ELECTION OF UNITED STATES SENATORS.

Shall they be elected by a direct vote of the people?

SPEECH OF

HON. JOHN H. MITCHELL,

OF OREGON,

DELIVERED IN THE

SENATE OF THE UNITED STATES,

ON

APRIL 22, 1890.

WASHINGTON.

1890.
THE SENATE HAVING UNDER CONSIDERATION THE JOINT RESOLUTION (S. 16. 65) PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROVIDING FOR THE ELECTION OF SENATORS BY THE VOTES OF THE QUALIFIED ELECTORS OF THE STATES.

The Chief Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by three-fourths of said Legislatures, shall become and be a part of the Constitution, namely:

Strike out the word "Legislature," in the first clause of section 3 of Article I, and substitute in its lieu thereof the words "qualified electors;" so that said clause shall be as follows:

"The Senate of the United States shall be composed of two Senators from each State, chosen by the qualified electors thereof for six years; and each Senator shall have one vote."

Mr. MITCHELL said:

Mr. President: When the convention whose business it was to revise the then Federal system of government and frame a constitution for the United States met at Philadelphia, on the 14th day of May, 1787, one of the first questions that engaged the attention of that distinguished body of men, after having determined that the legislative power of the new government should be vested in a Congress to consist of two separate Houses, was the mode or manner by which the members of those two Houses, respectively, should be elected. From the first there seemed to be quite a strong approach toward a consensus of opinion among the members that those of the House, or the House of Delegates, as it was designated in the original plan, should be elected by the people, although, on the final vote in the convention as to whether the members of the House of Representatives should be elected by the people, although, the two States, New Jersey and South Carolina, voted no; the States of Connecticut and Delaware were divided; while Massachusetts, New York, Pennsylvania, Virginia, North Carolina, and Georgia voted in the affirmative. Roger Sherman, of Connecticut, Elbridge Gerry, of Massachusetts, and Pierce Butler, of South Carolina, contended vigorously against the policy of the election of members of the House by the people, insisting ably and with marked persistence that they should be chosen by the Legislatures of the States, respectively, substantially in the same manner as United States Senators are now chosen. Roger Sherman in the course of the debate made this declaration: "The people immediately should have as little to do
as may be about the Government." Any man in public life who would
to-day dare to venture such a declaration would be by his constit-
ents, and rightfully, too, hurled into political oblivion with a rapidity
and effectiveness as grotesquely picturesque as it would be absolutely
fatal.

Opposed to these views, however, the clarion voices of James Mad-
ison, of Virginia, James Wilson, of Pennsylvania, and others were heard
in effective advocacy of the rights of the people and in favor of the elec-
tion of members of the national House of Representatives by the peo-
ple. Mr. Madison declared that he "thought that the great fabric to
be raised would be more stable and durable if it should rest on the
solid foundation of the people themselves than if it should stand merely
on the pillars of the Legislatures," while James Wilson, of Pennsyl-
vania, in his advocacy of elections by the people said: "I am in favor
of raising the Federal pyramid to a considerable altitude, and for that
reason I wish to give it as broad a base as possible. No government,"
said he, "can long subsist without the confidence of the people."

The mode, however, in which the States, respectively, should elect
their Senators was a subject which led to a very wide diversity of ex-
pression of opinion. And it is worthy of note that the plan finally
agreed upon, namely, election by the Legislatures of the States, respect-
ively, so far from being in accord with what seemed to be the prevail-
ing views at the opening of and during the major part of the discussion,
was the result of a compromise of conflicting views—a plan adopted ap-
parently not so much as the result of conviction after extended debate
and careful consideration as upon that necessity which compelled con-
cessions on all sides and sacrifices to a very great extent of individual
opinions to the end that an agreement might be reached, and that the
exhortation of Mr. Randolph might not go unheeded when he implored
the convention, to use his own language, "not to suffer the present
opportunity of establishing general peace, harmony, happiness, and
liberty in the United States to pass away unimproved."

It was the result finally of advice such as Dr. Franklin gave in dis-
cussing that and cognate questions in the convention. Among other
things intended to have its influence in bringing about an agreement
in the convention he said:

When a broad table is to be made and the edges of planks do not fit, the art-
ist takes a little from both and makes a good joint. In like manner here both
sides must part with some of their demands in order that they may join in some
accommodating proposition.

These divergent opinions took wide scope, ranging all the way from
the aristocratic or monarchical notion that the Senate should be chosen
by the Executive out of a certain number of persons to be nominated by
the individual Legislatures, as strongly advocated by Governor Mor-
ris, of New York, Mr. Read, of Delaware, and others, to the democratic
idea, as strenuously and with great ability and persistency advocated
by Mr. Wilson, of Pennsylvania, and others, to the effect that the Senate,
like the House, should be chosen by the people.

In fact, four different plans of choosing Senators were proposed in the
convention that framed the Constitution, each one of which had able
and persistent advocates. The first was that they be chosen by the
President of the United States; the second, by the House of Delegates,
or, as it is now, the House of Representatives; the third, by the Legis-
latures of the States, respectively; and, the fourth, by the people.

In the plan proposed by Mr. Edmund Randolph, of Virginia, and
embodied in the series of resolutions, fifteen in number, submitted by him early in the proceedings of the convention, he proposed that the members of the first branch, as the proposed House of Delegates or Representatives was then designated, should be chosen by the people of the several States, while he insisted that the members of the second branch, as the proposed Senate was then called, should be elected, not by the people, not by the Legislatures of the States, not by the executive, but by the members of the first, that is, of the House of Delegates or House of Representatives, out of a certain, or, to use his own language, "a proper number," of persons nominated by the individual Legislatures of the several States.

In the original plan of the Constitution, submitted by Mr. Charles Pinckney, of South Carolina, and which provided that the legislative power of the new government should be vested in a Congress to consist of two separate Houses, one to be called "the House of Delegates," the other "the Senate," the mode of electing members of the two Houses, respectively, suggested by Mr. Randolph in his series of resolutions was, with a single exception, adopted. In this plan it was provided that the members of the House of Delegates should be chosen every year by the people, and that the Senate should be elected or chosen by the House of Delegates, without any nominations or suggestions from either the Legislatures or the people of the States, respectively. The omission in this plan to permit either the Legislatures or the people of the States to have any voice whatever in the matter marked the only difference between the plan proposed by Mr. Edmund Randolph and that submitted by Mr. Charles Pinckney.

