose in any particular? Is there a legal voter in the United States who has ever made complaint that his right to vote has been denied him by any law of the States? The people last fall were not deceived, and never will be deceived again by the covert efforts of the Republican party to usurp the powers and rights of the people and of the States, and centralize them in the General Government.

The last two general campaigns of education have been of infinite value to the whole country. They have caused the great mass of the people to realize the extent of the daring innovations that had been and were threatening their institutions. The people, ever true to patriotic devotion and love of country, registered their condemnation and decree at the polls, demanding that their form of government should stand. This decree was intelligently rendered, and, Mr. Speaker, it will stand as long as the people are true to their citizenship and constitutional duty. The great mass of the Republican party are enemies of the doctrine of centralization, and are only caused to support this doctrine by the tyranny and deception of its leaders.

I never believed that this Federal election law was conscientiously indorsed by the masses of the Republican party. Its only real friends are those who desire to overthrow the rights of the States and centralize all power in the hands of the Federal Government. These men live upon the poisons of fanaticism, drink at the fountains of hate and ill will, cultivate deception as virtue, and gather around themselves the robes of hypocrisy, and declare that they are more holy than others. No man can support such a law and be a true American. They are the mere apologists of tyranny, and the supplicants of power. With them political supremacy is paramount to peace and order. Party is above country, and demoralization is preferred to law. Such men had control of the country when this law was enacted and put into force.

Rules governing this body were defied and ignored; deception and concealment as to the real purposes of the law were ingeniously devised, and the people were not aware of this dangerous change of their form of government until it was consummated. In looking over the Republican side of this Chamber I was led to believe that sectional hate, bigotry, and frenzied passion had no place in the heart of any member there; that the old bloody shirt that was known as the ensign of fanaticism and prejudice had been carefully laid away, never again to do duty in stirring up sectional strife. But I find I was greatly mistaken, when the two gentlemen from Iowa [Mr. LACEY and Mr. HEPBURN] to-day rushed into the Solid South, waving that ensanguined banner, filling the air with the fragments of imaginary rebels.

Such a scene has not been enacted since 1865. The marvelous knowledge these men have of the condition of society in the South is beyond the capacity of ordinary mortals. They give us no information of their own environments, but they know all about the hopes, the fears, and the thoughts of the Southern people a thousand miles away. They know all about the social, religious, secular, and political trend of every community. They know all about their acts, motives, and dreams. They know more about the everyday life of the Southern people than the Southern people know about themselves. They seem to be more familiar with Southern laws and life and habits of the people than the book agent, patent-right dealer, or churn peddler. It is one of the unsettled problems of this age how some people can know so

much about other people's business with whom they have never mingled.

I think it is fair to infer from the remarks made by these gentlemen that the elections and ballot box in the State of Iowa are without stain or suspicion, notwithstanding the charges made by the Republican press and speakers at the time Horace Boies was elected governor; that the people of that State belong to a superior race; that there was no demand for their disinterested vigilance at home; that they could and did devote their entire time to other people's business. It is to be regretted that perfection in elections is limited to but few men, and located only in Republican States and conducted by Republican leaders.

Gentlemen now upon the Republican side would have this House and country believe there was no other law in existence to govern and control the elections if this Davenport law were repealed. They talk about Federal elections. There is no such thing as Federal elections. The Federal Government makes the citizen, and the State makes the voter and holds the elections. Most of the Republican speakers contend for this law on the ground that the people in our large cities are corrupt, especially in New York and Chicago. I deny this slander. The people in the cities are quite as much interested in honest elections as they are, or as the people are everywhere. No such reasons can justify the overthrow of the State's right to hold its own elections.

The gentleman from Illinois [Mr. CANNON] attempted to justify the use of United States marshals by claiming that they had arrested Joe Mackin, prosecuted him, and sent him to the penitentiary from the city of Chicago for perjury and stuffing the ballot box. Mr. CANNON should have investigated the facts and he would have found that the marshals and supervisors did not arrest or file any complaint, prosecute, or have anything to do with the matter. Mr. Mackin was arrested, tried, and convicted under State laws, prosecuted by a Democrat, and sentenced by a Democratic judge. Mr. Speaker, I am proud of the position and history of the Democratic party. It made this Government and administered it successfully through peace and through war for more than sixty-seven years before the Republican party was born; and it now comes back into power again at the call of the people to blot from the pages of our law books every vestige of paternalism, and to lay the knife to that poisonous cancer known as the Federal election law. Mr. Speaker, its achievements are written upon the brightest pages of our history. It has met the insidious encroachments of every enemy of free government, and defeated its purpose, and now, after more than a generation of time has come and gone, upon its accession to power it finds deeply embedded in our laws a partisan statute that was intended to perpetuate the existence of the party that might be in power; but the Democratic party, true to its principles and convictions, is here to-day, and is ready by a unanimous vote to determine that no law shall exist that gives one party the least advantage over another party; because of the Democratic party's unwavering defense of the rights of all the people and ever laboring to conserve the welfare of all we are here to-day in full possession of all the branches of the Federal Government, demanding the repeal of the law that strikes down the vital principle of self-government.

Mr. Speaker, if the Democratic party had the same disposition of heart and purpose as our Republican friends they might use this law to perpetuate their own power indefinitely; but they spurn all such monarchial methods and advantages. The Democratic party believes that which is best for the whole country is best for the party. The old canker worm of Federalism is the inspiration that actuates and emboldens Representatives upon this floor to defy the voice of the people. The aristocratic character of government advocated by Alexander Hamilton and emphasized by George III, has had its devotees and worshipers in this country ever since the days of the Revolution—men who believe in privileged classes; that the rich will take care of the poor; that the rights of the States should be transferred to the Federal Government; that a governing class should be recognized. These doctrines were repudiated more than one hundred years ago through a baptism of blood and eight years of privation by the fathers.

But in the face of this we still have the poisonous dregs of federalism reproduced in the form of protective tariffs, Federal election laws, force bills, and extravagance. The leaders of the Republican party educate their followers to believe that the masses of the people are no longer capable of conducting their own elections, and, strange to say, the majority of their party believe these pernicious heresies and are willing at the command of their leaders to abdicate and surrender their citizenship; that they must not longer attempt to assert coequal rights as American citizens; that they must call for guardians, supervisors, and United States marshals to look after their rights as electors and citizens. The old imperial doctrine of prince and pariah obtains with them. The advocates of any kind of a Federal election law are compelled to take the position that the people of the various States are incapable of holding their own elections and maintaining local self-government.

I quote from a recent issue of the Daily Press, a paper published in the city of New York, which states, in the old stereotyped language, the position of the Republican party on this bill:

> Defend the ballot box. The Republican committee of New York County expressed the sentiment of every loyal Republican when they declared that no question now before Congress is superior to pure and free elections. The cardinal principles of Republicanism are a free ballot and an honest count.

Honest elections and a fair count! For twenty years this has been their campaign refrain, and it is still masquerading as the evil spirit of their pretended faith. Every sensible man knows that these cries are a hollow pretense made in order to usurp the rightful power of the States, and use the power thus acquired for partisan advantages. This election law now upon the statute book, championed by the leaders of the Republican party, makes the issue as clear as a ray of light, that the States must surrender the control of their own elections, the right of self-government (the highest prerogative of American citizenship), and accept supervision of their elections under Federal authority, with all the machinery of a military government.

This innovation upon long and well-tried rules of popular government will bring on a conflict and irritation between Federal and local authority that is fraught with serious consequences. During the past twenty years the advocates of this law have omitted no opportunity to fasten this odious doctrine upon the country, and plant it in the minds of the people. Conventions have resolved, newspapers have written, and Legislatures have been invoked to show that the people are not capable of self-government, and here to-day, upon this floor, men are contending for this effete doctrine of paternalism, that State laws shall be made void to meet this new condition. Mr. Speaker, whenever you give to the President of the United States, through his own appointed judges, the power to take from the people the right to hold their own elections and provide for the exercise of the elective franchise, you reduce the States to mere provinces.

Mr. Speaker, this issue of Federal interference and domination of our elections that is now sought to be engrafted upon our institutions forever, should arouse every American citizen to the highest sense of patriotic duty. We have assembled here upon this arena for the purpose of settling this question in obedience to the commands of the people. And I hope we may be able to settle it in the best interests of all the people. I have the greatest confidence that there is sufficient patriotism, integrity of purpose, and devotion to time-honored institutions still in this body, to rise above mere partisanship and legislate in the interests of all, and restore the people to their natural rights.

We accepted the issue tendered us upon this question in 1890 and 1892, and we appealed to the people and submitted this question, and they rendered their verdict against the Republican party and all force bills, and interference by Federal laws in elections; that this doctrine they contend for must go down into the hideous night of oblivion forever. It seems strange that these same men, against whom this crushing verdict was rendered, would continue a childish resentment against a decided case. Who is so prejudiced and blinded to interest and country, that he can not see that this law is solely intended to secure political supremacy to the party who is daring enough to use it? It was never intended by its authors to aid in securing an honest ballot and a fair count. This has been exposed by the character of the men who were selected to execute it. The only debauchery and insult that ever came to the ballot box, was under this rule of Federal interference, when the carpetbagger and the military governed the polls. It is claimed by its friends that the law is only intended to be extended to the elections of members of Congress and Presidential electors.

Mr. Speaker this claim can not be founded upon experience, or good intentions or common sense. No such deduction can be inferred from the experience we have had in the last twenty-two years. The real object sought to be attained by its authors was to intrench the Republican party in power, defy the will of majorities, and hold the reins of government in the hands of the protected classes. Why, Mr. Speaker, when this law is sought to be enforced to guard and protect the election of members of Congress, the election board provided by this law is compelled to control the whole machinery for the election of State, county, and district officers. The provisions of this Federal statute is so intimately interwoven with the State laws governing elections that they can not be executed separately, so that the State and Federal Governments are forced into unnatural complications.

At this point up comes an American citizen, possessing all the legal requirements entitling him to vote under the laws of the State. At the polls stands a Federal election board, also a

State election board, face to face. The Federal supervisor says, "This man is not a legal voter and can not vote." The State election board says he is a qualified voter and shall vote. The ticket contains the names of Presidential electors, State, district, and county officers, and members of Congress to be voted for. The question is, Who shall decide in this case? Mr. Speaker, it is decided like all questions relating to the rights of the people in despotic governments—it is decided by force. The Federal supervisor who can control the Army and the Navy under this law, says to his army of United States marshals: "Arrest that man who is attempting to vote here under State authority, and throw him into prison." But the citizen claims that this is a popular government, that this is a government of the people, by the people, and for the people.

This maddened effort to change our form of Government should be met by all the power of a free people; and, my Democratic friends, we are expected to do our duty here and now. Since the Government was formed the States have had exclusive control of all elections by the people. The States have provided fair and impartial laws to secure honest elections and a fair count. In no State has there been any partiality shown. The pretense that Congress should make a law to govern elections in the States has no warrant in the Constitution, and no necessity can be urged in its behalf. It is simply usurpation without excuse.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HUNTER. I would like a little more time to conclude my remarks.

Mr. SPRINGER. I would ask that my colleague be permitted to conclude his remarks.

Mr. HUNTER. It would take probably about ten minutes.

Mr. SPRINGER. I ask that my colleague be permitted to continue his remarks for ten minutes longer.

Mr. PATTERSON. I was going to suggest that it is within twenty minutes of the time to adjourn, and he might extend his remarks for twenty minutes.

Mr. SPRINGER. The time "for recess."

Mr. TUCKER. We have one more speaker.

Mr. BURROWS. There is no objection, of course, to extending the gentleman's time. I did not understand the request of the gentleman to conclude his remarks.

Mr. HUNTER. No, sir; it is to occupy ten minutes.

Mr. BURROWS. Would not the gentleman just as soon print the balance of his remarks, or does he prefer to deliver them?

Mr. HUNTER. I prefer to speak about ten or twelve minutes more.

Mr. BURROWS. The reason I made this inquiry is because the gentleman from Iowa [Mr. HULL] had to follow.

Mr. HUNTER. Mr. Speaker, a member of Congress is elected by the people of the State or district. He is amenable to the people who elected him, and to nobody else. They make and unmake him as a public officer of the State, and why should they not control the election board that makes him, the same as they control the elections of all other officers? Our friends on the other side of this House admit that they had no power to make a law that would interfere with the election of State officers; only with Federal officers. This is a distinction without a difference. If the Federal Government has the right to control the election of members of Congress, they can control the election of United States Senators and all State officers. There is no limitation. This power as a whole either belongs to the State or to the Federal Government. It can not belong to both.

It is exceedingly strange that after more than a hundred years of our life as a nation, with all of its experiences, has come and gone, the fathers who made this Republic did not know who had the right to govern and control the elections. There was poor old Thomas Jefferson, who wrote the Declaration and aided in creating the Constitution of the United States, according to modern Republicanism, did not know when he walked out from his home to the polls that there should be Federal supervisors and United States marshals to tell him how to register and how he should vote, and to prevent him from corrupting the ballot box and interfering with some other man's right to vote.

Think of George Washington under the guidance of John I. Davenport upon one side with a military force to keep him from corrupting the ballot box, and on the other side W. W. Dudley, reading to him his blocks-of-five letters, and Tom Carter shaking in his face a handful of greenbacks. We have a class of men at this time that claim to know more about the laws of government than the men who made them. At the organization of each State, when it formed a part of the Union, a code of election laws defining with great particularity the manner and method of holding elections, the right of the citizens to vote, and who the election officers should be, was recognized and declared as a part of the State's duty and prerogative. I would inquire now, Mr. Speaker, why all this sudden change and persistent effort upon the part of our Republican friends to change the control of the elections from the State to the Federal Government? Is it in the interest of fair elections, or in the interest of the Republican party? It is certainly not in the interest of a free ballot and a fair count.

The law as enforced and carried out by the chosen instruments of the Republican party has been an absolute failure—oppressive, corrupt, tyrannical, and expensive. As a Republican machine, to plunder the Treasury and corrupt the ballot box, it has been a splendid success; but as a safeguard against fraud and corruption it has been a failure. At the time this election law was conceived and brought into existence much was said upon this floor by its friends about an honest election and a fair count. The visions of prophecy were flying about this Chamber like Mercutio's soul. Many of us can not fail to remember, soon after this machine was set in motion, the election of President and Vice-President in 1876 was held, and what followed we well remember. The most stupendous fraud was perpetrated at that time when this law was in full force.

The country had never witnessed before such an outrage. You men who are hungering after a free ballot and a fair count, please go back with me to that day when Samuel J. Tilden was legally elected President of the United States and R. B. Hayes was illegally and fraudulently counted in as President. Let us review the conduct of the political bandits who now clamor for a free ballot and a fair count. These men who stole the electoral vote of Florida, Mississippi, and Louisiana in 1876, and counted in a candidate for the Presidency that never was elected by the people, should be marked and branded so that every honest man would know them. Sovereign rights of empire States were disregarded by them in order to obtain political power. We all remember this great fraud. Hence we are compelled by every sense of duty to regard these professions of an honest ballot and a fair count by these men as insincere. No man who has any regard for his opinion or integrity would state that Mr. Tilden was not elected President of the United States and that Rutherford B. Hayes was.

These same men who made this fraudulent count, many of them, now claim to be par excellence better than any other class of people. I do not think it requires any deep perception to divine the motive that is behind the present effort to deprive the people of the States of their time-honored rights to govern themselves. I ask the friends of this law now, Did it prevent any fraud at any of the polls, at any of the voting places in the United States? The enforcement and execution of this law has been under the control of Republican officers since its adoption, and there can be no excuse upon that ground. Did it put forth its protecting hand to defend the legal voters in the city of New York under the régime of John I. Davenport? Can I not more safely assert that it was used to prevent a free ballot and a fair count?

Not only that, but it has placed in the forefront of the Republican party such men as Carter and W. W. Dudley, who made use of this law for corrupt purposes. It emboldens Mr. Dudley to write his celebrated letter, known as "blocks of five," and to distribute his corruption fund to dishonest voters. Mr. Speaker, under the very shadow of this law the dark deeds of the Republican managers were consummated. The State of Indiana was carried corruptly by the Republican party in 1888 in consequence of the workings of this law. This law gave to Mr. Davenport, who is the political representative of the Republican party in the State of New York, the despotic authority to arrest Democratic voters by thousands on the day of election, throw them into prison, and when the election was over to release them without informing them of the charges preferred against them or the cause of their arrest.

More than 6,000 voters were arrested by this man at a single election in the city of New York, and only three convictions were had. After the election was over, and most of these men prevented from voting, they were discharged without redress. This is the result of the operation of this law, that is claimed here to be for the purpose of securing honest elections. The word "honest" has its charms for all men, but when used as a means to cover up fraud that strikes down the liberties of the people, the dishonor and deception should be met and exposed to the world. "Woe unto ye, Scribes, Pharisees, and hypocrites!" In the presence of these facts the Republican party claims a monopoly of all the honesty and political integrity of the country. I would ask, Are the people to have it measured out to them through force bills and partisan legislation? If so, I fear we will get but little of it.

It is perfectly apparent if we take the legislation of the last quarter of a century we will find that the peculiar advocates of the present law have never carried out their professions and promises in the execution of this law. The only explanation and replies we

get from them is a "free ballot and a fair count." The opponents of this bill here upon this floor, together with the great majority of the people, have declared that the law has not contributed to fair and honest elections; and I can say, Mr. Speaker, with great assurance, it never can. It is founded upon a principle that will always work evil instead of good. The friends of this law, through partisan machinery, having enforced it in all the cities where they thought it would contribute any strength to their cause, we are not left to mere speculation as to the operation and effect of this law, especially in the city of New York.

The Fifty-second Congress, at its second session, appointed a committee, with all the powers that could be conferred, to make an investigation of the workings of the law in the State of New York. This committee concluded, and filed their report last January. I call the attention of the House to this report. I think any fair-minded man will find, after reading that report, that an exhaustive inquiry was made as to the execution and enforcement of the present law. Mr. Speaker, the execution and enforcement of this law was in the hands and under the control of a model Republican, one of the patron saints of the party, whose love of oppression has never been excelled, a man whose soul is ennobled by the instincts of hate, who carols with depravity and makes a plaything of honor. This man had plenary power under this law to control the elections in the State of New York. I now quote a portion of that report:

Your committee, after a very careful study of the operations of the Federal election laws before election and on election day in the city of New York, are of the opinion that all of these laws have entirely failed to produce any good results in the direction of the purity of elections or the protection of the ballot box, and have been productive of such serious and dangerous results that they ought at once to be repealed.

The reasons for our recommendation for the repeal of these laws, based on our study of their operation and results in New York, may be classed under four heads. They ought to be repealed—

First. Because they result in no convictions of offenders, and are therefore useless to prevent or punish crime.

Second. Because they cause great expense and are fruitful of constant and continuing frauds upon the Treasury.

Third. Because they are designed to be used and are used only as part of the machinery of a party to compensate voters who are friendly to it, and to frighten from the polls the voters of the opposing party.

Fourth. Because under and by virtue of these laws the gravest interference with the personal rights and liberty of citizens occur, and voters are punished by arrest and imprisonment for their political opinions.

In considering the first point above mentioned, it may be remarked in the first place that these laws are believed to have been, in the main, drafted and their enactment brought about by the present chief supervisor of elections in the southern district of New York. If anyone in the country was able to administer them in such a manner as to get good results from them the author of the system certainly ought to have been. Through most of the time during which he has held his position the National Government has been fully in accord with him and willing to aid him with all its power and resources He has drawn from the public purse vast sums of money for his compensation in the administration of these laws and for the employment of thousands of deputies and assistants. He holds his office by a tenure which makes him practically independent of any criticism or danger of removal. He not only holds this office of chief supervisor of elections, but he has also had himself appointed a United States commissioner, so that he can sit as an examining magistrate.

With the power of the Government behind him and with the money of the Government to use, he has managed for years a detective bureau, by means of which he has sought to get proof of the crimes which he has claimed existed in the city of New York. When in his first capacity, as a detective, he had obtained such proof as he wished to use, he then in his second capacity, as a public prosecutor, issued the warrants for the arrest of the alleged criminals. Sometimes he gave these warrants to the United States marshal to be executed, and sometimes in a third capacity, as a sheriff, he seems to have made the arrest of the accused parties through his own deputies. Then, in his fourth capacity, as a United States commissioner, sitting as a magistrate, he has heard his own charges against the prisoner which he presented to himself as judge, by himself as prosecuting attorney, and has decided himself upon their guilt or innocence.

In this way he has arrested many hundred persons at each election. This is not at all difficult under these laws. He has merely to decide on the names of the parties whom he desires to arrest or to keep from voting and issue his warrants for their arrest. But in order to have any of the persons indicted or convicted it is necessary for him to take his alleged evidence before the grand jury, and to try his case before a judge and jury in open court, and without the special advantages which up to this point the Federal election law has given him. He must then have a case. At this point he has invariably failed. With all this machinery in the hands of its inventor and the use of unlimited money the law has resulted in nothing so far as the conviction of offenders is concerned.

During the entire time covered by the examination of the committee there has not been one conviction for illegal voting in the southern district of New York in the United States courts, and under these laws.

Since the present district attorney came into office, a period of nearly four years, as a result of many thousand arrests, only three men have been indicted for false registration. One of these men was acquitted. The other two were found guilty, but the cases showed the offense to have been technical merely, and in one of the cases the judge suspended sentence upon the defendant, and in the other allowed the defendant to go without imprisonment on the payment of a fine.

Since 1889 half a dozen persons have been charged with interfering with the Federal supervisors, and in view of the conduct of these supervisors, as shown by the evidence and seen by the committee, it is in the opinion of this committee a great proof of the patience and forbearance of the voters in the city that there has been so little interference with them. But even in these cases nobody has been convicted even of a technical violation of the law since 1889.

It will be therefore seen, although the chief supervisor, the United States district attorney, and the United States marshal in the city of New York have been in full accord for a period of about four years, and have had the fullest support from a friendly Administration, that no offender has by reason of their efforts under these laws served one hour in prison as the result of a conviction. It is therefore clear that these laws do not result in the punishment of any crime, and they ought therefore to be repealed.

The second reason why, in the opinion of the committee, the law should be repealed, is that it causes immense expense, and is purposely so arranged that there is no supervision over the cost, no limit to the amount expended, and no proper responsibility for the payment of the bills.

It is impossible to report upon the exact cost of the system, for the reason that the Treasury Department is unable at this time to state it.

This law, when executed as intended, stands as a menace to popular government and is wholly inconsistent with the spirit of our institutions. Laws that are founded upon partiality and favor to classes belong to despotisms and monarchies. I wish to read another portion of the same committee's report:

The third reason why the law should be repealed is that, in the judgment of the committee, it is used mainly for partisan purposes. It is believed that this will be admitted to be true in the city of New York by everyone who has any knowledge of the facts, and that an examination of the evidence taken before this committee will convince any impartial person that under these laws the power and the funds of the Government are freely used with the direct intention of affecting the result of elections.

It is not deemed necessary to enter into an extended argument to show that this should not be allowed.

The establishment for election purposes in the interest of one party of an army of political workers as large in number in the United States as the regular Army of the United States, and the giving to them the badge and authority of the National Government, is an act of arbitrary power without a precedent in the history of our country. No political party temporarily in power ought to have any such advantage over its opponents, and the majority of this committee would be as unwilling to see any member of their own party in the city of New York clothed with the power now given to the chief supervisor and marshal as they are to allow the present incumbents to remain in the possession of these unfair advantages.

The law was designed for partisan advantage. It is perhaps fortunate that its execution in the city of New York has been mainly intrusted to one of a common class of political adventurers, whose only real object has been to get money out of politics. In the hands of a man of ability who cared little for personal profit, but who was devoted simply and without scruple to the success of his party, it might have been the source of much more serious trouble. The powers which it confers should not, under our system of Government, be intrusted to anybody. In the interest of the people, whose right it is to act with any of the parties or in opposition to any of them, it ought to be repealed,

The fourth and final reason why these laws ought at once to be repealed is that under them great numbers of innocent persons have been and are at every election deprived of their liberty and interfered with in the exercise of their undoubted right to vote. These facts are not to be disputed. They are known to all men in New York, and were brought to the personal knowledge of the committee and proven beyond question. The fact that all of the great number of citizens who were arrested during all these years were, with the exception of two, discharged as innocent after judicial investigation, is conclusive legal proof of the falsity of the charges. That most of them were discharged by the very magistrate who had caused their arrest shows the charges to have been not only false, but malicious.

Any system of laws under which, for any reason, citizens entitled to vote can be systematically arrested, held until their opportunity to vote is gone, and then discharged without redress, should have no place in the statutes of the United States. In this connection the members of the committee who sat in the Federal building as a subcommittee on election day, and had before them the supervisors and marshals who made the arrests and the prisoners who were arrested, desire particularly to call attention to the evidence given before them.

The prisoners arrested, charged with false registration were, some of them, real estate owners, one of whom, Mr. McKenna, had voted for thirty years at the polling district in which he offered to vote and had been known as a business man and house owner to the marshal who arrested him for twelve years. These defendants included a private tutor and a teacher, a court officer, a clerk in the register's office and a rabbi of the Jewish faith. They were almost without exception persons of respectable appearance, who seemed to feel most keenly the arrest and the dignity put upon them, and they were all promptly discharged by the Federal magistrate who heard their cases, no proof being offered against them. Almost all of them were born in the city of New York.

With a few exceptions, the United States marshals and supervisors who made these arrests were in appearance most disreputable. Almost all of them were grossly ignorant, and in general they had been evidently recruited from the lowest mass of the population of a great city. Decidedly the best of them were the colored marshals, who were able to give their evidence in an intelligent manner. Undoubtedly, among the United States marshals and supervisors who were appointed at this election were very many respectable men, but those chosen to make these partisan arrests were of the lowest class of our population. It is a matter of regret to the members of the committee who were present on election day and heard the evidence in regard to these arrests that it is not possible to reproduce in description the contrast which existed between the persons who were hired to make these arrests and the citizens who were thus arrested, charged with offenses of which they were innocent and thereby deprived of their right to vote.

