

ELECTION LAWS.

SPEECH

OF

HON. JOHN F. LACEY,
OF IOWA,

IN THE

HOUSE OF REPRESENTATIVES,

FRIDAY, SEPTEMBER 29, 1893.

WASHINGTON.
1893.

SPEECH
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HON. JOHN F. LACEY.

The House having under consideration the bill (H. R. 2331) to repeal all statutes relating to supervisors of elections and special deputy marshals, and for other purposes—

Mr. LACEY said:

Mr. SPEAKER: The bill now before the House has been brought forward at an unusual and an unseemly time. This special session of Congress was called by His Excellency the President of the United States because of the grave condition of financial affairs—produced, as many of us believe, by the election of 1892—produced, as many others think, by the existing laws enacted by Republican Congresses in times past. Instead of meeting the serious financial question in the manner in which they should be met: instead of promptly bringing forward a bill to revise a tariff which we are told is an "atrocious" and an iniquity of "class legislation," this bill is suddenly thrust upon the country, wholly unexpected and wholly uncalled for. There can be no election in which Federal laws will be involved until 1894—more than one year from this time.

Now, what is the reason for this peculiar action on the part of the majority in this House? They find themselves confronted with a difficult question. In the last campaign, by fusion in many localities and by giving it out in others, that the Democratic party was the free-coinage party, the Democrats succeeded in carrying this House by the very large majority which occupies the floor here to-day. When the President calls this Congress together it is suddenly discovered that all of the gentlemen upon his side are not by any means of one mind upon this question. A division arises. A free-coinage man of 1890 is put forward to introduce and take charge of a bill in this House to repeal the Sherman act, and making no further provision of any kind in regard to silver coinage.

That time-honored leader of free silver and greenbacks, who has been so famous in this country for so many years in his advocacy of every measure for the free coinage of silver and the unlimited issue of paper currency, is put in charge of the same measure at the other end of the Capitol. And we find the Democratic party in this House split wide open, split up the back, so to speak, and it becomes necessary to do something to get the members together. A caucus is hurriedly held and the election bill is brought to the front again as the war cry upon which the party is to rally and which will with its cohesive effect bring them again into line with the Administration. This is the purpose; it is the only purpose that I can see, and if some gentle-

man on the other side of the House will deny it he will give his party at least the benefit of that denial.

It is said that all the laws which this bill proposes to repeal are unconstitutional; and, as usual, our Democratic brethren come forward defending that time-honored instrument. The Constitution of the United States is infringed, they say. And my brilliant young friend [Mr. TUCKER], who has not only inherited the legal mind of an illustrious ancestry, but who is himself a close and earnest student of constitutional law, tells us that this law is unconstitutional. And in the report which is filed by the committee in this case, the decisions of the Supreme Court in the Siebold case and in the Yarborough case are not even dignified by being cited. They are absolutely ignored; and my friend who has made this report rests under the possibility of some day being charged with having made the report without knowing the existence of those two decisions.

Now, this is unfair to himself. The decisions of the Supreme Court, it seems to me, closed that question. Judge Jackson, who has recently been promoted to the Supreme bench by a Republican Administration, and who is a Democrat of the old school, one of those gentlemen who are so fond of the Constitution, has said in the Carpenter case (41 Fed. Rep.) that these decisions settle the question and that the law is constitutional. My friend from Virginia, I think, ought to be included in the bill proposed by Mr. ALLEN of Mississippi—a bill to restore parity between the legislative body and the Executive. There ought to be such an amendment to that bill as may restore the parity between him and the Supreme Court of the United States, because he seriously and gravely differs with that tribunal on the great constitutional question.

Mr. Speaker, there was a time when the question was an open one, and when the very statements that are made in the majority report on the present bill were embraced in the briefs of counsel in the Supreme Court of the United States. We have here the remarkable example of a learned committee introducing as part of their majority report the claim that a law is unconstitutional which has been upon the statute books for twenty-three years, and which has been twice decided to be valid by the highest court in the land.

The brief of counsel for the losing party in a constitutional case in the Supreme Court is hardly the proper authority to quote as the doctrine of a House committee. The opinion of the court in a case in its proper constitutional jurisdiction was much more worthy of being quoted as the law. Counsel usually regard themselves as in hard luck if they can find nothing favorable to cite except in dissenting opinions or in the briefs of the losing counsel.

