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THE FEDERAL ELECTION BILL.

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MR. LODGE:

THE National Election Bill, as has been pointed out several times during the discussion which it has aroused, both in and out of Congress, is a long bill. Yet if any one will take the trouble to compare it with the general election laws of most, if not all, of the States, he will find that in its class it is more conspicuous for brevity than for length. The truth is that no election law which attempts to provide accurately for all the different stages of an election can be otherwise than long. At the same time, although it takes many paragraphs in a bill to state exactly how each act, great and small, having relation to an election shall be performed, it is perfectly easy to put into very few words the purpose of an election law and the methods by which it proposes to accomplish that purpose.

The first object of the National Election Law now under discussion is to secure entire publicity in regard to every act connected with the election of members of Congress. To effect this it provides for the appointment of United States officers, selected

from the two leading political parties, to watch over and report upon naturalization, registration, the conduct of the election, the count of the ballots, and the certification of the members. These officers have no power whatever to interfere with local officers or existing methods. Their only duty is to protect the honest voter, secure evidence to punish wrong-doers, and make public every fact in connection with the election. The State systems, whether they provide for the secret and official ballot or otherwise, are all carefully protected under this law against any interference from United States officers. Moreover, if the officers of the United States at any election precinct exercise their powers improperly, the local officers are there to report their conduct. Thus is obtained a double assurance of publicity from two sets of men, among whom both the leading political parties are represented, without any interference with local officers or local systems.

At only one point does the United States take what may be called control of any essential step in the election of Representatives. Where an entire Congressional district is placed under the law, a United States Board of Canvassers appointed for the district receives the supervisors' returns, and on those returns issues a certificate to the candidate who appears to be elected. If that certificate agrees with the certificate of the State officers, the name of the candidate who holds them both is, of course, placed upon the roll of members of the House. If the two certificates disagree, then the certificate of the United States board is *primâ-facie* evidence and places the name of the holder upon the roll of Representatives; but in this case any candidate may appeal from the decision of the Board of Canvassers to the Circuit Court of the United States, which has power to set aside the certificate of the canvassers and virtually decide whose name shall be placed on the roll of the House. A candidate who is not willing to have his cause tried by a court of high jurisdiction must be hard to please, when we consider that the only other known method is that of a committee of Congress made up of party representatives.

Thus it will be seen that the whole purpose of this bill may be summed up in one word—"publicity." It proceeds on the sound American theory that all that is necessary, in the long run, to secure good government and to cure evils of any kind in the body politic is that the people should be correctly in-

formed and should know all the facts. It proposes, therefore, by making public all the facts relating to elections, to protect the voters and to render easy the punishment of fraud. If wrong exists, it will disclose and punish it. If all is fair and honest, it proves that all is well, restores public confidence, and removes suspicion. There is absolutely nothing in this bill except provisions to secure the greatest amount of publicity in regard to elections and to protect the ballot-box by making sure the punishment of those who commit crimes against the suffrage. It interferes with no man's rights; it changes no local system; it disturbs no local officers; but it gives publicity to every step and detail of the election, and publicity is the best, as it is the greatest, safeguard that we can have in this country for good government and honest voting. No wrong can long continue when the people see and understand it, and nothing that is right and honest need fear the light. The Southern Democrats declare that the enforcement of this or any similar law will cause social disturbances and revolutionary outbreaks. As the negroes now disfranchised certainly will not revolt because they receive a vote, it is clear, therefore, that this means that the men who now rule in those States will make social disturbances and revolution in resistance to a law of the United States. It is also not a little amusing to observe that small portion of the newspaper press which has virtue generally in its peculiar keeping, raving in mad excitement merely because it is proposed to make public everything which affects the election of the representatives of the people in Congress. There must be something very interesting in the methods by which these guardians of virtue hope to gain and hold political power when they are so agitated at the mere thought of having the darkness which now overhangs the places where they win their victories dispersed.

