MR. CARLISLE'S GREAT PLEA.

AN HISTORICAL AND JURIDICAL DISSECTION OF THE STALWARTS.

NO METHOD BUT REPEAL FOR VICIOUS STATUTES WITH OPPRESSIVE INTENT.

The House of Representatives having under consideration the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, Mr. Carlisle said:

Mr. CHAIRMAN: I shall discuss the questions now under consideration in the committee, so far as I shall discuss them at all, in no mere partisan spirit, and yet it may be necessary for me to state some facts and submit some conclusions not strictly of a non-partisan character. The first question which presents itself relates to the form of the proposed legislation and the method by which it is sought to be accomplished. So much has already been said on this subject that I shall treat it very briefly. Whatever the gentleman from Pennsylvania who has just spoken (Mr. Kelley) and others may think as to the propriety of incorporating substantive legislation into appropriation bills, no one of them can deny that it has been so frequently done during the last quarter of a century as to have become the rule rather than the exception. Twenty-four years ago this House incorporated into the Consular and Diplomatic Appropriation bill—the most inappropriate place that could be imagined—a complete revision of all the tariff laws of this country and sent it to the Senate. That provision was struck out in that body after a long debate, not because of the form in which it came, but because of objections to the substance of the legislation itself. And it is entirely safe to say that, at least since 1861, almost every general appropriation bill passed by Congress has contained provisions—and in many instances most important provisions—repealing old laws or enacting new ones, and this has been sanctioned by both political parties. Occasionally protests have been made as they are made on this occasion, but in no instance, so far as I am aware, has such a protest been effectual. During the long domination of the Republican party in this House political legislation of the most important character was constantly enacted in these bills, and a part of the very laws which we now seek to repeal were passed in the Sundry Civil Appropriation bill approved June 10, 1872. The very last Legislatice, Executive and Judicial Appropriation bill passed in Congress during the time it was under the control of that party contained a provision under which every gentleman from the State of Iowa to-day claims and holds his seat upon this floor. It is a very brief provision, and I will read it:

That section 25 of the Revised Statutes, prescribing the time for holding elections for Representatives in Congress, is hereby modified so as to apply to any State that has not yet changed its day of election and whose constitution must be amended in order to effect a change in the day of the election of State officers in said State.

And the very next section in the bill is one providing for the removal of suits from the State courts to the United States courts in certain cases. But, Mr. Chairman, I need not stop to cite precedents or make an argument to show the existence of the right to resort to such methods of legislation. That the practice has been established and that the right exists is admitted by gentlemen on the other side; but they charge that it is revolutionary to exercise the right in this particular instance, because it is known or assumed that the proposed legislation does not meet the approval of the Executive. It seems to me that this places the gentlemen in a far worse position before this House and before the country than if they had taken the bold and manly ground that all the precedents established by themselves were wrong and that the right to legislate in this form does not exist. To say that the practice has been established during a long series of years by both political parties and that the right does in fact exist, but that it is revolutionary to exercise the right in any instance where it does not happen to meet the approval of the President, is to say that he is the master of the people's representative, and that we ought to abandon an admitted practice and to surrender an acknowledged right at his dictation. It is admitted that it is neither unconstitutional nor revolutionary simply to repeal these laws; but it is charged that it is both unconstitutional and revolutionary to attempt to repeal them in a manner the Executive does not like. One gentleman, at least—the gentleman from Maine (Mr. Frye)—has been candid enough to declare on this floor, amid the applause of his political friends, that we should not repeal these election laws until, in some manner, the present Executive had been removed from office. Here is the exact language of the gentleman, as reported in the official debates:

You have not repealed the law affording protection to the voter at the polls yet. You have not repealed the election laws yet; and you will not repeal them until you have removed the present Executive from his chair. [Applause.]

