

THE PRESIDENCY.

Reasons for a Direct Popular Vote.

SPEECH OF HON. WILLIAM A. WALLACE DELIVERED IN THE UNITED STATES SENATE RECENTLY IN ADVOCACY OF HIS PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Mr. President, on the 28th of January last I had the honor to submit for the consideration of the senate joint resolution No. 148, proposing an amendment to the constitution of the United States, which is in these words:

That hereafter the president and vice president of the United States shall be chosen by the people of the respective States in the manner following:

Each State shall be divided by the legislature thereof into districts, equal in number to the whole number of senators and representatives to which such State may be entitled in the Congress of the United States, the said districts to be composed of contiguous territory, and to contain, as nearly as may be, an equal number of persons entitled to be represented under the Constitution, and to be laid off for the first term immediately after the ratification of this amendment, and afterward at the session of the legislature next ensuing the appointment of representatives by the Congress of the United States; but no alteration after the first or after each decennial formation of districts shall take effect at the next ensuing election after such alteration is made. That on the first Tuesday in the month of November in the year 1884 and on the same days in every fourth year thereafter, the citizens of each State who possess the qualifications requisite for electors of the most numerous branch of the State legislature shall meet at the places provided by State law within their respective districts and vote by secret ballot for a president and vice president of the United States, one of whom at least shall not be an inhabitant of the same State with the voter; and the person receiving the greatest number of votes for president and the one receiving the greatest number of votes for vice president in each district shall each be held to have received one vote, which fact shall be immediately certified to the board of canvassers of the State, to each of the senators in Congress from such State, and to the president of the Senate. The votes shall be canvassed and the result in each district ascertained from the returns by the governor, the chief justice of the highest court of law, and the secretary of State of the proper State, who shall constitute the board of State canvassers, and they shall certify the result in said State to the speaker of the house of representatives of the United States within sixty days after the election, and their certificate shall be conclusive proof of such result. The Congress of the United States shall be in session on the second Monday in February, in the year 1885, and on the same day in every fourth year thereafter; and the speaker of the house of representatives, in the presence of the senate and house of representatives, shall open all the certificates, and the votes shall then be counted by the two houses in joint convention met. The person having the greatest number of votes for president shall be president, and the person having the greatest number of votes for vice president shall be vice president of the United States.

This amendment contemplates a change in that provision of the constitution of the United States which regulates the election of president and vice president by substituting for the electoral colleges a direct vote of the people for the candidates themselves. The electoral college has failed to answer the purposes for which those who originated it intended it. It was thought at the time of the formation of the constitution that the substitution of a body of intelligent and leading citizens between the people and the candidates would enable the country, in the event of difficulty, to depend upon their judgment, integrity and high position for the solution of those difficulties. The reverse of this has proved to be the fact in practice. Party discipline, party caucus and the recognized will of party control compel the electors to vote for the candidates named in their party caucus. It is the purpose of this resolution to substitute the will of the people directly expressed for this system. I submit it now with no hope of its immediate adoption, but as a contribution to the agitation from which alone a change can come.

The features of the system are:

First—The division of the legislature of each State into districts, equal in number to the whole number of senators and representatives to which such State is entitled in Congress. Delaware, for instance, would be entitled to three votes, and would be divided by its own legislature into three districts.

Second—The people are to vote in these districts, at an uniform time, directly for their candidate for president and vice president, one of whom, as at present, shall not be a citizen of the State in which the voter resides.

Third—The person having the highest number of votes in each district (a plurality being sufficient) to be entitled to one vote out of the whole number to which the State is entitled. Pennsylvania having twenty-nine votes would have probably cast ten Democratic and nineteen Republican votes at the recent election.

Fourth—The returns of these votes to be made to the governor, chief justice, and secretary of State, who shall canvass and return the same, which shall be conclusive proof of how the State voted.

Fifth—The votes thus returned to be counted by the two houses in joint convention met.

Sixth—The person having the highest number of votes from all of the districts voting (a plurality being sufficient) to be elected.

The qualifications of voters, the division of the State into districts, and the canvass of individual votes to be under control of the State and the mode of voting to be the secret ballot.