Attention is also called in particular, in this connection, to the evidence of Messrs. Walker and Rose and Hotchkiss as to the excessive bail demanded of such defendants. In one case $10,000 bail was demanded by the chief supervisor, acting as a magistrate, for the appearance of a clerk in the custom-house, a man of excellent character, charged with false registration; and in a number of cases bail which the commissioner acknowledged to be known to him to be good was refused, until Judge Wallace denounced the refusal and the attempt to deprive the prisoners of their votes as an outrage. These laws, instead of constituting a system for the protection of the franchise in the hands of honest citizens, have been used, as is shown by the evidence, to furnish the machinery for the corruption and forcible robbery of the franchise, and they ought, if for that reason alone, to be promptly repealed.

Mr. Speaker, it is plain to be seen from this report that the committee made a careful and thorough investigation of the workings of this Davenport system, and this committee finds that it does not contribute to a fair election, but the very opposite. This pretended improvement upon the old election law has entirely failed as a guaranty of honest elections. I believe as long as humanity is to be governed, no better system for expressing the elective franchise or holding elections can be de-

vised than that given us by the authors of this Government. No law has been more thoroughly tested than this system of our fathers. As we stand here to-day, and look back over the century, and recount the vicissitudes through which we have passed, both in peace and in war, we are surprised to witness the triumphs of popular government. Had the doctrine enunciated by our Republican friends been adopted at the inception of this Government there would have been no necessity for changing from a territorial form of government to a State.

Fortunately, however, for the people who have lived before us, the authors of our Government never conceived this new idea. In the organization of new States, from our acquired territory, the ballot box was recognized as the sole arbiter of the settlement of official status. This principle never had an enemy until 1871. In the midst of bloodshed, and when the two contending governments within our own borders stood arrayed against each other in deadly conflict, the people both North and South never lost their devotion and fealty to the free ballot system of popular government.

Mr. Speaker, this one conspicuous fact has been lost sight of by a large number of the leaders of the Republican party. This one incident alone seems to me to be more than sufficient evidence of the great worth of this time-honored system that you now propose to blot out of the machinery of government. Mr. Speaker, why should this useless law, if not really criminal, be maintained as an innovaton upon our theory of government that is recognized by all honest men to be just and right. Not one of the forty-four States of this Union has failed to make efficient and acceptable laws guaranteeing to every citizen the right to vote, and with all necessary penalties for the punishment of those who would dare to deny that right.

I insist, Mr. Speaker, there can be no line of distinction drawn between the people of the States and the people of the Federal Government; but in this election bill it is claimed by its authors that a line can be drawn and should be marked out. I leave that question to this new class of philosophers on government, as I hold that it is an impossible task. These rights that belong to the people and the States can not be taken away from either without destroying the essence of free government. We do not and can not place in control of the elections another or superior class of people, above those who now control the elections. It is not possible to find persons who are more interested in the welfare of the State and nation than the citizens who live within these jurisdictions. We are all Americans, with the same hopes, affections, and desires. Where would you find a power superior to the people themselves?

I hope our Republican friends will not go abroad and bring foreigners here, claiming for them a higher order of intelligence, to control our elections, as they brought foreigners here to control the price of labor, as well as attempting to force the English monetary system upon this country. Do gentlemen upon this floor think that by virtue of the elevation, the appointment of some of our citizens to the position of Federal supervisors and deputy United States marshals, they will be lifted into a pure and more intellectual atmosphere, where they will entertain higher political virtue and become creatures of a superior rank? Or will these creatures who wear the badges of royal authority still continue to be the same Billy Jones and Joshua Gibson, John I. Davenport and W. W. Dudley.

This whole scheme of changing the mode and manner of holding our elections into the hands of the few is the result of the doctrine of paternalism, which always tends to the centralization of power and the formation of despotic governments. The deep interest that all our people take in the administration of our laws can not be blotted out by such a scheme as this. They will never consent willingly to have their ballot box placed under the surveillance of a Federal judge, or any one-man power. Notwithstanding the judge may be the most upright and wise of all the courts, and respected by all, they are still human. We must remember that the higher the court the greater the partisan. The decision of some of our judicial officers, by which the American people were defrauded of their legally elected President, should remind us that the most stupendous outrage can be perpetrated by those in whom we are expected to have the greatest confidence.

This one fact demonstrates the necessity of keeping this stupendous power in the hands of the people. This circumstance also demonstrates that there is no principle more in harmony with the demands of human government than that of separating each branch of the Government so that there can be no conflict in jurisdiction between them. The holding of elections is purely a political act of government, where judicial authority should be inhibited and constrained unless some law has been violated. Under Democratic doctrine, which has been in full operation from the commencement of the Government in 1871, the greatest guaranties of the rights of the people were found in the distribution of the powers of government in the States as well as the Federal Government.

The constant and ever changing control of the body politic, through the machinery of parties, makes our system of government a necessity. One party may be in power in Illinois; another in Vermont, and still another in Kansas. So that at the very inception of the Government our fathers discovered the necessity that there must be some great equalizing force to balance all these conflicting and ever-changing opinions of the people. I presume every man upon this floor will admit that there has never been a better method of adjustment formulated than the ballot directed and controlled by popular will. This law is the offspring of imperialism and the spawn of carpetbagism. It has no place in a republic. It should have no place in the politics of our country. Let us stand by a truly American vote, where every man is sovereign.

Let us take from the pages of our statute books this insidious doctrine of centralization, and once more say to the world that no taint of monarchy shall be incorporated into our republican system of government; that this shall be a Republic based upon the free and independent and unawed will of the people. Mr. Speaker, this law was forced upon the country by a class of men who propose to hold power without reference to majorities. The people knew nothing about this scheme when enacted. It was sprung upon the country without notice, and can be traced to-day to an insignificant number of gentlemen who are willing to disrupt our popular system of government for partisan purposes. But as soon as the people discovered that it was a blow at their constitutional and inalienable rights, they sent to this Congress a majority of their representatives to vote it out of existence. And, Mr. Speaker, we are here in obedience to that sovereign command to do their will.

Mr. Speaker, there is one more point connected with this law and its enforcement to which I desire to call the attention of the House before I close my remarks—that is, the extravagance and great expense attending the execution of this law. I do not have the data by which I can give the entire expenditures that I would like. I will content myself in giving the amount paid Mr. John I. Davenport as supervisor of the southern district of New York, showing the amount paid him from 1871 to 1893 for supervising at fifteen elections:

1872	$18,555.35	1884	$27,726.20
1873	1,409.75	1885	2,392.61
1874	10,970.15	1886	23,229.73
1876	19,383.36	1888	34,266.50
1878	18,904.91	1889	1,125.20
1879	587.09	1890	1,724.25
1880	26,398.86	1891	26,601.67
1881	6,381.14	1892	6,341.05
1882	21,439.92	1893	36,408.59

Total cost of fifteen elections, $283,906.93.

Amount paid Mr. Davenport each election, $18,927.13.

It required about twenty days to attend to all the duties of one election. Amount paid him for each day as supervisor, $946.35.

But this is not all of the expense. It seems that Mr. Davenport holds the office of election commissioner, which pays him about $3,000 per annum. Mr. Speaker, these expenditures, we are told, were absolutely necessary to carry out this law in one district only of the United States. The expense that the taxpayer is required to pay does not stop with the payment to Mr. Davenport of this vast sum, simply to imprison American citizens, but an army of United States marshals is called out at all these elections at great expense. I here call attention to the amount paid to assistant supervisors of elections.

Statement of amounts paid from the appropriation for "fees of supervisors of elections" (section 3689, Revised Statutes) from July 1, 1876, to June 30, 1893 (see section 2031, Revised Statutes).

1877	$170,272.07
1878	
1879	115,032.89
1880	44,952.87
1881	226,437.44
1882	38,397.68
1883	207,863.85
1884	18,109.42
1885	263,883.75
1886	6,912.49
1887	160,961.34
1888	971.98
1889	258,732.31
1890	143,521.10
1891	514,878.77
1892	79,503.49
1893	595,427.49
Total	2,845,858.94
Paid supervisors of elections on judgments of United States courts	9,000.00
Grand total	2,854,858.94
The amount paid Mr. Davenport exclusive of his annual income as United States commissioner	283,906.93
	3,138,765.87

I will read a statement handed me a few days ago by the First Comptroller of the Treasury, which shows the cost of supervising elections for one year throughout the country, also the amount paid deputy marshals at the Congressional elections in Illinois and in New York. This statement, I hope, will be read with great care by the taxpayers of this country.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., September 20, 1893.

SIR: In reply to your verbal inquiry, I would say that the cost of supervisors of elections from 1877 to 1893 amounted to $2,854,858.94, and the cost of special deputy marshals for the same time amounted to $1,127,595.75.

There was paid to special deputy marshals at the Congressional election of 1892, in the State of Illinois, the sum of $32,050, and for the same election in the State of New York, $159,505.50. These sums may be somewhat increased by accounts not yet presented or passed in this office.

There was paid out for the election of 1892 for deputy marshals the sum of $282,995.50, and for supervisors, $595,427.49.

Respectfully, yours,

R. B. BOWLER, *Comptroller.*

Hon. A. J. HUNTER,
House of Representatives.

Let us go behind the scenes and learn how and for what purpose marshals are appointed. In the first place, a large number are selected because they are lukewarm in the party, and it is necessary to do something for them or they might drop out of line. They are generally impecunious, so they are selected and paid $5 per day out of the Federal Treasury to hold them in the party. Then another class is selected because of their brutal and desperate character. These are to intimidate timid voters. Still another class is selected because the $5 per day is the price of their vote. These are the kind of men who have been selected thus far to supervise and control the election—a mere machine to purchase votes at the people's expense by the party which happens to be in power.

Mr. Speaker, from any point of consideration of this question I am prompted to vote for the repeal of this law, not because it is a good or bad law, but because it comes in conflict with the laws of all the States, where the authority of all power over elections must be lodged. This law seeks to overthrow old and well-established customs, to change the landmarks that have guided us in sunshine and storm; it is founded on distrust and resentment; it exercises an espionage over the birthright of freemen; it does violence to that cementing force of mutual obligations upon which rests a union of coequal States; it blots out the boundaries that define the duties of the coördinate branches of the Government. This pernicious law should arouse every conscientious and patriotic citizen to exert all constitutional and legal means for its overthrow.

From the earliest dawn of civilization political philosophers and theorists have sounded all the depths and shoals of human genius to divine and speak into existence institutions that would rival the peace and innocence of the Garden. We read of Plato and his divine republic, Menue, who conceived of an earthly perfection in the cultured few; Antonius, whose laws sought to make every man a freeman. Time, however, has demonstrated that all of these efforts were as weak as dreams. But, Mr. Speaker, our Republican friends here have not the noble purpose of bettering the condition of their own people and lifting them into a higher and more perfect civilization, but to centralize power in the hands of the few, and strangle the great principle of popular liberty

Mr. HULL. Mr. Speaker, the debate on this question in the main has been conducted with a courtesy and fairness not exceeded in any former Congress of the United States. The gentleman who has just taken his seat [Mr. HUNTER] has injected more bitterness into the discussion than all those who have preceded him, and when he arraigned the men who passed these laws in 1870 as "enemies of their country and foes to free government" I could not help looking up his record to see with which party he was acting at the time when the men of the country were taking sides for the Union or against it. I find by the Congressional Directory that in 1864 he was elected to the State senate of Illinois on what I suppose to have been "the war-a-failure" platform. In 1870 he led what he calls a "forlorn hope" for the Democracy, and I assume that he has been during all his life opposed to the principles which triumphed on the field of battle and were crystallized into laws in the Halls of Congress. That explains his bitterness.

Mr. Speaker, this discussion has taken a range which has led it far away from the laws sought to be repealed. Gentlemen in favor of repeal have set up a man of straw and have proceeded to demolish it. They have assumed that in these laws, which have been upon the statute books since 1870, and which were foreshadowed by the constitutional amendments, the Federal Government steps in and takes the State government by the throat and does away with the State laws. Why, Mr. Speaker, there is not a single section of the laws sought to be repealed that does not recognize the supremacy of the State in prescribing the qualifications of voters.

Even the distinguished gentleman from Virginia [Mr. TUCKER], who started this discussion in advocacy of his bill for repeal, took the ground, very properly, that the State had the primary right to determine who should be a voter, and then proceeded as though these sections of the statutes controverted that right of the State. The State has the right, as he says, and this bill simply seeks to preserve the rights which the laws of the State guarantee to the voter; nothing more.

What, Mr. Speaker, does the pending bill propose to do? It proposes to strike from the statutes of the nation every safeguard of the citizen, so far as exercising the elective franchise is concerned. In order to place before the people the real question before this House and the country, I call attention to the sections proposed to be repealed:

SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, or to keep peace at the polls.

Certainly, if necessary to "repel armed enemies of the United States" every man would be in favor of using all the power of the Government.

If my Democratic friends are fearful of interference in ordinary times, why not repeal the last clause, "or to keep peace at the polls"?

SEC. 2005. When, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote.

Nothing in this to harm an honest man.

SEC. 2006. Every person or officer charged with the duty specified in the preceding section, who refuses or knowingly omits to give full effect to that section, shall forfeit the sum of $500 to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

SEC. 2007. Whenever, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done by a citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing to vote, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

What part of these two sections are calculated to subvert an honest ballot or destroy State government?

SEC. 2008. Every judge, inspector, or other officer of election whose duty it is to receive, count, certify, register, report, or give effect to the vote of such citizen, who wrongfully refuses or omits to receive, count, certify, register, report, or give effect to the vote of such citizen upon the presentation by him of his affidavit, stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall forfeit the sum of $500 to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

Do you gentlemen oppose punishing an officer who disfranchises an honest citizen?

SEC. 2009. Every officer or other person, having powers or duties of an official character to discharge under any of the provisions of this title, who by threats or any unlawful means hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall forfeit the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

What part of this section is unjust or oppressive?

SEC. 2010. Whenever any person is defeated or deprived of his election to any office except elector of President or Vice-President, Representative or Delegate in Congress, or member of a State Legislature, by reason of the denial to any citizen who may offer to vote of the right to vote on account of race, color, or previous condition of servitude, his right to hold and enjoy such office and the emoluments thereof shall not be impaired by such denial; and the person so defeated or deprived may bring any appropriate suit or proceeding to recover possession of such office, and in cases where it appears that the sole question touching the title to such office arises out of the denial of the right to vote to citizens who so offered to vote on account of race, color, or previous condition of servitude, such suit or proceeding may be instituted in the circuit or district court of the United States of the circuit or district in which such person resides. And the circuit or district court shall have, concurrently with the State courts, jurisdiction thereof, so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the fifteenth article of amendment to the Constitution of the United States and secured herein.

This is intended simply to enforce the fifteenth amendment to the Constitution.

Sections 2011, 2012, 2013, 2014, and 2015 relate to the method by which Federal supervision can be invoked, and set out the provisons and limitations of the Federal courts in the premises:

SEC. 2016. The supervisors of election, so appointed, are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or

Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section 2026, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any names.

This simply provides for an honest registration of voters.

SEC. 2017. The supervisors of election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, Territorial, or municipal law, and to personally inspect and scrutinize from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll books, registry lists, and tallies or check books, whether the same are required by any law of the United States, or any State, Territorial, or municipal law, are kept.

SEC. 2018. To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section 2025, has been designated as chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry list, and any and all copies thereof, and to any certificate, statement, or return, whether the same or any part or portion thereof be required by any law of the United States or of any State, Territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known.

SEC. 2019. The better to enable the supervisors of election to discharge their duties, they are authorized and directed, in their respective election districts or voting precincts, on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot boxes, as will, in their judgment, best enable them to see each person offering himself for registration or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes, they are required to place themselves in such position, in relation to the ballot boxes, for the purpose of engaging in the work of canvassing the ballots, as will enable them to fully perform the duties in respect to such canvass provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns, and statements has been wholly completed. (See paragraph 5521.)

SEC. 2020. When in any election district or voting precinct in any city or town, for which there has been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hindrance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within ten days after the day of election to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report the chief supervisor, acting both in such capacity and officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have power to subpœna and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of the Congress for which any such Representative or Delegate was voted for, he shall file with the Clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made.

SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of 20,000 inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have regiserted or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times or places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits or attempts or offers to commit any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person on the day of such election, be arrested without process for any offense committed on the day of registration. (See paragraphs 5521, 5522.)

SEC. 2023. Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or posse comitatus of his district.

SEC. 2025. The circuit courts of the United States for each judicial circuit shall name and appoint, on or before the first of May, in the year 1871, and thereafter as vacancies may from any cause arise, from among the circuit court commissioners for each judicial district in each judicial circuit, one of such officers, who shall be known for the duties required of him under this title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as faithful and capable, discharge the duties in this title imposed.

SEC. 2026. The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the applications of all parties for appointment to such positions; upon the opening, as contemplated in section 2012, of the circuit court for the judicial circuit in which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appointment by the court of such supervisors of election; he shall require of the supervisors of election, when necessary, lists of the persons who may register and vote, or either, in their respective election districts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be verified by proper inquiry and examination at the respective places by them assigned as their residences; and he shall receive, preserve, and file all oaths of office of supervisors of election, and of all special deputy marshals appointed under the provisions of this title, and all certificates, returns, reports, and records of every kind and nature contemplated or made requisite by the provisions hereof, save where otherwise specially directed.

SEC. 2027. All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of Representatives or Delegates in the Congress of the United States, from time to time, and, with all due diligence, shall forward to the chief supervisor in and for their judicial district, all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed.

SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal under the preceding provisions, who is not, at the time of the appointment, a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

This section, 2028, is an absolute provision for home rule and makes the so-called outside interference impossible.

SEC. 2029. The supervisors of election appointed for any county or parish in any Congressional district, at the instance of ten citizens, as provided in section 2011, shall have no authority to make arrests or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of votes and the making of a return thereof.

SEC. 2030. Nothing in this title shall be construed to authorize the appointment of any marshals or deputy marshals in addition to those authorized by law prior to the 10th day of June, 1872.

SEC. 2031. There shall be allowed and paid to the chief supervisor for his services as such officer the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as circuit court commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, 10 cents; for affixing a seal to any paper, record, report, or instrument, 20 cents: for entering and indexing the records of his office, 15 cents per folio; and for arranging and transmitting to Congress, as provided for in section 2020, any report, statement, record, return, or examination, for each folio, 15 cents; and for any copy thereof, or of any paper on file, a like sum. And there shall be allowed and paid to each supervisor of election, and each special deputy marshal who is appointed and performs his duty under the preceding provisions, compensation at the rate of $5 per day for each day he is actually on duty, not exceeding ten days; but no compensation shall be allowed in any case to supervisors of election, except to those appointed in cities or towns of 20,000 or more inhabitants. And the fees of the chief supervisors shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined, and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge.

SEC. 5506. Every person who, by any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct, any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be fined not less than $500, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment.

If any one defrauds a citizen out of his right to vote should he not be punished?

SEC. 5521. If any person be appointed a supervisor of election or a special deputy marshal under the provisions of title "the elective franchise," and has taken the oath of office as such supervisor of election or such special deputy marshal, and thereafter neglects or refuses, without good and lawful excuse, to perform and discharge fully the duties, obligations, and requirements of such office until the expiration of the term for which he was appointed, he shall not only be subject to removal from office with loss of all pay or emoluments, but shall be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than $200 and not more than $500, or by both fine and imprisonment, and shall pay the cost of prosecution.

SEC. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise, interferes with or prevents the supervisors of election, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution or process or otherwise, or who by any of the means before mentioned hinders or perverts the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll

of election, or in going to and from any such place of registration or poll of election, or to and from any room where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them; or who threatens, or attempts or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than $3,000, or by both such fine and imprisonment, and shall pay the cost of the prosecution.

SEC. 5523. Every person who, during the progress of any verification of any list of the persons who may have registered or voted, which is had or made under any of the provisions of title "the elective franchise," refuses to answer or refrains from answering, or, answering, knowingly gives false information in respect to any inquiry lawfully made, shall be punishable by imprisonment for not more than thirty days, or by a fine of not more than $100, or by both, and shall pay the costs of the prosecution. (See paragraphs 2016, 2026.)

And also part of section 643, as follows:

Or is commenced against any officer of the United States or other person on account of any act done under the provisions of Title XXVI, the elective franchise, or on account of any right, title, or authority claimed by any officer or other person under any of said provisions.

These are the laws sought to be repealed. It is wise in the advocates of repeal to deal in general denunciation instead of discussion of the specific provisions of the law.

I again call the attention of the country to the fact that every section of these laws simply guarantees to every citizen, under the Constitution, the right to cast the vote which the laws of the State give him. In the earlier part of this discussion there was a labored effort to make it appear that these laws were unconstitutional, and the distinguished gentleman from Maryland [Mr. COMPTON] made an effort, courteously expressed, to show that the Federal Government could not interfere in these matters until after the State had refused to act in the premises.

The provision of the Constitution (section 4, Article I) is as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

This phase of the question has been so ably argued by the minority of the Committee on Elections, supplemented by the able arguments of gentlemen on this side, that it is useless to again even attempt to go over the decisions of our courts.

The mere reading of the clause of the Constitution should settle the question.

It seems to me, Mr. Speaker, that the language of the Constitution which provides that Congress may at any time make such regulations or alter the regulations made by the States is conclusive as to the intention of the founders of this Government, and shows that the Federal Government has primary and original jurisdiction in these matters if it desire to exercise it. And if the gentleman who immediately preceded me believes that Thomas Jefferson and the other distinguished men to whom he referred, who formed this Government, knew so little of the English language as to incorporate such a section as that in the Constitution without intending to give the Federal Government power to interfere, he underrates and belittles their intelligence.

They were men of marvelous sagacity, and used words to express their meaning with a clearness and force which has never been excelled.

When they used the words "make or alter" regulations, they gave the full power to the General Government to protect elections of Federal officers.

The fact that the fathers of the Republic never exercised this right is no argument. If the occasion demanding its exercise had arisen, they would not have hesitated to apply the remedy.

I have been taught to believe that the Supreme Court of the United States is the final tribunal to pass upon the constitutionality of laws. I remember, Mr. Speaker, that when the Dred Scott decision was before the country and the conscience of the nation was aroused by it, I was told as a boy by my good Democratic father that it was a crime to challenge a decision of the Supreme Court of the United States, and the Democratic party rallied around that decision in solid phalanx as the supreme law of the land; and, as suggested by my friend [Mr. TAWNEY], the Republicans recognized it as the supreme law of the land, except a few extremists, who appealed to a higher power, "a higher law."

Mr. Speaker, the position of the Democratic party of the United States to-day, as foreshadowed by my friend from Virginia [Mr. TUCKER], is very similar to that which the abolitionists occupied, appealing to a "higher law" than the Constitution and the decisions of the Supreme Court.

Mr. TUCKER. Did the Republicans recognize the decision of the Supreme Court when they packed it to get the legal-tender decision in the case of Hepburn *vs.* Griswold?

Mr. HULL. Congress had the right to increase the number of Judges of the Supreme Court. The business of the country demanded an increase, so that cases might be decided during the life of litigants. The Republicans always yield obedience to the mandates of our courts.

Having the clear right to legislate on the questions now before the House is one thing, the advisability of exercising this right is another.

Mr. Speaker, the question as to the expediency of exercising this power, is one that is open for discussion now as it probably always will be. The questions, are the laws wise, should they be enacted, or if enacted, should they stand? is a legitimate subject for discussion. The tendency to day in the States of the Northwest, Mr. Speaker, is toward protecting the purity of the ballot box, not breaking down safeguards. In the earlier days of the Republic, when population was sparse and the centers of population few, there was but little crime against suffrage.

Each man knew his neighbor; each man believed that it was his duty to protect the purity of the ballot box. But to-day with our increasing population, with the immense growth of our great cities, the guarantees of a pure ballot are more needed to be enacted into law than ever before in the history of the Republic. Take the great States of the Northwest. We have free elections there. I do not know that I can agree with my distinguished friend from Illinois [Mr. BLACK] that this will long be true as to Chicago; I am talking about the country districts and the smaller towns.

Chicago, with its great population of foreigners, ignorant of our laws, hostile to our traditions, enemies to our country in many cases—that city has been one of the hotbeds of anarchy within the last eight years—Chicago, with this great population, is a menace to the free ballot in the State of Illinois and to free elections there. In this remark I mean no reflection on my distinguished friend, because his record for patriotism, honesty, and purity is above reproach. These laws did not prevent a full election there last year. The results proved that every Democrat had the right to vote and voted. But outside of these great cities, our tendency is to throw additional safeguards around the ballot.

Take my own State of Iowa, Republican since 1855, Republican in all its dominant sentiments to-day as it ever was before. We have there a law that absolutely guarantees to the humblest citizen of the State the absolute right to a vote. And we are fairer than our friends in Tennessee, because we say to the ignorant voter living in our State, "If you will make a statement to the judges of election that you are unable to prepare your ticket intelligently and thereby vote for the men of your choice, a judge whom you may select shall go into the booth with you and fix the ticket for you." That provision, Mr. Speaker, was largely a concession to our Democratic friends who have not been in this country long enough to know exactly whom they want to vote for.

We are fairer in this than many of the States of the South. They, too, have what they call the Australian ballot. But it is so framed that it disfranchises a majority of the people of the State. I commend the frankness with which it has been admitted that this is the result of their laws. The assistant secretary of the State of Arkansas, in answer to a question of Mr. Sayre, of Alabama, replied:

The law works smoothly, quietly, satisfactorily, beautifully, and I pray God every Southern State may soon have one like it. It neutralizes to a great extent the curse of the fifteenth amendment, the blackest crime of the nineteenth century.

This answer explains the entire system of elections in Alabama, Mississippi, Arkansas, and other Southern States, and is a confession of all that is claimed by the Republicans of the United States.

I was delighted with the speech of my friend from Tennessee [Mr. PATTERSON] in its general tone. He expressed himself in excellent temper and eloquently described the situation in the South. He referred to the trials the Southern States have gone through since the beginning of the war, and he did it in such admirable spirit and temper that he won the admiration, I believe, of every man on this side of the House for the frankness of his argument. Yet, he proved too much. Stating first, that we assumed the colored men to be Republicans when they were not, he finished by showing that the colored vote could not be trusted in his State, and that colored men were disfranchised because they could not understand the questions that were before the country.

I want, for a minute, for my time is brief, to refer to that period of reconstruction. No man who was a Union soldier and went through the South during the bloody days of civil strife has in his heart a single sentiment of hostility to the people of that section of the country. All who thus served during that war recognize the valor of the Southern people, recognize the struggle that they made for what was absolutely wrong, but what to them was unquestionably right.