Sir, this presents a square issue from which we, as the representatives of a majority of the people, cannot shrink without dishonoring ourselves and degrading our constituencies. If there had previously been a doubt as to the propriety of the course we have adopted, that declaration and its indorsement by the party of the Executive on this floor ought to have dissipated it. It has dissipated it, and I believe to-day we stand as thoroughly united in our determination to assert the supremacy of the popular will under the Constitution and to redress popular grievances by lawful means as any body of men have ever stood since our race first began its struggle for free government and individual liberty. First we are told by one gentleman standing high in the councils of his party that we will not be permitted to repeal these objectionable laws in the form now proposed; and then another, with equal authority to speak, emphatically announces that we shall not repeal them at all in any form. Under such circumstances as these what difference does it make to us or to the people whom we represent whether the British House of Commons has attached legislation to supply bills during the last two centures? We represent American citizens, not British subjects. We are dealing with an American President, not a British king. The Executive in this country has no prerogative in the monarchial sense of the term; he has only certain powers conferred upon him by a written Constitution and by statute; but when he threatens to abuse that power, if he should ever make such a threat, for the purpose of defeating legislation admitted to be deliberate, constitutional, and not injuring his rightful authority, all the means which the House of Commons in England was justifiable in using to prevent an abuse of the king's prerogative we are equally justifiable in employing here. It is true, Mr. Chairman, that for nearly two hundred years the practice of "tacking" on supply bills or accompanying such bills with petitions for redress of grievances has not been resorted to in England, but the House of Commons, to which alone that right belongs, has never by any act or declaration abandoned or surrendered it. And I beg to remind gentlemen of another historical fact equally pertinent in this discussion, which is, that for nearly the same length of time the veto power has not been exercised in England. Since 1707, when the Queen vetoed the Scotch Militia bill, no British sovereign has vetoed an act of the British Parliament. It is, in fact, the veto power that has died in that country. It could not live in the presence of that great principle of the British Constitution which dissolves the Ministry in every conflict between the Crown and the Commons. The executive power there is directed by a cabinet of ministers and not by the king, and in the whole world there is not to be found a body of men in authority more sensitive to the popular will than they are. In the face of a vote of want of confidence or an adverse vote on an important Government measure, they disappear as if they had been smitten by the arm of Omnipotence itself. Any sovereign who should now attempt to retain a ministry in opposition to the will of the Commons or to persist in any important measure of government which did not meet their approval would certainly imperil the peace of the kingdom, if he did not lose his crown. But my eloquent and learned friend from Virginia (Mr. Tucker) has so fully and clearly stated the character of the British Government in this respect that nothing can be usefully added to what he has said. We are told, however, that the grievance of which we complain is a law upon the statute book; from which I suppose the inference is to be drawn that it is not a grievance for which the Executive is responsible, and therefore we have no right to make its redress a condition upon which we grant supplies of money to be expended by that department of the Government. This statement omits the important and controlling fact that the statute of which we complain is one which authorizes the Executive to send thousands of his subordinate officers to the polls to interfere with our elections as members of this House; and it is a just cause of complaint against him that he insists upon maintaining and exercising such a dangerous and unconstitutional power. The exclusive power to originate money bills—which include appropriation bills—belongs under the Constitution to this body. This gives us the right and makes it our duty to determine when, under what circumstances, for what purposes and to what amount we will propose the appropriation of the people's money. If we have not this right, if this is not our duty, if Congress is a mere machine to be set in motion by the hands of the Executive to grind out such appropriations as may be recommended, then we are clearly wrong in this controversy and the gentlemen on the other side are right. But if the Constitution has conferred this power upon us we are not wrong unless we abuse it and for that we are responsible, not to the Executive, not to the minority here on this floor, but to the people who sent us here. Upon all questions of this chaeacter they are the exclusive and final judges. A great writer upon institutional law has said:

Whenever a question arises between the society at large and any magistrate vested with powers originally delegated by that society it must be decided by that society itself. There is not upon earth any other tribunal to resort to.

If unfortunately this proposed legislation shall fail by reason of an irreconcilable difference of opinion between the executive and legislative departments of the Government, both must appeal to the original source of their power and abide the result. It is revolutionary to join in this appeal rather than surrender our conscientious convictions upon a subject virtally affecting our own privileges and the liberties of our constituents, the country will rebuke us and we will be compelled to bow in submission to its judgment. Now, sir, let us see whether these laws are of such a character as to justify us in taking the position we have in demanding their repeal. I will endeavor to show, Mr. Chairman, as briefly as the nature of the subject will permit, that they are so opposed to the spirit of our institutions, so repugnant to the Constitution itself and so oppressive upon the people that we are justifiable in declaring that we will not make this appropriation except upon the condition that they are removed from the statute-book.

It is my purpose to discuss to day only that part of the pending bill which relates to the repeal of what are known as the election laws. As to those provisions of the existing law which exclude from the jury boxes in the courts of the United States all those who are unable to take a certain test-oath, they are so manifestly inconsistent with the English and American systems of jurisprudence and so fatal to the due administration of justice between man and man and between the Government and its people that I cannot persuade myself that any considerable number of gentlemen here or elsewhere will undertake to defend them. The gentleman from Pennsylvania [Mr. Kelley] characterizes these provisions very mildly indeed when he says they constitute "an exasperating incongruity in our law."

