

SPEECH OF  
Mr. SPEAKER WALLACE,  
ON THE FREE VOTE.  
In the Senate, March 28, 1871.

# REPUBLICAN

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...with the right, and as practical men, determine whether we shall incur the hazard of losing that which we possess in the struggle for a greater good.

The rule of the majority is a recognized rule of our governmental policy. It is to be changed and altered only by the new system. All of our institutions have been framed on the basis of the law of the greater part, and the wisdom of a change in so vital a matter, without perfect knowledge of its value, may well be doubted. This rule is found written in no Constitution or frame of government. It is a component part of the first society, and is essential to the very existence of representative government. When we seek to trace its history we find it hoary with antiquity, and recognized and obeyed in all ages. Paley grounds government on the doctrine that the resolution of the society is made the act of the individual by setting out the proposition that the uncontradicted consent of all is given to be bound by the decision of the majority. Most other writers upon the theory of government base the rule upon the consent of the minority deduced in one form or another from the action of the majority as the act of the State. Let it come from where it will, or deduce it by coercion, consent or reason, from whatever premises we may assume, no one doubts its existence, and all submit to its authority. Mr. Jefferson, in his letter to Baron Humboldt, under date of June 18, 1817, most aptly states the rule thus:

"The first principle of Republicanism is that the *major pars* is the governing force, and the consent of the majority of a single vote is sacred as if unanimous, is the first of all lessons in importance, yet the last which is thoroughly learned."

"The American Revolution was brought about by a triumphant majority against the wishes and resistance of a formidable minority, and although the Declaration of Independence bases government upon the consent of the whole, it has been established as any other historical fact that it had not the universal assent of the inhabitants of the colonies. The dissent of the minority was deemed a crime, and in many cases carried with it confiscation and personal punishment, and to this day that dissent is held to have been a disregard of the duty of patriotism, and a stigma upon those dissenting."

Judge Story succinctly declares the law of this subject thus:

"The truth is that the majority of every organized society has always claimed and exercised the right to govern the whole of that society in the manner pointed out by the fundamental laws which have from time to time existed in such society. Every revolution, at least when not produced by the superior force of a superior authority, is the result of the majority of the whole, and the right results from the very necessities of our nature, for universal consent can never be practically required or obtained. The minority are bound, whether they have assented or not; for the plain reason that opposite wills, in the same society, on the same subject, cannot prevail at the same time, and as society is instituted for the general safety and happiness, in a conflict of opinion the majority must have a right to accomplish that object by the means which they deem adequate for the end."

This rule of our political society has been of the very essence of our development and progress. The great results we have attained have been worked out by the will and power of the majority assuming to itself the name of the consent of the whole of the State. The robust vigor of the republic, its energy and its vitality, are the legitimate fruits of power, exercised by a majority, in the name of the whole, and by the consent and acquiescence of the minority. The authority of the people must have decided and distinct expression. It can only be through the representative body, and there must be strength and energy of purpose there. The very nature of the thing, and our experience teaches us that this can only come through the political majority, wielding the power of the State. Any other form may bring danger, and possibly paralysis, at the decisive moment. Under the present rule, when well defined issues are presented in a canvass, the people at the polls elect a majority, and their representatives have but to meet and register their will, whilst under the proposed system those questions are still unsettled; men are elected who represent both sides of the issue from the same locality, and the subject matter is limited to the representative body, where it must be settled by the majority rule. It is not wiser to accept the result the people give, and continue to recognize their capacity to govern themselves; that concentration of force which results from the recognition of the power of the majority will be lost sight of, and the magnificent spectacle of an entire nation wrought to the highest point of political agitation, acquiring instantaneously and with dignity in the decision of the majority, will be merged in the reports of a representative body, in dancing attendance upon their sessions, or in the listless attention consequent upon the lack of individual interest in the contest. Under a government possessed of written Constitutions, the questions in regard to its administration, vitally affecting the people, are necessarily few, and at our periodical changes they become sharply defined, and the people are as competent to settle them by voting for or against them, as embodied in the respective candidates, as they are to vote for the individuals. Let us apply the principles of this bill to a Congressional district, created for the election of six members. Give the Democrats a majority of one-third therein, and submit the single issue of the repeal of the bill authorizing the use of troops at elections to the people at the election for Congress-