I want to say to you, Mr. Speaker, that while conceding this much I must, as a representative of the Union Army and as a representative of the North, insist that the Republican party of the United States, neither during the war nor at the close of the war, nor at any time since the war, has sought in anyway to punish the South or infuse any vindictive spirit into the character of its laws. The reconstruction acts were the outgrowth of the war, made necessary by the utter overthrow of the old order and the necessity of preserving the fruits of the victory.

Why, Mr. Speaker, when the war closed the leaders of the rebellion expected punishment. Many left the United States; they went to Mexico, to South America, and to Europe. But when they found that there was to be no attempt at punishment except in the one case of the chief of the Confederacy, they came back to renew their allegiance as citizens of the United States. From the surrender of their armies to the present the North has acted with forbearance. The enfranchisement of the negro was the natural outgrowth of the situation. The North knew that the colored people of the South were at least true to the principles of the Union. Those colored people recognized in the success of the Union Army their deliverance. They recognized that from the success of the Union cause their hopes must come, and their continued freedom would depend on the Nation and not on the State.

The result was that the negroes constituted one of the loyal elements of the South that was sought to be molded into citizenship to preserve the Union in the rehabilitation of the Southern States. There was no such thing as punishment in that policy. It was a measure of protection to the people of the United States, and to-day North and South rejoice in a land freed from tho curse of slavery.

Mr. Speaker, I believe that so far as that question is concerned it is rapidly passing away. I do not believe that these laws to-day are helping us in any State of the South. They are ignored there. I do not believe that they are effective in protecting a single colored man in any of his rights. We see this from the result of the elections, where white men are returned to Congress on meager votes from colored districts. But, I do believe that outside of all questions of the South the great cities of the North need the protection of the Federal law in the election of Representatives in Congress and in the election of men to vote for President and Vice-President—the members of the electoral college. For this reason I believe that every Republican, and every man who believes in a pure ballot should vote against the repeal of these laws which are more a declaration of principle than they are effective in practice.

The Republican party stands for a pure ballot; not for the South or the North, but a pure ballot for the entire country; not on sectional lines, but national. General Grant in the campaign of 1880 said: "In every part of this country where the Republican party has power, every citizen has the right to one ballot and to have it honestly counted." It was true then; it is true to-day. We are not sectional—we welcome the citizens of every part of our country to the great free States of the North; we like carpetbaggers to come in and help develop our land. In the West most of us are carpetbaggers.

Mr. Speaker, the only danger menacing this Republic in the future will come from a corrupt ballot. It will not come again from organized treason; it will not come again from classes as some fear, but it will come, if at all, because the people of the United States shall feel that they are outraged in their most sacred rights by having a minority rule over the majority. The great cities of the North and the suppressed vote of any State is a menace. The true doctrine of every man who loves his country, the true doctrine of every man who looks forward to its prosperity in all the years of the future, should be that every American citizen, white or black, rich or poor, no matter in what land he may have been born, or what sun may have browned his cheek, if he is an American citizen, should have one ballot and have it honestly counted. And, Mr. Speaker, the time will come in this country through honest discussion, through appeals to fairness, through arguments that will reach all the people South and North, East and West, the time will come when every man under the flag will have one ballot, that ballot will be counted and execute his will as certainly "as lightning executes the will of God." [Applause on the Republican side.]

Mr. TUCKER. Mr. Speaker, I move that when the House adjourns to-day it be to meet at 11 o'clock on Monday.

The SPEAKER. Without objection that order will be made. It is necessary, the Chair will state, to enable gentlemen who desire to address the House to do so. Without objection there will be an order made after the remarks of the gentleman from Iowa [Mr. COUSINS], who is next on the list, to take a recess until 8 o'clock this evening for the purpose of debate only on the pending bill. The Chair hears no objection to it. The gentleman from Texas [Mr. KILGORE] will preside at the evening session.

Mr. COUSINS. Mr. Speaker, my only apology for taking the floor at this time is my desire to be recorded, by voice as well as by vote, against a measure which proposes to place the United States in the attitude of surrendering to the very crimes that are most dangerous to her existence and which threaten most her preservation. I am very well aware that a few of the early settlers of the State of Missouri, as well as some of their modern disciples throughout the land, and now and then an eminent individual who has been admitted to the bar, have reached the familiar Democratic conclusion that the United States Government has no constitutional power to protect her citizens at Federal elections, and that Federal statutes which have existed for over twenty years are unconstitutional, although the highest judicial tribunal of the land has expressly held to the contrary.

I shall ask unanimous consent at this point to incorporate, without stopping now to read, as my time is limited, an extract from the opinion of the Supreme Court in the Siebold case, the remarks of Mr. Madison and others, and some other data bearing upon this subject.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. COUSINS. Mr. Speaker, I recommend for the consideration of these gentlemen—who, by the way, have discovered that almost every enactment that has blessed the American people for over a quarter of a century has been "unconstitutional"—the opinions of Mr. Story, that eminent constitutional critic of whom the late Edward Everett said:

Law, equity, and jurisprudence constitute the edifice which no man can raise above one Story.

After enumerating the objections and arguments made against the constitutional provision that Congress may at any time make or alter regulations governing Federal elections, Mr. Story, in his Commentaries on the Constitution, says: (Section 816, volume 1):

In answer to all such reasoning it was urged that there was not a single article in the whole system more completely defensible. Its propriety rested upon this plain proposition, that every government ought to contain in itself the means of its own preservation.

In the same section he says:

A discretionary power over elections must be vested somewhere. There seemed but three ways in which it could be reasonably organized. It might be lodged either wholly in the National Legislature, or wholly in the State Legislatures, or primarily in the latter, and ultimately in the former. The last was the mode adopted by the convention. The regulation of elections is submitted, in the first instance, to the local governments, which, in ordinary cases, and when no improper views prevail, may both conveniently and satisfactorily be by them exercised. But in extraordinary circumstances the power is reserved to the National Government, so that it may not be abused, and thus hazard the safety and permanence of the Union.

Beginning section 817, he further says:

Nothing can be more evident than that an exclusive power in State Legislatures to regulate elections for the National Government would leave the existence of the Union entirely at their mercy.

Section 4, Article I, of the Constitution provides:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to places of choosing Senators.

In discussing this provision of the Constitution, Mr. Madison used the following language:

The necessity of the General Government supposes all the State Legislatures will sometime fail or refuse to consult the common interests at the expense of the local conveniences or prejudices.

He further says:

Whenever the State Legislatures had a favorite measure to carry they would take care so to mold their regulations as to favor the candidates they wished to succeed. Besides, the inequality of the representation in the Legislatures of particular States would produce a like inequality in their representation in the National Legislature, as it was presumable that the counties having the power in the former case would secure it to themselves in the latter. What danger could there be in giving a controlling power to the National Legislature? Of whom was it to consist? First, of a Senate to be chosen by the State Legislatures. If the latter, therefore, could be trusted their representatives could not be dangerous.—*The Madison Papers*, volume 3, pages 1260, 1281.

Mr. George Ticknor Curtis, that eminent critic of the Constitution, in referring to the subject of Federal surpervision of elections, and in discussing the views of Mr. Madison, says:

Mr. Madison, in his minutes, adds the explanation that the power of Congress to make regulations was supplied in order to enable them to regulate the elections if the State should fail or refuse to do so. But the text of the Constitution as finally settled gives authority to Congress "at any time" to "make or alter such regulations;" and this would seem to confer a power which, when exercised, must be paramount, whether a State regulation exists at the time or not.—*Constitutional History of the United States*, volume 1, pages 479, 480.

Let me recommend for the consideration of the author of this bill, who insists that the laws under consideration are unconstitutional, the wisdom of Alexander Hamilton, expressed in paper No. 59, on page 272 of the Federalist. In considering this provision of the Constitution he says:

I am greatly mistaken, notwithstanding, if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition: that every government ought to contain in itself the means of its own preservation.

Again, he says in the same article:

Nothing can be more evident than that the exclusive power of regulating elections for the National Government in the hands of the State Legislatures would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs. It is to little purpose to say that a neglect or omission of this kind would not be likely to take place. The constitutional possibility of the thing, without an equivalent for the risk, is an unanswerable objection; nor has any satisfactory reason been yet assigned for incurring that risk. The extravagant surmises of a distempered jealousy can never be dignified without that character.

If we are in the humor to presume the abuses of power, it is as fair to presume them on the part of the State government as on the part of the General Government, and as it is more consonant to the rules of the just theory to intrust the Union with the care of its own existence than to transfer that care to any other hands; if abuses of power are to be hazarded on the one side or on the other, it is more reasonable to hazard them where the power would naturally be placed than where it would unnaturally be placed.

But the Supreme Court of the United States, which is the supreme judicial authority of the land, has passed upon the constitutionality of these laws in question in at least two cases.

In *ex parte* Siebold, (100 U. S. R., 371), the opinion is delivered by Mr. Justice Bradley, in which he says:

The objection that the laws and regulations, the violation of which is made punishable by the acts of Congress, are State laws and have not been adopted by Congress is no sufficient answer to the power of Congress to impose punishment. It is true that Congress has not deemed it necessary to interfere with the duties of the ordinary officers of election, but has been content to leave them as prescribed by State laws. It has only created additional sanctions for their performance, and provided means of supervision in order more effectually to secure such performance. The imposition of punishment implies a prohibition of the act punished. The State laws which Congress sees no occasion to altar, but which it allows to stand, are in effect adopted by Congress. It simply demands their fulfillment. Content to leave the laws as they are, it is not content with the means provided for their enforcement. It provides additional means for that purpose, and we think it is entirely within its constitutional power to do so. It is simply the exercise of the power to make additional regulation. (Pages 388, 389)

The question is even more elaborately discussed in the case of *ex parte* Yarborough (110 U. S. R., 615), in which case Mr. Justice Miller delivered the opinion of the court, without dissent. The court says:

That a government whose essential character is republican, whose executive head and legislative body are both elected, whose most numerous and powerful branch of the Legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud, is a proposition so startling as to arrest attention and demand the greatest consideration.

If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.

If it has not this power it is left helpless before the two great natural and historical enemies of all republics, open violence and insiduous corruption. (Pages 657, 658.)

The court further says, in the same opinion:

If the Government of the United States has within its constitutional domain no authority to provide against these evils, if the very sources of power may be poisoned by corruption or controlled by violence and outrage without legal restraint, then indeed is the country in danger, and its best powers, its highest purposes, the hopes which it inspires, and the love which enshrines it, are at the mercy of the combinations of those who respect no right but brute force on the one hand and unprincipled corruptionists on the other. (Page 667.)

So that we may regard the question of constitutionality as settled, not only by these pronounced decisions of the very body having authority to decide the question, but by the wise and patriotic reasoning of the most eminent lawyers and of statesmen whose names and ability have glorified the history of America for all time.

The discussion of this measure, to one who was not born early enough to imbibe the prejudices that seem to supply most of the feeling that has been so manifest, has sounded both amusing and sad.

It is a great pity that a representative of so enlightened a country as our own, boasting of the distinction of belonging to the Confederacy, in the discussion of the question whether a law against bribery and fraud is or is not constitutional should deem it necessary or elevating to remind Congress and the country that, under the same circumstances, he would again rebel against the Union and the flag. And yet, to one who has always heard it denied by the Democracy of the North that their Southern brethren still cling to the threadbare and ragged doctrine of State rights, this discussion has afforded a full and complete refutation of that Northern denial.

I had always supposed from what I could gather from history, and from a natural inborn patriotism, and from the Constitution itself, and our Supreme Court's interpretation of it, that the United States Government had some authority in addition to the mere right to publish a map of herself. But it would seem from these echoes that still come from the tombs of the dead and from the lips of the living Democracy, that we are at last only a confederation of States, and that the life of Lincoln and of that illustrious army of matchless loyalty has been lost, not only in example, but in fact.

Gentlemen of the majority seem to interpret the last election as a final adjudication of the question of State rights, and that the people of America have at last abandoned their power and authority as a nation and have yielded it to the jurisdiction of individual States. Whether or not such was the intention of their verdict shall doubtless be revealed when they are apprised of the manner in which it has been interpreted, and of the advantage that has been taken of it. Let us consider some of the provisions which the bill seeks to repeal.

One of the most important sections of the statute sought to be repealed by the pending measure is the one punishing fraud, bribery, and intimidation. It is as follows:

SEC. 5511. If, at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote; or does any unlawful act to secure an opportunity to vote for himself, or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory, from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels, or induces, by any such means, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interferes in any manner with any officer of such election in the discharge of his duties; or by any such means, or other unlawful means, induces any officer of an election or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote, or aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or omit to do any duty the omission of which is hereby made a crime, or attempt to do so, he shall be punished by a fine of not more than $500, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

Another punishes fraudulent registering and personating the dead by registering in their name for the purpose of voting, etc. It is as follows:

SEC. 5512. If at any registration of voters for an election for Representative or Delegate in the Congress of the United States, any person knowingly personates and registers, or attempts to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently registers, or fraudulently attempts to register, not having a lawful right so to do; or does any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevents or hinders any person having a lawful right to register from duly exercising such right; or compels or induces by any of such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interferes in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induces any officer of registration to violate or refuse to comply with his duty or any law regulating the same; or if any such officer knowingly and willfully registers as a voter any person not entitled to be registered, or refuses to so register any person entitled to be registered; or if any such officer or other person who has any duty to perform in relation to such registration or election, in ascertaining, announcing, or declaring the result thereof, or in giving or making any certificate, document, or evidence in relation thereto, knowingly neglects or refuses to perform any duty required by law, or violates any duty imposed by law, or does any act unauthorized by law relating to or affecting such registration or election, or the result thereof, or any certificate, document, or evidence in relation thereto, or if any person aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be punishable as prescribed in the preceding section.

During the entire discussion of this measure not one of the advocates of repeal has seen fit to read or refer to the provisions of these statutes. Why? Because no patriotic American citizen who enjoys the luxury of a conscience and an intellect can read the sections that I have just quoted and at the same time condemn them.

One would suppose from listening to the awful ranting and from witnessing their terrible altitudes that these gentlemen who advocate the measure were actually confronted at the polls by military troops, and the appalling and woeful expressions of some of their faces would drive a timid citizen off the dry land into the sea; while the fact is that all of the sections to which I refer are mere provisions for the punishment of offenses which every man with the slightest sense of right and wrong admits are vile and ignominious crimes.

I want to ask every man who advocates this measure, which seeks to repeal every one of these sections of the Federal statute, why do you desire to repeal a law that proposes punishment for bribery and fraud? Is it that you favor such crimes? Is the political emergency such that you deem it necessary to resort to these crimes? I have heard it said, and often, too, upon this floor, that these laws destroy liberty. What liberty do you mean, gentlemen? The freedom of crime? Is that, indeed, a privilege so dear to you? What "liberty" does section 5512 destroy? The freedom to personate some other person, living or dead, to register and vote in his name. Is that the only kind of freedom gentlemen can appreciate and enjoy? If so, I should like to hear some of the gentlemen state their objections to murder and treason.

It is a significant fact, Mr. Speaker, that those who seem to most vehemently advocate the repeal of these laws against bribery, fraud, and intimidation are the representatives of the regions of Tammany and Tyranny. That fact fits well the recent

boasting declaration on this floor by a member from New York City, that they had carried that city by over 50,000 majority, and when what he was pleased to call "these infamous laws" were repealed, they would carry it by over a hundred thousand! I presume he meant that when they have that peculiar "freedom" in New York City and are no longer trammeled by laws against false registration, fraud, and bribery, that their majority will be practically unlimited, and can be used after midnight at any election to offset whatever majority may be reported at Brooklyn Bridge from the whole of the Empire State.

On the other hand, gentlemen from that other region—and notably from Mississippi—do not seem to think a repeal of these laws against election crimes will change their situation, for the reason, as stated, that they are practically a dead letter there, and in view of the fact, as they are pleased to defiantly say, that "Constitution or no Constitution," "law or no law," they will not be dominated.

One of the most startling facts of the century and one that will challenge the credulity of posterity is that in the year 1893, in the Fifty-third Congress, in a country whose Constitution guarantees universal suffrage, a Representative who wields the greatest power upon this floor, was elected by less than 2,700 votes in a district where there is a population of more than 184,000 souls and a nominal voting population of nearly 37,000.

This district—the Second—is represented with less than 2,700 cast at his election, by the present chairman of the Committee on Rules, whose official position enables him to practically control the fate of every bill.

Bring whatever measure you may for the consideration of this body; present it in whatever manner you may for the consideration of this House. This gentleman, eminent as he is upon this floor, who has not enough votes to elect a member of the board of supervisors in one of my counties, can by the snap of his finger or the mark of his pen retard legislation or hurry it as he chooses. I do not know that I shall have the time to do so, but I would like to give in detail the vote of the several districts of the State of Mississippi as a matter pertinent to this question. I will do so at all events, as it will take but a brief time.

Take the First district of Mississippi, represented by that genial gentleman [Mr. ALLEN]. The total population of this district in 1890 was 143,315. The total voting population was 28,663. The total votes cast in the election of 1892 were, for the Democratic candidate 5,605, for the People's candidate 1,418, being a total of 7,023 votes cast, leaving 21,640 voters whose votes do not appear in that election. What is the reason of this discrepancy? Can any gentleman explain it.

Mr. OATES. Where does the gentleman get that information?

Mr. COUSINS. Right from the Congressional Directory.

Mr. OATES. But how does the gentlemen find the number of voters? The Congressional Directory shows the number of votes cast. The gentleman has been speaking of the number of voters who did not vote.

Mr. COUSINS. The rule for determining the number of voters is that it is about one-fifth of the total population. I made the calculation on that basis, and I believe it to be about accurate, although the voting population was in fact a little in excess of that.

Mr. OATES. I supposed the gentleman made that calculation. But what evidence has he of the fact that he is correct as to the total number?

Mr. COUSINS. All of the figures that I shall cite in regard to the population of these districts and the other districts I shall mention were made by the census of 1890. The vote to which I refer was the vote of 1892. It is to be presumed that the population has greatly increased since that time, so that in point of fact the proportion of nonvoting citizens would be even greater than I have given it. If, however, I shall give the figures too small or too large, I will be glad to yield for correction. But I think I have given them too small, if there is an error either way, because the population has increased since the census of 1890.

Take the Second district of Mississippi, represented by Mr. KYLE. The total voting population is 34,102; the total votes cast for both the Democratic and People's candidates were 7,893, leaving 26,209 votes unaccounted for. Will any gentleman explain what has become of them?

The Third district, represented, as I have said, by Mr. CATCHINGS, chairman of the Committee on Rules, had in 1890 a voting population of 34,102—the total population being 170,512. There were cast for Mr. CATCHINGS 2,495, and for the Republican candidate 159, making the total vote actually cast 2,654, and leaving 34,205 persons entitled to vote, but whose votes were in some mysterious manner suppressed. Think of it, and remember that this is called the "universal suffrage Union."

I leave it to you gentlemen whether or not they were permitted to vote.

Mr. OATES. Will the gentleman allow me just there an interruption?

Mr. COUSINS. I should be glad to do so, but you must remember that I have but thirty minutes, and very likely my time can not be extended, as many others wish to speak before the vote.

Mr. OATES. It is possible that it may be. I wanted to call your attention to this fact: I am not speaking for or against the constitution of the State. I do not know its provisions in regard to this matter, but you know that the State has a right to prescribe the qualifications of its voters.

Mr. COUSINS. I do not understand, under my view of the Constitution, that any State has the right to prescribe qualifications for the voters of the State contrary to the provisions of the Constitution of the United States.

Mr. OATES. Well, if my friend will read carefully and consider the fourteenth article of amendment to the Constitution, he will find that the penalty of denying the right of franchise by a State to any number of people, of 21 years or upward, except for participation in rebellion or other crime, is a reduction, in proportion, of the basis of representation of such State. It amounts simply to a loss of representation.

Mr. COUSINS. But that denial of representation has never operated in practice. Will the gentleman from Alabama show in a single instance where it has operated in the reduction of the representation on this floor?

Mr. OATES. What I mean is that when the gentleman is undertaking to quote the figures he has given, he ought to look to the provisions of the constitution of Mississippi and see what it prescribes in that direction.

Mr. COUSINS. Will the gentleman from Alabama state whether or not the representation on this floor from the State of Mississippi has been reduced, because of the reduced vote of that State?

Mr. OATES. I just stated that I do not know the application of the provisions of the Constitution in the case cited. I do know this, though, that if under the constitution the State disfranchises enough male citizens, coming within the purview of the fourteenth article of the constitution, to equal the apportionment of one Representative, the State would, on that basis, lose a Representative. I do not know, however, anything about the action of the State in regard to the point the gentleman has been discussing, and, therefore, called his attention to it, so that he could take it under consideration.

Mr. COUSINS. But the State has lost no representation.

Mr. OATES. I have not said that it has. I have only said what it would be subject to. Of course, that would have to be proved; and you are taking the whole population, and not making any allowance for what the constitution may do in the disfranchisement or denying of the right to vote.

Mr. COUSINS. I am taking the actual voting population of these districts in 1890, and I am not adding anything for the increase of population up to 1892.

Mr. OATES. You are taking the males 21 years old and upward, without regard to what the State constitution does in the way of disfranchisement.

Mr. COUSINS. Of course, I am not taking into consideration anything that would disfranchise a man on account of his color, or anything that would disfranchise him for any reason. I am taking into consideration only those things that qualify him as a citizen and voter under the Constitution of the United States.

Mr. OATES. A man's color is no reason for disfranchisement. It can not be, as it would be a violation of the Constitution of the United States.

Mr. COUSINS. That is what I say; but I can not dwell any longer on that. My time is too limited.

Mr. OATES. But the right of the franchise may be denied, because a man may be of a particular religious faith, or anything like that; and the penalty would be the loss of representation.

Mr. COUSINS. Can such a thing be done under the Constitution of the United States?

Mr. OATES. The Constitution of the United States does not secure any such immunity.

Mr. COUSINS. Can a man be denied the right to vote on account of his religious faith, under the Constitution of the United States?

Mr. OATES. The Constitution of the United States does not secure anything in that respect. It is a question for the State as to what is proper to be done on that ground. The penalty would be a loss of representation.

Mr. COUSINS. The gentleman differs with me as to what authority is to be considered in the settlement of this question. I travel under the Constitution of the Union in determining the rights of citizens. You travel evidently under the constitution of the State in determining the rights of citizens, and if the constitution of Mississippi has any provisions in defiance of the

Constitution of the United States, she had better bury them in the grave with "State sovereignity" and slavery.

Mr. OATES. I refer to the reports made from the Judiciary Committee, both majority and minority, on a resolution offered by the gentleman from Tennessee on that question. If you will read that you will find that we went to the bottom of it on both sides.

Mr. COUSINS. I will be glad to consider all the orations that have been made by these gentlemen.

In the Fourth district of Mississippi, which had a total population of 213,256, or a voting population of 42,601, the gentleman who represents that district [Mr. MONEY] received 6,223 votes. There were cast 3,905 of the People's party, or a total of 10,128 votes cast, leaving 32,523 voters who took no part in the election. Where were they on election day?

The Fifth Mississippi district had a total population of 234,615, or a voting population of 44,923. The votes received by the member who represents that district [Mr. WILLIAMS] were 7,541, and the Populist candidate received 3,023, or a total of 10,569 votes cast, and 34,354 voters who did not participate in that election. I ask, where were they on election day, if elections there are free and fair?

The Sixth Mississippi district had a total population of 166,913, or a voting population of 33,382. The gentleman representing that district [Mr. STOCKDALE] received 4,610, and the opposition candidate received 1,054 votes, making the total of 5,664 votes cast and 27,718 voters who did not vote.

In the Seventh Mississippi district, containing the county of Copiah, celebrated as the home of the late Print Matthews, who was murdered because he insisted on his right to go to the polls and vote, the total population was 186,692, a voting population of 37,338. The gentleman who represents that district [Mr. HOOKER] received 4,984 votes, the People's party candidate received 1,902, and there were 207 Republican votes cast, making a total of 7,093 votes, leaving 30,245 voters who did not cast any ballot. Why? why? I ask.

So the total population of Mississippi in 1890 was 1,289,600; the total vote that should be cast was 257,920, while the total vote actually cast in 1892 was 51,024, the suppressed vote being 206,896. Even with these existing laws against intimidation, fraud, and bribery, four men out of every five in that State entitled to the sacred right of franchise under the Constitution are prohibited from voting; and all this, Mr. Speaker, in a republic where every ballot box from Maine to California should be as sacred as a virgin's virtue.

So that the whole State of Mississippi presents a case here where only one man out of five is permitted to vote. Now I leave that problem to you gentlemen to solve, whether it is on account of intimidation or fraud or whether it is on account of the willful or avowed purpose that these men shall not vote because the color of their skin is black. Now I want to stop right here to express my opinion upon that question. Some of the Representatives here say that it is true that these people do not vote, and they say "We shall not be dominated by their vote." Other gentlemen rise in their places to deny that the charge is true as to their districts. The gentleman from Tennessee [Mr. COX] denied that that was true as to Tennessee. I would like to know how the gentleman from Tennessee [Mr. COX] regards the challenge of the gentleman from Mississippi [Mr. MONEY], that the colored men do not vote, and that the white people of that State will not be dominated by them. I want to know how these gentlemen harmonize their two theories. I maintain that if gentlemen say it is absolutely impossible and impracticable to allow the negro the right of suffrage in this country, the place to settle that question is on the floor of Congress, and that the minority can not take the Constitution and laws of this country into their own hands, and, with a shotgun, defy the Constitution and stop the colored man from voting at the polls.

You say we should be patriotic and fair. I say that the right place to settle that question is by law on the floor of Congress, before the eyes of all men and not by the means that have been adopted, which place the blot of shame and crime upon our commonwealth. The laws now sought to be repealed interfere somewhat with that course of terror and of tyranny, and hence they are denounced. But do you suppose that a free people, endowed with conscience and with intellect, will condone the wrong of this repeal when you shall have accomplished it?

I know we are a busy people, a commercial people, with eyes all bent on gain, lulled into security by the peaceful progress of nearly half a century; but remember, sir, the words of that inspired and undeviating Boston patriot who kindled flames that helped to melt the chains of slavery:

You may build—

He said—

your capitol of granite and pile it as high as the Rocky Mountains, but if it be founded on or mixed up with iniquity, the pulse of a girl will in time beat it down.

