## THE DAILY EVENING TELEGRAPH-PHILADELPHIA, MONDAY, MARCH 21, 1870.

## ELECTION OF PRESIDENTS. BY CHARLES FRANCIS ADAMS, JR.

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The following paper on "The Election of Presidents" was read at the general meeting of the Social Science Association, at New York, October 27, 1869, by Charles Francis Adams, Jr., and is published in the journal of the association:

A paper on the "Protection of the Ballot" was read before the American Social Science Association, at its meeting in Albany, on the 19th of February, 1869, and was subse-quently printed in the journal of the society. In it the following query was suggested: --

"What good reason can be given why (in our Presidential elections) we should vote for one man, or thirty men, who, in turn, are to be pledged to vote for another man, designated to them beforehand, instead of voting directly for the object of our choice ? \* Can any good reason be suggested why the people of this country should not directly vote for their Presidents as they ever have for their Governors?"

This question did not have long to wait for a conclusive answer. When advanced, it was accompanied with the remark that the subject stood rather "in need of suggestion and discussion than of patent legislative panaceas or individual dogmatism." In this spirit it was responded to by the press. Among others a very able criticism shortly afterwards appeared in the editorial columns of the Chicago Tribune, which, while emphatically condemning the present mode of choosing the Electoral Colleges, pointed out very clearly how greater dangers might not improbably be found to exist in the election of President by direct popular vote than by the method now in use. This reply to the question, if sustained by reason and fact, is conclusive, and shows that no relief is to be found in the direction indicated.

In a previous paper on this subject it was very broadly stated that the present system of choosing the Electoral Colleges, on a general ticket in each State, acts as nothing more nor less than a premium on fraud, making the violation of the ballot by one party in one locality an alleged "political necessity" for a counterbalancing violation of it by another party in another locality. Particular sections of the country-those in which an election is close and hotly contested-are, by the practical working of this system, regularly pointed out at every election as the decisive points, so that the least astute politician knows beforehand just where votes will be wanted and just where they will be useless. He can, therefore, work intelligently, and, almost exactly, adapting his to his ends. For instance, in indeed, means the last Presidential election, unless fraud were counteracted by fraud, it was apparent to every one that the manufacture of a few thousand votes in New York city would decide the thirty-three electoral votes of the State. This would exactly counteract, in the grand result, any possible majority, the other way, of the legal votes cast in Illinois, Massachusetts, and Vermont, where the election was practically uncontested. New York city was, therefore, designated beforehand as a decisive point; a place where every fraudulent vote would carry great fictitious weight. The result of the election showed that the same state of affairs existed elsewhere. Votes in Kansas were of no value in face of a majority of 17,030; 164 ballots, fraudulent legal, settled the result in Oregon, and negatived that in the State first It was argued in the prenamed. vious paper that it was futile to hope purity in elections while the elections for any actually revealed such enormous disparities of influence; as long as the system at once supplied such a great incentive to fraud, and designated so precisely the localities in which it could be committed. The case of the electhose of a whole college. In each particular tion of 1844 was cited. There can be no doubt that Mr. Polk received a majority of the legal votes cast in that election; there is strong reason for believing, however, that Mr. Clay was the legally elected President. The result, then, turned on the vote of New York, whose Electoral College numbered thirty-six members. The party which sup-ported Mr. Polk carried the day; but a subsequent investigation by the Judiciary Committee of the U.S. Senate abundantly proved the perpetration of extensive frauds in that State, which, not impossibly, decided the contest. (Sen. Docs., 28th Cong., 2d Sess., Rep. No. 173.) It is useless and wicked to argue that, in this as in other cases, fraud was probably off-set by fraud, and that the result practically reflected the will of the legal majority. Allowing this to be true in fact, it settles the question as to that system which establishes, for any portion of its citizens, cheating as the only alternative to defeat. It certainly is not conducive to public morality that fraud should be recognized as a regular element in politics; indeed, it would be far better to resort to force at once. The suggestion, however, is not true in fact. As is well known, the perpetration of frauds on a large scale is possible only under certain circumstances. They can be effected in great cities, where the inhabitants are necessarily unknown to each other; or in rude and lawless communities. Our annals are, unfortunately, replete with precedents coming under either head. Similar outrages, however, are not, nor can they be, perpetrated, on any large scale, by a party which only controls well-regulated and moderately populated sections of country. It only remains to solve the problem of how this fraud can be reduced within the narrowest limits. The present system puts the largest possible premium upon it; for, under it, one fraudulent vote, in a given locality, always may, and often does, outweigh a hundred legal votes across an imaginary line which divides States. To remedy this, it was proposed to abolish the system of Electoral Colleges altogether. It was suggested that, if the President was elected by direct popular vote, as the Governors of the States now are, and always have been, the effect of illegal voting would, at least, be reduced to natural limits. A few or a great many frau-dulent votes in one State could, at most, only counterbalance an exactly equal number of honest votes elsewhere; and not, as at pre-sent, by choosing the whole Electoral College of one large State, offset, with absolute disregard of numbers, vast popular majorities in three other and smaller States. The predominance given to fraud is certainly unnecessary, in so far as it is artificial. It cannot, however, be denied, as argued in the columns of the Chicago Tribune, that such a system would be cumbrous and liable to great dangers whenever elections were closely contested. Even the citizens of New York, accustomed as they are to not dissimilar spectacles within their own borders, might object to seeing vast opposing majorities rolling up from the wilds of Texas. The early history of Kansas, and the later histories of some Southern States, have demonstrated to us the possible voting capacity of certain descriptions of sparsely settled country. It must be conceded that it would