As to those laws which relate to the elections, they are based upon the assumption that in the present condition of the country it is constitutional, wise and necessary to clothe the Executive with authority to interfere with and control the election of members to this House, and I shall deal with them as laws enacted and maintained for that purpose.

This is no sectional question; and it ought not to be even a party question. It is a question of vital interest to every friend of constitutional liberty and to every lover of free parliamentary government throughout the whole country. It is a question which affects the people of the North more than the people of the South. According to the census of 1870 there were sixty-nine cities in the Union to which the most offensive and most objectionable parts of these laws are applicable, fifty-five of them in the North and fourteen of them in the South. The fifty-five in the North contained a population of nearly five millions of souls, while the fourteen in the South contained only a little over one million and two hundred thousand. If we look at the expenditures we will find that more than five times as much money was disbursed in the years 1876 and 1878 to pay for the services of supervisors and special deputy marshals of elections in the Northern States as in the Southern States. The whole expenditure in 1876 was $275,296.60, of which the sum of $230.522 was paid for services in six Northern States and only $44,774.60 for services in the South. In 1878 the whole sum expended was $202,291.09—so far as reported—and of this the sum of $177,652 was on account of services rendered by these officers at elections in the same six Northern States and $24,639 in the whole South.

But, sir, I shall not go at length into that matter. I long to see the time come when the patriotism of our public men and the fraternal feelings of our people shall be broad enough to acknowledge but one boundary—the limits of this whole Union. [Applause.] If that time has not arrived it is a consolation to me to know that I have never purposely said or done anything to postpone it.

Mr. Chairman, greater than all other questions affecting the constitution and organization of this House is the question whether this power of the Executive to interfere in the election of its members shall be continued. If there be one principle in our Federal system more valuable to the people than another it is that which was intended to secure the perfect independence of their Representatives. This is the people's House; this is the only place in the councils of the Union where they speak and vote through Representatives chosen directly by themselves. The right to choose their own Representatives belongs and ought to belong to them exclusively. The power of the Executive, so far as it can legitimately affect the action of those Representatives, must be exercised for the first time not only after the election but after the will of the people has been recorded here in the passage of bills. Under the Constitution he may withhold his assent from our measures when they are sent to him in the regular way, but he cannot elect our members or interfere with their elections without a violation of every fundamental principle of free Republican government and a subversion of our most cherished institutions.

He may not come into this hall and dictate the measures we shall pass or shall not pass; he may not without the grossest indecency, even send his emissaries here to influence our deliberations either by threats or disapproval or by expressions of approbation; and yet it is contended that he ought to have the power to dictate our policy in advance by choosing the men who are to constitute our membership. Let the country understand distinctly what it is the gentlemen on the other side are contending for. They are not contending for free and fair elections; they are not contending for a pure ballot and a fair count, because these results can be better secured without Executive interference than with it. They are contending for the power of the Executive to lay his hand upon the vote when he approaches the ballot-box to choose his representative, to bribe him with office, to intimidate him by threats of prosecution of in distant and expensive tribunals, to seize the muniments of his title to suffrage, to arrest his person and to confiscate his estate by the imposition of ruinous fines and forfeitures for technical offences.

I am not one of those who would willingly obstruct the Executive in the exercise of any of his constitutional functions or deprive him of any of his constitutional powers; but I am one of those who believe that every attempt to extend his authority beyond the limits prescribed in the Constitution ought to be resisted by every lawful means at our command.

Sir, without these odious laws the influence of the Executive department upon the politics of the country is almost irresistible. It commands the army and navy; it directs in a great measure the financial policy of the country; it disburses more than $150,000,000 of the people's money every year in defraying the ordinary expenses of the Government; it appoints all the judges of all the courts; it directs the execution of all the laws, and therefore controls all criminal and penal prosecutions, and it distributes among its adherents more than one hundred thousand offices and employments with emoluments amounting annually to many millions of dollars. These are vast powers, and when you add them the authority given by these statutes to send thousands of subordinate executive officers to the polling-places throughout the country at every election for Representatives to judge of the qualifications of voters, to arrest them without warrant, and to deprive them of the right of suffrage for whatever the officer may choose to consider an offense, you have completed the full measure of Executive power to control the organization and action of the House.