men; four Democrats will be elected and two Republicans, and the majority go to Congress to act as a protest against the views of the majority. Under the present system it is distinctly settled so far as the constitutionality of these six Congressmen can act, it yet so far as these men are concerned, the same practical result is reached for four lay-out vote two. If the people are as desirous to act primarily, perfect acquiescence follows. Can we be assured of the same result under the new system? A result is better than no result, and the decisive action of the people at the polls is infinitely better than the intellectual movement that results from a decision to another and inferior tribunal, by which corruption can use its power with impunity. What do we gain by it? Nothing but prolonged debate and continued struggle in the Representative body, unless it is proposed to compromise upon the basis of four to two. We lose that moral influence and independent action that flow from the recognition of the authority of the majority, and we gain indecision in action and division in council. We negate the principle that the interests of the many are to be preferred to those of the few. We paralyze the energies of that ever restless, watchful and persistent minority, whose earnest hope it is to become the majority, and convert it into an inert, stolid body, whose very position unfit it for active leadership and energetic movement, and by dividing it into classes, classes and sects, destroy the unity of its opposition. The result will be followed for when the system shall have been fully initiated, we will naturally gravitate toward large districts in which the principle has fuller play. Mr. Hare, who may be called the father of the idea, now advocates the preferential system, and proposes to elect the entire representation in parliamentary general ticket, in a single district. His proposition is in effect this: If there be six hundred and fifty-eight thousand persons entitled to vote for members of parliament, and there be six hundred and fifty-eight to elect, one thousand votes choose a member. The voter may put upon his ticket as many names as he pleases; the first named is deemed his first choice; the second his second choice, etc. If number one have one thousand votes, without the vote of A, his vote is counted for number two, and thus down the list, until the whole six hundred and fifty-eight have each received the quota of one thousand votes from the whole body of the voters cast. This complicated and widely diffused system for the legitimate deduction of Mr. Hare's theory, which are presented with force and logic.

One of the dangers to be feared is that if we shall apply it to the election of Congressmen, Senators and legislators in large districts, that earnest watchfulness, resulting from an organized opposition, without which we cannot expect fidelity in the administration of the government, will no longer exist. Look at it practically: Upon a ratio of 140,000 population, Pennsylvania will send twenty-five members of Congress. This is equal to about 35,000 taxable for each member, and any party clique or sect that can command that number of votes can obtain a member. In such a condition of things, how many members of Congress would have been elected from this State upon specific issues entirely distinct from questions growing out of the general theory of government administration? Most not the most prejudiced mind admit that many would be elected upon purely sectarian grounds? Would not the votaries of the rival sects be most earnest in their efforts to obtain representation, for purposes that are probably commendable in themselves, yet necessarily antagonistic to the well-being and harmonious working of our former government? I can conceive of nothing better calculated to arouse sectarian bitterness and engender religious strife than an opportunity such as would be afforded by this system to subordinate all other ideas to the single one of power, for the purpose of an idolized Christian organization. The representative elected under such circumstances would be the possessor of a single idea, and everything would be calculated to yield to the influence thereof. Like bogies like, and year by year more and more of the people would be drawn into the vortex created by the most intense passion that humanity is possessed of, and party issues and governmental doctrines would speedily be lost sight of in the absorbing struggle between religious theories. The same result to a smaller extent would follow from any other special interest obtaining representation upon subjects, and with ideas entirely distinct from the legitimate purposes of government; and these, neglectful of all else, would combine with others only for the advancement of their own object. In such combinations as would inevitably follow, the interests of the public would be the last objects protected.

In this condition of affairs an organized opposition, or a minority party based upon leading doctrines of government and administration, cannot exist, and one of our most valuable safeguards will be gone. It is a necessity in the State and government that political parties based upon broad, comprehensive political theories should exist, and not only inconvenience but danger will follow from the non-existence of a well organized and colored opposition, or from the existence of lesser parties based upon special, sectarian or local ideas, and often in a position to coerce obedience to their demands. Of course by the term party I mean an "organized body of men who agree on certain leading principles in administration in opposition to others, and who act in union for their support." It has been well said that "freedom of thought and action produces contention in all spheres, and where great tasks are to