not be safe to permit any closely contested election-as the election of 1844, for instance, which was decided by a popular majority of only 30,000 out of a total vote of 2,600,000-to depend on the manufactured returns of lawless communities. Two points in the discussion may therefore be considered as settled: the present system stands con-demned, and demands instant reform; and, secondly, the system of general, direct election would prove no satisfactory substitute for it. What other solution of the problem can be suggested?

While few deny the importance of this question, no one seems resolved to insist on its consideration and settlement. The lessons of the past are thus forgotten before they are thoroughly learned. One year has now passed since the election of 1868 took During that time associations of individuals, courts of law, and committees of Congress have been busily engaged in investi-gating the violations of the ballot then alleged to have taken place. The perpetra-tion of frauds in that election-frauds unprecedented, systematic, appalling-frauds of which the recognized leaders of both parties, the judges of courts of law, and the inspectors of elections must have have been cognizant, and in which they were sometimes proved to have participated-all these have ceased to be subjects of mere partisan clamor, and are established as matters of record. Courts have passed upon them, and have declared certified results vitiated by fraud. Committees have investigated them, and presented the fruits of their labors in the form of ponderous reports. In what has it all resulted? Any one who chooses may now satisfy himself that in Philadelphia four imported ruffians threw sixty votes in one day, as part of a regular system of "repeat-It is matter of record that one single ing." It is matter of record that one single judge, between October 8 and October 23; 1868, ordered to be issued a daily average of over 718 certificates of citizenship. Honest and experienced magistrates, who have for years been engaged in executing the naturalization laws, have testified that not more than a single set of papers could be properly passed in five minutes; whence it follows that, allowing the energetic magistrate in question to have worked night and day, without one moment of intermission, between the 8th and 23d of October, he could not have properly accom-plished more than one-half part of what he did accomplish in fact. Before another judge, engaged in the performance of a similar farce, the same man appeared as a witness under oath, twenty-five times, under different names, in a single evening. It is not disputed that in one case thirty-five persons were registered, and twenty-three actually voted, from the house of a member of the general committee of a party, in which only one voter actually resided; in another case, thirty persons were registered, and twentytwo voted, from the house of a State Senator, in which only three voters resided; in yet two other cases, forty-five persons were registered, and thirty-six voted, from the houses of two aldermen, whence four votes only could legally have come; from yet another house, one hundred and fifty-two names were registered, representing, if legal, a population of seven hundred under a single roof. Under souls these circumstances, it not unnaturally followed that the actual vote polled in the city where these events took place was 108 per cent. of its legal voters, as indicated by the census returns. Finally, right or wrong, the country has settled down into a conviction, which, in truth, is not unsustained by evidence, that many thousand illegal votes were cast at the last Presidential election within the limits of a single State. All this, be it remembered, was done, simply because our system made each illegal ballot bear not upon one or upon three electoral votes, but upon