In the State of South Carolina we find the same state of affairs as in Mississippi. The total population of that State, according to the census of 1890, was 1,151,149. The nominal voting population at the same time was 230,000 in round numbers. In 1892 it would, by the increase of population in two years, be much more; and yet, Mr. Speaker, the actual vote cast in South Carolina in the Presidential election was only 68,625. More than 160,000 legal voters were in some way disfranchised. And yet that State with a vote of 68,625, sends seven Representatives to this Congress.

The vote cast in two districts of the State of Iowa in 1892 was far greater than in the whole State of South Carolina, which has a population of over a million of people. The State of Iowa, with a population of 1,911,896, cast at the election of 1892, 540,462 votes.

In the First district of South Carolina there were suppressed at the last election 20,540 votes; in the Second district, 22,213 votes; in the Third district, 21,124 votes; in the Fourth district, 27,140 votes; in the Fifth district, 17,460 votes; in the Sixth district, 19,816 votes; in the Seventh district, 33,310 votes.

This record of shame, Mr. Speaker, will only be surpassed when this repeal of every Federal statute that guards the ballot box shall be achieved.

The gentleman from Mississippi yesterday branded the majority of his State as "veneered savages;" practically admits that the colored man is not permitted to vote, or at least, not to have any part in governing, and proposes to solve the "race problem" by politically annihilating the race that constitutes the problem, in defiance to the Constitution by which they are recognized, even as the gentleman himself is recognized.

I am not willing to discuss the question with the gentleman who designates the colored citizen as a "veneered savage" in the presence of the colored member of this body, who in this very debate, by his modesty and ability, demonstrated that at least one of the so-called "savages" is the peer of the maligners of his race.

The spectacle presented not many days ago upon this floor, when this colored member staggered a boastful Anglo-Saxon from the State of Mississippi by a question that would do credit to the wisest student of political economy, was one that set even his traducers to thinking, and is not easy to forget. And on the following day, when again the sable son of Africa, adopted by the universal suffrage union, looked face to face with the haughty Anglo-Saxon, and asked him, "Do you say upon your honor that elections in your State of South Carolina are free and fair?" it was an awful spell that touched the conscience of this body, and a more terrible disgust when, to an affirmative answer, the modest representative, with surprised, appealing eyes that glistened through his ebon skin, replied, "I am astonished at your answer."

And well might he be astonished, when he and every member on the floor well knew that with a population of more than 150,000 in his district, the gentleman held his seat in Congress with only 8,001 votes! A district that has a nominal voting population of more than 30,000! Where were the other 22,000 on election day? Enjoying a "free and fair election," I suppose.

But, why should these gentlemen of the South, who say that these election laws are a "dead letter" there, object to the punishment of bribery in the North? Why should they favor false and fraudulent registration in New York City?

It was urged by the gentleman from Illinois [Mr. BLACK] that only of late years have the benefits of these laws been invoked in the city of Chicago, and that it was only for the purpose of perpetuating the Republican party, which invoked their protection.

Is it possible that the enforcement of these laws and the prevention of crime at the polls means the perpetuation of Republicanism and that free and fair elections are synonymous with Republican success? Is it possible that gentlemen have come to the position, that when there shall be no more oppression, no more fraud, no more intimidation or suppression of honest constitutional votes, that then Republicanism will be perpetuated? If so, upon the ground of patriotism, in Heaven's name let us perpetuate it!

The gentleman from Illinois [Mr. BLACK] further tells us that as far back as 1876 only a very small sum was expended in Chicago under the Federal election laws for supervisors and officers, but that last year over $30,000 was expended under these laws, for about 2,400 officials, most of whom he declared were selected from the slums and from disreputable classes (though he refused to name them) for the purpose, as he thinks, of perpetuating or attempting to perpetuate the Republican party.

The logical conclusion from his argument is, that if peace and order is maintained at the polls, if intimidation and bribery are prevented, if there is no ballot-box stuffing or stealing, and no

"repeating" allowed, and then, at the end, no fraudulent count, that all this will have a tendency to perpetuate the Republican party. I think that is true, and I thank the gentlemen for this admission which their arguments unwittingly contain.

Perhaps the gentleman has forgotten or declines to recognize the real cause that called for well-guarded elections in Chicago during later years. He omits to tell us that, subsequent to 1876, began the growth of that cowardly and dreadful terror, which, starting in a secret council, soon whet its hellish courage to the point of throwing bombs that tore and mangled human bodies in the open streets of that great city and finally, at the last election, this modern satan—anarchy—achieved sufficient power to pardon out itself. Let me confess to the gentleman that I fear there is little likelihood of perpetuating republicanism, even with the aid of righteous laws, while anarchy is on the increase and truckled to by great officials.

It was urged by the author of this bill [Mr. TUCKER] that the existence of these laws, which punish bribery and fraud and intimidation, casts a suspicion upon the citizen—suspects him of the crimes they punish—and therefore should be repealed. I presume, upon the same theory, the laws against murder, larceny, and arson are likewise suspicious of the citizens who engage in that kind of pastime. Will the gentleman advocate their repeal also because they "suspect the citizen" and because they destroy the "liberty" of crime?

Will these thirty thousand men entitled under the Constitution of the United States to vote in one of these Mississippi districts be satisfied in their disfranchisement to contemplate the argument of the gentleman that the existence of the law looking to the preservation of their right to vote should be repealed because it is suspicious of the citizens who rob them of that right?

Carefully avoiding a discussion of the provisions of the laws themselves, most of the advocates of their repeal have taken shelter in the vagaries of that lame and ancient phrase "State sovereignty." That eminent leader of the Democracy [Mr. BRECKINRIDGE of Kentucky], with a voice as sweet as the æolian harp, held the House the other day in a magic spell of tenderness while he pictured the citizen of the locality as needing not the assistance or restraint of a union of localities—in other words, the Union. He said:

> Where can the stimulating power of all the acting and counteracting influences which develop mankind be more stimulating than in one of our great cities.
>
> As you walk down the streets of Boston, daily living among its traditions, with the mighty dead around you, the glorious present about you, and the more hopeful future before you, can it be that he who represents all of that is unworthy to sit with us, and that we must call his people a rabble and surround his ballot box with some inferior power gathered from some other district than his own?

Now, sir, nobody can appreciate more than I do the stimulating influence of locality. No one loves more than I——

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. COUSINS. I understood that I had the remaining time of my colleague [Mr. HULL].

Mr. CLARK of Missouri. I move the gentleman have time to finish his speech.

Mr. COUSINS. I appreciate the courtesy and will not long detain the House.

No one can appreciate more than I the environments of nativity—the locality, the county, and the State. I vie with all men, and I yield the palm to none who love their place of birth, and who respect their local government.

But, sir, I believe that the best citizen of the best town of the best county in the best State of this great country can add much to his intelligence and a great deal to his patriotism when he contemplates the magnificence of all localities and of all the States. When the citizen of the best locality and of the most illustrious State comes here, beneath this canopy of States, inscribed with all these great and memorable designs and thrilling mottoes, representing liberty, equality, justice, and industrial progress, he will be filled with a new inspiration that should carry him beyond the provincialism of State worship, and ought to widen his patriotism to that capacity, capable for once, if never before, of appreciating the individuality of our Union.

The gentleman chose a very good location in this country when he took the city of Boston for his illustration, where he stood in contemplation of his surroundings—of the living present and the hopeful future and the illustrious dead. But did he not know that those illustrious dead reached the acme of their glory by the advocacy of the spirit and the doctrine of universal and untrammeled suffrage that we now contend for? Does he not know that the Commonwealth of Massachusetts became distinguished in this great Republic by her fidelity to the principles of universal suffrage under the teachings of such men as Phillips, and by her undying example, recognizing the Federal Government as the *superior* and not an "*inferior* power"?

The gentleman's illustration refutes his position and his argument. Even so great a Commonwealth as Massachusetts may sometimes err, and then the wisdom of *all* States will be her guide. Weakness may cause a State to lose her balance, and then the Union's strength supports her. In the desperation of that weakness a State may fall below the par of patriotism and secede, and then the Union seizes her again and puts her star back into its constellation. Do you not see, gentlemen, the vital necessity of this preserving and protecting Federal power, to which Mr. Story so pointedly refers? I wish that I could fill the mind of every man who represents a State so full of that unbounded patriotism that comes from a contemplation of the wisdom and the power of all the States—the Union—that there would be no room even for the pinched and stingy thought, "State sovereignty" and "inferior Federal power."

The dead carcass of that tainted thing was thrown into the ditch with slavery by the sweeping car of progress more than a quarter of a century ago. Let it rest! There are living issues of the day, and the hours are speeding by. Labor wanders listlessly about, and hunger walks the streets, while winter comes with no delay. Let parties that have crossed their swords on living issues proceed to their solution, acknowledging that this is a nation and confronted by the fact that the interests of its great and complex enterprises of wonderful extent are now at stake, and let power be given to that party which serves its common country best. [Loud applause on the Republican side.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOWER of North Carolina, for ten days, on account of urgent business.

To Mr. STORER, for ten days, on account of important business.

To Mr. BLACK of Illinois, from the 12th instant, on account of important business.

LEAVE TO PRINT.

By unanimous consent, Mr. MCDEARMON obtained leave to print remarks on the bill H. R. 2331.

The SPEAKER *pro tempore* (Mr. TARSNEY in the chair). Under the order previously adopted, the House will be declared in recess until 8 o'clock.

And accordingly (at 5 o'clock and 45 minutes p. m.) the House was declared in recess.

EVENING SESSION.

The recess having expired, the House was called to order by Mr. KILGORE, as Speaker *pro tempore*, at 8 o'clock p. m.

The SPEAKER *pro tempore*. The House is in session for the purpose of discussing the bill H. R. 2331. The gentleman from North Carolina [Mr. GRADY] is recognized.

Mr. GRADY. Mr. Speaker, the debate to which we have been listening for some days has been of painful interest to me.

Many of the opinions advanced seem to me utterly at variance with the legitimate deductions from well-known facts in our history, and many unkind and unjust accusations have been preferred against the people whom I have the honor in part to represent; and I have felt constrained in the interest of truth and justice to present to the House and the country some of the historical facts on which the political opinions of my people are founded, and on which their justification may confidently rest.

The people of North Carolina, Mr. Speaker, are, with exceedingly rare exceptions, the descendants of the men who stood manfully for their rights during the Revolutionary war and in the days when the question of the union of the States was agitated. They inherit the sturdy qualities of their fathers, the same spirit of resistance to interference with their rights, and the same views of the nature of the Federal Government and of the powers delegated to it by the States, when they created it. They remember that North Carolina refused at first to enter into the new Union, and never agreed to do so until she could see ten amendments added to the Constitution as safeguards against the assumption of unwarranted powers by the new and untried coordinate departments of the Government.

These people, Mr. Speaker, belong to the class which has been sneered at in this debate for "forgetting nothing and learning nothing." It is true they can not forget the fundamental principles on which this Government was founded, and, be it said to their honor, they are dull pupils in the school which teaches that the discretion of the Congress is the only limit to its powers. The unkind accusations against the people of the Southern States (as, for instance, that they are "happy in proportion to their villainy") I shall not resent, but as Mr. Calhoun has been denounced as the chief apostle of the vicious opinions of those

people, I shall content myself with recalling the words of Daniel Webster in his funeral oration:

Mr. President, he had the basis, the indispensable basis of all high character, and that was unspotted integrity, unimpeached honor and character. If he had aspirations, they were high and honorable and noble. There was nothing groveling or low or meanly selfish that ever came near the head or heart of Mr. Calhoun.

These words, Mr. Speaker, I commend to those gentlemen on this floor who can not rise above sectional animosity or to a just appreciation of honorable manhood.

The forefathers of these people, Mr. Speaker, were not lawyers; but when they decided to carry their State into the Union they understood exactly what they were doing. The Constitution had been fully discussed for more than two years, its advocates had explained all of its provisions, and their doubts had been removed; and if North Carolina delegated powers which she did not intend to delegate she was deceived; a fraud was practiced on her, and she was induced by false representations to enter into a disastrous compact with the other twelve States. The understanding at that time was that they were forming a more perfect union of the States, more perfect in that it provided more satisfactory and more efficient means and methods of doing what the Confederation was designed to accomplish as set forth in Article III:

The said States hereby severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare.

The historical facts which I desire to present in the limited time allotted to me must be briefly stated and somewhat unsatisfactorily arranged, but I trust I may make myself understood.

At the time of the adoption of the Articles of Confederation—the first written Constitution of the United States—the sovereignty and independence of each of the States was not questioned by any respectable authority, and the fear of the States that there might arise in the coming years such a political party as the Democrats are now combating, induced them to preface that Constitution with the declaration that "each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled."

In 1787, 1788, and 1789, these free, sovereign, and independent States changed their Constitution in some particulars, but nowhere delegated their freedom, sovereignty, and independence. Nothing was delegated except certain powers, jurisdictions, and rights. And be it remembered that the words "national" and "nation," as applied to the people of these States, were deliberately and purposely excluded from the Constitution. It is true that Mr. Hamilton, Mr. Madison, Mr. Jefferson, and other statesmen of that day called the people of the United States a nation even during the Confederation, and Mr. Hamilton in the Federalist frequently calls the Confederation an "empire;" but to infer or claim that the people of these States are constitutionally a "nation" because those great men called them so, is no more justifiable than to call the United States an "empire" because Mr. Hamilton called them so.

The contention that we are now a nation, spelled with a capital "N," is based on the assumption, in part, that the Government of the United States is a "government of the people, by the people, and for the people;" that it is a popular government, as those words are usually understood; that is, a government wherein a majority of the people govern. But, Mr. Speaker, this is untrue. There is no provision of the Constitution, expressed or implied, requiring a majority of the people to elect a majority of either House of Congress or the President.

As a pointer, just here let me remind the gentlemen that every act of Congress recognizes the character of the Government in its enacting clause. The language is:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, etc.

That is, the "United States in Congress assembled," which was the language of the Confederation, when the proceedings of each day's session in the Journal commenced by announcing which "States" were present. Let me here, parenthetically, ask gentlemen to get their dictionaries and hunt up the origin, history, and definitions of "State" and "Commonwealth." The first and decisive fact, which can not be disputed, is that no bill can become a law unless agreed to by a majority of the States in the Senate, and no State can be deprived of its equal voice in the Senate without its consent.

Another fact pointing in the same direction is that if there is no election of President by electors chosen by the States, a majority of the States in the House of Representatives must make the selection.

Taking my facts from the census and other reports, I have constructed some tables which reveal three or four startling truths. I find that twenty-three States of the Union, containing not quite twelve and a half millions of people—that is, about one-fifth of the population of the United States, excluding Territories—can control the Senate with forty-six Senators; can control the appointment of the judges of all the United States courts; ambassadors, ministers, and consuls to foreign countries; the heads of Departments, and all other officers whose confirmation by the Senate is required by the Constitution, and veto any measure demanded by the people.

I find again that twelve States, containing a little over 35,000,000 people, can, by a bare majority vote in each State, which would represent, say, 18,000,000 people—about three-tenths of the entire population—choose 226 Presidential electors, a majority of all, even against the protests of the other seven-tenths of the people. I find that less than 28,000,000 of the people (in thirty-three States) can elect a President of the United States. I find again that ten States, containing about 32,000,000 people, can, by a bare majority in each, representing, say, 17,000,000 people, elect 180 members of the House of Representatives and control all legislation in this body, even against the protest of the remaining 45,000,000 people.

Now, these are facts not to be disputed by anybody. They reveal the true character of the Government, and take away every excuse from those who contend that we are a "nation," in which the majority of the people rule. How absurd, then, Mr. Speaker, is much of the talk we hear on this floor about the "National Government" and the powers of the "nation."

We have a recent case in our history showing the absolute control of legislation by a minority of the people. During the Fifty-second Congress, while the Democrats in the House of Representatives were endeavoring to deprive the classes of the power to levy tribute on the masses, and to reduce expenditures of the people's money, they were met at every point by an adverse majority in the Senate, which did not represent a majority of the whole people.

Deducting the States whose Senators represented opposing political parties, and whose votes in the Senate were therefore nullified, we find seventeen States with Democratic Senators and twenty-one States with Republican Senators. But the population of the twenty-one Republican States was less than 22,000,000, while the population of the seventeen Democratic States was nearly 26,000,000. Hence, 22,000,000 of people had more power in the Senate than the 26,000,000 of people, and prevented the enactment of legislation demanded by the majority. There was no Southern fraud or violence responsible for this, and I commend this fact to the gentlemen who have just waked up on the Catskills.

These are unpalatable facts, Mr. Speaker, but they are facts nevertheless; and I think the attention of the House and the whole country should be called to them; and I hope I may be pardoned if I warn those who are continually crying out about "National Government" that the time may come when the people of these States, with the "national idea" thoroughly embedded in their minds, and the fact staring them in the face that a minority can legislate for their weal or their woe, may rise up in their might—form a fourth party, if you please—and demand that the States be represented in the Senate according to their population. When that time comes some of the States which have worshiped at the shrine of Republicanism may find themselves in danger of losing the power they have, which on their theory is unjust, and cry out for "help" to the downtrodden, maligned Southern people, who believe this is a Union of sovereign States.

The doctrines of the Republican party, Mr. Speaker, which have been maintained in this debate and indeed during the last thirty years, remind me of a passage contained in a book which I hope gentlemen have all read, in which I have made some slight alterations to suit the occasion:

"But he answered and said unto them, why do ye transgress the commandment of the Constitution by your tradition. * * * Ye hypocrites, well did Jefferson prophesy of you, saying, this people draweth nigh unto the Constitution with their mouth and honoreth it with their lips, but their heart is far from it. But in vain do they worship it, teaching for doctrines the opinions of Hamilton."

In further elucidation of my views, Mr. Speaker, I call attention to one or two infractions of the Constitution and aggressions on the rights of the States. The right of eminent domain was inherent in each of the original thirteen States as a right belonging to any sovereignty, and there was no dispute about it. It has never been delegated, and the jealousy of the States is clearly shown in Article I, section 8, clause 17, of the Constitution, in these words:

Congress shall have power to exercise exclusive legislation * * * over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

Evidently, therefore, it was not the intention of the States to

permit the Congress to come within their borders and take possession of lands without their consent; and yet with this plain provision of the Constitution before us, we have witnessed the passage of numerous acts by Congress for the condemnation of lands within sovereign States without their consent, for so-called national parks and national cemeteries, not provided for in the Constitution. Another unwarranted assumption—based on the "national" idea—is the claim of ownership by the Federal Government of the public lands and other property of the United States. The States conferred upon the Congress "the power to dispose of and make all needful rules and regulations respecting the territory or other property" which belonged to them—they being the owners—and yet, by Federal legislation these States have been deprived of every semblance of ownership.

Let us look, Mr. Speaker, into the titles to the forts, arsenals, and dockyards. The act of 1794, providing for the defense of certain ports and harbors, expressly declared that Congress should pay no money for forts and sites ceded to the United States "where such lands are the property of the State," and for this obvious reason, that as the forts were built for the defense of the States which built them, and this defense was now imposed on the Federal Government, it would be unjust to ask the United States to pay for them.

In the deeds of cession from the different States, either by express language or implication, the sovereignty of the States remains intact. Thus Massachusetts (the State of Mr. GILLETT) declared at an early date that—

> The sovereignty and jurisdiction of the Commonwealth extend to all places within the boundaries thereof, subject only to such rights—
>
> Not sovereignty—
>
> of concurrent jurisdiction as have been or may be granted over any places ceded by the Commonwealth to the United States—

Not to the Government. And when New York (the State of Mr. RAY) granted the use of a site for the Brooklyn navy-yard she made this express reservation:

> The United States are—
>
> Not "is," as we now have it—
>
> to retain such use and jurisdiction so long as said tract shall be applied to the defense and safety of the city and port of New York, and no longer.

Mr. HAINER of Nebraska. May I ask the gentleman a question?

Mr. GRADY. Yes, if it is on this particular part of my speech; but I have very little time remaining.

Mr. HAINER of Nebraska. May I ask the gentleman—and I trust his time will be extended if he needs it, as I am interested in this part of his argument—are we to understand from the utterances of the gentleman that he insists the navy-yard at Brooklyn belongs to the State of New York?

Mr. GRADY. New York retained her sovereignty over the Brooklyn navy-yard under the right of eminent domain.

Mr. HAINER of Nebraska. Then the navy-yards belong to the State?

Mr. GRADY. The United States have them in trust for the defense of the city and port of New York.

Mr. HAINER of Nebraska. Not for any national purposes?

Mr. GRADY. No, sir; for no purposes except that.

Mr. HAINER of Nebraska. One other question. I believe Mr. Tilden made the same kind of an argument, insisting that without the consent of the State the Federal Government had no right to place its troops in a State; and if they went into a State they would be trespassers?

Mr. GRADY. I will come to that.

Mr. HAINER of Nebraska. Do you take the same position?

Mr. GRADY. I will come to that after a while.

Mr. HAINER of Nebraska. I hope so.

Mr. GRADY. Again, when Virginia ceded the ground for Fort Monroe and the Ripraps, in 1821, she made this reservation:

> *And be it further enacted*, That should the said United States at any time abandon the said lands and shoal, or appropriate them to any other purposes than those indicated in the preamble of this act, then and in that case the same shall revert to and revest in this Commonwealth.

On the conditions thus imposed these forts, sites, and navy-yards were accepted by the Congress without question, and the United States were, therefore, bound by the terms of the cession. To say, therefore, that the claim of absolute ownership by the Government, or even by the United States, is absurd, is putting it mildly.

In further support, Mr. Speaker, of the views entertained by the Southern people, which are natural and logical inferences from the facts of our history, I cite some of the deliberate acts and declarations of a few of the States, covering near seventy years of the Union. Massachusetts adopted her Constitution in 1780, in which are found these clauses:

> First. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State; and do, and forever after shall, exercise and enjoy every power, jurisdiction, and right which is not, or may not hereafter be by them expressly delegated to the United States of America in Congress assembled; and
>
> Second. Any person chosen * * * to any judicial, executive, military, or other office, shall take the following oath: "I, A. B., do truly and sincerely acknowledge, profess, testify, and declare that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent State; and I do swear that I will bear true faith and allegiance to the said Commonwealth."

So stood the constitution of that State till 1822, thirty-three years after the inauguration of the Government of the United States under the present Constitution. At that time the official oath was modified so as to read thus: "I, A B, do solemnly swear that I will bear true faith, and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof," and so it stands to-day.

New Hampshire adopted in her constitution, 1792, the identical language of Massachusetts as to the right of the people of that State to govern themselves, and prescribed this oath for all civil and military officers:

> I, A B, do solemnly swear that I will bear faith and true allegiance to the State of New Hampshire, and will support the constitution thereof.

Maryland adopted a new constitution in 1851, in which the oath prescribed for her civil and military officers is as follows:

> I, A B, do swear that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland.

Maine, which has two or three distinguished Republicans on this floor, adopted her constitution in 1819, in which she defined treason against the State.

Minnesota, which has at least one fervent advocate of the "national idea" on this floor, adopted her constitution in 1856, in which she defined treason against her. And Indiana did the same.

Now, Webster's Dictionary says treason is "attempting to overthrow the government of the state to which the offender owes allegiance," etc.

One thought occurs to me just here, Mr. Speaker, which ought to be candidly considered when we are seeking for the truth on this most important question—that is, that the thirteen States would have never consented to adopt the Constitution if they had suspected that there were lurking in it the powers which the Republican party profess to have discovered in it. [Laughter.]

But, Mr. Speaker, I am told that all this sort of doctrine is out of date—that the war between the States has changed the whole system of government.

Mr. TAWNEY. Will the gentleman permit me to ask him a question?

Mr. GRADY. Yes, sir; if it is in the line of my argument.

Mr. TAWNEY. I wish to ask the gentleman whether it is not a fact that many of the State conventions that considered and discussed the Constitution prior to its adoption suggested changes and modifications in the particular clause that has been under discussion here, modifying the powers of Congress so as to make the clause permissive and contingent merely?

Mr. GRADY. I am not discussing that now. I am discussing the opinions of my people and where they got them.

Mr. TAWNEY. I understand that you are discussing the powers of Congress under the Constitution.

Mr. GRADY. I am discussing the facts on which our opinions are based. I am not discussing what Mr. Madison said, or what Mr. Hamilton said, or what Oliver Ellsworth said, or what Elbridge Gerry said, or what anybody else said. I do not care what the opinions of any one man or of a dozen men were, or what they may have said. What I want is what the States said.

Mr. TAWNEY. Well, I ask the gentleman if the State did not make suggestions of changes so as to make the provision permissive and contingent?

Mr. GRADY. The question is not what the States suggested in the conventions, but what they did when they adopted the Constitution. If I write a note for you to sign, it does not become your note until you put your name to it.

Mr. TAWNEY. What the States did was to adopt the Constitution.

Mr. GRADY. I am not talking about that now. I am talking about what they understood it to mean. I am talking about what my people understood it to mean. I am not talking about what Mr. Hamilton understood it to mean, but about what the people of my State understood, and what the people of the other States that I have mentioned understood it to mean.

[Here the hammer fell.]

Mr. HAINER of Nebraska. Mr. Speaker, I ask unanimous consent that the gentleman be permited to proceed until he concludes his remarks.

There was no objection, and it was so ordered.

Mr. GRADY. I am very much obliged to the gentleman. I grant, Mr. Speaker, that the Government has been changed; I grant that; but I deny that the fundamental principles of the Constitution have been destroyed, or that any State has lost its sovereignty, freedom, and independence unless they all have. If they are all conquered provinces, and all stand now without any sovereignty, freedom, or independence, then my State stands so, but not otherwise.

Mr. HAINER of Nebraska. Now, will the gentleman permit me to ask him a question?

Mr. GRADY. Yes, sir.

Mr. HAINER of Nebraska. You insist that, in the absence of a request on the part of a State, the Federal Government has no authority to send its Army into a State?

Mr. GRADY. I do; except to repel foreign invasion, or to send the Army through to some fort or station.

Mr. HAINER of Nebraska. Then, if a State should undertake to withdraw from this Union, the Government would have no right to send its Army there?

Mr. GRADY. Oh, you are asking another question now. I am not discussing that.

Mr. HAINER of Nebraska. What do you say on that point?

Mr. GRADY. You are asking me whether I think a State has the right to leave the Union, are you not?

Mr. HAINER of Nebraska. No; I ask you whether, in case a State should seek to withdraw from the Union, the Federal Government would then have the right to place its Army there?