be performed, and when important interests are at stake, those who agree on a principle, and must do so, or to be sufficiently strong to do their work. Without party administration and party action, it is impossible that the majority should rule or that a vigorous opposition can rise to a majority and rule in turn. Liberty requires a parliamentary government, and not a truly parliamentary government can be conceived of without the principle of party administration. It has been fully developed under Sir Robert Peel. Under the previous governments mixed cabinets of whigs and tories were common, when court intrigues and individual royal dignities and likes had necessarily often a greater effect than national views and interests to which it is the object of party administration to give the way. It may be said that partisan rancor has swept away the value of party organization, and that their destruction would be a benefit. I do not think so. Many evils necessarily result from them as administered in our country, but they are vitally necessary for a much greater good. They are essential to civil liberty, and their destruction would speedily result in the downfall of our institutions. One of the great evils of our present system is that the "outs" jealously guard the people from the misdeeds of the "ins," and even the slightest deviation from the true interests of the people is seized and commented upon by party leaders and a party press, and any departure from the path of duty to the public is quickly occupied as the avenue to party antagonism. Imparting leading ideas can only be gratified upon general policy by unity of action through party organization, and without it, failure would inevitably result. Closeness of communication with the people and direct responsibility to them enables them to govern by force of public opinion, and the revolution it produces is beautiful and invigorating to the body politic. Through it the majority party of today may be the minority party of tomorrow, and to be feared that a change of the majority rule will give us a majority continually ruling and a minority continually stagnating, and that the political organizations, whose annual, triennial and quadrennial struggles cleanse and invigorate the State will be heard of no more.

Our institutions embody the theory of equality of persons and of rights, as well as those of equality of intellect and education, and the power of the majority and obedience to its rule have their basis in part upon the consequent idea that the majority of people have the major part of the intellect and education. Whether this be true or not, it is unnecessary to inquire; but it is important for us to learn whether this rule and theory is to be changed, and what its change implies, and what its probable effect will be. The advocates of the new system all argue that a better class of men will be selected if the minority rule prevail, and that by the present rule those most intelligent and best qualified are excluded.

Mr. Hare, in the preface to his last edition, thus puts it:

"Everything which, in political life, liberates and increases the scope and influence of enlightened judgment and cultivated reason, is of inestimable service also to those who occupy the higher places in social rank, and possess, in the greatest measure, the advantages of education and leisure. The most favorable supplies, and stand upon the vantage ground of competition. They will more certainly retain their position in the race, as they themselves eschew and endeavor to purge political life of all that is vile and base; put forward their highest order of minds for public duties and public honors, and do their utmost to prevent the degradation of the great body of the people, and to make the spang of triflers or weak men."

So in chapter 5: "In forming the representative body to which is committed the power of government and legislation, it is undeniable that it would be wise to invite by every suitable inducement, and to gather with every possible diligence and care, such minds as are by constitution and experience of study the best fitted to deal with the subjects which at this day come within the range of political action."

So in chapter 6: "The State cannot afford to reject the services of any class, especially any highly instructed class, among its sons. It should be a fundamental principle that all possible facilities should be given to persons of every class to offer themselves as candidates."

John Stuart Mill, in his "Representative Government," chapter 7, affirms that "the natural tendency of representative government, as of modern civilization, is toward collective responsibility, and this tendency is increased by all reductions and extensions of the franchise, their effect being to place the principal power in the hands of classes more and more below the highest level of instruction in the community. But though the superior intellect and characters will necessarily be outnumbered, it makes a great difference whether or not they are heard. In the false Democracy which, instead of giving representation to all, gives it only to the local majorities, the voice of the instructed minority may have no organ at all in the representative body. In the American Democracy, which is constructed on this faulty model, the highly cultivated members of the community, except such of them as are willing to sacrifice their own opinions and modes of judgment, and become the servile mouth pieces of their interior knowledge, do not even offer themselves for Congress or the State legislatures, so certain is it that they would have no chance of being returned. The great difficulty of Democratic government has hitherto seemed to be how to provide a Democratic organ of public support, a point d'appui for individual resistance to the tendencies of the

ruing power, a protection, a rallying point for opinions and interests which look for a supplement or complement to the instincts of a Democratic majority in the instructed minority, but in the ordinary mode of constituting Democracy this minority has no organ."