all, it would confine the effect of fraudulent voting in any one district to three electoral votes, viz., the work of the state at large, and the one cast by the district in which the fraud arose. The T, doo fraudulent votes cast in the sity of New York at the votes in all, instead of thirty-three, and practically would not have been resorted to to secure these, as they were safe to the Democratic party without one party has power that any considerable degree of party has power that any considerable degree of fraudulent voting can be done. A strong opposition would be no context, and no temptation to fraud, if their majority did not counteract other majorities beinging to outside districts. Hence, under the party has power will be inducement their majority did not counteract other majorities and all most wholy disappear, but the violent of raud almost wholy disappear, also." all, it would confine the effect of fraudulent voting

Herein, it is believed, will be found a satisfactory solution of the difficulty. It will confine the effects of fraud within the narrowest possible limits, and, practically, ren-der it unavailing. Neither is it an ovelty in our system, as it was practised in many of the States during the earlier Presidential elec-tions, and was continued in Maryland down to the year 1833. It recognizes also the compromises of the Constitution, and, by securing to the smaller States their two senatorial votes, obviates the danger of their opposing the reform.

How can the proposed change be effected ? The clause of the Constitution which confers the regulation of the subject on the Legislatures of the several States effectually stands in the way of all Congressional action of a final nature. It is futile to hope for any reform from the action of individual States, for it would be Quixotic for any one or more States of the Union to divide their own influence in Presidential elections so long as neighboring States insist on preserving theirs intact. The only remedy, therefore, lies in a uniform adoption of the system for all the States alike, through the slow process of amending the Federal Constitution. This instrument has been manipulated in so many respects of late, that there is now a strong and rapidly growing disposition to leave it alone for the present. This is an additional obstacle which must be overcome. As usual, in all cases which touch merely on the general good-in which no material interest is concerned-it is most difficult to bring party organizations to bear apon the work. Were this not so, the existing method of choosing the Electoral Colleges would long ago have been swept away, for neither this discussion nor the measure of reform suggested has anything in it of no-Hamilton early directed his attention velty. to it. President Jackson, in six consecutive messages, discussed the subject, and recommended the election of Presidents by direct popular vote. Mr. Benton kept the matter lmost continually before the Senate during his thirty years of service in that body. Preaident Johnson, in that body. Preaident Johnson, Senators Wade, Sumner, and Buckalew, and Johnson. various members of the House have all with equal emphasis condemned the existing system. During the year just past an amendment looking to its reform was introduced into the Senate by Mr. Morton, passed that body, and then-went to its long rest. Now, however, the matter is pressed upon the pub lic attention from new considerations. It is no longer, as in the days of Jackson, a mere question of theory, but one of practical and vital importance. The present system has now been reduced in the sight of all men to a machinery for the encouragement and development of the most dangerous of all forms of political fraud. Those who have investigated the subject have arrived at the same practical measure of reform. It has been quoted from the columns of the Chicago Tribune; it can be found reduced to the form of a constitutional amendment in the report of Mr. Lawrence, of Ohio. to the last House of Representatives. This has, then, been a commonplace of life

less discussion almost from time immemoria What can be done to make it a subject for action ?—to forward its adoption ? Poll ?-to forward