Mr. GRADY. That is simply asking me whether a State has the right to secede, and I am not discussing that question.

Mr. HAINER of Nebraska. You decline to discuss that?

Mr. ALDERSON. Mr. Speaker, I desire to call the attention of the gentleman from North Carolina to the fact that his yielding to these interruptions causes him to trench upon the time of other gentlemen who desire to address the House.

Mr. HAINER of Nebraska. I am quite satisfied with the answer of the gentleman from North Carolina, that he does not care to discuss that question.

Mr. GRADY. We are not discussing that point at all now. I am discussing the meaning of the Constitution as it was understood by my State when it went into the Union. Some of the States voluntarily, and others under compulsion, have delegated some of the powers they possessed before, but their sovereignty, freedom, and independence remain as they were.

Now, Mr. Speaker, having given a brief résumé of some of the decisive facts in our history, and given what I believe and what my people believe to be the true principles on which the Union of these States was founded, it seems unnecessary to tell this House what I think of some of the provisions of the Federal election laws. I deny, of course, that there is any such thing in this Union as a national election or a Federal election.

The States conferred upon the Congress the power to make laws or alter State laws prescribing the times, places, and manner of holding elections for Representatives, and the times and manner of choosing Senators. I grant all this. But there is another provision of the Constitution, Mr. Speaker, which must be permitted to have its full force when these election laws are under consideration. It was taken for granted that it would be an insult to the dignity of a sovereign State for the United States to send their soldiers into its borders, even for the purpose of guaranteeing the State "against domestic violence," unless a demand for assistance were made by the State Legislature or by the executive when the Legislature could not be convened, in which case the Federal Government was to be obedient to a State. I remind gentlemen that that is the meaning of that provision, that when the State makes that demand the Federal Government is to obey.

The spirit of this provision—indeed the well-known temper of the States at that time, when they declared that the Congress should never raise an army for a longer period than two years—can not be misunderstood; and if Federal troops can not, unless invited by the State, go into its borders to quell "domestic violence," where do we find an excuse for sending them, of our own motion, to anticipate "domestic violence," and "to keep peace at the polls?" Mr. Speaker, words have no meaning if Congress possesses this power.

And how can Congress interfere with the registration of voters when their qualifications are absolutely subject to State determination? I should doubt the sincerity of any sane man who will assert that it can.

But, Mr. Speaker, the advocates of these laws fortify their contention by citing decisions of the Supreme Court; and I wonder how a political party which has scouted and trampled on decisions of that court can stand here, unabashed, and ask us to yield our opinions as law-makers to the opinions of that court.

It is true, Mr. Speaker, that the Supreme Court is against us as to some of the sections of these laws, but what is its argument? Here it is in a nutshell, as delivered by Justice Miller in *Ex parte* Yarborough (110 U. S. R., 651):

> That a government whose essential character is republican, whose executive head and legislative body are both elected, whose most numerous and powerful branch of the Legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud, is a proposition so startling as to arrest attention and demand the greatest consideration.

This reasoning looks sound, Mr. Speaker, but it is drawn from the necessity of the case—not from the Constitution. And when we remember that the President of the United States—our "king in dress coat"—has more power than any other elected officer in the world, the necessity for supervising his election and guarding it against fraud and corruption overshadows any such supposed necessity for supervision of elections for Representatives. But the States delegated no power whatever to the Congress over the Presidential elections, while they did make the House of Representatives the judge of the elections, returns, and qualifications of its own members! The argument from necessity, therefore, proves too much, and reaches, in my judgment, a lame and impotent conclusion. Indeed, it is founded on the "national idea."

I dissent from it, and I shall vote to repeal the election laws.

In conclusion, Mr. Speaker, I wish to say that the only sure road to the blessings of civil liberty and individual happiness and contentment is, in my judgment, the road clearly marked out in the Constitution. And one of the first things for this Congress to do is to set about satisfying the States that it ceases to assume the rôle of master or *censor morum* over its creators. Unless this is done—unless this Government is confined within the strict limits of the Constitution—we shall ultimately "fill up the measure" of our fathers, and furnish another illustration of the folly of tyranny and greed for some future Gibbon. [Prolonged applause on the Democratic side.]

APPENDIX.

Population of twenty-three States, which have forty-six Senators.

Wyoming	60,705	Maine	661,086
Colorado	412,198	Delaware	168,493
Florida	391,422	West Virginia	762,794
Idaho	84,385	Connecticut	746,258
Washington	349,390	Louisiana	1,118,587
Vermont	332,422	Arkansas	1,128,179
South Dakota	328,808	Maryland	1,042,390
Rhode Island	345,506	Mississippi	1,289,600
Oregon	313,767	Nebraska	1,058,910
North Dakota	182,719	South Carolina	1,151,149
New Hampshire	376,530		
Nevada	45,761	Total	12,483,228
Montana	132,159	A majority equal to	7,000,000

Population and Representatives of ten States.

State.	Population.	Representatives.
New York	5,997,853	34
Pennsylvania	5,258,014	28
Illinois	3,826,351	20
Ohio	3,672,316	21
Missouri	2,679,184	15
Texas	2,235,523	13
Indiana	2,192,404	13
Michigan	2,093,889	12
Massachusetts	2,238,943	13
Georgia	1,837,353	11
Total	32,031,810	180
A majority equal to	17,000,000	

Twelve States, with their population and electoral votes.

States.	Population.	Electoral votes.
New York	5,997,853	36
Pennsylvania	5,258,014	30
Illinois	3,826,351	22
Ohio	3,672,316	23
Missouri	2,679,184	17
Texas	2,235,523	15
Indiana	2,192,404	15
Michigan	2,093,889	14
Massachusetts	2,238,943	15
Georgia	1,837,353	13
Iowa	1,911,896	13
Kentucky	1,858,635	13
Total	35,802,341	226
A majority equal to	18,000,000	

Thirty-three States, with their population and Presidential electors.

States.	Population.	Electors.
Wyoming	60,705	3
Colorado	412,198	4
Florida	391,422	4
Idaho	84,385	3
Washington	349,390	4
Vermont	332,422	4
South Dakota	328,808	4
Rhode Island	345,506	4
Oregon	313,767	4
North Dakota	182,719	3
New Hampshire	376,530	4
Nevada	45,761	3
Montana	132,159	3
Maine	661,086	6
Delaware	168,493	3
West Virginia	762,794	6
Connecticut	746,258	6
Louisiana	1,118,587	8
Arkansas	1,128,172	8
Maryland	1,042,390	8
Mississippi	1,289,600	9
Nebraska	1,058,910	8
South Carolina	1,151,149	9
Minnesota	1,301,826	9
Kansas	1,427,096	9
California	1,208,230	9
New Jersey	1,444,933	10
North Carolina	1,617,947	11
Virginia	1,655,980	12
Wisconsin	1,686,880	12
Alabama	1,513,017	11
Tennessee	1,767,518	12
Georgia	1,837,353	13
Total	27,944,008	226
A majority	14,000,000	

Mr. DUNN. Mr. Speaker, I apprehend that what I may say upon the very important subject now pending before this body will add but little, if anything, to what has already been advanced by the gentlemen who have spoken in favor of the bill repealing the various acts generally known as the Federal election laws. I am not prepared to believe that there is any well-ordered mind upon this floor, nor indeed in this country, a mind not animated with selfishness or the greed of power, a mind at all acquainted with human history, that is not patriotic and a lover of our country and its institutions, if he can understand and appreciate them, and who has not also a patriotic desire to see those institutions perpetuated and advanced, upward and onward, higher and higher, and more and more deeply engraved from day to day upon the hearts of our people, until that love of our country and its institutions becomes as immortal as the principle of life in man.

I must assume, for the purpose of this argument, that every member of this House, who has taken upon himself the high and I may say sacred duties of legislating for this great country and its institutions, has that end in view. I must assume, in order to fit himself for this high position, before aspiring to fill it, that each member has made himself familiar with the past of human life, with human history, because history repeats itself in human life and human actions, and it is therefore from the lessons of the past, studied with care and diligence, that we must act in the present in all our public duties in order to guide with intelligence the ship of state, and guard its future safety so that every lover of his country can have an object worth loving and cherishing through all the coming ages.

If any man has neglected to so prepare and equip himself, then, indeed, do I sympathize with his deceived and misrepresented constituents, as well as with the country itself, for being unfortunate enough to afford a place of such great public trust for such a man to occupy. To my mind the best evidence that a man has not prepared himself for his high position is furnished by himself, when he approaches debate upon grave constitutional or economic questions in a spirit of rancor and bitterness, and interlards and ends his argument with abuse and indecency. The positions filled, by the genius of Jefferson and the other great fathers of the Republic, should never be degraded to the level of the political brawl, too often witnessed on the local hustings.

When the gentleman from Indiana, and some others on the same side assailed, the Democrats and the Democratic party, in language peculiarly and particularly their own, and charged their colleagues upon this floor, who affiliate with that party, with being capable of repealing the Federal laws, against forgery and other crimes; they proved to me their absolute unfitness to comprehend the decency and patriotism with which grave questions of national policies, upon economic and constitutional issues, should be approached and discussed. And what is true in this instance is true in all other instances where passion, prejudice, and sectionalism, appear to be the moving forces that impel the argument and control the discussion.

I am weary, and I believe the intelligence and patriotism of this country is weary, of contentions, the burden of which is sectional strife, rancor, and bitterness. Some of those engaged in such contentions, notably the gentleman from Pennsylvania who has just preceded me, seem to have forgotten that the intelligence and patriotism of this country has buried the bloody shirt; that there is not a fiber of its fetid fabric that is not rotten in the grave of the past. But there are some men in this world who, after they have attained a certain stage of life, never learn anything and never forget anything—like the man riding backwards in a railroad car, never see anything on the roadway until they have passed it. I ask you, gentlemen of this cloth, can you not see that the people of this country have set the seal of their condemnation upon force bills, and upon all kindred measures which tend to create sectional antagonisms? In the words of the immortal soldier they said emphatically, at the last elections, "Let us have peace." There is no earthly reason why we should not have it, except that the stock in trade, as well as the occupations of certion demagogues in certain localities where they are still voting for Hamilton, Federalism and centralization, would have departed.

It certainly is not a mark of either statesmanship or good breeding for members to make use of this floor as a vantage point from which to fling abuse and indecency at each other because of the sections of our country that we represent. Do you think, Mr. Speaker, that it was meant by our great forefathers, that this sectional hate, or sectionalism in any form, should ever exist amongst us? Let us see. It seems to me that the Virginians were safe enough in their own locality, when the people of Massachusetts were bleeding at Lexington and Bunker Hill, in the early days of the Revolution. But, nevertheless, the immortal Patrick Henry, upon the floor of the halls of the Virginia Assembly, uttered those memorable words: "Every breeze that blows from the east brings to our ears the crash of resounding arms," and spoke of the people of Massachusetts as his brothers, and the heart of the South took fire in its desire to aid suffering Massachusetts. It seems, too, that history recalls to me the sons of Massachusetts, of Connecticut—in fact, the men of all New England, New Jersey, Pennsylvania, and New York—standing side by side with the men of the South upon the historic fields of Guilford, Cowpens, Eutaw Springs, Yorktown, Monmouth, Trenton, Brandywine, and Valley Forge.

There was no thought of sectionalism amongst them, nor was there anything of the kind uttered in their days; and I believe that, could they come again upon the earth, they would condemn as vigorously as they fought the fell spirit of sectionalism—of whatever kind or nature: and *I* believe as vigorously as they would have condemned the man who would draw sectional lines for selfish or partisan reasons—indeed, for any reason whatever. If it were possible, such a man would stretch his vile hand down through the past of our country, and separate and divide the wild flowers growing over the graves of the patriot dead of the Revolution. I have no use for such men. The country has no use for them, as they will learn in the near future, if the lessons of the immediate past have not been sufficient for them.

The stirring records of a proud history, the splendid inheritance of truth, principle, virtue, intelligence, and independence, which is the birthright of our country; and its people in all its sections, should make every man, who represents any portion of our country or any portion of its people, a gentleman, self-respecting and respecting his fellow-members in their conscientious differences with himself, in matters of politics as well as policies, remembering always that each one has the same right as another, and that the man, who charges moral turpitude, incapacity, or a desire to do evil rather than good, against his associates, is a dangerous man to invest with power or its representation, because that which he charges against others he is more than likely to practice himself, whenever and wherever his own interest demands such work at his hands.

History repeats itself, and the man who clothed the magnificent thought—

The grandest study of mankind is man—

in the language of poetry, told a truth that will live forever, and ought to render his name immortal.

History reveals to us countless millions of human beings and unnumbered generations of the ages of human life, each age pressing its predecessor over the dark precipice of death, disintegration, and decay, like the waves of the ocean which chase each other, only to be broken on the shore, disintegrated, and returned back to their original element.

It reveals to us peoples, tribes, races, and nations, each molded and influenced, more or less, by geographic situation or climatic conditions, and while there is a vast difference in their language and religions, in physical development, their food, their clothing, their dwellings, their manners and customs, their

morals, physical and industrial expansion, in their laws, their habits and modes of life, there is yet, on a close examination of the structural formation of man, nothing to be found that would give us a reasonable cause to doubt for a moment that mankind has a common origin. That as the animal man, he is the same to-day that he was three thousand years ago, no matter what subdivision of the human race he may be classed with.

He worships, he loves, he fears, he hates; he has desires, passions and prejudice, ambition, pride, greed, self-assertion, and the desire for power to-day. He had the same three thousand years ago, and therefore the causes operating upon him to-day will produce the effect that like causes produced three thousand years ago, modified, to be sure, in its action to-day because perhaps slower in operation than such causes would have been then, by reason of a more general diffusion of the science of government amongst the masses of mankind to-day than at that time, and because of present moral and intellectual expansion, as well as the advanced system of education which we now enjoy. And above and beyond all, by reason of the teachings of the religion of Jesus Christ, which, apart from any divinity claimed for Him, is in its operation the grandest philosophy that was ever given for the guidance of man; and the man, as an individual; or the nation; or the race; that lives closest to that philosophy is all the wiser, happier, and better for it. Nevertheless, like causes, will in their operations upon mankind, produce the same effect now as then, except modified by the influences referred to.

We know, from the history of the past, that there can be no civilization without order; that natural laws are positive and absolute; indeed, order itself; that there are few natural deformities in man, as you will not find, on an average, one cripple in a thousand people, and more than 50 per cent of that deformity can be easily traced to the action of man himself. That there are still fewer national incongruities—that nations, and races, and peoples, have suffered contortion, mutilation, and paralysis, mostly through the work of man, as man himself has suffered from the same cause, by means of wars, immigrations, revolutions, and moral debasement, forced upon the peoples and nations; too often because of their own want of intelligence, which has been made to serve the ambitious aims of tyrants, anxious to grasp, or to hold power on one pretense or another.

Tyrants have always found an excuse for harsh and repressive rules, mostly on the pretense of preserving order. Of this character—the pretense of the necessity of preserving order—are the election laws which we desire to repeal. They were enacted, in a tyrannical spirit, under the pretense of preserving order in one portion of our country, but they were really intended to preserve the tyrannical power of a sectional and undemocratic usurpation, and had there been less intelligence amongst the American people, and more docility in submitting to them in the localities in which they were intended to operate, their effect would have been to fasten an incongruous element upon our system. An element that would have repeated many of the fearful lessons of history, in perpetuating the rule of a tyrant oligarchy; which, when it deemed itself powerful enough, could and would from its very nature, as human history and human experience teaches us, have subverted the ballot, or turned it into a farce, by the use of bayonets at the polls; and would thus repeat history wherever man has mutilated principles of right and justice to subserve ambition, or the lust for power, whether partisan or individual.

Experience has taught us, that instead of those repressive laws being the conservators of order, they have been the source of the greatest disorder and the greatest danger. It is not by such laws that we can maintain a republic, else the history of mankind and the experience of ages must be reversed. There must be trust and confidence between the government and the governed, else the best effects of our systems are lost.

Under the operation of those so-called Federal election laws, there can be no such confidence, and no such trust. They reverse the very principles upon which our system is founded, and must live.

In the words of the immortal Lincoln ours is "A government of the people, by the people, and for the people," in which the powers properly to be exercised by the General Government must rise up from the people, through the ward, township, county, and the State organization, until it reaches the central or Federal power, there to be limited and controlled as much by the spirit as by the letter of the Constitution. In no case can power go out from the central head, to the States, or to the people, beyond that granted to it, because the Federal Government is the creature of the States and the people, and the creature can never be greater than the creator, and whenever Federal powers interpose in the internal regulation of the State, especially upon matters of questionable constitutional right, it naturally alarms all right-minded, right-thinking citizens, not only of the State so affected, but of all patriots elsewhere, who regard the liberties of the people, beyond any or all partisan advantages that might be gained by the exercise of such questionable power.

Besides, to admit for a moment that a State is unable or unfit to select its own proper Representatives to this body, in a lawful and proper manner, by means of its own laws, without espionage, direction, and control at the hands of the General Government, through marshals, or any of the other means which under those laws gives an inferior officer of the Army or Navy power to place an armed guard at the polls, is to admit that we are unfit to govern ourselves, that the citizens of any given State are unfit to select the men who are to represent them in this great body. The choice of Representatives, is the highest, and I might say the only act of real value in self-government, and if interfered with or cramped and dwarfed by any power whatever, we must relinquish our boasted claim to self-government. The theory of our institutions, which presumes that we are capable of governing ourselves and regulating our own affairs, makes even the thought of the operation of such laws amongst us most abhorrent to the intelligent mind.

No sane man will raise the question that the selection of the State's Representative in the General Government is not a purely local or State affair, nor will anyone question that it is the desire of each State to have the best representation it can get; and if a State does not always succeed in getting the best representation, the General Government can not mend it. It is not in its nature to do so, and it ought not to attempt to interfere for that purpose. First, because it is a dangerous power in the hands of a partisan, central government. It was never meant by the founders of the Constitution that it should be exercised or attempted; and second, because we know from the lessons of history that the majority of mankind loves order, and will have it and that without the interference of arbitrary or tyrannical rule. Where communities are left to themselves, order will in due time overcome disorder and establish security for the sake of society. Had this not been the case we would not have had human government to-day.

If outside power is allowed to interfere forcibly, or, indeed, in any manner, whether under the color of law or otherwise, in the affairs of a State or of a community (except to quell a sudden riot when the State authorities call upon the Federal Government) it is both unwise and dangerous and should not be allowed upon any pretense whatever. It debases public spirit, and, enervates the orderly part of society, whose highest duty it is to preserve order, to rule the State, and punish wrongdoers. The existence of governments—strong, capable, able to rule, and punish wrongdoers at all stages of human history, is proof positive that order will be restored and preserved in every civilized community, if the community is allowed sufficient time to purify and strengthen itself in its moral, orderly, and conservative elements.

It is true that order may be interrupted by sudden passion, or temporarily unchecked violence. It may be true that at one time within the Southern States there was disorder, but the problem of restoring order must be left to the Southern States themselves. They have a great and difficult problem to solve. Their history shows me conclusively that they are brave enough, moral enough, wise enough, and intelligent enough to solve it; in due time, in their own way, and eventually for the best interests of themselves and the entire country. It is wiser, therefore, to let them alone, nay, even to let a State, or even half a dozen States suffer from misgovernment for a time, until the orderly part of the community have learned the necessity of forming and maintaining good government, than to interfere in its local affairs either by repressive laws or armed force.

It is a cardinal principle underlying our system of government that the people of every community should be left to do for themselves whatever they can do, without the interference of Government; and it is one of the greatest truths in the history of government, that the people that are governed the least are governed the best.

The theory in our Government is that the delegates, in this body, represent constituencies in their various States, and not the General Government, as the principle of those election laws would compel us to do if we were to be elected by the power or interference of the General Government, whether by force of law or by force of arms. We would, under the Republican theory embodied in these election laws if carried out to their legitimate end, be obliged to represent the General Government, the power that made us; for what would members care for the people, if they owed their election to the General Government? It is the rule of all agencies that the power that creates an agent, expects its allegiance, and almost invariably gets it. Where, then, would the people be. The power would be centralized in the General Government, and we would only have a republic in name. We would have to obey our creator.

The idea is that the Senate, that smaller body, is more conservative, being in a measure the direct representatives of the State,

but the members of *this* body, while forming a part of the Government, are purely the representatives of the people of the various districts, and every interference with the manner of the election of such representatives, whether by law or force, outside of the regulations made by the State or the district, is a direct attack upon the principles, if not upon the letter of the Constitution.

It is the greatest desire of the State, indeed it ought to be its greatest ambition, to send its best and most capable men to this body. "It goes, of course, without saying, that constituencies gain or lose in the respect of mankind as they send their best men, or the contrary, to represent them here, and they ought to be absolutely free to make their own choice, as they gain or lose by their own selection. If constituencies send foolish, unwise, or incompetent men to this House, they have a right to be heard through their agents. Their follies are likely to be the sooner exploded if displayed in Congress, and here subjected to the fire of criticism." But it is for them to say who they want, and not for the General Government.

As I said before, the Southern people have a great and difficult problem to solve, because of the existence of a weak, improvident, and perhaps somewhat defenseless race amongst them. Suddenly, by the force of law or the arbitrament of war, taken from a condition of ignorance and servitude, as well as implicit reliance upon their masters for care, food, housing, and clothing, and compelled, with no more experience than children, to depend upon their own resources, and none but the Southern people can tell how utterly unfit they were for such a condition. I know the Southern people well, because I have been a good deal amongst them, especially immediately after the close of the war, and have spent most of my winters, or portions of them, in the South since 1886; and I know that the hearts of the Southern men and women were often sorrowful when, immediately after the war, they saw the condition of their former slaves, whom they were powerless to help, indeed scarcely able to help themselves.

I know also that the interests of those black people can be better cared for and better developed by the intelligent spirit of Christianity, and justice of the Southern men and women, than it can or ever will be by the interference of outsiders, because they understand the question better than outsiders can, and because they are responsible for the preservation of order, and are bound for their own interest to see that it is preserved, as well as bound in honor—and who has ever appealed to that trait in the Southern character and been deceived—and bound, as a Christian people, to protect and defend this uncultured race. They must as Christians see that those black bodies are each, after all that may be said against them, the temple of a human soul, upon which, like our own, the great Creator has written, in letters of fire the word "immortal," and that to save that soul, as well as our own, Christ died. For that reason the Christian spirit of the South must, will, and does look after the best interest of the black man.

I know the Southern people so well, that I have been pained and angered at the insult and abuse that have been heaped upon them during the course of this discussion. I say to those people who pursue this course, that the Southern people are our brothers; that when the war was over they manfully, and with true chivalry laid down their arms; manfully, chivalrously, nobly submitted to the decrees of the arbitrament of war, only to find their homes and their firesides in ruins; and they, so far as they were concerned, became our brothers in spirit and in justice, or the word "republic" amongst us is a misnomer and a snare to those who laid down their arms, and commenced to build up anew.

They, in their great struggle for rehabilitation, deserve our friendship; and, from the success they have already developed, deserve, and should have, our hearty assistance and support, in solving the difficult problems which they are compelled to settle, and in building up their waste places and meeting the race problem. They alone can do it, and I believe they are equal to the task.

But, for argument's sake, let us admit that they can not settle the problem involved in the existence of the black race amongst them. I ask you, who can if they can not? Can we, and how? Can this Government settle it by the force of arms, backing up repressive laws? The answer, coming from the tomes of the ages of past human history and human experience, is an emphatic no. The world has never seen and never will see a purely republican form of government welded together or held together by the force of arms, or of repressive laws, however vigorously they may be executed. The very thought of repression and force upon this or kindred matters compels us to abandon the idea or the thought of a republic, and to lapse back into the rule of arbitrary power, however broad or limited that power may be.

For five hundred years the great Roman Republic lived, and branded, as it were, the language, the religion, and the morals of Latium upon the minds and the hearts of the surrounding nations and races, binding each race and tribe that it conquered to Rome, as it were, with hooks of steel. The character of the Roman citizen did it. His individuality, his self-reliance, his bravery, his frugal methods of life, and his high moral character in the pagan world, held the Republic to its moorings, and for five hundred years compelled the governing power to respect his rights as an individual; so that neither vaulting ambition nor corrupting pride during all that period could drive him away from that love of liberty—liberty not only for himself, but also for those he conquered—and bound to himself by the rule of justice when it was his proud boast to say, "I am a Roman citizen." We should be even prouder to say, "I am an American citizen," for we have, in my judgment, a high and holy mission to perform in the Christian world, because the world looks to us to-day as the beacon light of religious freedom and as the home of individual character, proudly American in its boast of justice and its proud personal individual liberty.

Let us, then, remove those statutes which are a menace to that personal liberty—to that individuality in the exercise of sovereign right at the ballot box. Remove it from ourselves, from our brothers of the South. Let us remove that threat of organized central power, lest it may, in the exercise of partisan interest, with partisan power, rob us of that individuality, so that we may be all proud, from the St. Lawrence to the Rio Grande, and from the Atlantic to the Pacific, to exclaim:

"We are American citizens in brotherhood, in patriotism, in love, and in justice."

We have seen the Romans, by little and by little, lose this individuality, and pride of country in the lust of power and greed for wealth; so that ambitious tyrants of their country at last ruled the minds of a once indomitable people, and like the Assyrians of old at the beck of the masters who stole their liberties through their own want of vigilance, took from them the power to rule themselves, under the pretense, too, like those Federal laws, of keeping order, and compelled even to forget their once high standing of individuality and morals, and in the orgies of the Pantheon made them at once idolaters and slaves, though that individuality and spirit of liberty was so firmly ground into the Roman mind and character that it took nearly five hundred years of debasing and enervating despotism to disintegrate and destroy the splendid structure laid down by the individuality, self-reliance, and love of liberty embedded in the Roman character.

The Romans were human. So are we. They lost their individuality and their liberty at the same time by the encroachments of the central power and repressing rules. Now, if history repeats itself, and like causes produce like effects, propositions which I think no man will deny, is it not our duty to take from rather than to add to the power of the central Government where it has any pretense of a right of interference with the clearly reserved rights of the States. Those centralizing laws, which, to say the least, are questionable from a constitutional standpoint, are from their very nature subversive of the high duty which each citizen owes to himself and to his country—that duty to preserve order, and above all places at the polls, the very place of all others where the American citizen asserts his sovereign will in the choice of his own Representative. Those laws are subversive of that high dignity and individuality of character, and personal independence, and liberty, which should make us all proud to be brothers, protected by the ægis of American citizenship, and should be repealed. [Applause on the Democratic side.]