Alexander Hamilton, in the paper said to have been communicated by him to James Madison about the close of the convention in Philadelphia, in 1787, and which, it is claimed by contemporaneous authority, he declared delineated the constitution which he would have wished to be proposed by the convention—and the principles which it enunciated he is said to have declared during the deliberations of the convention—suggested the electoral system as a mode of electing United States Senators, a system something similar to that which was finally adopted for the election of President and Vice-President of the United States. In section 1 of article 3 of his ideal constitution it was provided as follows:

The Senate shall consist of persons to be chosen, except in the first instance, by electors elected for that purpose by the citizens and inhabitants of the several States comprehended in the Union, who shall have in their own right or in the right of their wives an estate in land for not less than life or a term of years whereof at the time of giving their votes there shall be at least fourteen years unexpired.

He also would have provided that Senators should hold their office during good behavior, removal only by conviction on impeachment for some crime or misdemeanor. His plan also involved the right of Senators to vote by proxy in the Senate, but no Senator who was present should be proxy for more than two who were absent.

From what has been said it will be seen that the plan of electing Senators by the Legislatures of the States, respectively, as finally agreed to by the men who framed the Constitution of the United States, was a compromise, in every sense of the term, between widely divergent and conflicting views among the members of that memorable convention on that important subject, the one view being, as very properly characterized by Mr. Gerry, of Massachusetts, "A stride toward mon-
archy," that is, the choosing of United States Senators by the President of the United States; the other that of pure democracy, or the right of the people to control, and, hence, the election of United States Senators by the people. An impassable gulf separated the framers of our fundamental law in their opinions on this important question, and on the cognate question as to what ratio of representation the States, respectively, should have in the Senate of the United States. To such an extent did the contention proceed that for a time the dissolution of the convention was threatened and the defeat of the great purposes in view became imminent.

But through the wise counsels of Dr. Franklin, Edmund Randolph, James Madison, and others, mutual concessions were made all around, and in a spirit of compromise the friends of the people and the advocates of the right of the people to be heard, not only on all great governmental questions, but also in the selection of the men who are to frame the laws of the country, reluctantly surrendered something of their opinions, while those who held to the monarchical idea that the President should choose Senators and those who held to the equally absurd theory that the Senators should be elected by the House of Representatives also surrendered something of their aristocratic and monarchical notions, and as a result the convention finally met on common ground and decided that the Senate should be chosen by the Legislatures of the States, respectively.

It was during the discussion of this question as to the ratio of representation each State should have in the Senate of the United States, when State was arrayed against State, and the debate on the question as to whether a State, however small in territory, population, wealth, influence, and power, should have in the Senate of the United States the same representation as that of each and every other State, not excepting that one greatest in any or all of these elements combined, was at fever heat, and the prospects of an agreement seemed almost hopeless, that Dr. Franklin, rising in his place, astonished the convention by interrupting its proceedings with that memorable appeal to its members to call to their aid a superintending Providence.

The speech of the great philosopher on that occasion, pregnant with simplicity and characterized throughout with an unquestioned honesty of purpose and devout earnestness that could but command the profoundest respect of those of every creed or shade of religious belief, or even of disbelief, was one the echoes of which shall dada home in the memories of generations to come, with an influence for good, so long as the spirit of christianity shall find an abiding-place among the children of men. Although familiar to all here, I trust I shall be pardoned for reproducing it in this connection, that it may have a place in the records of the Senate.

Mr. President, the small progress we have made after four or five weeks' close attendance and continual reasonings with each other—our different sentiments on almost every question, several of the last producing as many noes as ayes—fs, methinks, a melancholy proof of the imperfection of the human understanding. We, indeed, seem to feel our own want of political wisdom since we have been running about in search of it. We have gone back to ancient history for models of government, and examined the different forms of those republics which, having been formed with the seeds of their own dissolution, now no longer exist. And we have viewed modern states all round Europe, but find none of their constitutions suitable to our circumstances.

In this situation of this assembly, groping, as it were, in the dark to find political truth and scarce able to distinguish it when presented to us, how has it happened, sir, that we have not hitherto once thought of humbley applying to the Father of Light to illuminate our understandings? In the beginning of the
contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for the Divine protection. Our prayers, sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful Friend? Or do we imagine that we no longer need His assistance? I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth: that God governs in the affairs of men. And if a sparrow can fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the sacred writings that "except the Lord builds a house, they labor in vain that build it." I firmly believe this, and I also believe that without His concurring aid we shall succeed, in this political building, no better than the builders of Babel. We shall be divided by our little partial local interests; our projects will be confounded; and we ourselves shall become a reproach and by-word down to future ages. And, what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing governments by human wisdom, and leave it to chance, war, and conquest.

I therefore beg leave to move that henceforth prayers imploring the assistance of Heaven and its blessings on our deliberations be held in this assembly every morning before we proceed to business, and that one or more of the clergy of this city be requested to officiate in that service.

Mr. Sherman seconded the motion.

This memorable speech was made June 28, 1787. In eighty days from that date the convention completed its labors and the Constitution was signed.

When the last member of the convention had signed his name Dr. Franklin, we are told in the Madison papers, looking towards the President's chair, at the back of which a rising sun happened to be painted, observed to a few members near him that painters had found it difficult to distinguish in their art a rising from a setting sun. "I have," said he, "often and often in the course of the session and the vicissitudes of my hopes and fears as to its issue looked at that behind the President without being able to tell whether it was rising or setting; but now at length I have the happiness to know that it is a rising and not a setting sun."

Nearly one hundred and three years have elapsed since that Constitution received the signatures of all the members save three of that distinguished convention, the three exceptions being Mr. Randolph of Virginia, Mr. Madison of Virginia, and Mr. Gerry of Massachusetts. It is a document which as a whole is worthy of the men who framed it. As a fundamental charter of government it is unexcelled in the list of governmental charters of either ancient or modern times. It has stood the tempests of a century, unscathed by civil contention, unharmed by the fires of internecine war, and, as a whole, stands pre-eminent, second to none in wisdom and in architectural strength and beauty among all the uninspired productions of the world. But does it follow by reason of this that neither the wisdom of one hundred years, the altered conditions of things, nor yet the changed opinions of men, wrought by an ever-advancing and constantly enlightening civilization, upon the question of the political and personal rights of the masses, or the changed conditions in the mental, moral, and social status of the nation and of the people of the several States, as compared with those of a century ago, should not suggest advisable and important changes in the fundamental charter? Already fifteen changes have been made in the Constitution of the United States, and who to-day will rise in his place and insist that they or any of them were not well advised?

In every one of these, gradually and step by step, with a stately and captivating grandeur, the doors of individual liberty have been
widened, the sphere of human rights enlarged, and the spirit of monarchy rebuked.

The first ten of these were proposed to the legislatures of the several States by the First Congress, which met on the 25th day of September, 1789, just two years and eight days after the completion of the Constitution by the convention, and all of which were ratified by the requisite number of States on or before December 15, 1791, the first to give its assent to these several amendments being the State of New Jersey, which ratified them November 20, 1789, the last being Virginia, which gave its assent a little over two years later, December 15, 1791. Let us recall for a moment the nature and tendency of these several amendments as they lead up in their order logically to the pending proposition.