So much for the purpose of the bill. A word now as to some of the objections which have been raised against it. The most common is that which is summed up in the phrase "force bill." There is nothing very novel in this epithet, for it can hardly be called an argument, or the suggestion of one. It proceeds on the old doctrine of giving a dog a bad name—a saying which is valuable, but perhaps a trifle musty. There was a bill introduced many years ago to which that description was applied not without effect; and the persons opposed to the present measure, whose

strongest intellectual quality is not originality, brought out the old name without much regard to its appropriateness. The trouble with this is that the old bill and the present one are totally unlike, and that what applies to one has no application to the other except that they both aim to protect American voters in their rights. There is no question of force in the present bill. One able editor referred to it as "bristling with bayonets in every line"; but as there is absolutely no allusion to anything or anybody remotely connected with bayonets, it is to be feared that the able editor in question had not read the bill. So anxious, indeed, are the opponents of the measure on this point that, not finding any bayonets in the bill, they themselves have put them in rather than not have them in at all. One newspaper took a clause from the Revised Statutes of the United States relating to United States troops and printed it as a part of the Election Bill, although the bill contains no such clause, but merely reënacts a law which has been on the statute-books for twenty years, and which would have remained and been in force, whether reënacted or not, so long as it was not repealed.

The President of the United States has from the beginning of the government had power to use the army and navy in support of the laws of the United States, and this general power was explicitly conferred many years ago in that portion of the Revised Statutes which now comes under the title "Civil Rights." The present bill neither adds to nor detracts from that power, and as the liberties of the country have been safe under it for at least twenty years, it is not to be apprehended that they will now be in danger The fact is that the talk about this being a "force bill" and having bayonets in every line is mere talk designed to frighten the unwary, for the bill is really an "anti-force" bill, intended to stop the exercise of illegal force by those who use it at the polls North or South; and it is exactly this which the opponents of the bill dread. The United States have power to enforce all the laws which they make, whether they are laws regulating elections or for other purposes. That power the United States must continue to hold and to exercise when needful, and the National Election Law neither affects nor extends it in any way.

The objection next in popularity is that the measure is sectional, and not national. That this should be thought a valuable and important shibboleth only shows how men come to believe

that there is real meaning in a phrase if they only shout it often enough and loudly enough. Repetition and reiteration are, no doubt, pleasant political exercises, but they do not alter facts. In the first place, if we look a little below the surface, it will be found that no more damaging confession could be made than this very outcry. The law when applied can have but one of two results. It will either disclose the existence of fraud, violence, or corruption in a district, or show that the election is fair and honest. If the latter proves to be the case, no one can or would object to any law which demonstrates it. If, on the other hand, fraud is disclosed, then the necessity of this legislation is proved. The Election Law is designed to meet and overcome fraud, force, or corruption, as the case may be, in elections anywhere and everywhere, and if it is sectional, it can only be so because fraudulent elections are sectional. Those who rave against the bill as sectional—that is, as directed against the South, for Southern and sectional appear to have become synonymous terms—admit by so doing that they have a monopoly of impure elections. If it were otherwise, the law, even when applied, would not touch them except to exhibit their virtues in a strong light.

In the sense, however, in which the charge of sectionalism is intended there is no truth in it. Why, it has been asked, did not the Republicans accept the amendment of Mr. Lehlbach, of New Jersey, and make the measure really national? The Lehlbach amendment, if adopted, would have made the bill universally compulsory, but would not have made it one whit more national than it now is. The clause on which the accusation of sectionalism rests is that which makes the application of the bill optional; but to make a measure optional is not to make it sectional. If everybody and every part of the country have the option, the bill is as broadly national as if every provision in it were compulsory. No one would think of calling the local-option liquor laws, which are not uncommon in the States, special and not general legislation; and it is equally absurd to call an election law containing the local-option principle sectional. A law which may be applied anywhere on the fulfilment of a simple and easily-fulfilled condition is as national and general as a law which must be applied everywhere, whether asked for or not.

Moreover, the origin of the legislation of which this is a mere

continuance is the best proof of its national character. The original Supervisors' Law, of which this is an extension, was designed especially to meet the notorious frauds in the city of New York, and the present bill aims quite as much to cure frauds in the great cities of the North as in any part of the country. It is, indeed, the knowledge of this fact which sharpens the anguish of the Northern Democrats at what they pathetically call an invasion of State rights. It is not the peril of State rights which afflicts them, but the thought of an abridgement of those liberties with the ballot-box of which the performances in Hudson County, N. J., have afforded the most recent illustration. The South shouts loudest, but it is merely because the ruling statesmen there think they have most to lose by fair elections. What chiefly troubles the opponents of the bill North and South is, not that it is sectional, but that it will check, if not stop, cheating at the polls everywhere.