Mr. McCLEARY of Minnesota. Mr. Speaker, before beginning my remarks I ask unanimous consent to extend certain illustrations without reading them. This will expedite matters and save the time of the House.

The SPEAKER *pro tempore*. The gentleman from Minnesota asks unanimous consent to print in his remarks certain illustrations bearing on the discussion in hand. Is there objection? [After a pause.] The Chair hears none.

Mr. McCLEARY of Minnesota. Mr. Speaker, if Macaulay's New Zealander should come into the gallery of this House for the purpose of listening to this debate he would, I fancy, upon discovering the trend of the bill under consideration, be filled with astonishment. Turning to his neighbor he would say, "Have the gentlemen of the majority no respect for or pride in the Government of the United States?" His neighbor would answer, "Oh, yes; in their esteem, at least, they are the special guardians of its institutions." "Then these laws which they seek to repeal must be unpatriotic in purpose and pernicious in practice." "No; their purpose is to preserve the purity of the ballot and the integrity of the nation; and in practice they are mild and beneficent." "Then they must trench upon and interfere with proper State laws." "No; they refer only to the choosing of members of the House of Representatives of the United States." Then I fancy him asking in amazement, "In the name of American liberty, upon what ground do these people object to them?"

And the answer would be, "They are objected to as unconstitutional and inexpedient."

Mr. Speaker, I propose to show that they are both constitutional and expedient. In order that the real nature of these laws may be understood, I give the principal provisions. The other sections simply provide for putting these into operation.

SEC. 2011. Whenever, in any city or town having upward of twenty thousand inhabitants, there are two citizens thereof, or whenever, in any county or parish, in any Congressional district, there are ten citizens thereof, of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town, county, or parish, is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the judge, within not less than ten days prior to the registration, if one there be, or, if no registration be required, within not less than ten days prior to the election, shall open the circuit court at the most convenient point in the circuit.

SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day, and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the Congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election. (See paragraphs 5521, 5522.)

* * * * * * *

SEC. 2017. The supervisors of election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States or any State, Territorial, or municipal law, and to personally inspect and scrutinize from time to time and at all times on the day of election the manner in which the voting is done and the way and method in which the poll books, registry lists, and tallys or check books, whether the same are required by any law of the United States or any State, Territorial, or municipal law, are kept.

* * * * * * *

SEC. 2019. The better to enable the supervisors of election to discharge their duties, they are authorized and directed, in their respective election districts or voting precincts, on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot boxes, as will, in their judgment, best enable them to see each person offering himself for registration or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes, they are required to place themselves in such position, in relation to the ballot boxes, for the purpose of engaging in the work of canvassing the ballots, as will enable them to fully perform the duties in respect to such canvass provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns, and statements has been wholly completed. (See paragraph 5521,)

* * * * * * *

SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal under the preceding provisions, who is not, at the time of the appointment, a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

These laws are based upon the following three clauses in the United States Constitution:

Article I, section 4, clause 1:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Article I, section 5, clause 1:

Each House shall be the judge of the election, returns, and qualifications of its own members.

Article I, section 8, clause 18:

The Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States.

Listening to the reading of these provisions, our visitor in the gallery would say, "Surely these words are easy of comprehension.

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations."

"The Congress may do what? Make regulations covering the times, the places, and the manner of holding elections of Senators and Representatives. May do what else? Alter such regulations as the States may have made on the same subject. When? At any time when Congress may deem it necessary. How? By law; that is, by act of Congress, not by requiring any amendment to the Constitution. Surely anyone can understand that."

Now, the "times and places" of holding these elections are hardly points in controversy. The power of Congress over these two items is not questioned. The present controversy arises from a difference of opinion as to the meaning of the expression "manner of holding." We contend that it covers the supervision of the election, the count of the ballot, and the making of the returns; in fact, whatever is necessary to "a free ballot and a fair count." We hold that an election is not "held" unless everyone entitled to vote has had opportunity to cast his ballot without fear or hindrance, and has had that ballot counted as cast.

The extent of the power of Congress in this matter may be seen in the fact that it may alter any regulations that the States can make; and if it chooses it may make such regulations *de novo*. But some gentlemen on the other side say that Congress can act only if the State fails to do so. This is one of the corner stones of their argument, and I shall show its fallacy later on.

Having indicated the interpretation that a plain man of sense would put upon these provisions of the Constitution, I shall show now, Mr. Speaker, that this interpretation is in accord with the intention of those who framed and those who ratified the Constitution. In order that their intention may be understood, it is necessary that we review the circumstances under which the Constitution was "ordained and established."

On the 11th of June, 1776, a committee was appointed to draft the Declaration of Independence, and on the same day another committee was appointed to draft a form of government. The form of government agreed upon was comprised in what is known as the Articles of Confederation.

The people had come out from under a centralized government. Such a government was a thing to be feared; States were things to be loved. And it is no wonder, Mr. Speaker, that in forming these Articles of Confederation they magnified the power of the States, and minified that of the confederation. And as a historic fact we find that the confederation had scarcely any power.

Resistance to taxation by any power outside of the State had been the purpose of beginning the war. What wonder that in framing their new government all power of taxation was vested in the States and not in the General Government? The military forces of England were now being used against them; so, as would naturally appear to them, they felt it necessary to refuse to the new General Government any power to raise an army. In brief, the Government of the United States during the Confederation period was "a name without a body; a shadow without a substance."

An eminent statesman of the time thus aptly characterized it:

By this political compact the Continental Congress has exclusive power for the following purposes, without being able to execute one of them:

They may make and conclude treaties, but they can only recommend the observance of them. They may appoint ambassadors, but they can not defray even the expenses of their tables. They may borrow money on the faith of the Union, but they can not pay a dollar. They may coin money, but they can not buy an ounce of bullion. They may make war and determine what troops are necessary, but they can not raise a single soldier. In short, they may declare everything, but they can do nothing.

The central idea in the formation of the Articles of Confederation was that the power of the United States should rest upon and be dependent upon the authority of the States. The acts of Congress were not dignified with the title "laws;" they were simple "ordinances." There was no judicial branch and no executive branch of government; the States proposed to interpret these ordinances for themselves, and to execute them if they saw fit. How that plan worked is well stated by Dr. J. H McIlvaine in the Princeton Review for October, 1861:

The history of the Confederation during the twelve years beyond which it was not able to maintain itself, is the history of the utter prostration, throughout the whole country, of every public and private interest—of that which was beyond all comparison the most trying period of our national and social life. For it was the extreme weakness of the Confederate Government, if government it could be called, which caused the war of independence to drag its slow length along through seven dreary years, and which, but for a providential concurrence of circumstances in Europe, must have prevented it from reaching any other than a disastrous conclusion.

When at last peace was proclaimed, the Federal Congress had dwindled down to a feeble junto of about twenty persons, and was so degraded and demoralized that its decisions were hardly more respected than those of any voluntary and irresponsible association. The treaties which the Confederation had made with foreign powers it was forced to see violated and treated with contempt by its own members, which brought upon it distrust from its friends and scorn from its enemies.

It had no standing among the nations of the world, because it had no power to secure the faith of its national obligations. For want of a uniform system of duties and imposts—

Each State then "regulated" its own commerce—

and by conflicting commercial regulations in the different States, the commerce of the whole country was prostrated and well-nigh ruined. * * * Bankruptcy and distress were the rule rather than the exception. * * * The currency of the country had hardly a nominal value. * * * The States themselves were the objects of jealous hostility to each other. * * * In some of the States rebellion was already raising its horrid front, threatening the overthrow of all regular government and the inauguration of universal anarchy.

Having thus experienced the wretched results, Mr. Speaker, of a government founded upon State authority, our fathers resolved to form a new government, with new purposes and on a new plan. In 1787 they met and formed the Constitution under which we now live. In its preamble they declared what the purpose was in framing it; and the preamble is therefore a valuable aid in determining the meaning of the rest of the instrument. Every word and phrase is freighted with significance.

Let me quote it:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The opening words, Mr. Speaker, are noteworthy:

We, the people of the United States * * * do ordain and establish this Constitution.

These words, Mr. Speaker, mark a new era in the history of this country.

The Articles of Confederation, as my friend from North Carolina [Mr. GRADY] has shown, began, "We, the States." It was now resolved that the Federal Government should no longer rest upon State authority; but it should be endowed with the power of the whole people of the United States. At that moment the United States ceased to be a mere confederacy and became a nation, endowed with all power necessary to perpetuate its own existence.

We, the people of the United States—

This phrase was carefully considered. The objection was raised that it might be misunderstood. Some of the members of the Convention still clung to the confederation idea; but after discussion it was put into the Constitution as the expression of the deliberate intention of the framers thereof—

in order to form a more perfect Union—

More perfect than what? More perfect than that which existed under the Articles of Confederation. This was the prime purpose, as shown by it being mentioned first—

establish justice—

For justice had not been established under the Articles of Confederation. Debts, both public and private, were often repudiated. It was almost impossible for a creditor to collect a debt owed by a resident of a different State—

insure domestic tranquillity—

How the hearts of those men went into these words; for be it remembered, Mr. Speaker, that under the Articles of Confederation the States were at swords points—

provide for the common defense—

The weakness of the Confederation made it a laughingstock among the nations of the world—

promote the general welfare—

Which had clearly not been promoted under the old system. And last and best,

secure the blessings of liberty to ourselves and posterity.

Liberty, which had illumined the pathway of the Pilgrims crossing unknown seas, which had glowed in the Declaration of Independence, which had warmed the hearts of the half-clad soldiers at Valley Forge—liberty was in danger of being lost in anarchy.

These purposes expressed in the preamble were consistently carried out in the body of the instrument. There the General Government was given control of the sword and of the purse. Before then it had to depend upon the States to sustain it; now it could levy support for itself. The result of the former system is with us as a proverb. We all know the meaning of the expression "not worth a Continental." Such was the character of the credit of the United States under the old system.

Judicial and executive branches of government were provided for. It is evident that the acts of Congress, unlike the ordinances under the confederation, were to be *laws*, and that they were to be interpreted and executed by national officers. And then (passing over other provisions illustrating the same idea) we come to this, Article VI, section 2:

This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby—

And, lest there should be any misunderstanding, Mr. Speaker, there were added in the same clause these words:

anything in the constitution or laws of any State to the contrary notwithstanding.

It is evident, Mr. Speaker, that it was the intention of the framers of the Constitution to endow the General Government with all the powers necessary to preserve its existence, without regard to any action that the several States might take or fail to take.

And now, Mr. Speaker, having shown the motive that dominated in the forming of the Constitution, I direct attention to the particular section now under consideration. As it came from the Committee of Detail it read thus:

The times, places, and manner of holding the elections for the members of each House shall be prescribed by the Legislature of each State, but their provisions at any time may be altered by the Legislature of the United States.

"Their provisions at any time may be altered"—a great power, Mr. Speaker, but the convention was not satisfied that this power was great enough; so when they came finally to embody that provision in the Constitution they added the significant word "make," so that it stands "make or alter," thus giving Congress absolute power to "alter" any regulations that the States may make on this subject, or to "make" such regulations as Congress may deem wise.

In further substantiation of my position that it was intended to give the United States power to regulate the election of its Representatives in Congress, I quote the statements of a few of the leading men of those days. Addressing the Virginia convention, Mr. Madison said:

It was found necessary to leave the regulation of these [times, places, and manner] in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State Legislatures, the Congressional control will very probably never be exercised. (The Madison Papers, volume 3, page 1280.)

In another place (page 1282) he says:

This is meant to give the National Legislature the power not only to alter the provisions of the States, but to make regulations in case the States shall fail or refuse altogether.

Mr. Speaker, that last phrase was commented upon strongly by the leader upon the other side [Mr. TUCKER], and he undertook to show thereby the only condition, as he thought, upon which the people authorized such action as we are speaking of. I wish to remind him that when a person desires to teach by illustration he uses one that will illustrate; that is, he appeals to the experience of those whom he is addressing. The members of the Virginia convention knew very well that under the Articles of Confederation so little respect was paid to the General Government that State after State had refused or neglected to send to its Congress any representatives whatever, believing that to do so would be a mere waste of time and money. That was the fact which Mr. Madison had in mind when he used this illustration. But, mark you, in that same connection he said:

These were words of great latitude. It was impossible to foresee all the abuses that might be made of the discretionary power—

That is, as vested in the States. I have taken this much time, Mr. Speaker, to explain the situation, in order that the sting which our friends on the other side have wished to put into that statement of Mr. Madison may be rendered harmless. It was simply an illustration. It was not meant to be comprehensive. It was one particular illustration which he knew the people could understand.

Mr. Gouverneur Morris observed that the States might make false returns, and then make no provisions for new elections. (The Madison Papers, volume 3, pages 1280, 1281.)

He evidently thought of other possible occasions for the exercise of this power.

Mr. Rufus King, of Massachusetts, said:

If this power be not given to the National Legislature their right of judging of the returns of their members may be frustrated.

Evidently there were other reasons than those which our friends of the opposition depend upon in their citations from Mr. Madison, which governed in this matter.

But the most significant fact of all, as expressing the intention and purpose of the people of the United States in regard to this clause, is well brought out by our opponents themselves.

In the endeavor to establish their position they, very unwisely for the success of their cause, cite instances to show that in State conventions called to ratify the Constitution this power of Congress to regulate the election of Senators and Representatives was spoken of and uniformly recognized as full and complete. They say that *for this reason* there was in many instances a desire expressed that by amendment this recognized power of Congress might be limited. For example, here are two of their citations:

Virginia, on the 26th of June, 1788, ratified with a recommendation in the following words:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the Legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same."

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable clauses. The convention recommended an amendment in the same language as did the State of Virginia.

But, Mr. Speaker, no amendment limiting this power has ever been inserted in the Constitution. More than a score of amendments besides this one were suggested by the State conventions. Seventeen of these met the approval of the House of Representatives, and were formally proposed in the manner provided by the Constitution. Five of those seventeen were cut out by the Senate, and when finally the several States had acted upon the subject we find that they had cut out all but ten, and one of those cut out was the proposal to amend the section which we

have under consideration! The question of amending it by limiting the powers of Congress was fully discussed, and the voice of the people was: "On the whole it would better remain just as it is."

As will be seen by reference to the sections of the laws read near the opening of these remarks, the laws that it is proposed to repeal provide for Federal supervision of the election of Representatives and Delegates in Congress. I have shown that they are constitutional as the Constitution would naturally be interpreted by a plain man of sense. I have shown by reference to history that it was the undoubted intention of the framers of the Constitution to give Congress this power. And now, lest the ability of our visitor from New Zealand and myself to interpret correctly either the Constitution or the facts of history might be questioned, I will cite in proof of my position the decisions of that great tribunal, which so fully commands not only our respect, but that of the world—the Supreme Court of the United States.

Inasmuch as the position of this court in our Federal system seems not to be understood by some of our friends on the other side, as is evidenced by contemptuous remarks not becoming to any American citizen, let alone a member of this august assembly, I will quote from one of the most eminent of the expounders of our Constitution, the great Chief Justice whose statue adorns the grounds of this Capitol—John Marshall.

And it seems to me that his argument is positively unanswerable. He thus discusses the power of the Supreme Court to interpret the Constitution in the case of Marbury *vs.* Madison (1 Cranch, 176-178):

The question—

Said the Chief Justice—

whether an act repugnant to the Constitution can become the law of the land is a question deeply interesting to the United States; but happily not of an intricacy proportioned to its interest. It seems only necessary to recognize certain principles, supposed to have been long and well established, to decide it.

That the people have an original right to establish for their future government such principles as in their opinion shall most conduce to their own happiness is the basis on which the whole American fabric has been erected. * * *

This original and supreme will organizes the Government and assigns to different departments their respective powers. * * * The powers of the Legislature are defined and limited, and that those limits may not be mistaken or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if those limits may, at any time, be passed by those intended to be restrained? * * * The Constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like any other acts, is alterable when the Legislature shall please to alter it. If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law; if the latter part be true, then written constitutions are absurd attempts on the part of the people to limit a power in its own nature illimitable. * * *

If an act of the Legislature repugnant to the Constitution is void, does it, notwithstanding its invalidity, bind the courts and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as if it was a law? This would be to overthrow in fact what was established in theory, and would seem at first view an absurdity too gross to be insisted upon. It shall, however, receive a more attentive consideration.

It is emphatically the province and duty of the judicial department *to say what the law is.* Those who apply the rule to particular cases must of necessity expound and interpret that rule. If two laws conflict with each other the courts must decide on the operation of each. * * * This is of the very essence of judicial duty. If, then, the courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply.

Those, then, who controvert the principle that the Constitution is to be considered in court as a paramount law are reduced to the necessity of maintaining that courts must close their eyes on the Constitution and see only the law.

This doctrine would subvert the very foundation of all written constitutions. It would declare that an act which, according to the principles and theory of our Government, is entirely void, is yet in practice completely obligatory. It would declare that if the Legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. * * * It is prescribing limits and declaring that those limits may be passed at pleasure.

That it thus reduces to nothing what we have deemed the greatest improvement on political institutions, a written constitution, would of itself be sufficient in America, where written constitutions have been viewed with so much reverence, for rejecting the construction.

It being established, then, that while it is the function of Congress to legislate, it belongs to the courts to interpret the laws thus made, I shall cite decisions of our Supreme Court upon the very laws under consideration, in which the court expressly declares them to be constitutional. I approach this part of my argument with some diffidence, because of the large number of eminent lawyers who are members of this House. I have not the honor of belonging to that distinguished profession. As a layman, then, hoping that if I make any misstatement it will immediately be corrected, I venture to define reputable practice among lawyers in matters pertaining to decisions of the Supreme Court.

As I understand it, it is good practice if a decision has been rendered by only a small majority of the court, and that in a single instance only, to bring another action before the court to test its adherence to its first decision. But, if a question has been decided twice, and by decided majorities, it would ordinarily be considered as pettifogging to put a client to the expense of again carrying to the Supreme Court a case involving the same point. A case thus decided is regarded as settled; it is *res adjudicata.*

Now, Mr. Speaker, the question of the constitutionality of the Federal election laws, the laws whose constitutionality is now being argued, has been decided in the affirmative, not once only, but twice, the last time unanimously.

In the case of Siebold (*Ex parte* Siebold, 100 U. S. R., 371) Mr. Justice Bradley delivered the opinion of the court, to which Justices Clifford and Field dissented. The following passages give the views of the court on this power of Congress:

It seems to us that the natural sense of these words is the contrary of that assumed by the counsel of the petitioners.

After first authorizing the States to prescribe the regulations, it is added, the Congress may at any time, by law, make or alter such regulations. "Make or alter!" What is the plain meaning of these words? If not under the prepossession of some abstract theory of the relations between the State and National Governments, we should not have any difficulty in understanding them. There is no declaration that the regulations shall be made either wholly by the State Legislatures or wholly by Congress. If Congress does not interfere, of course they may be made wholly by the State; but if it chooses to interfere, there is nothing in the words to prevent its doing so, either wholly or partially. * * *

On the contrary, their necessary implication is that it may do either. It may either make the regulations or it may alter them. If it only alters, leaving, as manifest convenience requires, the general organization of the polls to the State, there results a necessary coöperation of the two governments in regulating the subject. But no repugnance in the system of regulations can arise thence, for the power of Congress over the subject is paramount. It may be exercised as and when Congress sees fit to exercise it. When exercised, the action of Congress, so far as it extends and conflicts with the regulations of the State, necessarily supersedes them. This is implied in the power to "make or alter." (Pages 383, 384.)

This same clause of the Constitution was afterwards discussed even more fully in the Yarborough case (*Ex parte* Yarborough, 110 U. S. R., 651). Mr. Justice Miller delivered the opinion of the Court, to which no dissent was noted. The following excerpts from the decision show its nature, and the ground upon which it is based:

That a government whose essential character is republican, whose executive head and legislative body are both elected, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud, is a proposition so startling as to arrest attention and demand the greatest consideration.

If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends from violence and corruption.

If it has not this power it is left helpless before the two great natural and historical enemies of all republics, open violence and insidious corruption.

And now, Mr. Speaker, if anything were wanting to establish the constitutionality of these laws it would be furnished by the action of the majority in this House. If these laws are unconstitutional, why take the trouble to repeal them? Being unconstitutional they would be void without further action.

Oh no, gentlemen, they are constitutional, and you know it. This cry of unconstitutionality is simply a subterfuge, a mask behind which you hope to hide your real purpose.

And this brings me, Mr. Speaker, to the second division of my argument. Having demonstrated the constitutionality of these laws, I proceed now to show their expediency.

I shall divide this part of my argument into two chief branches: First, the general necessity and propriety of such laws; and, second, the special necessity and wisdom of these particular laws.

On the question of general expediency I quote the following from the Federalist, from the pen of that great statesman Alexander Hamilton. He says, speaking in defense of section 4—the section to which I have referred so often—after speaking of the opposition that it was encountering (the Federalist, it will be remembered, was written to secure the adoption of the constitution; its purpose was to explain to the people every clause in the instrument):

I am greatly mistaken, notwithstanding, if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation.

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Nothing can be more evident than that an exclusive power of regulating elections for the National Government, in the hands of the State Legislatures, would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs.

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The people of America may be warmly attached to the Government of the Union, at times when the particular rulers of particular States, stimulated by the natural rivalship of power, and by the hopes of personal aggrandizement, and supported by a strong faction in each of those States, may be in a very opposite temper. This diversity of sentiment between a majority of the people and the individuals who have the greatest credit in their councils, is exemplified in some of the States at the present moment, on the present question.

He was here striking at some of the leaders whose zeal for "State rights" was greater than their foresight or their patriotism.

I cite also previous acts of Congress under this same provision. On June 25, 1842, the Congress of the United States, under this section and by its authority, enacted that Representatives in Congress should be elected by districts. Before then this whole question had been left with the States. Our Democratic friends could hardly raise their old cry of unconstitutionality on that; for if I remember aright that was their own act, yet it was clearly an act prescribing the manner of the Congressional elections. On July 25, 1866, the time and manner of choosing Senators were prescribed in detail, under this same Constitutional provision. On the 28th of July, 1871, it was enacted by Congress that Representatives should be chosen by ballot. They had previously been chosen in such a manner as the State saw fit to adopt; but from that time to this the only constitutional method of choosing them has been by ballot. On February 2, 1872, Congress prescribed a uniform election day (the first Tuesday after the first Monday in November) for choosing Representatives in Congress throughout the United States. And so far as I know, Mr. Speaker, the constitutionality of none of these laws has ever been questioned, though they are based on the same principle as those now under consideration.

I wish to direct attention now to an argument which I think will meet the approval of the majority of this House. I wish to cite in evidence an instrument (and I say this not unkindly) for which a majority of them have a great deal of respect—the constitution of the late Confederate States. This instrument, it will be remembered, was modeled after that of the United States, and contained such changes only as to them appeared necessary and wise. In it I find the following words (Art. I, section 2, clause 1):

No person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, State or federal.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. McCLEARY of Minnesota. I would like about ten minutes more.

Mr. HAINER of Nebraska. I ask unanimous consent that the gentleman be allowed ten minutes to conclude his remarks.

There was no objection.

Mr. McCLEARY of Minnesota. I thank the House for its courtesy. The significance of the quotation I have read is seen in this, Mr. Speaker, that, although there was in the minds of many good and wise people at the time of the formation of *our* Constitution some question as to the wisdom of delegating or granting to the United States this great power, the "sober second thought" of the people left it in the Constitution. After having lived under this provision for three-quarters of a century, so thoroughly had its wisdom been established in the minds of the people, that even these strictest of the strict constructionists, these champions of the "States right" theory, when they came to frame their organic instrument, not only retained the old provision, the one that we have been discussing, but added another, in which they went two steps further than we ever dreamed of going—prescribing *qualifications* of electors, not only of Federal officers, but for State officers also.

To show the necessity for the Federal election laws, at the time of their passage and the continued necessity for them now, as well as the manner of their operation, I submit the following testimony (I quote from the report of the minority of the present Committee on Election of President and Vice-President and Representatives in Congress, to whom the thanks of the members on this side are due for their masterly presentation):

In passing judgment as to the effect of any law a few relevant facts are more useful in enabling us to reach a just conclusion than a world of beautiful illustration. If we had a faithful picture of the condition of affairs in any given locality immediately before the enactment of these laws, and of the same locality after the machinery had been in operation a few years, the comparisons and contrasts would be of great service. Fortunately two such pictures have been left upon the records of this House in the shape of reports of special committees, including the testimony by which the conclusions are supported. Both relate to elections in the city of New York. One by Hon. William Lawrence, of Ohio, February 23, 1869, and the other by Hon. S. S. Cox, of New York, March 3, 1877.

We make a few extracts from each of these reports, first from that of Mr. Lawrence, whose bill was made the essential groundwork of the Federal election laws enacted in 1870:

"In every country where popular suffrage has existed it has been found necessary to legislate against election frauds. (Citing statutes from Richard II to Victoria.)

"The State of New York had been prolific in election frauds. (Citing official reports for 1838, 1845, 1857, and 1858.)

"But, appalling and startling as these have been in our past history, they are all surpassed in some respects by those perpetrated in the general election in the State, and especially in the city of New York, on the 3d of November, 1868. These frauds were the result of a systematic plan of gigantic proportion, stealthily arranged and boldly executed, not merely by bands of degraded desperadoes, but with the direct sanction, approval, or aid of many prominent officials or citizens of New York, with the shrewdly concealed connivance of others, and almost without an effort to discourage or prevent them by any of those in whose interests and political party associations they were successfully executed, who could not fail to have cognizance of them, and whose duty it was to expose, defeat, and punish them.

"These frauds were so varied in character that they comprehended every known crime against the elective franchise. They corrupted the administration of justice, degraded the judiciary, defeated the execution of the laws, subverted for the time being in New York State the essential principles of popular government; robbed the people of that great State of their rightful choice of electors of President and Vice-President, of a governor, and other officers; disgraced the most prosperous city of the Union; encouraged the enemies of republican government here and elsewhere to deride our institutions as a failure, and endangered the peace of the Republic by an attempt to defeat the will of the people in the choice of their rulers.