By the first of these Congress is prohibited from making any law "respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances." What a great stride was this in the interest of freedom of thought and action in respect of religious liberty! What a magnificent guaranty to the freedom of speech and the right of petition! Is it not marvelous that these three great questions of such infinite importance to the citizen should have been overlooked by the wise men who were members of the Constitutional Convention?

By the second amendment a further step in the interest of the people was taken when it was provided that inasmuch as a well regulated militia was necessary to the security of a free State, therefore the right of the people to keep and bear arms should not be infringed; and by the third amendment still further guaranties to the citizen were extended by the declaration that "no soldier in time of peace" should "be quartered in any house without the consent of the owner, nor in time of war but in a manner to be provided by law." But still further enlarged and important guaranties were extended in the fourth amendment, which asserted that "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated;" that "no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

But still onward in the enlargement of the rights of the citizen and in the direction of his more adequate protection did Congress move in submitting the fifth amendment to the Legislatures of the several States, in which it was declared that no person should be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in certain cases in time of war or public danger, and that no person should be subject for the same offense to be twice put in jeopardy of life or limb, and further that he should not be compelled in any criminal case to be a witness against himself or be deprived of life, liberty, or property without due process of law. But not only this, but that private property should not be taken for public use without just compensation.

By the sixth amendment every person accused of crime is guarantied the right of a speedy as well as a public trial by an impartial jury of the State and district wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, and to have compulsory process
for obtaining witnesses in his favor and the assistance of counsel for his
defense.

But still another grand step had to be made in the direction of pro-
tection to the civil rights of the citizen, and this was done by the
seventh amendment, which guarantees to each person who has a suit at
common law where the value in controversy exceeds $20 the right of
trial by jury—a right for which armies had contended and unnum-
bered thousands had been slain on the battle-fields of Europe centuries before.

But still farther consideration was given to all persons living beneath
the shadow of the American flag, who might be accused of crime, by the
provisions of the eighth amendment, which declares that "excessive bail
shall not be required, nor excessive fines imposed, nor cruel and unus-
ual punishments inflicted;" while out of abundant caution, to the
end that every right of the people might be preserved, it was affirmed
in the ninth amendment that the enumeration in the Constitution of
certain rights should not be construed as a denial or disparagement of
others retained by the people; while, still further protection to both
the States and the people of the States was accorded by the tenth amend-
ment, which declares that the powers not delegated to the United States
by the Constitution nor prohibited by it to the States are reserved to
the States respectively or to the people.

So, Mr. President, it will be seen that the first ten amendments sub-
mitted by the first Congress that assembled after the Constitution was
framed, severally and as a whole, were in the direction of the extension
of the rights and interests of the people.

The eleventh amendment, relating solely to civil rights and remedies,
provided that the judicial power of the United States should not be
construed to extend to any suit in law or equity commenced or prose-
cuted against one of the United States by citizens of another State
or by citizens or subjects of any foreign state; while the twelfth amend-
ment relates to the manner of the election of President and Vice-Presi-
dent of the United States.

And now, having attracted attention to these twelve amendments,
we find ourselves in the presence of the thirteenth, the greatest and
grandest of all, one which stands pre-eminent among its fellows, the
great central star of the constellation, the one by which our Constitu-
tion was purged of its recognition of the colossal crime of the age and of
the world, that of slavery in man. By it the shackles were unfettered
from the limbs of four million of our countrymen, and by it liberty
was proclaimed throughout the land, to the black man as well as the
white man.

"Neither slavery nor involuntary servitude," says this inspiration
in our fundamental charter, "except as punishment for crime, whereof
the party shall have been duly convicted, shall exist within the United
States or any place subject to their jurisdiction." And "Congress
shall have power to enforce this article by appropriate legislation."

But personal liberty was not the only right to which the freedman
and former slave was entitled; hence Congress advanced another step
in the direction of equal human rights, and by that equally great amend-
ment, except that it related to the political rather than the personal
rights of man, which followed closely in the wake of the former, ren-
dered imperative by public sentiment aroused to that degree that re-
pelled and frowned down all successful opposition, the panoply of citi-
sership, with all its attendant dignities, privileges, and powers, was
thrown around the former slave. The new-born freeman and the weary
and worn bondman emerged by virtue of these two great amendments to the fundamental law from the darkness of slavery into the great open sphere, not only of personal liberty, but of equal American citizenship. "All persons," says the fourteenth amendment, "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."

But not only so. This great amendment went further in the protection of the rights of the people by inhibiting the States respectively from making or enforcing any law which should abridge the privileges or immunities of citizens of the United States, and still further by placing upon each State a prohibition against its power to deprive any person, either white or black, of life, liberty, or property without due process of law, or to deny to any person within its jurisdiction the equal protection of the laws. And by this same amendment it was further, among other things, forever settled that the validity of the public debt of the United States authorized by law, including debts incurred for the payment of pensions and bounties for services in suppressing insurrection or rebellion, should never be questioned; and not only so, but that neither the United States nor any State should ever assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, and that all such debts, obligations, and claims should be held illegal and void.

And finally, rising to the dignity and grandeur of the occasion, the Congress of the United States of America proposed and the States, in their political capacity as States, accepted the fifteenth amendment, in which it was declared as part and parcel of our great fundamental charter that the right of citizens of the United States to vote should not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude; and, further, that the Congress should have power to enforce this article by appropriate legislation.

And thus we find that gradually, step by step, through a series of fifteen amendments, has it been demonstrated that the Constitution, as originally framed, was deficient in almost innumerable respects in those guaranties of individual rights which are now vouchsafed to the people by virtue of these several amendments.

Mr. GIBSON. Will the Senator allow me to ask a question for information?

Mr. MITCHELL. Certainly.

Mr. GIBSON. I ask whether the fourteenth amendment does not contain the first and only definition of citizenship of the United States in the Constitution, and was not intended to overthrow the doctrine of citizenship as laid down by the Supreme Court of the United States in the Dred Scott case, the doctrine that we were citizens of the United States only by virtue of being citizens of the several States; in other words, to create a citizenship of the United States that should not be dependent upon citizenship of the several States of the Union, as was held by Mr. Blaine in his work Twenty Years in the Congress of the United States? I believe he says that amendment created national citizenship and subordinated State citizenship to it, and consequently an allegiance to the Government of the United States superior to our allegiance to the States whereof we might be citizens.