And the Senator from Columbia, in his report to the Senate of the United States, in 1859, upon this subject, affirms that the system of the free vote will continue members of merit for long periods of time in the House, because it will relieve them and those who support them from the causes of change above mentioned. They can be re-elected with certainty so long as the party whose representatives they are desire their continuance in office. It may reasonably be expected that some men of distinction and intellectual power will always be found in the House, whose period of service, counts by twenty or thirty years. They will be the great representatives of party, and will give lustre and power and usefulness to the House, while they will be the objects of profound attachment and of honest pride in the States they represent.

Our present system, admirably calculated to secure the best of the party, will be supplanted by one which will produce precisely the opposite result.

The extracts thus given from the writings of three of the leading advocates of minority representation, when applied to the workings of our institutions, necessarily imply:

First, That representative government under the rule of a majority is a failure.

Second, That the term of office of our legislators is too short and should be extended.

Third, That there is a necessity in our government for an independent power, based upon capacity and intelligence.

The perfect answer to the first of these inferences is found in the character of our institutions, and in the better growth and continued progress of the republic.

To the second the answer is that in a government of the people, by the people, a frequent and direct responsibility to the representative by his constituents cannot be dispensed with; that governments with written constitutions do not need either hereditary or life long offices; that in actual practice men remain in office quite as long as the good of the people requires; that under a majority rule, if a representative be found faithful or corrupt in but a few things, he will not be rotated out; whilst under a better answer than I can make, he will be rotated out in many things, yet if subservient to the single idea upon which he came to power, those who deem that idea the essential in government will continue to re-elect him.

To the third, which is in effect an argument for the necessity of an aristocracy of capacity and intelligence, in the words of Mr. Madison, in the fifty-first number of the *Federalist*, is a better answer than I can make. He says: "In the extended Republic of the United States, and among the great variety of interests, parties and sects which it embraces, a coalition of a majority of the whole society could seldom take place upon any other principles than those of justice and of the general good; whilst there being thus less danger to a minor from the will of a major party, there must be less reason to fear for the security of the former by introducing into the government a will not dependent on the latter; or, in other words, a will independent of the society itself."

It will thus be seen that the theory of intellectual equality is to be changed, and a new rule of capacity to be introduced; that the change implies a failure of our institutions, by reason of the exclusion of the most intelligent and able, and that a will independent of society (or majority) based upon capacity and intellectual worth is to be hereafter a component part of our institutions.

In actual practice, all recognize the propriety of selecting the best fitted, most intelligent and capable candidate, and it is by no means against this salutary practice I urge my opposition, but it is against the almost direct charge made by these writers that the majority are entitled to select the class of men, and the plain implication that the majority are superior in capacity and intelligence. Why is not the majority as well fitted to do this as the minority? Is the implication just referred to a truthful one? If it be not so, why shall we make them a power and a will independent of the society itself? I would have more respect for the eloquent and learned theories of Mr. Mill if he were more practical than his recent Quixotic arguments in support of woman's rights and isolated propositions may be heard with great logic and learning, yet who argues may be utterly incompetent to reduce his doctrines to practice, or to discern their evil consequences when applied to a governmental structure framed as ours is, and hence I view with great suspicion his theory of an instructed minority.

In a monarchy in which an hereditary aristocracy exists, and where there are distinct classes and divided social interests, such a theory as the latter one may well be advocated, for it is of the very life of their institutions to preserve and perpetuate those classes and interests, as the checks and balances necessary to prolong existence. In the elections for the popular branch of Parliament, in which the creative power of their government, exists untrammelled by written forms, it can easily be understood that it is necessary to yield the fullest measure of representation, for the antagonism of those very classes and social interests can only be subdued by the power of the representative body granting concessions or enacting reforms. Their constituency is plastic, to be moulded by Parliament in the light of constantly oc-

form. It results in the person, and will grip on to the organization, and so long as it does exist we will have it to contend with in politics. That system which will purge the body politic from this growing vice is the best one, and we should sacrifice much to obtain it; but we must take society as we find it, and in contending with human depravity, it is plain that we cannot decrease the vice, or get rid of its effects, by increasing the temptations to its perpetration. Can there be any question that such temptations are increased, if a man now corrupt be given six times the strength he has under the majority rule? He could command a higher price, because his power was increased, and he could be more sought for for the same reason. Would not the circle of corrupt influences be widened by the ability of the purchaser to pay a larger price, and the natural cupidity of men be excited to action by such offers, who now reject them because too trifling in amount?