Another objection of a sordid kind brought forward against the bill is that it will cost money. If this or any other measure will tend to keep the ballot-box pure, it is of little consequence how much it costs. The people of the United States can afford to pay for any system which protects the vote and makes the verdict of the ballot-box so honest as to command universal confidence; but it is, of course, for the interest of the enemies of the law to make the expense seem as startling as possible. They talk about ten millions of dollars being the least probable expenditure. Assuming, as they do, that the law will be put in operation everywhere, this sum is at least twice too large. Careful and liberal estimates put the cost, supposing the law were to be applied in every district, at less than five millions; but as there is no probability that the law will be asked for in a third of the districts, the cost would not reach a third of the sum actually necessary for all districts. Admitting, however, that five or six millions would be expended, no better expenditure of money could be made than one which would protect the ballot, give publicity to the conduct of elections, and demonstrate to all men their fairness and honesty. The States of the North have not hesitated to take upon themselves the burden of the expense of their own elections under the secret and official ballot, and the wisdom of this policy is beyond question. It is difficult to see why the policy which is sound for States is not sound for the United States.

It is also objected that the penal clauses are very severe. This is perfectly true. They are very severe; and if any crime is more deserving of severe punishment or more dangerous to the public weal than a crime against the ballot, it has not yet been made generally known in this country. The penal clauses of the law are intentionally severe, and the penalties are purposely made heavy. The penalties against murder, highway robbery, and burglary are also heavy and severe, but in every case it is easy to avoid them. Do not be a murderer, a burglar, or a highwayman; do not commit crimes against the ballot, and the penalties for these offences will be to you as if they never existed.

The last objection upon which I shall touch, and the only one remaining which has been zealously pushed, is that the enforcement of this law will endanger Northern property and affect Northern business in the South. It is not easy to see why honest elections, whether State or national, should affect injuriously either property or business. If honest elections are hostile to property and business, then the American system of free government is indeed in danger; and no more infamous reflection could be made upon the people of America than to say that they cannot be trusted to express their will by their votes, but must have their votes suppressed in the interests of order and virtue. No one, however, really believes in anything of the sort. This is simply a revival of the old cry of the Northern "dough-face" against the agitation of the slavery question in the days before the war. It was base and ignoble then, but at that dark period there was at least a real danger of war and bloodshed behind the issue. Now it is not only as utterly ignoble and base as before, but it is false and ludicrous besides. Property and business in the Southern States, as elsewhere, depend almost wholly for protection on State laws and municipal ordinances; and neither this nor any other national law, even if it could be conceived to be injurious to business interests, could touch either State or municipal governments. The proposition, without any disguise, really is that fair elections of Congressmen would endanger business and property in the Southern States; and the mere statement of the proposition is its complete confutation, for even if Congress had the power or the desire to interfere in local legislation, the election of fifteen or twenty Republicans in the South would not affect the composition of the House materially, and as

Congress has no such power, the cry, of course, is wholly without meaning. So keen, however, is the sympathy of the Northern Democrats with this view of the subject that definite threats of war against the national government have been heard. General Spinola, of New York, we know from his own declarations, is armed and ready, and that other great military power, Governor Campbell, of Ohio, if we may believe the statements attributed to him, is arming.

But there is, unfortunately, a much more serious side to this phase of the question. Legislation is proposed which the South does not like, and thereupon, headed by the gallant Governor Gordon, Southern leaders and Southern newspapers begin to threaten and bluster as if we were back in the days of South Carolinian nullification. It is the old game of attempting to bully the North and West by threats. The North and West are to be boycotted for daring to protect citizens in their constitutional rights, and even more dreadful things are to follow. It has been generally believed that the war settled the proposition that this country is a nation, and that the nation's laws lawfully enacted are supreme. Yet here we have again the old slavery spirit threatening to boycott Northern business, trying to bully the Northern people, raising the old sectional cry, and murmuring menaces of defiance and resistance if a certain law which can injure no honest man is enacted. The war was not wholly in vain, and it is time that this vaporing was stopped. The laws of the United States will be obeyed ; election laws, as well as every other, will be enforced ; and the sensible way is to discuss the question properly and have the people pass upon it, and to throw aside these threats of boycott and nullification as unworthy the use or notice of intelligent men.