Mr. MITCHELL. Mr. President, the suggestion of the Senator from Louisiana relates to a question which I did not intend to discuss at all,
and to which I have only alluded in passing for the purpose of showing the steps that were taken step by step from the first amendment made to the Constitution of the United States to the last amendment made to that instrument.

Mr. GIBSON. I do not wish to embarrass the Senator from Oregon.

Mr. MITCHELL. It is no embarrassment at all.

Mr. GIBSON. But I wish to know whether these constitutional amendments were not intended to embody what are called "the fruits" of the civil war, namely, to abolish slavery and to extinguish secession.

Mr. MITCHELL. There is no question about that. As far as that is concerned, I shall be glad to discuss that question at some other time.

Mr. GIBSON. I merely asked in order to get the Senator's own opinion.

Mr. MITCHELL. The object undoubtedly of all these amendments was to incorporate into the fundamental law of the country the results of the war.

Mr. GIBSON. Of course, Mr. President, I do not intend to intrude upon the Senator's time nor upon his attention in any way, but I wanted to suggest to him and to the country that if there was a necessity to adopt the fourteenth amendment as well as the thirteenth amendment of the Constitution it was because as it came to us from our fathers there was to be found in it some guaranties, some justification, for slavery and for secession.

Mr. MITCHELL. The Senator is aware that a very large new element came into the body politic by the abolition of slavery and by the adoption of the thirteenth amendment, and the object undoubtedly of all these amendments, as I have stated before, was to incorporate into the fundamental law beyond all question the fruits which were the result of the war, and to put beyond question or cavil the status of the former slave in respect to the question of citizenship.

Mr. DAWES. I should like to inquire of the Senator from Louisiana—

The PRESIDING OFFICER (Mr. Spooner in the chair). Does the Senator from Oregon yield to the Senator from Massachusetts?

Mr. MITCHELL. Certainly.

Mr. DAWES. I ask the Senator from Louisiana whether he holds that there are two classes of citizens, one citizens of the United States and the other citizens of the State as distinct and separate from each other.

Mr. GIBSON. Well, Mr. President, I can only say that perhaps there are four classes of citizens. There are citizens of the United States, citizens of the States, citizens of the counties, and citizens of the towns.

Mr. DAWES. My idea was to inquire of the Senator whether he intended to state that there are citizens of the United States who are not citizens of the States or citizens of the States who are not citizens of the United States also.

Mr. GIBSON. None, and I will go further and say that under the fourteenth amendment, as it recites itself, every person born within the jurisdiction of the United States is a citizen of the United States.

Mr. MITCHELL. No doubt about that.

Mr. GIBSON. And that citizenship and allegiance are correlative terms, and that under that amendment our allegiance is due now to the Government of the United States, and not to the several States of which we happen to be citizens; but before that amendment was adopted
I might have given a different answer to that question, as I did practically, by maintaining the doctrine that, being citizens of our several States and, by virtue of such State citizenship only, citizens of the United States, State citizenship was not subordinated but superior to citizenship of the United States, and that therefore our allegiance was due to our States.

Mr. MITCHELL. Now, Mr. President, we will go on with the argument on the main question.

The wisdom of the amendments that have been adopted will not be denied by any. I think certainly not by the Senator from Louisiana [Mr. GIBSON]. That they were deemed advisable and were adopted ought to be a sufficient answer to the suggestion so frequently urged that it is something akin to sacrilege to attempt to question either the wisdom or action of the men who framed the Constitution?

True, they were the fathers—good and great, and their names and memories are as imperishable as the stars—but, after all, Mr. President, they were human; good, wise, and great, it is true, but men, nevertheless, and subject to all the infirmities of men, and they lived, and acted, and died over one hundred years ago. They had not the benefits of that experience, education, and knowledge that must necessarily come to all through the long period of a century. The ever-rising tide of intellectual development and educating experience that a hundred years must bring can not fail to materially add to human knowledge and the fitness of men for every department of life.

While we revere the names and memories, therefore, of the men who framed in the first instance the Constitution of our country, who in all this broad land will insist that the adoption of the thirteenth, fourteenth, and fifteenth amendments to the Constitution, or any one of them, was any reflection upon the intelligence, wisdom, patriotism, or good faith of the framers of our Constitution.

The men who framed the Constitution, conceding the probable necessity of amendments in the future, did not leave the question either as to the right to amend or the mode of doing it an open one, but wisely provided in that instrument the means whereby amendments could be made. Article V of that instrument provides as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

It is in pursuance of this grant of power the pending amendment has been submitted. And now, what are some of the reasons why this amendment should be deemed advisable? They must be apparent from what has already been said. It is submitted they are in a great measure akin in importance to, and not by any means distantly related from, those which led to the adoption of the thirteenth, fourteenth, and fifteenth amendments. The proposition, it is believed, is elemental as well as fundamental when considered in connection with the underlying principle upon which individual suffrage is based. The right to vote accorded to every citizen, and which can not be denied or abridged either by the United States or by any State on account of race, color, or previous condition of servitude, carries with it the implication, except as that implication is destroyed by another provision.
of the Constitution, the right to exercise such privilege not only freely but directly, and not through the medium of a vicarious agent.

Members of the National House of Representatives and United States Senators, as also the President of the United States, are, under our system, recognized as elective officers as contradistinguished from those—Federal judges, for instance—who do not come within that category, but are appointed. But in all elective officers each individual voter has a special interest, which it is presumed he has, under our general system of suffrage, a right to represent at the ballot-box. That right, it is submitted, should not be charged with restrictions which prevent its full, fair, and effective exercise. What the citizen is permitted to do indirectly and through the means of a proxy or vicarious power in the matter of suffrage he should be permitted to do, it is submitted, directly and in his own right and in his own proper person. If the individual voter has any interest to be represented by a Senator of the United States apart from that general interest he has in the maintenance of the dignity and the preservation of the rights of the State in its sovereign or political capacity—and it is believed he has, or at least should have if he has not—and if he has a right to represent that interest in any manner whatever at the ballot-box, as it is believed he has or should have, then he should be permitted to do it directly and not by indirection, in person and not by proxy.

It is not always true that agents carry out the wishes of the principal. It is not always true that A, who is a candidate for the Legislature and is voted for by B under the belief on the part of B, or perhaps under a pledge, either express or implied, from A, that he will vote for B's choice for Senator, fulfills the wishes of B in the vote he may ultimately give for Senator. His position, for instance, may from the first have been honestly misunderstood or he may violate his pledge given directly or indirectly. The latter, however, is not among the possibilities, and perhaps is of rare occurrence, and certainly not possible with an honorable man. To fail to carry out the express or implied wishes of the voter in this regard would be equivalent to the act of a Presidential elector in refusing to obey his implied pledge, and which no Presidential elector in this country could be guilty of with any hope of escape from the unqualified denunciation and condemnation of all honorable men. But, take it altogether, the choice which the people have as a rule in the election of United States Senators under our present system is involved in so many uncertainties and surrounded with so many restrictions that virtually they have no voice at all in relation to it.