But it is argued "that the corruption of voters will not change as a result of an election; that it will elect no candidate and defeat no candidate in contested districts," and that, therefore, it will cease to exist. Is this correct? Take a six constituency district for Congress, with two hundred and ten thousand electors, divided upon party issues in the proportion of one hundred and ten thousand to one hundred thousand. If party lines be maintained, and no local candidate, or candidate for a specific idea be put in the field, under the new rule, the majority would elect three, the minority three. A change of five thousand and one reverses the result, if electors cast but a single ballot, or cast two votes. In such a condition of things, would the minority content themselves with representation and make no struggle? All our experience proves the incorrectness of such a position. Suppose the elector be voted with the power of "plumping" six votes, and corrupt influences seek the election of one man to whom the minority have no claim by right, party lines being strictly drawn and all voting two votes each for the candidates regularly nominated, how many votes are necessary to change the result and accomplish the purpose of the corrupt faction? Instead of five thousand and one being required, eight hundred and thirty-four plumpers are all that are needed. Put the contested field in a different position, and the party lines, upon general issues, and the opportunity or facility the opportunity to elect its man by the use of money, and I greatly fear that our past experience upon the subject of corrupt influences has been purely selfish as contrasted with the disastrous scenes we would witness.

The application of this theory to our institutions, and to the elective system as now constituted, seems to be premature and complicated. A vast mass of voters have lately been added to the electoral force, a large proportion of whom do not understand the simplest application of the majority rule; a very large number of our people are unfitted by education to understand the workings of a new system, complicated and necessarily be, who, nevertheless, are thoroughly competent to understand the clearly defined issues of a general canvass, when embodied in opposing candidates under the majority rule. The new system does not come to us endorsed and recommended by practical experience and through tests of its own merits. It is a leap in the dark, and its result is uncertain. Possibly for some good, probably for much evil. While I admit and recognize the justice of the theory of actual personal representation for all, I am compelled to believe that our institutions and our surroundings are not now fitted to its application in the higher fields thereof; that the rule of a majority, an fundamental law of every society of individuals, is not a right; that under its workings we have prospered and made progress; that it is necessary for the decisive results indispensable in a government of the people; that the new rule will obliterate parties, destroy a watchful opposition and substitute therefor factions, cliques and sectarian interests; that it would, in effect, destroy the equality of individuals in their attributes, now an essential theory of the government, and give us in its room a theory of an intellectual aristocracy; that it would in this weaken the checks and balances of our system, and organize within the society a will independent of the mass of the people; that the new rule is based upon no absolute, constitutional right of the individual, but will exercise its manifold privileges as members of the State; that instead of banishing corruption it will tend to increase and extend it; that it will give to politicians in the nominating conventions the power now possessed by the people; that it banishes independent voters, and tends to destroy the secret ballot; that it is premature, untried and possibly dangerous to our institutions; and for these reasons, with my present convictions, I should be unwilling to introduce it into the machinery of governmental administration; yet in the local field, to which this bill confines the principle, and for the purpose of testing its value and the actual benefits to be derived from it, I am content to enact it and from experience learn its workings.

WHO GETS AHEAD?—Twenty clerks in a store. Twenty hands in a printing office. Twenty young men in a village. All want to get along in the world, and all expect to. One of the clerks will rise to be a partner, and make a fortune. One of the apprentices will become a master builder. One of the villagers gets a handsome farm and lives like a patriarch. But which is destined to be the lucky individual? Lucky! There is no luck about it. The thing is as plain as the nose on your face. The strong man who will distance his competitors is he who masters his business, preserves his integrity, who lives clearly and purely, who never gets into debt, who gains friends by deserving them, and puts his money into the savings bank. There are some ways to fortune that look shorter than this rusty old highway; but the staunch men of this community, the men who achieved something really worth having—good fortune, good name, and a serene old age, all go this road.

GOSSIP. Too.—The Raleigh (N. C.) Sentinel says that Judge Jones confesses his drunkenness, and sends in a resignation, to save the republic from the expense of impeachment. Gov. Caldwell thereupon makes Jones's case his own, and refuses to accept the resignation till the House withdraws the admitted charge.