The difficulty, however, with all these objections, both for those who make them and those who reply to them, is that they are utterly unreal. They are but the beating of gongs and drums, without any greater significance than mere noise can possess. The National Election Bill is a moderate measure. It is not a force bill ; it does not interfere in any way with local elections or local government. It does not involve extravagant expenditure, nor is it sectional in its scope. It does not seek to put the negro or any other class of citizens in control anywhere, but aims merely to secure to every man who ought to vote the right to vote and to have his vote honestly counted. No one knows these

facts to be true better than the opponents of the bill; but their difficulty is that they cannot bring forward their real and honest objection, and so they resort to much shrieking and many epithets. They believe, whether rightly or wrongly, that fair elections mean the loss of the National House at least nine times out of ten to the party to which they belong. They believe that fair elections mean the rise of a Republican party in every Southern State, led by and in good part composed of white men, native to the ground, whose votes are now suppressed under the pretence of maintaining race supremacy as against the negro. They believe that the law threatens the disappearance of the race issue on which they found their power, and the fall of the narrow oligarchy which for so many years has ruled with iron hand in the Southern States and in the national conventions of the Democratic party.

The real objection to the bill, in other words, comes from the fact that one of the two great parties believes that free elections imperil their power. They know that by this bill the United States officers, taken from both parties, are appointed by the courts, the body farthest removed from politics. They know that these United States officers will be held in check by local officers and be utterly unable to interfere with the proper conduct of the election. But they know also that the result will be publicity, and they believe that in consequence of publicity many districts will be lost to them. This law is as fair to one party as another; but if one party is cheating, that party will suffer, and where the cry against the law is loudest it is the best evidence of its necessity, and proves that those who resist it profit by the wrong-doing which it seeks to cure.

The Constitution of the United States promises equal representation to the people, and it makes the negro a citizen. Equality of representation has been destroyed by the system in the South which makes one vote there outweigh five or six votes in the North, and the negro has been deprived of the rights the nation gave. No people can afford to stand quiet and see its charter of government made a dead-letter; and no wrong can endure and not be either cured or expiated. Fair elections North and South are vital to the Republic. If we fail to secure them, or if we permit any citizen, no matter how humble, to be wronged, we shall atone for it to the last jot and tittle. No great moral question of right and wrong can ever be settled finally except in one

way, and the longer the day of reckoning is postponed the larger will be the debt and the heavier its payment.

HENRY CABOT LODGE.

MR. POWDERLY:

THERE must be something wrong in our legislative system, or else such a measure as the National Election Bill would not have passed the lower House of Congress before an opportunity had been accorded to the people to express an opinion upon it. It is a noticeable fact that legislation which deals with the holding of office and the methods of securing office passes very quickly, while that which affects the whole people has to pass the ordeal of several sessions of the legislature or of Congress before it goes to the executive for his signature. The reason may be that the legislator knows more about his own wants than he does about the wants or wishes of his constituents, and, being in office, thinks it no harm to stay there, even though the liberties of the people be placed in jeopardy through his methods. Party organs sounded the praises of, and denounced, the bill while it was before Congress, but they threw very little light on its provisions. Those who objected to it were supposed to be silenced when they were called "Democrats," and those who favored it were expected to die of shame because they favored a "Republican measure." The writer is independent in politics, and does not object to the bill because it favors the Republicans or militates against the Democrats; he is of the opinion, in which he may be wrong, that such a measure is fraught with danger to our republican form of government.

Many opponents of the bill call it sectional, but it is neither sectional nor national; it is so elastic that it may stretch all over the country or span a single Congressional district. It is not a law which goes into effect of itself; it must first be called for by fifty or one hundred persons claiming to be citizens. If the bill becomes a law, it will be enforced in every Congressional district in the United States. It provides for the appointment of a chief supervisor of elections in each judicial circuit—nine in all. When one hundred persons in any city or town having 20,000 inhabitants or upwards, or in any Congressional district no part of which is in any city or town of 20,000 inhabitants or up-

wards, or when fifty persons in any one or more counties or parishes in any Congressional district, petition the chief supervisor, the law is then in force. The chief supervisor then appoints supervisors of election, supervisors of naturalization, and the other officers named in the bill.