One great objection, therefore, to the present system of electing Senators by the Legislatures of the respective States is that the power and right of the individual voter are hedged about and circumscribed, his will is manacled, his volition paralyzed. He can not vote for his choice. He can not, in fact, vote directly at all, but must content himself with casting a vote for members of the Legislature who may or may not, as has been stated, properly represent his wishes in the vote they may cast for Senator. The system is un-republican, not democratic, and vicious in all respects. It carries with it the implication that the people, the qualified voters of a State, are for some reason unfit for the full exercise of the elective franchise in the choice of high Government officials, except in a qualified and largely restricted sense. It is in practical purpose and effect a declaration that for some occult reason, which is in no way made manifest, it is unsafe and prejudicial to the public interests to commit the election of Senators to a vote of the people.
It is a reflection either upon the honesty or capacity, or both, of the voting class of the several States, while its tendency to wound the sensibilities of the voter in depriving him of his right as a sovereign to vote directly for his choice, and thus in a measure separate the people from the choice of the Legislature, and mar the harmony and unity of feeling which ought to exist between the masses of the people and their representatives, whether of the House or Senate, is manifest to all. It carries with it the same vice that is to-day rapidly rendering the electoral system in the election of President and Vice-President obnoxious to the great masses of the people. The injustice and unfairness of that system are exemplified in every Presidential election. They were made conspicuous in 1844, when the insignificant vote of about 5,000 cast for Mr. Birney in the State of New York resulted in giving the whole electoral vote of that great State to Mr. Polk, and thus electing him President of the United States over Mr. Clay. In that election Mr. Polk received considerably less than 50 per cent. of the popular vote, yet he received 62 per cent. of the electoral vote. In 1848 General Taylor received but 47 per cent. of the popular vote, but receiving 56 per cent. of the electoral vote he was elected. In 1852 Mr. Pierce received but a small fraction over a majority of the popular vote, yet he was elected by 85 per cent. of the electoral vote. In 1856 Mr. Buchanan lacked 5 per cent. of receiving a majority of the popular vote, receiving only 45 per cent., but still he was elected President because he received 59 per cent. of the electoral vote. Even Lincoln in his first election, in 1860, received only 40 per cent. of the popular vote, but receiving 59 per cent. of the electoral vote he was elected. In 1864 Lincoln had 55 per cent. of the popular vote and 91 per cent. of the electoral vote. Grant in 1868 had 57 per cent. of the popular vote and in 1872 55 per cent.; while in his first election he had 73 per cent. and in 1872 51 per cent. of the electoral vote. Hayes had 49 per cent. of the popular and 501/2 per cent. of the electoral vote. Garfield had a small fraction over 50 per cent. of the popular vote, but 60 per cent. of the electoral vote. Cleveland had 481/2 per cent. of the popular vote and 541/2 per cent. of the electoral vote, while President Harrison had a fraction over 48 per cent. of the popular vote and 581/2 per cent. of the electoral vote.

Mr. HOAR. May I inquire of the Senator whether those figures do not largely result from the fact that the plurality system prevails?

Mr. MITCHELL. That is true. There were a number of other persons who were voted for for President at nearly every one, perhaps all, of these elections, but that fact does not change the matter very materially after all. The percentage will stand in about the same proportion.

No system can be properly termed free or republican which deprives the individual voter of his right to cast his vote directly for the man of his choice for any office, whether it be a State office, member of the national House of Representatives, United States Senator, or President. Thomas H. Benton once made the following statement in this body:

The only effectual mode of preserving our Government from the corruptions which have undermined the liberty of so many nations is to confide the election of our chief magistrate to those who are the furthest removed from the influence of his patronage, that is, to the whole body of American citizens.

The same is true as to the election of Senators. In the former case the bribery of patronage may reach the elector in every State, while it cannot reach the masses of the voters. So in the latter case the cor-
ruptions of a wealthy and unscrupulous aspirant for Senatorial honors may and sometimes do reach and tend to control a majority of a small body in a Legislature, while such a thing would be absolutely impossible were the decision left to the great mass of the voters.

Another unanswerable objection to the present system of electing Senators is to be found in the great length of time frequently absorbed by the Legislature of a State in the election of a Senator, and the consequent distraction of the legislative mind from business which all agree properly belongs to such a body, to say nothing of the strife, ill-feeling, and contention that too often follow necessarily in the wake of such contests. How frequently is it the case that these contests are carried on not only weeks, but months, sometimes throughout the whole session, to the great detriment of other important public business, to say nothing of the expense to the State that must necessarily attach. Why not have the election of Senators determined on a day fixed, as in the case of members of the House?

But another vital objection to the election of Senators by the Legislature must be apparent to all. How frequently is it the case that in the selection of members of a State Legislature at a time when such Legislature has as one of its duties the election of a Senator every other consideration is lost sight of except the solitary one as to how such members will vote on the question of the Senatorship. Will he vote for this man or that man or against this one or the other one? are the principal questions asked; while the question as to his qualifications for the business of general legislation, or the views he entertains with reference to the great material interests of the State—internal improvements, assessments, taxation, revenue, corporations, appropriations, trusts, municipal affairs, salaries and fees of officers, civil and criminal code, apportionment, and other like important subjects—are wholly lost sight of. Who does not believe that not unfrequently do the most vital interests of the State suffer, and in a marked degree, from the fact that the question of the election of a Senator is a distracting and disturbing element, not only in the selection of members of the Legislature, but also in the Legislature itself?

But not among the least objections to the present system, and one which should not he passed over lightly, is the fact that there is great unrest in the public mind on this question. Popular opinion has taken hold of the subject and the demand for a change is as pronounced as it is imperative, as earnest as it is unanimous among the great masses of the people. The belief in the public mind is rapidly gaining that proper deference is not given by the Senate of the United States to the demands and interests of the people, and that this is largely due to the fact that Senators do not owe their positions to the people, who are permanent, but to the Legislatures, which are transient. It is quite immaterial as to whether this belief in the public mind is well founded or otherwise. It exists, and there is in my judgment but one means of removing it, and that is by a change in the mode of electing Senators by which the qualified electors of each State shall have the right to vote directly for their choice for Senator.