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which have been notorious and are established as of record, through the investigations of committees of your honorable bodies. Your petitioners would further represent that the choice of the electoral colleges as a unit, by popular vote in the several States, holds forth peculiar temp-tation, and affords especial facilities for the success-ful perpetration of such frauds, from the fact that they may when perpetrated in large cities or in

The perpetration of such frauds, from the fact that they may, when perpetrated in large cities or in sparsely settled and lawless districts, be made to decide the vote of whole States, represented even by thirty or more electoral votes: That this anomaly in our system obviously in-creases the danger of an election of the Federal Executive by fraud, and holds forth alarming induce-ments to violations of the purity of the ballot in all Presidential elections:

Therefore, your honorable bodies are respectfully petitioned to pass, and cause to be submitted to the Legislatures of the several States for adoption, an amendment to the Federal Constitution, providing for the choice of Electors of the President and Vice-President in the manner hereinafter set forth; to the end that frands expected in any particular local. President in the manner hereinafter set forth; to the end that frauds perpetrated in any particular locali-ties shall only affect individual electoral votes, instead of votes of whole colleges; that thereby the inducement to frauds through the ballot in Presidential elections, on a large scale, may be withheld, as the accumulation of large fraudulent majorities in any given locality cannot then aifect the general results produced by the votes of other localities in the same State; and to the further end that a premium may no longer exist as now moon fraudulent voting at each longer exist, as now, upon fraudulent voting at each Presidential election, which renders the apprehen-sion of fraud to be committed by one party, in one locality, both an inducement and an excuse for the

The opposite party in other localities. Your petition of similar and counterbalancing frauds by the opposite party in other localities. Your petitioners, would, therefore, respectfully commend to the attention of your honorable bodies, as careblated to remedy the evils and remove the dangers arising from the present constitutional pro-visions on this subject, the following amendment to the Constitution economic to committee the Constitution, prepared by one of the committees of the House of Representatives of the Fortieth Congress (Report No. 31, House Doc., 40th Congress, 3d session) :--ARTICLE -

"A number of electors in each State, equal to the

"A number of electors in each State, equal to the whole number of representatives to which such State may be entitled in Congress, shall be chosen in single districts of contiguous and compact terri-tory, each containing, as nearly as practicable, an equal amount of population. "The times, places, and manner of choosing such electors shall be prescribed in each State by the Legislature thereof, but Congress may at any time, by law, revoke or alter such regulations. "Congress shall prescribe the mode of determin-ing the validity of the choice of electors, and of con-testing the right to the office of President and Vice-President."

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locality where these frauds were perpetrated, the election was wholly uncontested; had the influence of these manufactured voters been confined within narrow limits, no inducement to fraud would have existed, because fraud would have been unavailing. The system made the opportunity, and it did not pass unimproved.

We cannot go on indefinitely in this way. We escaped a contested election during the war of the Rebellion only, as it were, by a miracle. The last election was accompanied with loud threats of violence and resistance in case a shadow of doubt rested on its validity, and yet, with that optimism which is so marked a characteristic of the American people, the nation goes on its course, apparently neither learning from the past nor fearing for the future. This good fortune cannot last forever. Every one now appreciates, and cannot but dread, the terrific and ever-increasing strain which each succeeding Presidential election imposes on our Government. This periodical revolution, for such it amounts to now, is at once the safety-valve and the weakest point in our system. Its regular recurrence does, indeed, relieve us of all apprehension of any other or more violent change of rulers; but, on the other hand, the prize at stake is becoming so enormous, and political morality so loose, that it is greatly to be feared lest the declared result of the ballot will not much longer command the public respect. Too much attention, too much discussion, cannot be given to this subject. If the problem were satisfactorily solved; if the ballot could be guarded, and the possible effect of fraud reduced to a minimum; if the country could be assured that by no possibility could any man ever be cheated into the Executive chair, then, indeed, would the Presiden-tial election be robbed of its dangers, and it would remain as the feature in our system which contributed most to its strength. Any other form of revolution would then become as improbable as it would be unnecessary. How this can be effected is the question now under discussion. How can the influence of the fraudulent ballot be restricted within the