The districts are to be formed after each census of the United States has been taken, and are first to be formed immediately after the adoption of the amendment. No change in the districts can take effect at the first election after such change. The qualifications of electors, as now prescribed by the constitution of the United States for members of Congress, are preserved, and the universality of a secret ballot is enforced. The votes cast in each district by the electors, when computed by the election officers, are to be returned to the State canvassing board, and whoever shall have received the highest number of votes in such district shall be held to have received one vote. The whole number of votes cast for each candidate in all the districts in any State are to be ascertained by a canvassing board, composed of the governor, chief justice and secretary of state, and they are within sixty days after the election to certify the number of votes by districts received by each candidate in each State to the speaker of the house of representatives. This return is to be the only and conclusive proof of the result in that State. The returns thus made to the speaker of the house are to be laid before the two houses in joint convention met, at the usual time, and they are authorized and empowered there to count the vote and determine the result. The candidate for president and vice president, respectively, receiving the highest number of votes out of the whole number of districts voting, shall be declared elected president and vice president of the United States, thus substituting the plurality vote both in the districts and of the districts for the majority rule of the States or of the electoral colleges which is now in operation. It will be noted that this system changes, first, the electoral college to a direct vote by the people in districts; second, the plurality or majority in each district contribute one vote to the election of president and vice president directly; third, the State has entire control of the elections and the certificate thereof to Congress; fourth, the two houses, acting together, are given sole power to count the votes; fifth, the necessity for a majority of the electoral college and for action in any event by the house of representatives voting by States is dispensed with, and the plurality rule by districts adopted. The district system is no new thought in the politics of this country. It found its origin in the constitutional convention of 1789, on the motion of Judge Wilson, of Pennsylvania, and it was initiated in Congress in the very early days of our history. It has been elaborated and enforced from time to time by leading senators and members of the house. This is not a process of entire and absolute consolidation by a direct vote of the whole people of all the States, but it is a vote by the people, in the districts made by the State, directly for the candidates, which votes are to be returned to State authority and conclusively certified thereby as the result of State action. In this respect it is as different from an universal vote throughout the whole country ascertaining results by its aggregate as is the present system from a direct vote by the people. One of the leading purposes to be attained by this amendment is representation of the minority in each State, and as a consequence the destruction and absolute eradication of sectionalism. Under this system in the last election Pennsylvania would have probably chosen nineteen electors for Garfield and ten for Hancock, while Virginia would have given eight for Hancock and three for Garfield. It is simple and direct, but it professes to contain no new thought. It is the mere application of what we have come to recognize as the American system of elections to the practical working of the federal constitution in the election of president and vice president. In the elections of our county and State officials as well as in the election of members of Congress, the person having the highest number of votes, whether he have a majority or a minority, is the chosen candidate, but at present under the federal system a majority of the whole electoral vote, or of the States in the house of representatives, is required. I can see no sufficient reason now for this difference, if the just voice of each State can be preserved. Our experience teaches us that there is no longer any necessity for the continuance of the rigid majority rule. State equality in the senate and State independence in vote are, by the district system as herein embodied, fully preserved. I can see no practical reason for compelling a majority of all the States, as such, to be obtained either by the useless processes of the electoral colleges, or, failing that, of the vote by the house of representatives by States, with

all its dangers of civil war, corruption and anarchy. The preservation and recognition of the equal and independent voice of each State and of the minority as well as to my mind the vital thought, and although a plurality elects, my judgment is that we will as frequently elect a majority president under the district system as under the system now in operation. There can be no good reason, as I see it, why a plurality of the American people should not control when they have fair opportunities and free suffrage in the selection of their rulers; nor can I conceive any reason why it is essential now to preserve the old thought that a majority of the States should cast their electoral votes for any candidate before there is an election, in face of the fact that he is often in a minority of the whole people. Under the present system there are many instances in which while the candidate elected has a majority of the electoral colleges he has a minority of the people. This was notably the case in 1876, as it was in 1860 and is in the recent election to a smaller extent. It seems to me better to err in the other direction if we must err at all. For all purposes needed to effect federal results, the thought that is embodied in our every day practice in electing township, city, county and State officials and congressmen can now well and profitably be embodied in the federal constitution. The lesson of the election just completed in the count in the house this week is full of instruction. There are 369 electoral votes. Garfield received 214; Hancock, without Georgia, 144. If New York had cast her 35 votes for Hancock, the vote of Georgia would have been required to decide the contest, or the house would have been compelled to elect, for with New York voting for Hancock there would have been a tie at 179 votes, and a tie in the house voting by States would probably have resulted; and thus the peace of the country might have been broken by the tremendous convulsions consequent on such a condition of affairs. The plurality rule would obviate all this. By this amendment the States are not divided into districts upon the ratio on which their representation in the lower house of Congress would be fixed, but there is given to each State as such, in addition to its representation in the lower house, her equal representation in the senate. So that while New York has thirty-three members of the lower house, she has 35 votes for president; and while Rhode Island has but two members of the lower house, she has four votes for president. By this is preserved State individuality and State control, and to my mind sufficient of the federal system, if we stand by the plain reading of the constitution in other respects. The correction of the vicious system of marked ballots is provided for also by prescribing a secret ballot, and although this enters the domain of State control, its wisdom as well as its necessity seem to me to be apparent. The danger so apparent to us all in recent years of anarchy and confusion from the doubts as to the true methods of counting the votes for president and vice president, and from disputes as to who shall control and declare them, is provided for by the return of the State being made conclusive proof and by Congress being made the controlling power when in joint convention met. These are some of the thoughts to which this amendment gives force. I shall endeavor now to elaborate them further and to meet some of the objections to this system toward which I have no doubt the minds of senators are tending.