Restrictions of any character on the right of suffrage in a free republic which tend to prevent a full, fair, and direct expression at the ballot-box of the will of each individual citizen of such republic—whether native or foreign born, white or black, male or female—are obnoxious to the great fundamental idea upon which a free government is based. And not the least offensive of any of the re-
strictions now imposed under our present system is, as I have indi-
cated, that which deprives the individual voter of the right to cast his
vote directly and without circumloception through vicarious power for
his choice for President and Vice-President and for United States Sen-
ators. And not until each and every of these restrictions now recognized
by our present system which in any manner manacle the volition of
the citizen or restrain the free, full, and direct expression at the ballot-
box of the individual will of each citizen in the election of public serv-
ants, from the highest to the lowest, including not only those which
relate to voting through vicarious agencies, but also that still less justi-
ifiable restriction which absolutely deprives one-half of all the citizens
of the United States of the right of voting at all, are obliterated from
our Constitution and laws, will our Republic rise to the true dignity and
grandeur implied in the phrase "An absolutely free and independent
representative government," representative in its character, not so much
in the mode of selection of its rulers and lawmakers, but rather in the
making, interpretation, and execution of its laws.

Many in addition to those now recognized by our system were the
restrictions on the right of suffrage suggested and strongly urged in
the constitutional convention by many leading and influential members
of that distinguished body. Among these was the proposition to limit
the right of suffrage to freeholders, although at that time nine of the
thirteen States had extended the right of suffrage beyond free-holders
and eliminated this restriction from their State laws. Notwithstanding
the achievements of the Revolution and the triumph of the fathers
over the various acts of oppression of the King of Great Britain so-
boldly, tersely, and patriotically stated in the immortal Declaration,
notwithstanding the result of the war of the Revolution and the crea-
tion of the new Union, the spirit of English aristocracy and monarchy
seemed in this respect to linger about and hover over the deliberations
of that body of eminent men, and many among those of its ablest and
most patriotic minds seemed to be hypnotized and carried captive
through its seductive influence.

In earnest advocacy of this restriction of the right of suffrage upon
the part of the States respectively were found Gouverneur Morris of
New York, John Dickinson of Delaware, John Francis Mercer of Mary-
land, James Madison of Virginia, and others; while in opposition were
arrayed in debate Oliver Ellsworth of Connecticut, George Mason of
Virginia, Pierce Butler of South Carolina, John Rutledge of South
Carolina, Nathaniel Gorham of Massachusetts, and others. In advo-
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cacy of the freehold qualification, Gouverneur Morris, in answering the
suggestion of Oliver Ellsworth, that a restriction on suffrage tended
towards aristocracy, said:

I have long learned not to be the dupe of words. The sound aristocracy,
therefore, has no effect on me. The aristocracy will grow out of the House of
Representatives giving the votes to the people having no property, and they
will sell them to the rich who will be able to buy them.

And in continuing farther in this line he said:

We should not confine our attention to the present moment. The time is not
distant when this country will abound with mechanics and manufacturers who
will receive their bread from their employers. Will such men—

He said—

be the secure and faithful guardians of liberty? Will they be the impregnable
barrier against aristocracy?

This, Mr. President, was the strongest argument placed in the strong-
est possible light in favor of limiting the right of suffrage to freehold-
ers and excluding from such right all others, including merchants, mechanics, manufacturers, laborers, the sons of freeholders—all who either did not happen for any other cause or circumstance or otherwise were too poor to be possessed of a freehold. But in opposition to this argument Mr. Mason, of Virginia, said:

We feel too strongly the remains of ancient prejudices and view things too much through a British medium. A freehold is the qualification in England, and hence it is imagined to be the only proper one. The true idea, in my opinion, is that every man having evidence of attachment to a permanent common interest with the society ought to share in all its rights and privileges. Does nothing besides property make a permanent attachment? Ought the merchant, the moneyed man, the laborer, the parent of a number of children whose fortunes are to be pursued in his own country, to be viewed as suspicious characters and unworthy to be trusted with the common rights of their fellow-citizens?

Mr. Butler, of South Carolina, said:

There is no right of which the people are more jealous than that of suffrage. Abridgments of it tend to the same revolution as in Holland, where they have at length thrown all power into the hands of the senators, who fill up vacancies themselves and form a rank aristocracy.

Oliver Ellsworth remarked:

The right of suffrage is a tender point. The people will not readily subscribe to the national Constitution if it should subject them to be disfranchised.

While the great sage of the convention, Dr. Franklin, who was ever found battling for the rights of the common people as against every contrary tendency, is reported to have said:

It is of great consequence that we should not depress the virtue and public spirit of our common people, of which they displayed a great deal during the war and which contributed principally to the favorable issue of it.

It will thus be seen from this, in passing, and is worthy of note, that America's greatest philosopher and one among its most distinguished statesmen accords to the virtue and public spirit of the common people, as he termed them, of Revolutionary days, the credit of being the principal factors among the causes which led to a successful issue of the Revolutionary war. And in speaking further on the subject Dr. Franklin, in support of his position, is reported as having referred to the honorable refusal of American seamen, who were carried in great numbers into British prisons during the war, to redeem themselves from misery and seek their fortunes by entering on board the ships of the enemies of their country, contrasting their patriotism with numerous instances where British seamen, made prisoners by the Americans, readily entered on the ships of the latter on being promised a share of the prizes that might be made out of their country. (See page 388 of the Madison Papers.) Dr. Franklin, proceeding further, is quoted as having said:

This proceeded from the different manner in which the common people were treated in America and Great Britain. I do not think the elected have any right in any case to narrow the privileges of the electors.

A further report of his speech says:

He quoted as arbitrary the British statute setting forth the danger of tumultuous meetings under the pretext of narrowing the right of suffrage to persons having freeholds of certain value, observing that this statute was soon followed by another under the succeeding Parliament subjecting the people who had no votes to peculiar labor and hardships. He was persuaded also that such restrictions would give great uneasiness in the populous States. The sons of a substantial farmer not being themselves freeholders would not be pleased at being disfranchised, and there are a great many persons of that description.

But, says one, your proposition to have United States Senators elected by the people is an invasion of the principle, which, it is claimed, was
established by the Constitution, that the Senate represents the States in their political capacity rather than the people of the States, collectively or otherwise. It is urged that this is fundamental, and furthermore that it is as important to the proper maintenance of governmental equilibrium and the theory upon which our Government is founded as it is fundamental. But however well founded may be the contention that United States Senators are the representatives of the States in their political or sovereign capacity rather than of the people, it is a mistake and a very prevalent one to suppose that the change in the mode of choosing Senators would be an invasion of this doctrine.

For instance, I find in the Cincinnati Enquirer of recent date the following:

Senator Mitchell, of Oregon, wants the Constitution so amended that Senators shall be elected by the popular vote; that is, he wants to abolish the Federal system upon which our Government is founded.