Numerous examples of fraud and violence are then given, and the report contains this summary:

In view of all the facts it is safe to estimate that the total fraudulent and illegal votes cast in the State of New York at the election in November, 1868, were not less than and probably exceeded 50,000 votes. (Page 64.)

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Such was the last Presidential election conducted in New York City exclusively under State supervision.

Following close upon these events the law now in question was passed by Congress authorizing the appointment of Federal supervisors to observe and report upon naturalization, registration, and voting.

Eight years pass.

A committee of which the Hon. S. S. Cox is chairman is again charged with the duty of investigating a hotly contested Presidential election in the cities of New York, Brooklyn, Jersey City, and Philadelphia.

His report, and the evidence supporting the same, was filed March 3, 1877. We submit the following extracts therefrom:

"The committee take pleasure in commending the action of the United States officers, especially the supervisors of election in those cities, and the more especially because the Federal election law has not heretofore been administered with much satisfaction in those cities (Jersey City and Brooklyn).

"The Federal officers seem, however, this year to have worked harmoniously, not only with the local organizations, but with each other.

"CREDIT TO OFFICIALS.

"Whatever may be said about the United States laws as to elections or their supervision by United States authority; whatever may be said as to the right of a State to regulate in all ways such elections, this must be said, that the administration of the law by Commissioners Davenport, Muirhead, and Allen, the United States functionaries and their subordinates, was eminently just and wise, and conducive to a fair public expression in a Presidential year of unusual excitement and great temptation. The testimony of Mr. Davenport, the United States Commissioner for the southern district of New York, is a remarkable statement, which the committee would adopt as the basis of their report as to the three cities.

"The name, the number of the house, the number of rooms or floors, and other descriptions as to nativity, color, length of residence in the assembly district, county, and State of the voter were promptly made. Naturalization was inquired into, and other qualifications, and if disqualified, why disqualified. Instructions were then issued and printed in the books delivered to the supervisors. They are found in the testimony of Mr. Davenport.

"The same care was pursued in the cities adjacent to New York. There never was an election where such thorough preliminary preparation was required or had as to the registration, or as to the ballots, or the poll lists, tallies, check books, certificates, statements, and returns by the State and other officers.

"No interference was allowed so as to defraud the honest voter of his right except in a few instances, and no fraudulent votes were given except on very rare occasions.

* * * * * * * *

"The committee would commend to other portions of the country and to other cities this remarkable system, developed through the agency of both local and Federal authorities acting in harmony for an honest purpose.

"In no portion of the world, and in no era of time, where there has been an expression of the popular will through the forms of law, has there ever been a more complete and thorough illustration of republican institutions.

"Whatever may have been the previous habit or conduct of elections in those cities, or howsoever they may conduct themselves in the future, this election of 1876 will stand as a monument of what good faith, honest endeavor, legal forms, and just authority may do for the protection of the electoral franchise.

"From the moment the supervisors were appointed, from the moment that the lists are purged, from the moment that the applications are examined, to the very last return of the popular expression, this election shows the calm mastery of prudence.

"For this due credit should be given to men of both parties, and especially to the corporation counsel, Mr. Whitney, and United States supervisor.

"Mr. Commissioner Davenport had maps of every house and building in the city. These maps were corrected regularly every thirty days.

"You can not build a wing to your house, or change its number, or add to its stories or rooms, or change the character or quality of the dwelling without its being registered by the supervisor. * * *

"Of course, mistakes here and there have occurred. Errors were made in consequence of mistakes of voters themselves, as to registering their residence, but those mistakes were, as far as could be, remedied; and it would be wrong to hold the system pursued by State and Federal officers responsible for a few flecks and specks."

Mr. Cox was for a whole generation a leader of Democracy in this Chamber, the friend of the letter-carriers, of the Territories, and of all the defenseless who had a just cause to plead before the bar of the American Congress or people. His name has shed an enduring luster on literature and diplomacy as well as on his party and his country.

We are content to place his estimate of these laws and these men over against whatever evil may be spoken of them by those upon whom fortune has placed the task of endeavoring to stand in his shoes, though they are incapable of following in his footsteps. * * *

Inasmuch as the repeal of the Federal election laws must have the effect of relegating to State authorities the entire supervision of the election of President, Vice-President, and Members of Congress, excluding even the very mild form of observation—for that is about all it has amounted to—which has prevailed since 1870, a vote for this bill is equivalent to a vote in favor of the several State laws, to which it commits in toto the election of these officers.

It therefore becomes the duty of Congress before passing judgment on this bill to examine not only the sections of the Federal statutes which it is proposed to repeal, but also the State laws which are claimed by the majority to be not only sufficient but wise, just, and a patriotic substitute for those sought to be repealed. The purpose should be to secure fair and free elec-

tions. Unless these are had and the country knows them to be such, the whole Government is brought into merited disrepute.

To save time and space, I cite the practice in only a few States, beginning with Mississippi.

By the census of 1890, the males of the voting age in Mississippi numbered 271,080. The actual vote cast in 1892 was 52,809. Of this vote, Harrison received 1,406. This amazing result may be attributed to the force laws of Mississippi. The perfection of this plan consists in the registration, or rather nonregistration of voters. The commissioners of election are appointed by the lieutenant-governor and secretary of state. The inspectors of the election districts are appointed by the election commissioners, and are not to be all of the same political party, *if* suitable persons of different parties are to be had in the election district.

In 1890, in November, a new constitution was adopted in Mississippi. Section 244 of Article XII has become famous. Its provisions are that on and after the 1st day of January, 1892, every elector shall be able to read any section of the constitution of the State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof. A registration shall be made before the next ensuing election after January 1, A. D. 1892.

The new registration was effectual, as we have seen. Under the old shotgun system, which prevailed in 1888, the Republican total vote was 30,096. In 1892 it had fallen off to 1,406, a loss in four years of 29,690 votes to the Republican party. Of course the Republican vote of 1888, as returned, was absurdly small, but in 1892 it was much smaller.

The convention adopted an election ordinance on the 1st of November, 1890; and the Legislature of 1892 passed an act concerning registration and elections. Section 13 is in these words: "A person shall not be registered unless he be able to read any section of the constitution; or, in case he can not read, unless he be able to understand any section thereof when read to him, or give a resonable interpretation thereof." The law is based upon section 244 of the Constitution already quoted. The elector who can not read is put to a higher test than the one who can. It is easy to account for the Republican loss, as herein before mentioned. The registrars are very conscientous (?) men, and they see to it that no man, not a constitutional lawyer, if a Republican, shall be admitted to the registration lists.

As a Mississippi friend of mine once told me, "When a good Democrat comes to register we ask him to read some easy section, as for example, Article I, section 4, clause 1, of the United States Constitution: "The Congress shall assemble at least once in every year," etc. But when a Republican comes to register we require him to read and explain some such clause as this: "No bill of attainder or *ex post facto* law shall be passed." And then he added, "And it works beautifully!" Be it remembered that in all of the ordinary relations of life this man is a model of integrity and scrupulous honesty.

Other States besides Mississippi have enacted recent election statutes; among them Arkansas, Tennessee, and Alabama. The purpose of them all is the same. The methods are all alike; but in these recent enactments more particular attention has been paid to registration than in the older laws. This part of the statutes has been reduced to a fine art. The latest act is that of Alabama, passed this year. It is called the Sayre law. In Arkansas, Tennessee, and Alabama all power of appointment of election officers comes from central authority. There is no such thing as home rule in any of these States. The most significant feature of the new statutes, however, is the dependence of their framers upon each other's wisdom. They consult together and act in concert.

No election has yet been held under the Sayre law of Alabama. Much is said about it in that State, and it has been severely criticised. The criticisms induced its author to defend his statute, and in so doing he gave to the world some curious information. He said in his article that "at the time of the passage of the bill, and in the discussion attendant upon it, the registration feature was the feature selected for invective by the malcontents."

The registration officers, by the Sayre law, are appointed by the governor. Mr. Sayre said further:

"I applied to the secretary of state of Arkansas for information as to how the law worked there where it had been tried. The deputy secretary answered and said, among other things, "The law works smoothly, quietly, satisfactorily, beautifully, and I pray God every Southern State may soon have one like it. It neutralizes to a great extent the curse of the fifteenth amendment, the blackest crime of the nineteenth century."

So Alabama adopted the Arkansas plan. The lawmakers of one Southern State help those of another. Florida and North Carolina borrow from South Carolina, and Alabama from Arkansas and Tennessee. But no State seems yet to have approached Mississippi in ingenuity. In all of the States mentioned, and some others, however, the appointment of election officers is as far removed as possible from the people, and the entire control of everything connected with elections is in partisan hands.

In these States a highly complicated system has been evolved by which a partisan victory may be registered whenever desired without any reference to the intent or action of the voters at the polls. In this way the opponents of Federal supervision of elections obtain control and perpetuate their power. That these are facts is well known, as everyone knows who cares to inform himself. It is nowhere seriously denied.

Surely, Mr. Speaker, after this testimony, which could be amplified almost indefinitely, I am justified in claiming that the expediency, the propriety, yea, the necessity of these laws, has been established to the satisfaction of all fair-minded men.

At this point I feel impelled to digress from my main argument for a few minutes, Mr. Speaker, to notice a certain air of superior virtue, almost of reproachfulness, with which gentlemen on the other side of the main aisle speak to us about what they call home rule.

In rhythmic sentences they have eulogized local self-government, and have portrayed in glowing terms its beauty and desirability. I trust they will not misunderstand me or think that I mean it unkindly when I say that as a social and historic fact most of them do not know, and never did know from experience what local self-government means. I feel like quoting from a book with which all Republicans and some good Democrats are supposed to be familiar. And I mean no disrespect to the source of these words, Mr. Speaker, when I quote them here. They are so pertinent that I can not forbear using them. Referring them now to local self-government, the praises of which fall from Democratic lips with such unction, I would say to my Democratic friends, "You draw nigh unto it with your mouth and you honor it with your lips, but your heart is far from it." Come with me to any Northwestern State, say Minnesota, and I will show you local self-government as you never saw it anywhere south of Mason and Dixon's line and east of the Mississippi.

One of the dearest interests of any man's heart is the education of his children. How is that provided for in the far North Star State? The people of the neighborhood assemble in annual meeting and determine (each one having a voice in the matter) how much school they need, when they want it, how much they can afford to pay, and all the other items needed in carrying on that part of local government. Then they vote the required money and select from among themselves the necessary officers to carry these determinations into execufion. This is one example of local self-government, one which is so familiar to us in the Northwest as to seem almost as much a matter of course as the passage of the sun through the heavens. Thousands of our citizens would be surprised if they were told that so dear an interest as this is, in many of the States of even this "free" country, wholly outside of the control of those who are most interested.

Mr. PENDLETON of West Virginia. Will the gentleman allow me to interrupt him merely to suggest that we do that now in West Virginia.

Mr. McCLEARY of Minnesota. Well, you have been somewhat reformed, I know, and I am glad to be thus corrected. Are there any other States to report corrections? [After a pause.] I hear no response.

A man can not leave the threshold of his own home to go to his neighbor's without using the public road. Mayhap crossing his way is a river too deep to ford, so across the river must be built a bridge. How do we construct roads and build bridges in Minnesota? The people meet in annual assembly; and, after hearing the report of supervisors as to what has been done in the year just ended, and recommending what should be done the coming year, they deliberate and determine on the improvements to be made and then vote the money to pay for them. They make the plan of action for the year and then elect men to carry the provisions into practice.

And thus I might go on, giving a picture of a state of affairs in which each household rules its own hearthstone; where no man is hindered or intimidated at the polls; where on election day, literally "equal before the law," the journeyman in his jeans and the banker in his broadcloth wait with equal pride an opportunity to deposit his ballot, each standing proudly erect in the regal glory of American citizenship, and neither having any doubt that the ballot he deposits will be counted as cast.

And now, by way of contrast, Mr. Speaker, let me quote from the practice of one of the most liberal and enlightened of the Southern States. I refer to Maryland:

Do we want a road supervisor? We must send to a Bourbon County board and have some "heeler" appointed. Do we want a constable or a school trustee? The same board will provide for us. Do we want a justice of the peace? The governor appoints him. The people can not be trusted to elect. Is it any wonder our roads are poor, our government slack, our schools inefficient, our people discouraged, and our lands almost valueless?

I said, Mr. Speaker, that the people within the limits I indicated do not know in practice what local self-government means. That it may not be pleaded that the present situation is one of the results of the war, I will now quote from De Toqueville's famous work, Democracy in America, published many years before the war. This great French observer and student of political systems says, after a careful personal study of our State and national institutions:

The more we descend toward the South the less active does the business of the township or parish become; the number of magistrates, of functions, and of rights decreases; the population exercises a less immediate influence on affairs; town meetings are less frequent, and the subjects of debate less numerous. The power of the elected magistrate is augmented, and that of the elector diminished, whilst the public spirit of the local communities is less awakened and less influential.

Now, Mr. Speaker, in view of these facts, does it not seem rather presumptuous in the gentlemen on the other side to accuse us of trying to "centralize the powers of the Government?" Or is this simply the old cry of "stop thief?"

In drawing my remarks to a close, I can not forbear asking the gentlemen on the other side, Why do you propose to repeal these laws? As shown conclusively yesterday by my distinguished friend and colleague [Mr. TAWNEY], you are not under any obligation to do so. Your platform does not demand it. Indeed, as I see it, it would be a breach of faith in you to do it. Your party never could have triumphed on that issue.

I wish to show you further that it is not to your material interest to do this thing. It will not pay you of the sunny Southland in a financial way.

Away beyond the Mississippi, far from the great markets of

the world, out on the prairies of Iowa and southern Minnesota, and even farther west, land commands from $40 to $150 an acre, and this is for legitimate farm purposes, not for speculation in "town lots." By contrast consider the following:

A newspaper in a town in Maryland states that a landowner near Washington offers 500 acres of land 7 miles from the national capital for $15 an acre, and that there is timber enough on it which in cordwood and otherwise would pay for it. The party wants the editor to hunt up some Northern man who will buy it, and the editor makes an object lesson of it in favor of a change from Democratic bourbonism, such as Maryland is cursed with, to Republican management. Here are some of the points he makes: "Why should such land be offered at such low figures? Why do not Northern men jump at such offers? Simply because bourbonism has kept Maryland fully fifty years behind the times. Because there is no progress, no improvements, no toleration of methods, that make communities wealthy and prosperous, no chance for the people, no public spirit, no home rule, no elections of minor officers by the people.

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Can men be expected to leave a home where the people govern, where the township system gives home rule, good roads, good schools, toleration of opinion, to locate where they will be ruled by a conclave of political bosses more imperial, more despotic, less solicitous for domestic prosperity or public welfare than a Russian despot—a set of bosses that would rather harp on the last chords of Calhounism than devote a thought to the mending of a bridge or highway two centuries old.

The repeal of these equitable laws will show to the world that you Democrats propose to continue in your old errors. The reproach has been cast upon you that, like a man riding backward in the cars, you see nothing until it is past. If you repeal these laws this reproach will be more than deserved, for your action will show that you do not see a thing even after it has passed; or, that if you do, it teaches you nothing.

Bourbonism, gentlemen of the South, bourbonism, that spirit which is behind your action in this matter, is beyond all doubt seriously interfering with your material prosperity. But I propose to appeal to you in behalf of an interest even dearer to you than that. Chivalry toward woman and affectionate regard for children are two characteristics for which you are distinguished among men. In behalf, then, of your children I conjure you not to take the action indicated by your bill.

You are struggling with a mighty problem. In some of its phases you have the sympathy of all men who understand the situation. But, gentlemen, you can not afford to do evil that good may come of it. The experiment has been tried thousands of times, and always with the same ultimate result. The difficulties which you now encounter are not primarily of your making; they are in large part an inheritance. More than two centuries ago your fathers made a mistake the consequences of which they could not forsee. Beware lest by your action on the pending matter you hand down to your children's children a heritage of woe. For it is among the decrees of Him who changeth not, that every wrong act contains wrapped up within itself the seed of its own punishment.

To the small but courageous band of Populists on this floor I put the question, Why should you support this bill? Do you not know that it is hurried in upon us at this time in order to heal the breach in the Democratic ranks? There are few of your social propositions with which I have any sympathy; but you hold them honestly. You believe that they should prevail. Have you forgotten that a campaign is now in progress in the State across the Potomac? Do you realize how near your friends there are to victory? And have you stopped to consider how much such a victory would mean to your cause? This is a shrewd move on the part of your Democratic opponents to divert the attention of their Virginia voters from the silver question, upon which they are so seriously divided, and to heal the breach that it has caused. Will you aid them to defeat your friends?

And you Northern Democrats, how can you support this bill? Have you noted the arguments used? Do you not know that carried to their logical conclusion they justify disruption of the Union? Can you not hear in them the echoes of bygone days—days which I supposed that every patriotic citizen wished might be forgotten? Can you not almost feel the presence of the sheeted specters of secession? You were sent here by the votes of men whose lives were offered a willing sacrifice in defense of the Union. Think you they have forgotten those years of horror? Trusted by them to make certain economic changes, which somehow they had allowed themselves to be convinced would be beneficial to the country, think you they will tolerate interference with that which they hold sacred?

And you gentlemen who pride yourselves on your political purity, you who were so aptly characterized some weeks ago by my friend from Montana [Mr. HARTMAN], you who bear the euphonious name of Mugwump, how do you like the position that you have got yourselves into? You seem to be between his satanic majesty and the briny deep, and I advise you to take to the water. And especially you who spoke this afternoon, who bear a name honored wherever the English language is spoken, a name which will be venerated as long as great accomplishments and lofty purposes are honored among men—a name which you bear, sir, not unworthily—how can you support this bill? If, as some people believe, the spirits of the departed look down upon us, what think you would be the feelings of your distinguished sire, whose classic words at Gettysburg and elsewhere in behalf of this Union are an undying part of American literature—how think you he would feel to see you vote for this bill?

The pressure of a seeming political necessity is so strong, Mr. Speaker, that I fear that men who do not in their hearts approve this bill may feel impelled to vote for it. It is within the power of the majority to pass it.

But I would be false to my own best instincts, Mr. Speaker, if I did not here publicly protest against it. This feeling is so strong as to have overcome my natural disinclination as a new member to address this House thus early in my career.

I protest in the name of those who suffered the direful consequences of the application of a similar principle in the Articles of Confederation.

I protest in the name of the unnumbered heroes who offered their lives in defense of this Union; the heroes dead, who lie in their last resting place on the hillsides and in the valleys of the sunny South, over whose ashes the sad pines are sighing a requiem; the heroes living, many of them broken in body and racked with pain, who are passing down the western slope toward the setting sun upheld in their weakness by the consciousness of patriotic service faithfully performed in the hour of the nation's peril, who glory in a "nation saved, a race delivered."

I protest in the name of the people of our own country; of the people of other lands, whose eyes are turned to this in hope and whose life is brightened by our national sunlight of liberty under law; and of the millions yet to be, in whose interest our institutions must be preserved.

With all the vigor of my nature, Mr. Speaker, I protest against the passage of this bill. In the name of all that men esteem good and great, I protest, I protest. [Long continued applause.]

Mr. ALDERSON. Mr. Speaker, as the result of a political victory without parallel in the history of the Republic, the Democratic party finds itself in control of the legislative and executive departments of our Government, and in a position to redeem its pledges made to the people.

By admitting into the Union States deficient in population and in many other elements desirable in statehood, and by keeping out of the Union Territories with much larger populations and better equipped in all respects to sustain home government, the Republicans secured and maintained control of the Senate, and no doubt congratulated themselves that they were too strongly intrenched in that body to be dislodged by the votes of the people.

For twenty years, with rare exceptions, the popular branch of Congress, to which the people elected directly their Representatives, had been in control of the Democracy. When, in the midst of last year's exciting conflict, we believed we would elect our candidate for President and a majority of members of the House of Representatives, we little hoped to overturn the Republican majority in the Senate. The political revolution came, and when the verdict of the voters had been registered it was found that the party of high taxes, monopoly, centralization, and force bills had been relegated to the rear and that the party of the people would have opportunity to make good its pledges.

Mr. Speaker, unless the freemen of America shall again so far forget their duty as citizens as to reverse the verdict rendered last November, and again give opportunity to the Republican party to steal away the liberties of the people by means of Federal supervision and control of elections, the danger confronting the American peeple last year will never be estimated or realized. As I saw it then and see it now, the future of 65,000,000 of people was trembling in the balance, and the weal or woe of a republic was to be determined by the result. It was the calm, sober, and deliberate judgment of many of the most conservative minds in the country that if the Republicans were successful the Lodge force bill would become the law of the land, to be followed by anarchy, race war, revolution, and in the end the destruction of republican institutions. Subsequent occurrences have demonstrated beyond question that these fears were well founded. With stern, unyielding, and relentless determination, we have seen a Republican House of Representatives, encouraged and abetted by a Republican President, pass a most iniquitous and liberty-destroying measure, under which the elections of the people would be controlled absolutely and entirely by irresponsible Federal agencies.

The voters of the country have but recently decided overwhelmingly against such methods and such measures; and yet we have seen the Republicans in this Congress refuse to vote; we have seen them break a quorum in order to prevent consideration of a bill having for its object the repeal of the Federal election laws now in force. If proof were needed of their blind devotion to the doctrine of Federal supervision of elections, of

their utter disregard and contempt for the expressed wishes of a vast majority of our people, we had that evidence when we saw the Republicans in this House refuse to vote in order to prevent consideration of the bill under discussion.

I repeat it, unless the people shall again place the Republican party in power and thus give them opportunity to take away from the States the control of their own elections, an opportunity which the past history and conduct of the Republican party shows it would seize upon promptly and act upon unscrupulously, if presented, the country will never realize or appreciate the dangers to free institutions avoided by the defeat of the Republican party at the polls last November.

Those of us who lived in close and doubtful States know with what fierceness the political battle raged, with what determination our political adversaries contested every inch of ground, and with what relief we contemplated the great victory won by the champions of free institutions.

Sir, the Republican party is not closer or more strongly wedded to the doctrine of protection than it is to the principle of Federal control of elections. By the one process they would rob the masses of their substance, and by the other they would steal away the liberties of the people. The Democratic party in Congress has been solemnly commissioned by the American people to tear down the walls of protection and to wipe from the statute books the last vestige of every law which stands as a menace against home rule, and we can not too speedily enter upon the good work assigned us.

Mr. Speaker, the masses of our Republic have suffered long and grievously from unequal and onerous burdens imposed upon them by unfair class legislation; they have been patient under most exasperating and trying circumstances, and the revolt of last year was a rebellion of the oppressed against the demands of most exacting taskmasters. Sir, the people of this country are terribly in earnest and will not brook trifling or delay. They have trusted and confided in the Democratic party, and we, as their agents, but perform the trust confided to us and keep faith with the people when we by legislation destroy the twin evils of high-tariff and force-bill legislation.

Sir, the existence of any law that authorizes the interference on the part of Federal officials with the elections in the States is an impeachment of the honesty, integrity, intelligence, and patriotism of the people, and a standing menace to free government and republican institutions. To pass a Federal election law is to commit a crime against civilization. For us to permit a law of this character to remain on the statute books would be a breach of trust and a violation of the promises solemnly made to those who have elected us. The popular verdict has been rendered in favor of the bill now being considered, and it is our duty to carry into effect the desires of the voters of the Republic.

Many issues and numerous questions were discussed during the last campaign. Many influences operated to place the Democracy in power, but it is absolutely certain that the well-based fear on the part of the people that the Republican party, if longer kept in ascendency, would enact laws tending further towards centralization and would place the control of the elections in the hands of the Federal authority, had more to do with influencing the popular verdict than all other causes combined. The people realized that it was a serious and unfortunate condition existing, in which the hard-earned substance of the great masses of the people was legislated away from them and into the pockets of a privileged class, but above and beyond every other consideration, above and beyond every other right to be jealously guarded and protected was the right of the people to control their own affairs; the right of franchise to be exercised untrammeled and without interference. The verdict of the people was a protest against any infringement upon the doctrine of home rule, without which government is a mockery and freedom an idle dream.

Mr. Speaker, the laws which this bill proposes to repeal are the relics of the fratricidal strife which separated our people thirty years ago and the heritage of the reconstruction period during which States of this Union were by the rule of the bayonet reduced to mere dependencies. To wipe these laws from the statute books is a duty we owe to the best interests and prosperity of our country and to ourselves, as well as to those who may come after us. If the condition ever existed when such laws were proper or necessary, twenty-seven years of profound peace in the Republic have removed the circumstances and surroundings which could give excuse for the longer existence of any such measures; and it is to be profoundly regretted that the Representatives of the people, regardless of party, can not unite in a patriotic purpose to repeal these laws, which are a blot upon our civilization and a disgrace to the Republic. It is to be regretted that a great political party is found arrayed against the repeal of the Federal election laws.

Mr. Speaker, it is clear that the patriots who framed the Constitution of the country never contemplated that the language of the Constitution relating to the subject and providing that—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators—

should ever be construed to vest in Congress the right primarily and originally to enact laws prescribing "the times, places, and manner for holding elections for Senators and Representatives;" and the history of the period, the discussions in and actions of the conventions of the original thirteen States which adopted the Constitution, demonstrate clearly and prove beyond controversy that it was never intended that Congress should pass laws prescribing "the times, places, and manner" of holding such elections except in the event the States had refused to provide the necessary machinery for such elections or where the States were unable to do so because of revolution, etc. Every State has provided such regulations. But whether such right existed primarily in Congress or not, reasonable and thinking men, regardless of party, must now conclude that there is no necessity for the existence of such laws, and that a policy which would naturally bring Federal laws and Federal authority in conflict with State laws and State authority; a policy which must breed unrest and uneasiness among the people, and produce friction, confusion, and controversy, should no longer be pursued, and can not be too strongly condemned.

It is to be very much deplored that the minority of the committee reporting this bill have found it necessary to rehash the false statements and unpatriotic utterances concerning the South and her people, so long the stock in trade of Republican politicians. The minority in their report have said:

> Whatever may have been the necessity for the enactment of Federal statutes supervising the elections in the large Northern cities, an added necessity has arisen in the South, because of State laws and their operation. Through Kuklux violence in nearly all of the Southern communities the Democratic party gradually gained control of every branch of the State governments. The murders and assassinations committed have passed into history. Through these the State governments were seized; then came the enactment of the Southern force laws, by which usurped power is retained in all of the late Confederate States. Although there are still occasional instances of violence, this is no longer necessary, because the laws are so framed that the Democrats can keep themselves in possession of the governments in every Southern State. The details of the laws of the various States differ, but the purpose of all is the same. The predominant design everywhere is, however, to keep from the people the choice of their inspectors or judges of elections.