narrowest possible limits? If the existing system accomplishes a result the reverse of that desired; if the end in view would not be attained by abandoning the indirectness of the present system and resorting to an election by the direct plurality vote-then there is but a single other alternative, and we are brought directly to the electoral system conducted by districts. This method of arriving at the result cannot be better described than in the article from the Chicago Tribune already referred to: --

the Chicago Tribune already referred to:--"The whole people of each State will vote directly for President and Vice-President, and whoever re-ceives the majority of the popular vote of the State will have the two electoral votes which now corres-pond to its two Senators; and the people of each Congressional district, as such, will vote directly for President and Vice-President, and a candidate re-ceiving a majority of the votes of the district will have the electoral vote which corresponds to the district representative in Congress. This is simply a change from a State electoral ticket to a district electoral ticket. Like the plan of an elec-tion by a general direct vote, it would not lessen the influence of the great party conventions over the nominations. The people would still vote mainly in two great phalavæs, representing the progressive and conservative alternatives on the leading questions of public policy. It would lessen wery greatly the present possibility that the result might not agree with the popular vote. But 2007

ticians, caucuses, and conventions cannot b relied on in this matter. This measure seek to remove, not to create, a fountain of con ruption. It carries with it no political in terest, no claim on patronage, no spoils o victory. It is simply a measure suggeste by common sense and common honesty for the common good. It is in the interest of all, and not of a faction.

The student of social science seeks ever t prevent crime, not by repression, but b removing the hidden inducement to crime He will seek to protect the ballot by remoing, in so far as he can, all inducement t commit frauds through the ballot. He wi not pass laws to punish fraudulent votin if he can prevent fraudulent voting b rendering it useless. If there is, then, an public field in which the labors of this asse ciation can be made useful, if there is an political function it can fulfil, it is in puttin its shoulder to the wheel in aid of a work of reform like this, as necessary as it is than less. Somebody must do it. A machiner in the State, apart from all party organization aloof from all politics, is greatly needed the keep public attention continually awake such subjects as this, or the kindred measur of Civil Service reform. To this work th Social Science Association proposes mor especially to devote itself, and, to the en that it may efficiently do so, it asks the sup port and encouragement of all who, wishin well to their country, do not themselve render it that individual service which the feel is its due.

I would now respectfully suggest that th association do memorialize Congress on the subject I have had the honor of discussing. CHARLES FRANCIS ADAMS, JR.

After the reading of this paper was finishe it was moved by Mr. James M. Barnard follows:-

Resolved, That the officers of this associ tion be, and hereby are, instructed to prepa a memorial to the Congress of the Unit States, in relation to the immediate passad by it, and the submission to the Legislatur of the several States, with a view to its ado tion into the Federal Constitution, of t amendment to that instrument recommende at the close of Report No. 31, House Doc ments, 3d Session, 40th Congress.

Which motion, having been duly seconde was put to the vote of the association, an passed in the affirmative, nem. con.

In pursuance of the above vote, the follow ing memorial was subsequently prepared an presented:

## MEMORIAL

NEMORIAL Addressed to the Congress of the United States by th American Association for the Advancement of Social Science, in relation to the choice of Electors of Press cent and Vice-President of the United States. The American Social Science Association would respectfully represent to your honorable bodies:-That by Section 1 of Article II of the Constitution of the United States it is provided that the choice of electors of the President and Vice-President of the United States, shall be made in such manner as the Legislatures of the several States may direct: That, as a consequence of said provision, it has become, and must remain, what is known as a "poli-tical necessity" that each of the several States should, with a view to the preservation of its wholy relative political weight to other States. Choose suc-electors as of units remain, and yithout any regard to the divisions of opinion existing among its citizens; That, owing to the settlement of new regions and the rapid growth of large officies in the United States new and very tempting opportunities are offered for the perpetration of fraud in elections, instances of

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