Not by any manner of means, Mr. McLean. I would by the proposed amendment abolish nothing save and except the present mode in which the several States choose their Senators; much less would I attempt to abolish the general system or any of its material elemental parts, upon which our Government is founded. No issue is made in this proposed amendment with those who regard the Senate as the special representative of the States in their sovereign capacity, and part of whose duty it is to see that the States respectively are not denied any of the rights to which they are justly entitled under our system of Government. That is a question no element of which is included in the proposed amendment. It simply relates to the mode in which the States respectively shall choose their Senators, whether by the Legislatures or the people. What is it constitutes a State politically except it be the people of that State, the qualified electors thereof? And who, let it be inquired, have a better right than they to say by direct vote whom the State shall have to represent it in the Senate of the United States?

No, Mr. Enquirer, this proposed amendment does not in any manner trench in the slightest degree upon the system upon which our Government is founded. For the sake of the argument the doctrine referred to may be admitted without question, but it is one, nevertheless, which does not grow out of or in any manner depend upon the mode by which Senators are elected, but wholly and entirely on the ratio of representation to which each State is entitled in the Senate of the United States. The share of representation to be accorded each State in the Senate is one thing, and the mode or manner of selecting that representation, whatever it may be, whether large or small, equal or otherwise, as between the several States is quite another and different thing. The one, the former, relates to the question that Senators are more particularly the representatives of the States in their political capacity, while the other relates only to what perhaps may by some be considered the more unimportant matter, as to how and by whom the States shall choose this representation, whether by their Legislatures or by a direct vote of the people.

It will be seen, on a careful review of the debates when the Constitution was being considered, that the question as to whether the Senate should represent the States in their political capacity or the people arose not in the consideration of the question as to the manner in which Senators should be elected, but rather in considering the question as to the ratio of representation to which each State should be entitled. The contest on this important question was one of immense importance and
great gravity in the constitutional convention, the contest being be-
tween the larger and more populous States on the one hand and the
smaller and less populous on the other.

Various were the propositions submitted and discussed relating to
this important subject. One was that each State should have a repre-
sentation in the Senate according to its importance as a State; a second
was that the representation should be in proportion to their property,
respectively, while a third was that of equal representation; that is to
say, that each State, whether large or small, rich or poor, near or dis-
tant, powerful or weak, should have in the Senate of the United States
precisely the same representation, the same voice as each and every
other State, however wide might be the difference as to importance,
property rights, wealth, influence, or power. The last-mentioned prop-
osition was finally agreed upon, and in that decision, and not in the
mode or manner of electing Senators, is to be found the declaration of
the doctrine, if such declaration ever was intended by the constitu-
tional convention, that the Senate represents the States in their polit-
ical and sovereign capacity rather than the people of the States.

The question as to whether the Senate should be the representative
of the States rather than of the people was one upon which there was
a wide diversity of opinion among the different members of the con-
vention. Mr. Madison held strongly to the affirmative of the propo-
osition and declared in terms that "the Senate does not represent the people,
but the States in their political capacity," while others, notably, Mr.
Wilson, of Pennsylvania, and some others, held to the contrary view.

The PRESIDING OFFICER (Mr. Spooner in the chair). The Sen-
ator from Oregon will suspend a moment. The hour of 2 o'clock hav-
ing arrived, it becomes the duty of the Chair to lay before the Senate
the unfinished business, which is the bill (H. R. 3711) making appro-
priations to provide for the expenses of the government of the District
of Columbia for the fiscal year ending June 30, 1891, and for other pur-
poses.

Mr. PLUMB. I consent that the unfinished business may be con-
sidered at a later time in order to enable the Senator from Oregon to
conclude his remarks.

Mr. MITCHELL. I thank the Senator.

The PRESIDING OFFICER. If there be no objection, the unfinished
business will be laid aside informally until the Senator concludes his
remarks. The Chair hears none.

Mr. MITCHELL. The convention having finally decided that the
representation in the Senate should be equally divided as between all
the States, another and scarcely less important one came up for con-
sideration, and various were the propositions submitted and considered
as to the number of Senators each State should have. Many of the
members preferred a small number and one Senator from each State
was urged by many members as the proper number; others advocated
three as a proper number; Gouverneur Morris, of New York, insisted on
three for each State and submitted a motion to that effect, and in sup-
port of it said: "If two only should be allowed to each State and a
majority be made a quorum, the power would be lodged in fourteen
members, which was too small a number for such a trust;" and finally,
after long and able discussion, it was agreed that each State should be
titled to two Senators, and a provision to that effect became a part of
the fundamental law and has remained a part ever since.

It will be seen, therefore, Mr. President, that the question as to
whether the Senate of the United States should be regarded as the representative of the States respectively in their political capacity, rather than as the representative of the people of the States, was determined, in so far as that question ever has been determined, not by the mode or manner in which Senators should be chosen, not in the determination as to the number of Senators that each State should have, but rather in the consideration and determination of the question as to the ratio of representation that each State should have in respect to all its sister States in the Senate of the United States. Therefore, it is not true that any proposed change in the mode of electing Senators should be regarded as an attempt to deprive the States respectively as States in their sovereign or political capacity of their representation in the Senate of the United States. But who, let us inquire, is most justly entitled to select the men who shall, if you please, represent the States respectively in their sovereign or political capacity in the Senate, defend its rights, maintain its dignity, assert its prerogatives, uphold its integrity, and demand and insist upon the proper enforcement of its chartered rights than the people of those States. That and that alone is the query involved in the proposed constitutional amendment, and in its support nothing more directly in point could be said than was said by Mr. Wilson, of Pennsylvania, in the constitutional debates when this subject was under consideration. The report of his remarks, as recorded on page 239 of the Madison Papers containing the debates on the Confederation and the Constitution, is as follows:

The question is, shall the members of the second branch be chosen by the Legislatures of the States? When he considered the amazing extent of country, the immense population which is to fill it, the influence of the Government we are to form will have, not only on the present generation of our people and their multiplied posterity, but on the whole globe, he was lost in the magnitude of the object. The project of Henry IV and his statesmen was but the picture in miniature of the great portrait to be exhibited. He was opposed to an election by the State Legislatures. In explaining his reasons, it was necessary to observe the twofold relation in which the people would stand, first, as citizens of the General Government, and, secondly, as citizens of their particular State. The General Government was meant for them in the first capacity; the State governments in the second. Both governments were derived from the people; both meant for the people; both, therefore, ought to be regulated on the same principles. The same train of ideas which belong to the relation of the citizens to their State governments was applicable to their relation to the General Government; and, in forming the latter, we ought to proceed by abstracting as much as possible from the idea of the State governments.

With respect to the province and object of the General Government, they should be considered as having no existence. The election of the second branch by the Legislatures will introduce and cherish local interests and local prejudices. The General Government is not an assemblage of States, but of individuals for certain political purposes. It is not meant for the States, but for the individuals composing them; the individuals, therefore, not the States, ought to be represented in it. A proportion in this representation can be preserved in the second as well as in the first branch.