Mr. Speaker, the State of which I am a native and in part represent is one of the Southern States. The gentleman from Maine [Mr. REED], in the debate of some days since saw proper to refer to West Virginia as a State "made outside the Constitution." I will be pardoned, I trust, if I digress sufficiently now to state what I intended to say then in answer to the distinguished gentleman, but was prevented from so doing by the demand for the previous question. It may be that West Virginia was "made outside the Constitution," but the explanation of the fact that West Virginia came into the Union in an unconstitutional way is found when we remember that that State was admitted into the Union by a Republican Congress during a period of war and for partisan purposes. But whether "made outside the Constitution" or not, West Virginia is in the Union, and her Representatives are here, the peers of any other gentleman upon this floor, and are not to be browbeaten or cajoled into silence by any gentleman from any State. I take it that the chief objection Republican politicians have to my State lies in the fact that she is Democratic and is likely to remain so, and vituperation, abuse, and misrepresentation will not persuade our people to vote the Republican ticket. Republican success means a force bill, and so long as this Republican party exists the danger to free institutions confronts us. We may not agree upon financial questions; we may differ as to policies to be pursued, but so long as Republican success and bayonet rule stare us in the face we must and will vote the Democratic ticket.

The minority say:

> Although there are still occasional instances of violence, this is no longer necessary, because the laws are so framed that the Democrats can keep themselves in possession of the government in every Southern State. The details of the laws of the various States differ, but the purpose of all is the same, etc.

Speaking for West Virginia and for West Virginians, I assert with all the force and power which language can express, that so far as West Virginia is concerned this declaration is not justified, and I denounce it as a slander upon my State and her people. The election laws of that State, enacted by Democratic Legislatures, are conservative, broad, passed in a spirit of fairness, and intended to guarantee to every qualified voter the inalienable right to cast his ballot for the candidates of his choice.

The criticism is made against our election laws, and with some degree of reason, that they are too liberal and do not guard sufficiently the elective franchise; and I desire to say that the history of the elections in that State, and more especially in the

recent past, shows the danger to our people is that our laws may not be sufficiently rigid to prevent, in many cases, the casting of illegal votes, and that the election frauds committed have been committed by the Republicans. I charge it against the Republican politicians of that State that they have time and again endeavored, by means of illegal votes, to place that State in the Republican column. In 1888, by a preconcerted system of illegal voting, the Republicans attempted to defeat the will of our people. Resort was had to these methods in 1892 to carry our State for the Republicans, and it was only by means of most diligent, active, and determined efforts that it was prevented.

The State was colonized with thousands of illegal negro voters, and it was with much difficulty and exertion that our State was prevented from being turned over again to the tender mercies of radicalism.

Gentlemen have stated that the Federal election laws are dead letters upon the statute books. Sir, only last year, in our State, Republican Federal officials demonstrated by their action the danger to the people of permitting to remain in force the laws which we now seek to repeal. The district attorney and marshal of our State saw proper to leave their homes and travel hundreds of miles into a Republican county and away from the Congressional district in which they resided, and to lose their votes, in order, by their presence and action and the acts of their minions, to encourage, if not to induce, illegal voters to cast their ballots for the Republican candidates, and thereby to carry a Congressional district and a State for the Republicans. The actions of these Federal officials are best explained in the following telegrams and letters and affidavits from gentlemen of unimpeachable integrity. These papers are copies of documents on file at the Department of Justice.

I send to the desk and ask to have read the letters and some documents in this connection.

The Clerk read as follows:

CHARLESTON, W. VA., *April 3, 1893.*

MY DEAR SIR: I inclose herewith correspondence with Dr. W. R. Iaeger, a prominent citizen of McDowell County, who is known to yourself, and whom I know to be a good citizen and whose statement is entitled to the highest credit.

It is due to you that I should state, as chairman of the Democratic State committee, I had a good deal of correspondence with Mr. L. E. Tierney, chairman of the Democratic executive committee of McDowell County, in regard to the action of Mr. Sturgiss, the district attorney, and Mr. White, United States marshal, at the election in 1892.

The day before the election I received a telegram from Mr. Tierney, stating in substance that Mr. White, his deputies, and Mr. Sturgiss were present at the polls. I thereupon sent a telegram to Mr. Tierney, urging him to do all in his power to maintain order, and to see that only the legal vote of that county was cast. I inclose you a newspaper account of that correspondence, which, of course, was by telegram.

The known fact in our State that the Republican party intended at the election of 1892 to repeat the outrages upon the ballot box so successfully exposed by us in 1888, caused me to pay close and careful attention to that county. We not only had the entire vote listed, but we caused to be made a list of the illegal voters in that county whom we suspected the Republicans would attempt to vote at the election, and placed these lists in the hands of the county and local committees and of the challengers at each one of the voting places. Before placing these lists in their hands we had carefully prepared, by experienced men, a short history of these illegal voters, showing when they came into this State, how long they had been in the State, and the reasons why they were not under the laws of West Virginia legal voters.

I desire to say, further, that after the election I had a conversation with District Attorney Sturgiss, in which he told me that he had been present in McDowell County at the election in 1892.

Yours, very truly,

W. E. CHILTON.

HON. JOHN D. ALDERSON,
Washington, D. C.

Mr. ALDERSON. Mr. Speaker, the residue of this correspondence and accompanying papers, which are somewhat voluminous, I will not ask to have read at this time if consent is given that I may insert the contents in the RECORD.

The SPEAKER *pro tempore*. Is there objection to the gentleman from West Virginia inserting in the RECORD the correspondence and papers, a part of which has been read.

There was no objection.

The documents are as follows:

CHARLESTON, W. VA., *April 3, 1893.*

DEAR SIR: Seeing that you are in Charleston, and knowing that you are a citizen of McDowell County, and that you were a candidate in your county for the office of sheriff at the election of 1892, and knowing that you have knowledge in regard to the action taken by the United States district-attorney for West Virginia, and the marshal at the election, you will confer a great favor upon me by giving me a statement in writing, as to what you know of that matter.

Yours, very truly,

W. E. CHILTON, *Chairman.*

Dr. W. R. IAEGER, *City.*

CHARLESTON, W. VA., *April 3, 1893.*

DEAR SIR: I was present at the polls at the election of 1892, at Elkhorn Station, in McDowell County, one of the voting places for Elkhorn district and Browns Creek district, and remained all day of election.

United States Marshal White, of West Virginia, and District Attorney Sturgiss were there present all day, and by their presence gave a strong moral support to the opposition, and what we thought, and still believe, was a strong attempt to vote a large number of illegal votes at those precincts. During the day Gen. Sturgiss was in frequent communication with the marshal and his deputies.

It had been publicly stated that the Republican party intended to vote hundreds of negroes in McDowell County whom the State committee and our Democratic county committee knew were illegal voters and not entitled to vote in that county. The State and local committees had made lists of these illegal voters, and as Elkhorn district and Browns Creek district, which adjoin each other, contained a large negro voting population, in fact the largest in the county, great interest was centered at that point, and the attention of both political parties was centered at that place. There is no doubt in the world that a large number of illegal votes were cast at the precincts above referred to, and but for the intimidating effect of the United States marshal and his deputies at the polls and the moral support given them by the United States district attorney we would have been able to have prevented a large number of illegal votes from being cast.

By the public prints and the public and private utterances of all the Democratic committees it was known that we intended to protect the rights of every legal voter in that county, and the only purpose which we intended to accomplish was to prevent a repetition of the outrages upon the ballot perpetrated in the election of 1888. We feel that the district attorney had a prominent part, as above set forth, in having a large illegal vote cast in our county contrary to law. His presence there was a menace to our civil authority and we consider it an outrage upon our people.

Mr. Sturgiss and Marshal White came to that precinct the day before election and left on the first train going West the morning after election, showing that their presence there was solely for the purpose of taking part in the election, neither of them being residents of that county.

Yours, truly,

W. R. IAEGER.

HON. W. E. CHILTON,
Chairman Democratic State Committee, Charleston.

STATE OF WEST VIRGINIA,
County of McDowell, ss:

This day personally appeared before me, J. R. Greenawalt, a notary public in and for said county and State, L. E. Tierney, chairman of the Democratic county committee of the said county and State, deposes as follows:

On the 8th day of November, 1892, George C. Sturgiss, United States district attorney for West Virginia, and H. S. White, United States marshal for West Virginia, were in this county aiding the Republicans to defeat Grover Cleveland and carry that State for the Republicans. Said Sturgiss and White held forth at the Houston Coal and Coke Company's store; this store was one of the voting precincts in Browns Creek district, and a voting place where a large number of negroes voted.

The said Sturgiss and White came from distant part of the State to probably carry out the *modus operandi* of the Republican managers. From the fact they were vested in United States power, their official standing had a tendency to overawe the Democratic workers from working as hard as they should for the election of Grover Cleveland for President. The said Sturgiss and White lost their vote; their presence also had a tendency to give backbone to the illegal negro voter. The said Sturgiss was off and on in this county for two or three weeks before the election, instructing the negroes in regard to voting the Republican ticket.

I myself was told by one of their deputy marshals, who was at the Powhatan voting precinct, that the said Sturgiss instructed the negroes they could vote in West Virginia, even if they had their families in Virginia. One of our election officers at the Kyle voting place told me Dan Cunningham, a deputy marshal, told the negroes if they were not allowed to vote at this precinct they should go to Elkhorn. This was the place at which Sturgiss and White held forth, as the Houston C. and C. Company's store is at Elkhorn. I saw myself a great many negroes leave the voting precinct, where our men watched carefully for illegal voting, and go to Elkhorn and vote. Judging from the action of the deputy marshals on that day, they were instructed to send all the negroes to Elkhorn. I had a competent corps of men list fully 1,200 illegal voters, the majority of which were negroes. Our challengers were all provided with this list, yet numbers of these illegal votes were cast. Our challenger at Elkhorn, Mr. L. D. Colomon, reported to me that he requested Marshal White to arrest some of those illegal voters. This White did not do.

As county chairman of the McDowell Democratic county committee, I hold the presence of Sturgiss and White had a tendency to overawe the Democratic workers, and also had a tendency to give backbone to a great deal of the illegal voting.

I wired the following telegram to W. E. Chilton, Democratic State committee:

"ELKHORN, MCDOWELL COUNTY, W. VA., *November 7, 1892.*

"W. E. CHILTON, *Charleston, W. Va.:*

"Wire following to all State papers, to appear in morning issue:

"THE FORCE BILL INAUGURATED PREVIOUS TO PASSAGE.

"The Federal court of West Virginia, with the exception of Judge Jackson, has been in session all day in this county, swearing in United States marshals to take possession of our polling stations, with the intention of controlling our election, as it is known the people of this section have resolved to cast their vote in the interest of the Democratic party. With bold effrontery they assert that they are thus empowered to act by the provisions of some Federal law which is known only to themselves.

"Will the intelligent voters of the United States indorse such an unwarranted and oppressive act by their votes cast on to-morrow's election?

"L. E. TIERNEY."

Above telegram proves that I instructed our State chairman that Sturgiss and White were in this county.

I submit also a copy of another telegram I had:

"SWITCHBACK, W. VA., *November 9, 1892.*

"To MARSHAL WHITE,
"*Wheeling, W. Va.:*

"We thank you for your timely and efficient aid.

"E. S. HUTCHISON,
"*Chairman Republican County Committee.*"

I feel this goes to show White's presence in this county gave a great deal of help to the Republican leaders of this county.

L. E. TIERNEY,
Chairman McDowell Democratic Committee.

Subscribed and sworn to before me, in my said county, this 5th day of April, 1893.

Given under my hand and notarial seal.

J. R. GREENAWALT, *Notary Public.*

STATE OF WEST VIRGINIA,
County of McDowell, ss:

I, J. R. Greenawalt, a notary public, in and for the county and State aforesaid, do hereby certify that James Wetherman personally appeared before

me, in my said county, and made oath that on the 8th day of November, 1892, that being the election day, H. S. White, United States marshall, and George C. Sturgiss, United States district attorney, were both in this county. Sturgiss was at the Houston Coal and Coke Company precinct in Brown's Creek district, also at the Elkhorn precinct. White was at the Houston precinct, in Brown's Creek district. The presence of these men, occupying the positions they had by their official character, tended to overawe and intimidate Democratic workers and voters and sanctioned the casting of a number of illegal votes. The deputy marshals were extremely active and aggressive under instructions from their superiors, and even went into the polls and volunteered instructions to the commissioners and clerks, and also insisted on the colored voters to go to Elkhorn to vote, where the said White and Sturgiss were stationed.

Given under my hand and notarial seal this 5th day of April, 1893.

J. R. GREENAWALT, *Notary Public.*

The following is the newspaper account of the correspondence to which Mr. Chilton in his letter refers, and was published in the Charleston (W. Va.) Gazette of November 8, 1892:

The following telegram was received last night by the chairman of the Democratic State committee:

"ELKHORN, W. VA., *November 7, 1892.*

"W. E. CHILTON, *Charleston, W. Va.:*

"Sturgiss and whole Federal court here to appoint marshals for all our voting precincts purposely to control our election here. Confer with Judge Jackson as to the right of United States marshals at our polls. Wire me his decision at once.

"L. E. TIERNEY."

In respose, Chairman Chilton promply sent Mr. Tierney the following:

"CHARLESTON, W. VA., *November 7.*

"L. E. TIERNEY, *Elkhorn, W. Va.:*

"Can not reach authority named in time. Do not get nervous. Preserve the law and your rights. Look at my letter and former telegram; they contain the proper advice and I adhere to them. It can not be possible that Federal authority will attempt to control your elections. Even if they do appoint marshals, they must be governed by the laws of West Virginia, and have no right to violate the law any more than has a private citizen. This committee will prosecute any violations of the election law committed by any one.

"Keep cool and secure proper evidence of any violation of law and have arrested anyone voting illegally. No power on earth can prevent the sheriffs, constables, and election officers of the State from doing their duty. This is a Republic, and West Virginia is a sovereign State.

"W. E. CHILTON, *Chairman.*"

From the above it will be seen to what straits the Republican machine in West Virginia is pushed in their vain attempt to capture the State. The State committee now have in at headquarters reports from every county. They show the Democratic organization to be in better shape than they ever were at this stage of the campaign, and feel absolutely sure that West Virginia will elect four Congressmen, will cast her electoral vote for Cleveland and Stevenson, and will elect the entire State ticket.

Mr. ALDERSON. These letters and affidavits, Mr. Speaker, clearly show that the United States marshal and the district attorney of West Virginia left their homes and went to McDowell County, in the Third district of that State, which is my district, and were present on election day, and by their presence and advice and through their agents encouraged illegal negro voters to vote the Republican ticket. Not only that, sir——

Mr. HAINER of Nebraska. Will the gentleman allow a question?

Mr. ALDERSON. My time is very limited, and I would prefer to get through as soon as practicable.

Mr. HAINER of Nebraska. I ask unanimous consent that the gentleman be allowed to extend his remarks indefinitely.

Mr. ALDERSON. I do not want to talk indefinitely. What is your question?

Mr. HAINER of Nebraska. I ask this, if the gentleman's statement is correct, why there has been no prosecution of these officers? Did you complain of them?

Mr. ALDERSON. Mr. Speaker, the answer is found in the existence of the iniquitous statutes under which these officials pretended to be acting, and which we propose to repeal by the passage of the bill now under consideration.

I state the substance of these papers in order that the House may understand——

Mr. HAINER of Nebraska. The gentleman has not answered my question. The law provides for the punishment of any person who by intimidation or fraud prevents a legal voter from depositing his ballot.

Mr. ALDERSON. Yes; and it was never enforced, I believe, against Republican officials. That has been the history and experience of the country.

Mr. HAINER of Nebraska. If the facts are as the gentleman claims, and as shown here in this supposed affidavit, he has a complete remedy in the courts. I think the facts do not bear him out.

Mr. ALDERSON. Mr. Speaker, these affidavits are not supposed affidavits, but are real affidavits, stating actual facts which have never been controverted, so far as I know.

Mr. HAINER of Nebraska. Why did you not prosecute, then?

Mr. ALDERSON. I have answered that question. They would hardly prosecute themselves. If prosecutions were on foot, Mr. Speaker, if prosecutions had been commenced and ended, and punishment inflicted, I take it that that would be no reason why members of this House might not state the facts, in order to show to this House and the country that these wholesale charges of fraud and rascality and villainy, as applied to a whole section and a whole people, are without foundation at least so far as the Democracy of West Virginia is concerned. The county of McDowell, in the district which I represent, in 1890 cast 1,099 votes. It was demonstrated by an actual list of illegal voters in that county that there were within its borders 1,516 illegal voters, the most of whom, the large majority of whom, were negroes. They had come across the border from Virginia, and were not entitled to vote under the laws of West Virginia.

Claim was made, broadcast and with emphasis, by Republicans in my own State, and through the Republican press of the country, that West Virginia would be carried by the Republicans. And when the facts had been developed, when it was seen after the election, that the means were at hand which the Republicans had expected to use to debauch the ballot and to carry West Virginia for the Republicans, it was then understood by the world why it was that they were so vehemently claiming that they would take West Virginia out of the Democratic column and enroll it among the Republican States.

Mr. HAINER of Nebraska. If the gentleman will permit me——

Mr. ALDERSON. I beg the gentleman's pardon, but my time is very limited, and there is at least one other gentleman who is expected to follow me this evening.

Mr. HAINER of Nebraska. I wish simply to remark that if the gentleman's statement is true, then there was great necessity for these laws. The gentleman has given an illustration of the very great necessity for these laws.

Mr. ALDERSON. I have given the facts in a case in which Federal officials prostituted their offices, if these statements be true, in the interest of the Republican party. The State authorities were entirely competent, and earnestly desirous, if permitted to do so, to prevent illegal voting.

Mr. HAINER of Nebraska. That is made a crime under these laws, and the law should be enforced against Republicans as well as Democrats, of course.

Mr. ALDERSON. It should have been done, but has not been done. I take it that if the gentleman had lived in the South and had been born and reared there, as I was, he would have less prejudice than he now has. He would understand the people of my section better than he now does, and he would know that all of the purity, and all of the honesty, and all of the integrity, and all of the manhood in existence in this Republic is not found on the one side or the other of Mason and Dixon's line.

The complaint I make against Republican politicians is that they either misunderstand our people or willfully misrepresent them. The charge I make against Republican politicians is that they flaunt the bloody shirt and attempt to stir up old animosities, instead of endeavoring, like patriots and true Americans, to heal over the old sores and bury deep in the grave of oblivion the past differences which existed among our people.

I do not know how much fighting the gentleman from Nebraska [Mr. HAINER] did during the war. My experience is, generally, that the men who to-day abuse the South most vigorously were either camp-followers during the war or gentlemen who occupied bombproof positions during that period, and who are undertaking, by means of arraying one section against the other, to keep themselves in power along with the party to which they belong.

Mr. HAINER of Nebraska. If the gentleman will allow me——

Mr. ALDERSON. A great soldier, speaking of the late war, has said in reference to it——

Mr. HAINER of Nebraska. Mr. Speaker——

Mr. ALDERSON. I will not be interrupted any further. I decline to yield.

Mr. HAINER of Nebraska. The gentleman has referred to me personally. I wish to make a remark——

Mr. ALDERSON. My friend's remarks can be made in his own time. My time has almost expired.

Mr. Speaker, a great Federal general, after the war ended, a man who had received in his breast the shots of the enemy, who had gone out and stood up as a bulwark in defense of the Union, in speaking upon this subject, said:

To study its lessons is prudence; to profit by its teachings is wisdom; but to stir up old animosities is madness.

I commend these utterances to the consideration of the gentleman who has interrupted me.

I am not here, sir, to talk about the North or the South. I am here to resent the insinuations and charges made against my people, my neighbors, a whole section, a whole community, as patriotic as the residents of any other section, as devoted to the Union and to the cause of liberty as any men born and reared and living north of Mason and Dixon's line.

Mr. Speaker, coming back again to the thread of my discourse, I desire to say that McDowell County cast but 1,099 votes in 1890,

and in 1892 we found 1,516 illegal voters in that county. Upon an investigation it was ascertained that more than 2,600 illegal voters were in the counties of Fayette and McDowell alone.

These voters were actually listed in alphabetical order, and I have at my room printed copies of those lists, which we found it necessary to have printed and placed in the hands of our challengers on the day of election to prevent the Republican party from stealing our State. The material was at hand, and the Republicans vehemently claimed that they would carry our State, and no doubt expected to do so by means of illegal votes. So positive and apparently sincere were their claims that they were able to create the impression that West Virginia would give a Republican majority; and so strong was this impression that the press of the country one week after the election placed our State and the district which I represent in the doubtful column, or stated that both had gone Republican, although the Democratic majority in the State was more than 4,000, and in the district I represent exceeded 1,900.

Mr. Speaker, let us repeal these laws. Let us destroy the opportunity given to Federal officials to conduct themselves in the manner set out in the foregoing letters and affidavits. Let there be no occasion in the future for the sending of a telegram by the chairman of a political committee to a United States marshal thanking him for his "timely and efficient aid," rendered any party in a political campaign on election day. In explanation of that statement, I want to say to the House that among the papers which I have asked to be inserted in the RECORD is found a copy of a telegram from the chairman of the county Republican executive committee of McDowell County thanking the United States marshal for the services he rendered the Republican party on election day. Our information and belief is that they voted 600 of these illegal negro votes in McDowell County in 1892.

Mr. Speaker, with the Democratic party in power, if advantages are to be derived during the four ensuing years because of the existence of Federal election laws, these benefits would accrue to the Democratic party, and the good faith and earnestness of the party of the people in carrying out the expressed wish and will of the voters of the country and our opposition to Federal control of elections and in favor of home rule will be evidenced when every Democratic member of this body shall cast his vote in favor of the bill under consideration, as will be done on Tuesday next.

Mr. Speaker, the Democratic party will make good its promises to the people. I desire to say, sir, with respect to the charges preferred against the district attorney and the marshal, which I have asked to have inserted, that I have no personal knowledge upon the subject; but it is a fact which has never been denied or explained, that those two gentlemen went away from the Congressional district in which they resided into another Congressional district, and were present there in the Republican county of McDowell on the day of the election; and so important did they deem their services to be to the Republican party that they actually lost their votes at home.

These papers which I have sent to the desk to have inserted speak for themselves, and I think they demonstrate most conclusively that there is one Southern State at least in which all the Republicans are not saints and all the Democrats scoundrels, ballot-box stuffers, and negro bulldozers. I thank the House for its indulgence and attention.

Mr. TUCKER. I move that the House adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 32 minutes p. m.) the House adjourned.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bill and resolution of the following titles were introduced and severally referred as follows:

By Mr. CAMINETTI: A bill (H. R. 3725) making an appropriation to carry out the provisions of "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893—to the Committee on Appropriations.

By Mr. DOOLITTLE: A joint resolution (H. Res. 70) to appoint a joint committee to examine and report upon the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BANKHEAD: A bill (H. R. 3726) for relief of Dr. John B. Read—to the Committee on Claims.

By Mr. BROOKSHIRE: A bill (H. R. 3727) to correct the military record of John H. Stearns—to the Committee on Military Affairs.

By Mr. DAVEY: A bill (H. R. 3728) for the relief of the heirs of Mrs. Gabriel Le Breton Deschapelles—to the Committee on War Claims.

By Mr. SHELL: A bill (H. R. 3729) for the relief of Mount Zion Society—to the Committee on War Claims.

Also, a bill (H. R. 3730) granting arrears of pension to the heirs or legal representatives of William Laval, deceased—to the Committee on Pensions.

Also, a bill (H. R. 3731) conferring jurisdiction on the Court of Claims to determine the law and the facts in regard to the claim of John O'Dell—to the Committee on Claims.

By Mr. WHITING: A bill (H. R. 3732) for the relief of Henry Gallinger—to the Committee on Pensions.

Also, a bill (H. R. 3733) for the relief of J. Seymour Taylor—to the Committee on Military Affairs.

Also, a bill (H. R. 3734) for the relief of Newell A. Burrows—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama (by request): A bill (H. R. 3735) for the relief of the estate of John R. Bigelow—to the Committee on War Claims.

Also, a bill (H. R. 3736) for the relief of Matthew B. Nail—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COOPER of Texas: Petition of citizens of Anderson County, Tex., protesting against unconditional repeal of the purchasing clause of the Sherman law—to the Committee on Coinage, Weights, and Measures.

By Mr. DINGLEY: Remonstrance of the National Temperance Society against the extension of bonded whisky period—to the Committee on Ways and Means.

By Mr. JOHNSON of Indiana: Petition of the Indiana yearly meeting of the Society of Friends for enactment of a law prohibiting use of United States mail for papers containing accounts of prize fights—to the Committee on the Post-Office and Post-Roads.

By Mr. NORTHWAY (by request): Petition of the Ohio Annual Conference of the Methodist Episcopal Church, composed of 230 ministers representing 64,000 church members, praying for the repeal of the Geary law—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *October 9, 1893.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. GEORGE ELLIOTT, D. D., of Georgetown, D. C.

The Journal of the proceedings of Saturday last was read and approved.

NEW YORK CUSTOM-HOUSE INVESTIGATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of September 30, information in regard to the personnel and compensation of the special commission to investigate the New York custom-house; which, on motion of Mr. GALLINGER, was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. QUAY presented a petition of Pomona Grange, Patrons of Husbandry, of Center County, Pa., praying for the free coinage of silver; which was ordered to lie on the table.

He also presented a petition of Kensington Lodge, No. 217, International Association of Machinists, praying for the free coinage of silver and remonstrating against the preference of foreign labor by William Cramp & Sons; which was ordered to lie on the table.

Mr. SHERMAN presented a memorial of Mayflower Assembly, No. 469, Knights of Labor, of Zanesville, Ohio, remonstrating against the repeal of the silver-purchasing clause of the act of July 14, 1890, without substituting the free coinage of silver; which was ordered to lie on the table.

Mr. WASHBURN presented a petition of citizens of St. Louis Park, Minn., and a petition of the Northern German Annual Conference of the Methodist Episcopal Church of St. Paul, Minn., praying for the repeal of the so-called Geary Chinese law; which were referred to the Committee on Foreign Relations.