If any gentleman will reflect for a moment upon the peculiar and important functions performed by this body in the operations of the Government he cannot fail to realize the vast importance of preserving its perfect freedom and independence. Under the Constitution we possess the sole power to originate bills to raise revenue by taxation upon the people and to appropriate the public moneys. That money, when raised and appropriated, is to be disbursed by the Executive department, which adds very largely to its power and influence over the people. Incidental to this, and necessarily involved in it, is the power of the House to determine whether there shall or shall not be an army and navy maintainted at the public expense and commanded by the Executive. Under the Consitution this House possesses the sole power to originate impeachments against the President himself and other officers of the United States; and in case of a failure to elect by the electoral colleges, this House, voting by States, has the sole power to choose the President. Here then are four great powers belonging exclusively to the House of Representatives, in the exercise of which the Executive may be directly affected either in his person or in his office.

If he can control the organization of this body by dictating the choice of its members generally or influencing the election of a sufficient number to hold the balance of power, he thereby controls its action on all these vital matters. He may determine, to a very large extent, the amount and form of taxation upon the people and the amount and the objects for which appropriations shall be made; he may determine the size and organization of the army and navy and the purposes for which they shall be used; he may prevent his own impeachment for the very corruptions which give him immunity, or secure the impeachment of a rival; and he may, in the contingency I have mentioned, provide for his own re-election to the Executive office. It is not my purpose to elaborate these propositions. Their truth is too obvious to admit of argument, and the dangerous character of the power which the Executive would exercise in these instances is too apparent to require illustration. Do gentlemen on the other side seriously contemplate the permanent maintenance of a system of laws calculated to produce such results? Can it be possible that they place such a low estimate upon the intelligence of the people and so little reliance upon their virtue and love of liberty as to suppose that they will ever rest satisfied until the stain of these odious enactments shall be effaced from the pages of the statute book?

I submit to every gentleman whether this is or ought to be a mere party question; whether all the Representatives of the people ought not to unite as one man and declare that laws which confer this extraordinary and dangerous power upon the Executive ought to be no longer continued upon the statute book. If time would permit, Mr. Chairman, I would like to expose at length some of the methods by which this power has been executed; but the warning already given upon the floor this afternoon admonishes me that it will be necessary to confine my remarks, if possible, within the limits prescribed by the rule.

Why, sir, one of the most serious complaints made against Charles II. was that he exercised an undue influence over elections by means of sheriffs appointed by himself: but what are a few sheriffs in England compared with the thousands of supervisors and deputy marshals who may be appointed without limit under this law by the Executive department? In 1876 eleven thousand six hundred and fifteen special deputy marshals were appointed to attend the elections of the people, and in one instance at least as many as one hundred and fifty-five were stationed at a single polling place. Nearly six thousand supervisors were appointed to officiate at the same election. At a similar election in 1878 nearly five thousand special deputy marshals were appointed and over four thousand supervisors. In almost every instance, at least so far as the deputy marshals were concerned, these officers were the partisans of the Administration, and although they were paid for their services out of the common treasury of the people, it is a well-known fact that they contributed all in their power—and in some instances at least even to the extent of abusing their powers—to assist their party friends in choosing members of this House in political accord with the Executive. Nine of the cities to which these executive officers were sent elect twenty-seven Representatives every two years—a sufficient number under ordinary circumstances to control our action here upon all political matters; and yet these extraordinary laws apply to all the cities in the Union containing over twenty thousand inhabitants. It matters little to the people whether the interference in their elections is effected through the agency of the soldier with his musket or the marshal with his club. It is the interference itself, and not its mere form, of which they complain.

I cannot go into anything like a satisfactory discussion of the particular provisions contained in these statutes. It is sufficient to say generally that they authorize the appointment of special deputy marshals without limit as to number; that it is made their duty to attend the places of registration and the places of voting; to challenge any citizen whose qualifications they "may doubt," for that is the language of the statutes; and that they are authorized to arrest any citizen or any officer of a State government, with or without process, whenever they may think that the citizen or the officer has violated or is about to violate any law of the United States or any law of the State in relation to elections. They are sent there for the ostensible purpose of preserving what is called by the late Attorney General "the peace of the United States;" to protect the voter before the election in his personal freedom, and to see that he is not molested before the election on account of any vote that he may be about to give, or after the election on account of any vote that he may have already given. The supervisors are authorized and empowered, by one of the sections which we now seek to repeal, to "personally scrutinize, count and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot or in whatever box it may have been placed or be found;" so that if the ballots for the local State officers are deposited in separate boxes from those containing the ballots for Representatives in Congress, it is made the duty of these officers to seize and open those boxes and to count the ballots contained in them. Extraordinary instructions were given by the late Attorney General Taft to the United States marshals in 1876, and which were, by a strange mingling of the civil and military authorities, promulgated through the War Department in the form of a general order.