It will be remembered, in explanation of the reference in this report to the first and second branches of Congress, that during all the debates in the convention the House of Delegates, or, as subsequently agreed upon, the House of Representatives, was designated as the "first branch," while the Senate was designated as the "second branch."

The proposed amendment, therefore, suggests no change whatever in our system of government in respect to the relations of the different departments to each other. It recommends no departure from the established relations between the two branches of the legislative department of the Government or from the existing relation that the Senate of the United States bears to the States respectively, whatever that may be. Nor does it suggest any change in the relation of the States to the Gen-
eral Government. It does propose a change, however, in the mode—only this, nothing more—by which the States respectively and the people thereof shall choose their representatives in the Senate of the United States. Under the present provisions of the Constitution they are to be chosen by the Legislatures of the States respectively; the proposed amendment will change this, so that instead of the Legislatures, the people, the qualified electors of a State, should elect Senators. And what good reason can be urged in opposition to this proposition? If it is the State, as contended by many, that is entitled to speak in the election of Senators, then—

What constitutes a state?
Not high-raised battlement or labor'd mound,
Thick wall or moated gate;
Not cities, proud with spires and turrets crown'd;
Not bays and broad-arm'd ports,
Where, laughing at the storm, rich navies ride;
Not star'd and spangled courts.
Where low-born baseness wafts perfume to pride.
No. Men, high-minded men,
Men who their duties know,
But know their rights, and, knowing, dare maintain:

These constitute a state.

Who, Mr. President, are more or better entitled to speak for the State than the people of that State, in their individual and collective capacity as qualified electors, and, if entitled to speak, then why not directly and for themselves, and not by proxy through their representatives in the State Legislatures? It is respectfully submitted, Mr. President, that any man who aspires to a seat in the Senate of the United States who is unwilling to submit his claims to the decision of a majority of the qualified electors of his State, is unfit, however well qualified in every other respect, to become a Senator of the United States. That man who would be willing to accept a seat in the Senate or remain there for an hour with the consciousness that he was not the choice of a majority of the legal voters of his State for that position is unworthy the name or distinction that properly attaches to one occupying that distinguished position. And are there not reasons, cogent, pressing, and unanswerable, in addition to those already suggested, why our system in this respect should be so modified as to meet the demands of the people in the age in which we live?

Times have changed. The prevailing opinions of 1787 are not the prevailing opinions to a very great extent of the present day. The monarchical and aristocratic views held by many even of the framers of the Constitution one hundred years ago, and which led many of them to suggest in the constitutional convention and insist upon such monarchical notions as that the Senate of the United States should be chosen either by the President of the United States or by the House of Representatives, that the President and Senators should be chosen for life, or during good behavior, and other propositions of like character, are in the great American mind—in the mind of the great masses of the people to-day—obsolete. The opinions not only of the people of the United States, but of the civilized world, are rapidly undergoing changes. The tendency in the public mind—in the mind of the great masses of the people—is away from monarchy, away from aristocracy, away from vicarious representation, away from every proposition that deprives the people of the right to be heard, and heard directly, upon
all the great questions pertaining to government, and in favor, in a
word, of "a government by the people and for the people," in the
broadest and best sense of that oft-quoted declaration.

The star-chambers of centuries ago find no recognition in this coun-
try and in this age in the popular mind. The secrecy of executive ses-
sions is no longer regarded by the masses as being in harmony with the
spirit of republican institutions, and public opinion, which, when fairly
aroused, is as irresistible as the avalanche, will at no distant day, with
a tidal wave as overwhelming as that which swept slavery from the land,
brake down and destroy the doors of secret executive sessions. The
people demand that the discussion and determination of questions of
state, in which all have a common interest, shall not take place behind
closed doors, but in open session and before the world. The secrecy of
executive sessions is a relic of the injustice of the star-chamber in a
monarchical government and should find no countenance or recognition
in a republic. The people demand a voice in the election of Senators,
and they demand, further, that their proceedings shall be public and
open to all the world.

Say what we may, it must be admitted by all that lurking within
the folds of our Constitution still remains something of the ideas of
monarchy, something of that which is opposed to the true spirit of de-
mocracy. The times are changing as the light of republican influence
expands, and with these changes the voice of the people, in their maj-
esty as sovereigns, is being heard throughout not only our own land, but
the whole civilized world. Thones are becoming unsettled, monarchy
is becoming nervous, aristocracy is growing pale and uneasy, while
trepidation and fear are prevalent among the crowned rulers. The re-
cent revolution in Brazil has startled all Europe and monarchs are
trembling on their thrones. The British Empire is to-day, as recently
stated by the great Hungarian patriot in his humble exile's home in the
ancient Italian city, existing on capital accumulated in the past. There
is no accession to her vital motive power.

The movement by the people in the interest of the people is stal-
wart and universal in all lands, and in none more so than in the United
States, and the sooner this great fact is recognized by the represent-
natives of the people the better. But not only so. It is a fact that
must be apparent to all that during recent years an impression, deep-
seated and threatening, whether well founded or otherwise, has ob-
tained in the American mind and among the masses of the American
people, to the effect that the Senate of the United States has become a
sort of aristocratic body, too far removed from the people, beyond their
reach, and with no especial interest in their welfare. The Senate has
in the past few years been assailed from time to time by many of the
leading and most influential journals of the country of both political
parties, and is almost invariably ironically designated as "the Ameri-
Can House of Lords." The tendency of public opinion is to degrade
the Senate and depreciate its dignity, its usefulness, its integrity, its
power.

Although the Senate of the United States should be, and in fact really
is, the most dignified as well as the most important legislative body
in the world, the tendency in public journalism and in the popular
mind is to belittle its importance, minimize its dignity and power, and
cast the spirit of obloquy over and around it and its members. That the
impression which leads to all of this is, to a very great extent at least, not
well founded, all in their sober senses will agree; yet it is a fact that it
exists all the same. Therefore any movement that looks to the right of the people to be heard directly in the election of Senators can not but result beneficially to all concerned. It will bring the people and the Senate into more amicable relations. It will remove prejudices now existing and which are rapidly becoming deeply fastened upon the public mind. It will invoke a spirit of mutual forbearance and respect as between the Senate and the people which unfortunately does not now exist to that degree, that is desirable. It will restore confidence. It will dissipate all cause and excuse for unjust criticism. It will tend to elevate the character, advance the dignity, increase the usefulness, extend the influence, and justly magnify the power of the Senate, and at the same time promote the welfare of all the people of the Republic.

I move a reference of the proposed amendment to the Committee on Privileges and Elections.

The motion was agreed to.