In making excuses for the bill's appearance in Congress its advocates urged that it would be called into operation in but from twenty to thirty districts in the South, and that there would be no occasion for it elsewhere. In every Congressional district in the United States will be found the required fifty or one hundred persons to sign a petition to the chief supervisor; and if they do not think of it, the Congressional aspirant who may think his chances will be improved by the aid of these patriots will not forget it. The compensation which deputy supervisors will receive will stimulate the patriotism of a sufficient number to secure the signatures of fifty or one hundred persons. Every ward politician who may be out of a job and who has a promise from a Congressional candidate—and they will all make promises—will circulate the petition.

Every chief supervisor will find it to his advantage to put the law in operation in his jurisdiction, for it places an enormous amount of patronage at his disposal; it makes him a "king with a sceptre" at once. The moment fifty persons petition him, he has the appointing of four or five hundred deputies, and if no one else throws out the hint to secure signatures to a petition, it is not likely that he will neglect it. The patronage is within his gift alone, for the circuit judges are obliged to appoint from the list of names submitted to them. It is not what its fathers claim for it that will be done; it will be used "for all it is worth" by the patriots in every Congressional district. With authority to appoint from two to six hundred persons in his jurisdiction, the chief supervisor becomes at once a power in the land, and through his appointees he may dictate the nominations of his own party. If they see fit to use the power, the nine chief supervisors may nominate the candidates for Representatives in their districts, and not those alone, but the candidates for State and county offices as well.

If frauds are perpetrated in from twenty to thirty Congressional districts only, why extend the provisions of the bill beyond those jurisdictions? Why entail unnecessary expense on

the taxpayers in leaving it optional with fifty or sixty persons, or with one person, to call into operation the whole machinery of this law? Surely Congress has the right to protect the government in twenty districts if it has the right at all.

The framers of the bill made no attempt to deny that it was introduced because of the intimidation of the negro voters of the South, and there is no doubt that colored citizens in many places in the South were outrageously deprived of their rights in being driven from the polls by the Democrats. Notwithstanding their deprivation of the right to vote, the colored men are represented in Congress by the men who deprived them of the right to vote, or who were parties to the wrong. The Constitution of the United States makes provision for such emergencies, if I read it aright, where it says:

"But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

It seems to me that the proper thing to do, after the fact is established that a number of negro citizens are not allowed to vote, is to base the representation in Congress from the district or State on the number who exercise the right of suffrage therein.

Do we require protection in the Democratic South any more than we do in the Republican North? We do not hear of the brutal assaults, shootings, mobbings, and violent demonstrations in the North that we read of as happening on election day in the South. In the perfection of its methods of intimidation the Democratic party is behind the Republican, for the latter employs a more refined system of doing violence to the election laws of the nation; in proof of which let me submit the testimony of the United States Senate itself. In 1880 the United States Senate committee to "inquire into alleged frauds in the recent elections" reported that

"a meeting of manufacturers was held at Worcester County, Mass., in the office of Mr. Washburn, chairman of the Republican City Committee. The purpose of this meeting was to urge the employers of labor to exercise their influence.

"They were asked to call their employees together and address them on the issues. This was done in at least one case. The action taken at this meeting was spoken of

by the employees affected as being prejudicial to their freedom of action, from fear of loss of work if they voted or acted against their employers. The result of the meeting and its action was a degree of intimidation to the employee."

In the village of Manchaug, in the same county, the committee found that there were one hundred voters in the place, that the managers, book-keepers, superintendents, and foremen of the mills were Republicans, and that they had not only discharged men for voting in opposition to the Republican party, but had also discharged young boys and girls, and turned families out of their houses, because the parents voted for General Butler in that year. They also found that the ballot-boxes were open, and that "those in charge could see the form and appearance of the ballot voted." Still further on in their report they say:

"Your committee examined a number of witnesses in regard to the arrangement and manner of voting in Webster, Worcester County, by the employees of the Slater Manufacturing Company, where several hundred men are employed. . . . The proof showed about the same state of facts as existed at Manchaug. The same was the case at the Douglas Axe Factory, where agents of the company stood at the door of the election house, watched every one of the employees who came in, passed him the Republican ticket, and told him it would be to his interest to vote that ticket."