Without stopping now to comment at length upon his extraordinary construction of statutes, I desire to call the attention of the committee to the fact that they contain a clear misapplication of the opinion of Attorney General Cushing in relation to the right of the marshals to summon a *posse comitatus*. It is not true that Mr. Cushing ever gave any opinion to the effect that the marshals had the right to summon either the citizen or the soldier to assist him as a *posse comitatus* in the performance of any duty except the execution of a process issued from the courts of the United States. No Attorney General, so far as I know, except the one who issued these instructions, has ever decided that a marshal had power to summon a *posse* to assist in "preventing disorder," that is, in keeping the peace. Mr. Taft claimed that it was the duty of these officers to preserve "the peace of the United States," a thing which I venture to say was never heard of until this document was promulgated. I had occasion the other day, in the discussion of another matter, to say something in relation to the respective powers of the State governments and the United States government in matter of mere police regulation, and I desire now simply to call attention to what has been said by others upon the same subject in order that their opinions may be presented to the committee in a compact and convenient form. A distinguished judge in Vermont, Judge Redfield, says:

This power of the State extends to the protection of the lives, limbs, health, comfort and quiet of all persons and protection of all property within the State.

Judge Cooley says:

In the American constitutional system the power to establish the ordinary regulations of police has been left with the individual States and cannot be assumed by the National Government.

It is a power to preserve domestic order at all times and at all places within the limits of the State, and consequently it can be exercised by the State, and by the State alone, for the prevention of violence or crime or, in other words, to keep the peace. Many years ago Mr. Justice Story, in delivering an opinion in the Supreme Court of the United States in a great leading case, said:

To guard, however, against any possible misconstruction of our views it is proper to state that we are by no means to be understood in any manner whatsoever to doubt or to interfere with the police power belonging to the States in virtue of their general sovereignty. That police power extends over all subjects within the territorial limits of the States and has never been conceded to the United States.

Certainly, if there can ever be a time when the authority of the United States surrounds and protects one of its officers to the exclusion of all other jurisdictions it must be when he is engaged in the very act of executing a process issued from its courts. And yet the present Chief-Justice of the Supreme Court, in delivering an opinion in 1875, uses the following language:

True it may sometimes happen that a person is amenable to both jurisdictions for one and the same act—

Meaning the jurisdiction of the State and the United States.

Thus if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance and that of the State by the breach of the peace in the assault.

And again, in the course of the same opinion, the Chief-Justice said:

It is no more the duty or within the power of the United States to punish for a conspiracy, to falsely imprison or murder within a State than it would be to punish for false imprisonment or murder itself.

Showing clearly that in the opinion of the court a breach of the peace as such cannot constitute an offense against the Government of the United States. Very different from the opinion of Mr. Taft was that of the present Secretary of State while Attorney-General under the administration of Andrew Johnson. In the letter of instruction sent by him to the United States Marshal for the northern district of Florida on the 20th of August, 1868, he stated the law upon the subject as follows:

While, however, the law gives you this "power to command all necessary assistance," and the military within your district are not exempt from obligation to obey, in common with all the citizens, your summons in cases of necessity, you will be particular to observe that this high and responsible authority is given to the marshal only in aid of his duty "to execute throughout the district all lawful precepts directed to him and issued under the authority of the United States," and only in case of necessity for this extraordinary aid. The military persons obeying this summons of the marshal will act in subordination and obedience to the civil officer, the marshal, in whose aid in the execution of process they are called, and only to the effect of securing its execution.

The special duty and authority in the execution of process issued to you must not be confounded with the duty and authority of suppressing disorder and preserving the peace, which, under out Government, belongs to the civil authorities of the States and not the civil authorities of the United States. Nor are this special duty and authority of the marshal in executing process issued to him to be confounded with the authority and duty of the President of the United States in the specific cases of the Constitution and under the statutes to protect the States against domestic violence, or with his authority and duty under special statutes to employ military force in subduing combinations in resistance to the laws of the United States; for neither of these duties or authorities is shared by the subordinate officers of the Government, except when and as the same may be specifically communicated to them by the President.