The present system of choosing electors is based upon the constitutional provision that "each State shall appoint, in such manner as the legislature thereof may direct," its electors for president and vice president. The power of the State legislatures to appoint electors themselves, to authorize the people to choose them by ballot upon general ticket, and also to choose them in districts, is given by this provision. In practice and as a result of popular opinion, they are now chosen by the people in every State upon general ticket; but our history has seen all three of these modes of choice in operation at one time. Instability and opportunity for chicanery and management, therefore, exists, which, in so grave a matter, are dangerous in the extreme, and an uniform system of universal application, and under whatever control, is manifestly better under existing conditions than this complex arrangement. An uniform system is better than a triple system, as popular will is better than either electoral or legislative will. The power of party and the sectional line have made the electoral system an utter failure, and our people will not tolerate the choice of their rulers by the legislatures. We are left then, to but the two systems, the universal direct vote of the whole people or a direct vote of the people under State control by districts. The first greatest difficulty in the way of an universal direct vote of the whole people of all the States is that it is utter destruction of the federative system and produces practical consolidation. By it State lines are obliterated and State independence and equality are lost sight of. Under it a few populous States voting for a candidate popular there, would overwhelm the remainder, or by the division of their people a small State giving a large majority for one candidate

would outweigh the voice of many larger ones. In the late election the majority in Texas for one candidate was greater than the aggregate majorities in New York, Pennsylvania and Ohio for the other.

The preservation of the federative system utterly forbids the universal direct vote. It would not aid in the destruction of sectional feeling, but the very reverse, for the tendency of majorities is always to grow, and when based upon passion or interest, sectional majorities invariably increase. Such a rule would perpetuate bitterness, for the result would demonstrate that there was a nearly equal division of the people of one section and a decided preponderance of those of the other which would overcome the former. An universal direct vote can never be had, except under a new compact in which the smaller States will agree to surrender their equality and independence, and this is neither desired nor desirable.

Under the system of a direct vote by districts each State has precisely the same relative weight as now. Pennsylvania would cast twenty-nine votes; she has now twenty-nine electors and twenty-nine members of Congress. Rhode Island would cast four votes; she has now four electors and four members of Congress. It is true that in the election by the people in districts a part of the districts would vote for one person and a part for another, so that the result would be to some extent national more than State; but this is the case with members of the house of representatives now, and the small States have due and full weight and power in the fact that the large States are nearly all closely divided in politics, and the votes of the districts will follow in nearly the same proportion. A gerrymander is the only argument against this, but even the worst of gerrymanders is preferable to the dangers and evils of the present system.

It has been well said that, Under the present system, the State voting solidly, there is great temptation to fraud. Where the condition of parties is nearly balanced in a State, a successful fraud may determine the vote of the whole State. This puts the whole vote of States in the hands of the large cities. The material with which to perpetrate frauds predominates especially in large cities, such as New York, Philadelphia, Boston, Baltimore, Cincinnati, St. Louis and New Orleans. Under the district system the frauds in the large cities would only affect the vote in the district in which they occurred, and could not, in their consequences, extend to the vote of the whole State. But under the present system the successful city fraud may determine the vote of the whole State.

Where the fraud will only affect the vote of a single district, the temptation to commit are greatly diminished. Men will not take the risks and incur the expense of committing a great fraud to carry the vote of a single district, which they would do if the result of the fraud was to determine the vote of the whole State, and perhaps secure the election of a president.

The electoral system is an election by States and not by the people, and in effect prevents the voter from expressing his choice for president unless he follows party caucus or convention, and even then he cannot vote directly for the man of his choice. This rule works results which are more aristocratic than republican. Sectional lines will be broken up by the district system, and a promiscuous division of sentiment extending over the whole nation and not capable of being delineated by State lines or the course of rivers will take the place of a solid south. Geographical locality will not so completely identify the political character of the voter as now, for each candidate will find votes in every section.