The Constitution of the United States says that

"all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

In making their inquiries in the State of Rhode Island, that same Senate committee found that the constitution of that State defied the Constitution of the United States when it said that in order to vote in Rhode Island only the citizen "who shall show, by legal proof, that he has, for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this State to the amount of one dollar, including in such tax or taxes a tax upon his property in the town in which he shall offer to vote, valued at least at one hundred and thirty-four dollars."

They obtained the testimony of several, among them one man who had lived twenty-eight years in the State, Colonel James Moran, who had served his time in the United States army during the Rebellion, and had been promoted from private soldier to captain, but who did not own $134 worth of real estate, and could not vote. They found Thomas Davis, seventy-five years of age, who had

served as a member of Congress from Rhode Island, and had served in both branches of the Legislature when he owned $134 worth of property, but who at the time the committee visited Providence could not vote because poverty, while not depriving him of his brain, had taken away his right of suffrage. Daniel Donovan and ten other mechanics, occupying the same room in a workshop, were visited by the committee and found to be intelligent, educated men, but they could not vote because the constitution of Rhode Island denied them the right to live up to the provisions of the Federal Constitution. In summing up their report the committee said :

"Your committee was instructed to inquire and report whether it is within the competency of Congress to provide by additional legislation for the more perfect right of suffrage to citizens of the United States in all the States of the Union. They have performed that duty, and whilst they find that improper practices, as hereinbefore detailed, exist in the States visited, and the freedom of choice by voters in those States has been interfered with, and persons practically threatened with dismissal from employment if they voted in opposition to the wishes of their employers, yet they cannot find that it is within the competency of Congress to correct this wrong by additional or any legislation, but that, on the contrary, the remedy therefor is to be found with the law-making power of the State in which the wrong is perpetrated. Wrongs upon the ballot or interference with the right of suffrage or with the modes of the qualifications of voters are questions which are to be corrected and controlled by the States, and not by the Federal government. Suffrage is under the control of the States, and not of the Federal government. The latter has no voters of its own creation; it cannot qualify voters, nor can it protect voters from wrong by inflicting punishment upon those who compel them to improperly exercise the right of suffrage; it may punish for crimes committed in regard to the manner of voting, but an offence against the right itself must be punished under State law, and not by Federal statute. The civilized bulldozing which we find to have existed in the ancient and honored commonwealths of Massachusetts and Rhode Island is an evil which the people of those States must themselves correct, and your committee feel that in bringing the facts to the public gaze they will help to strengthen a sentiment already in existence, and aid in crystallizing it into such statutory enactments of those States as will correct the evil or punish its repetition."

That was only ten years ago. The crimes reported by the committee took place in Republican States; the evidence was taken at a time when no excitement prevailed; the power then, as now, was in the hands of the Republican party; and if a Federal law can be framed to-day to correct like evils, it could have been enacted then. The Senate of the United States adopted the report of that committee, and in doing so asserted that

"wrongs upon the ballot or interference with the right of suffrage or with the modes of the qualifications of voters are questions which are to be corrected and controlled by the States, *and not by the Federal government. Suffrage is under the control of the States, and not of the Federal government.*"

If that were true in 1880 it is none the less so in 1890, and the Congress of the United States has no authority to enact such legislation as is outlined in the Federal Election Bill.

The report did "aid in crystallizing into statutory enactments" the sentiments of the people of the States visited by the committee, but not until the labor organizations of the country began and continued the agitation for ballot reform and a secret ballot. Suffrage should not be tampered with in the slightest degree, and it is only necessary to read the bill now before the Senate to realize that under its provisions the Federal supervisor may know for whom the citizen votes for Congressman and for all other offices. The Australian ballot system is destined to control elections in all the States before many years, and it is to be feared that, if the industrial population had not so vigorously agitated for its passage, there would be no thought of taking the election of Congressmen one step further away from the people.