This is the language of a great lawyer and a practical statesman who understands and appreciates the character of the institutions under which he lives, and I submit it without further comment to the consideration of gentlemen who are contending here and elsewhere for the power of special deputy marshals "to keep the peace and preserve order" in a State on the day of election or any other day. They can have no such power, and any attempt to confer it upon them is simply an attempt to usurp the rightful authority of the States.

It is not possible for me to devote any considerable time to a recital of the many abuses that have been committed under this law, but I desire to say what is known to the whole country, that at the Congressional election of 1878 in the city of New York those who controlled and directed this ingenious and oppressive political machinery brought its whole force to bear with crushing effect against a single class of citizens, American citizens of foreign birth. In May, 1878, the Chief Supervisor of Elections in that city caused one of his clerks or assistants to swear to a single complaint against 9,300 persons of foreign birth who held certificates of naturalization issued from the Supreme and Superior courts in 1868, and on which they had regularly registered and voted at every election since that time. On this complaint the same Supervisor of Elections, as clerk of the United States Court, issued 5,004 warrants returnable before himself as Commissioner of the United States Court. Afterward it seems to have been discovered by this officer that these warrants were illegal by reason of the fact that the complaint contained more than one name and thereupon they were withdrawn, but immediately afterward he caused 2,800 more complaints to be made and issued warrants upon them in the same way. Many persons were arrested under this process and about 3,400 naturalized citizens, in order to escape from this partisan persecution, actually surrendered their papers. Just a few days before the election in November he caused the same clerk or assistant to swear to 3,200 more complaints. They were sworn to in packages, many of them on the Sunday preceding the election, and during the night preceding the election warrants were made out against the persons named in the complaints and placed in the hands of the supervisors of election at the various voting places, to be delivered to the deputy marshals next morning, in order that they might be executed when the persons named in them should appear for the purpose of voting. Among the instructions given by the chief supervisor to his subordinates was the following:

In case of persons who present themselves to vote, where a warrant has been previously issued, you will see that such persons are arrested upon the warrant upon so presenting themselves and before voting.

This instruction was faithfully obeyed, and on the day of election hundreds of naturalized citizens who possessed all the qualifications required by the constitution and laws of the State of New York were arrested at the polls, dragged away by these deputy marshals, and deprived of the right of suffrage. The pretense upon which these outrages were committed was that the records of naturalization kept by the Superior Court of New York in the year 1868 were defective and that therefore the certificates were void. The truth was that precisely the same kind of record and no other had been kept in that Court for a period of fifteen years, under the administrations of nineteen different judges of both political parties, the Hon. Edwards Pierrepont, late Minister to the Court of St. James, being one of them; that between fifty and sixty thousand persons had during that time been naturalized in precisely the same manner as these persecuted men, and many of them had been voting and exercising all the other rights of citizenship without question for twenty years, and that before these arrests were made a State judge, in an able and elaborate opinion, had expressly decided that the record was sufficient and the naturalizations valid. Notwithstanding these facts, about which there can be no dispute, these nine or ten thousand persons who had in good faith procured their papers in 1868 were selected to be the victims of as vile a political conspiracy and persecution as was ever set on foot in the history of any country. Certainly no such crusade against the political rights of any class of citizens was ever before inaugurated in this country, and none ever had less excuse or justification. In some instances the papers of the citizen were seized by these Federal officers when he came to register and were retained until the election was over.

The totol absence of sufficient legal cause for these extraordinary proceedings is demonstrated by the admitted fact that although thousands of warrants were issued and hundreds of arrests were made, not a single conviction was ever obtained, and indeed not a single one was ever prosecuted to a final hearing. I have said that there were legally qualified voters, and a brief reference to the judgment of the United States Circuit Court in one of the cases will establish the truth of the statement. One of the men arrested, Peter Coleman by name, appears to have been so poor and friendless as to be unable either to procure bail or otherwise secure his release, and consequently he was thrown into jail, and in the excitement and confusion of the occasion was overlooked until some time after the election. A writ of habeas corpus was sued out and he was brought before Judge Blatchford, who after an elaborate investigation of the whole question discharged him from imprisonment.

The evidence taken by a committee of this House during the last Congress and reported in Miscellaneous Document No. 23 shows that about 9,500 persons who were naturalized in the Superior Court in 1868 registered and voted in the city of New York at the election in 1876, but the result of the system of intimidation inaugurated and carried on by the chief Supervisor of Elections and his subordinates was that only 1,240 such persons voted at the Congressional election in 1878. It is therefore almost self-evident that about 8,000 voters, nearly all of whom were Demo-

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