Mr. Pickens said in the house in 1844:

By any mode of giving an entire vote to each State the will of the majority of the people of the Union is not certain to prevail. A State however divided will give the same united vote with a State however unanimous.

A reason against any mode of giving the undivided vote of the States, of all others the most important, and most affecting the vital interests of the Union, is its tendency toward a geographical severance of parties. By the principle of self defense all the States must adopt such a mode, unless a uniform plan is established; indeed, they have nearly all so acted at the late election as to give unanimous votes; and by this means a whole section of the Union, with a small exception, voted for one individual while the opposite section supported his opponent, and these sections are divided by regular State lines. Now does a chief magistrate so elected appear to represent the whole Union; and will not a small number of repetitions of such events naturally draw the opposite parties in looking toward their opponents to look directly across this divisional line?

A direct vote of the people for the candidate of their choice is their right, and the electoral system was a device of those who did not trust the people, to deprive them of this right. The electoral plan was regarded with suspicion and adersion by the adherents of Jefferson. Alexander Hamilton, the father of the federal party, who desired the establishment of a strong national government, and who favored a life tenure for the president, subject only to impeachment, was the author of the electoral system. The historical fact is that the electoral college is simply a relic of the aristocratic theory of government insisted upon by the old-time federalists. It was accepted by the earlier Democrats because they were obliged to take the constitution

as a whole and could not accept or reject it in part.

Mr. Hamilton writing in the *Federalist* (paper No. 68) refers to the manner of choosing the president provided for in the constitution in the following language:

It was desirable that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it not to any pre-established body, but to men chosen by the people for the special purpose and at the particular juncture. It was equally desirable that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation and to a judicious combination of all the reasons and inducements that were proper to govern their choice. A small number of persons selected by their fellow citizens from the general mass will be most likely to possess the information and discernment requisite to so complicated an investigation.

Distrust of the popular will cannot be more clearly expressed than in the language just quoted. The advocates of a strong government had no faith in the ability of the people to govern themselves. Their constant aim was to concentrate the powers of government in the hands of a select few. Among other instrumentalities employed by them to carry out their purposes was the electoral college. They desired that the power to select the president should be vested in "a small number of citizens." They believed the popular mass incapable of making an intelligent choice, and therefore they devised a plan by which, to quote the language of Hamilton, the immediate election would be "made by men capable of analyzing the qualities adapted to the station." But the design of the federalists was frustrated by the democratic influences which have finally made the electors mere agents for the registry of the popular will. Instead of exercising their own choice, as they are empowered to do by the constitution, they simply cast their votes as they are directed by that portion of the people who choose them at the ballot-box. Nevertheless the electoral machinery itself is the same old aristocratic contrivance which now by common consent has become useless for any purpose save to thwart the people in expressing their choice, and, as we all know, is dangerous in its execution.

In the convention of 1789, Pennsylvania was the only State voting for the election of president by popular vote, and her sons, Wilson and Morris, advocated with power and eloquence the system of election in districts by the popular vote. This proposition received but the votes of Pennsylvania and Maryland. Her sons believe now, as Franklin, Morris, Wilson, Jackson and Benton taught, "the State is the people," and the expression of their voice by their direct vote under the federative and not the national system is, I believe, their wish now. In the debate in the Virginia convention on the adoption of the constitution, Jas. Monroe, afterward president of the United States, said, referring to the mode of electing the president contained in the constitution:

The president might be elected by the people, dependent upon them, and responsible for maladministration. As this is not the case I must disapprove of this clause in its present form.

In President Jackson's first annual message he earnestly pressed upon Congress the importance of so amending the constitution as to dispense with all intermediate agencies in the election of president and vice president. Said he:

To the people belongs the right of electing their chief magistrate; it was never designed that their choice should in any case be defeated, either by the intervention of electoral colleges, or by the agency confided, in certain contingencies, to the house of representatives.

I would therefore recommend such an amendment of the constitution as may remove all intermediate agency in the election of president and vice president. The mode may be so regulated as to preserve to each state its present relative weight in the election; and a failure in the first attempt may be provided for by confiding the second to a choice between the two highest candidates.