The framers of the National Election Law claim that it will insure publicity in elections: that is true, and the publicity will intimidate as surely as though a row of bayonets circled the polling-place. It is not publicity that is required, but more of secrecy for the man who votes, and less of interference from candidates for office and interested parties.

The Australian Ballot Law, as passed in several States, guarantees honesty in conducting elections; but the National Election Law will annul all of it that relates to the election of Congressmen, for it provides for separate boxes in which the ballots shall be cast and practically gives the Federal supervisor the authority to examine all boxes. This is not stated in the law, but when the inspectors of election are to hand over to the supervisors all tickets found in boxes other than the Congressional box, those who know anything at all about the manner of conducting elections will realize that the whole voting machinery is exposed to the inspection of the supervisor.

If it is necessary to conduct the election of Representatives in Congress on a different plan from that used in the election of other officers, they should be elected on a day set apart for that purpose. Federal officers, Representatives and delegates to Congress, should be elected on a day when no other officers are to be chosen. Such day should be a national holiday; all votes should be counted every hour, and the result publicly announced from the polling-

place, so that all who vote during the preceding hour may know the result before leaving the polls. After a certain day, say July 4, 1895, no persons except those attaining majority or obtaining naturalization papers before that date should be allowed to vote unless capable of reading and writing the English language. The Federal Election Bill directs that deputy marshals shall know how to read and write in English, but says nothing as to the voter; and that is of more importance. Make bribery, corrupt practices, and intimidation at the polls or during elections punishable by imprisonment only; for those who can afford bribery think nothing of paying a fine.

The fault does not lie with the people, and their rights should not be abridged. There is not one man on the floor of Congress to-day who can conscientiously or truthfully say that during the canvass which ended in his election he did not resort to some mean act in order to get votes or to prevent losing them. The aspirants for office are the men who debauch the voters, and the indignation manifested on the floor of Congress during the debates on the Federal Election Bill came with a very poor grace from many who owed their seats to little tricks, illegal use of money, false representations, and the use of liquor. The Federal Election Bill provides that, if more ballots are found in the Congressional box than there are voters in the election district, the supervisor and inspector shall be blindfolded and draw out a number of ballots sufficient to equal the excess. Two wrongs never make a right: to find more ballots than voters proves that illegal votes have been cast; but it does not right the wrong to draw the tickets out indiscriminately. It should first be ascertained who cast the illegal ballots and then such tickets should be removed or another election called.

No laws are so frequently called into play as election laws, and, as a consequence, none should be so plain. The Federal Election Bill is very long; it is not plain as to its meaning in many parts; in others it is impracticable, particularly in section 12: election officers will not understand it, and, in fact, many who voted for it cannot explain it.

The United States government does not deal with the citizen directly, but, according to the report of the Senate committee of 1880, it may "punish for crimes committed in regard to the manner of voting." If a crime is committed in regard to the

manner of voting, the fault must lie with the State; and if an election is criminally conducted in a certain district, the United States government should, after a careful and impartial investigation, deny the Representative so elected the right to sit in Congress, and call upon the district in question to elect another. The real criminal would no doubt be punished in being deprived of a seat, but the State should be called on to punish those who aided and abetted in illegally electing him.

The most serious objection to the National Election Bill is that it legislates in favor of illiteracy. The vast numbers of colored citizens who cannot read are at the mercy of the whites and those of their own color who can. The machinery of the bill is to count the votes, no matter whether those who cast them know how to read them or not. In case of a contest thousands could not identify their own ballots, much less read them. The Federal Election Bill stands guard only at the polling-booth, but the evil is located elsewhere—in the home of the citizen—and the education of the citizen is the only thing that will remedy it. Illiteracy is the cause of the introduction of this bill: hence the necessity for legislation which will tend to abolish illiteracy, or reduce it to the minimum, and extend universal suffrage, rather than encourage illiteracy by legally protecting it. The Democrats of the South will deprive the negro of his political rights if they can; the Republicans of the North will do the same by the white workmen if they can; and the only thing that will prevent these wrongs is the education of the citizens, North and South, white and black.

T. V. POWDERLY.