He recommended also a limitation of the presidential service to a single term of four or six years. Gen. Jackson renewed the above recommendation in each of his seven annual messages following; and he was especially earnest in his desire to prevent any election for president ever being determined by the house of representatives. The arguments in behalf of the popular vote by districts which have been made by statesmen of the past are so full and convincing that it is only necessary to read them to be convinced. Jackson, Van Buren, Benton, Calhoun, Dickerson of New Jersey, McDuffie, Pickens, Johnson, Morton, and scores of others are on record in its advocacy, and my argument is complete when I bring to the notice of the senate and the country their reasons for their belief through an abstract of the history of their measures for its accomplishment.

When old Mrs. Bunsby had got through reading in the paper an account of the last great fire, she raised her spectacles from her eyes to the top of her head and remarked, "If city firemen would wear genuine home-knit-socks, such as we make and wear in the country, they wouldn't be 'a-bustin' of their hose at every fire."

THE CABINET IN CONGRESS. SHALL ITS MEMBERS BE PERMITTED TO PARTICIPATE IN DEBATE?

Mr. Pendleton, from the committee appointed to consider the bill for seating the members of the Cabinet on the floors of the Senate and House, for the purpose of imparting oral information and allowing them to take part in debate on subjects pertaining to their respective departments, has submitted a report to the Senate. It is an elaborate and carefully prepared paper and clearly sets forth that the measure proposed is not altogether the new and novel feature in our parliamentary forms, which, at first blush, it would appear. During the Administration of Washington, as the annals of Congress show, there were several occasions when the Secretaries of the Departments of that day, in the persons of Jefferson, Hamilton and Knox, were summoned before both the Senate and House to make statements of facts and answer questions on public measures of which they were, under the President, entrusted with the execution. The constitutionality of the bill cannot be questioned, and it is not an unrequited occurrence now to see the Secretaries, busy as bees, on the floor of either House in the interest of matters touching their particular branches of duty. Now, however, their influence is a purely personal one, and exerted not upon either House as a political body, but upon the members as individuals. Mr. Pendleton contends that if the influence of the Secretaries is to be exerted at all, it should be in the open, broad daylight of debate, face to face, where the pros and cons can be given and received, where the reasons and necessities for the adoption of measures may be stated, whilst those measures are under actual consideration, and be patent to all the world. Just as the Secretaries now visit the two Houses on matters in which they are interested, as public officers, so are members of either House both as individuals, and as parts of committees and sub-committees in the daily habit of consulting the heads of departments, at their official places of business. There exists, therefore, an influence, in the passage of laws, which is not an open and tangible one, and which nothing in our parliamentary forms, unlike those of the English Commons and the French Assembly, enables us to meet, and, if necessary, to expose and check. These are certainly considerations of great weight, while the increased facility and rapidity in the transaction of business provided by the passage of the measure will of itself prove of great benefit both to legislators and the public. In this case, however, as in all changes of legislative forms and proceedings, experience must be the test, and time alone can prove whether a system, similar in many respects to that which has taken so deep root in Great Britain, but coupled there with vast responsibility, can be successfully incorporated into our republican political forms without the saving checks imposed by that responsibility. A brief extract from the report will show that the legal relations of the Secretaries to the President and to Congress remain unaltered. " \* \* \* It will not make their tenure of office in any wise dependent on the favor of Congressional majorities or on adverse votes of either or both of the Houses. They cannot assume undue leadership in Congress, because success will not prolong, as defeat will not terminate, their tenure of office. They may be removed by the President at any moment, notwithstanding their success. They may be maintained in office by him during his whole term notwithstanding their defeat. At the end of his term they will almost certainly leave office and probably soon have place in Congress. Their independence of Congress will prevent their succumbing to its will, and will rouse the natural jealousy of Congress to resist their power becoming too great. The concurrence of opinion between the President and Congress is not essential, perhaps is not possible. Neither will be broken down by the assertion of the will of the other in its own department, because both will soon be called to judgment by the people, and the people will correct any antagonism which threatens the effective working of the Government."

Some Questions.

A young university Englishman propounds the following questions to the *New York Graphic*: Is Philadelphia a large State? Are Boston and New York on the same river? Do you have any really good theatres in New York? What can you buy an American judge for? Did you ever kill a man? How wide is the ferry between New York and Chicago? Why don't you let the Patagonians vote? What is the cost of a cab per hour between New York and San Francisco? I thought the war between the States was stopped, and there is Peru and Chili fighting yet. Will the Brooklyn bridge be as long as Blackfriars? Is Texas as large as Devonshire? Can an Englishman really understand the natives of Chicago or St. Louis? Is it true that your single young ladies are gone for a week together on excursions with gentlemen?