Now, sir, I do not feel inclined at this time to enter upon any extended discussion of the constitutional question involved. I am willing to let that go, as it has already been decided by the highest authority in the land. I desire to discuss the propriety of the bill from the standpoint of expediency, from the standpoint of propriety and fitness rather than that of constitutionality. And now let me read from a speech made by an eminent constitutional lawyer on the Democratic side of the House, a distinguished gentleman who is courteous at all times and never allows his partisanship to get the better of his judgment. I read from a

speech of the gentleman from Alabama [Mr. OATES], found in the CONGRESSIONAL RECORD of 1890, volume 109, page 6862, in which he uses this language:

Section 4 of Article I of the Constitution reads as follows:
 "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators."

The entire history of this clause of that instrument shows that it was the intention of its framers, as well as of the States which adopted it, that they, through their respective Legislatures, should primarily exercise this power; and they have so exercised it, with but few additional regulations by Congress to secure greater uniformity, for over one hundred years.

That Congress may at any time make or alter the regulations of the States for holding such elections I freely admit. But for Congress to make or alter these State regulations when the States have made such as do not obstruct nor deny to the State representation it should first be ascertained that there is an overwhelming necessity therefor.

The alternative power vested in Congress is a necessary one for the preservation of its own integrity and the perpetuation of the Government itself, but it never was intended to be exercised except for such a contingency. Is there present the indisputable evidence of such a state of affairs in any one State or number of States, which justly calls for the interposition of Congress to make or alter the laws of such State or States touching the election of members of Congress therein? If so, I say let the proper remedy be applied.

* * * * *

I do not object to such reasonable amendment as will secure a fair and honest election. I do not believe in fraud. There is at this time nowhere in our country any necessity or excuse for it, whatever may have been in the past. I want no dishonesty; I want every lawful voter to have a fair opportunity to vote, and, if he does so, he vote to be counted as cast.

This patriotic statement of my friend from Alabama I read with a great deal of pleasure, as having a direct bearing upon the matter now before us.

Mr. OATES. If the gentleman will allow me a moment, I want to say that I have not receded an iota from the position then taken. I indorse everything that I said.

Mr. LACEY. I am very glad my friend from Alabama takes that position, and if he does and adheres to it, I shall confidently expect him to vote against a portion of this bill, if not the whole of it. I shall expect him to vote at least for the amendment that I have offered.

Mr. OATES. I expect to vote for the bill, and will give my reasons, which are perfectly satisfactory.

Mr. LACEY. I shall expect my friend to vote for the amendment at least, and I commend it to his careful and prayerful consideration.

Again, Mr. Speaker, on the question as to whether or not the law which we are considering is constitutional law let me cite another distinguished Democratic authority. If the Supreme Court of the United States is not good authority on constitutional law, who can say that the chairman of the last Committee on Appropriations of this House, now in charge of the red men of the forest, is not good authority? A bill was introduced by that distinguished gentleman, my friend from Indiana, Judge HOLMAN—

(H. R. 3328) to maintain the purity of the ballot box, prevent bribery and corruption in elections and appointments, and punish perjury for the violation of its provisions.

The first section provides:

That it shall be unlawful for any person or persons to give, advance, or permit any of his or her property, personal or real, to be used, directly or

indirectly, to aid, assist, or influence any person or persons to vote for or procure the appointment of any person or persons to any office under the Government of the United States.

And section 3 provides:

SEC. 3. That any person or persons violating the first section of this act may be indicted in the courts of the United States, and fined in any sum not exceeding \$500, and imprisoned by the court any period of time not exceeding one year.

This bill was introduced no doubt on account of the recent disclosures from the great city of New York, introduced to cover in part the act of a certain foreign ambassador, in whose case it has been currently stated that "when friends were few and calls were great," just before the last election an auction was held and the mission prospective put up to the highest bidder, "Here is one first-class mission to Rome for sale. Who will bid? Going! Who will start it? Do I hear a bid? Five thousand dollars! Ten thousand dollars! Fifteen thousand dollars! Will somebody give more? Yes. Thirty thousand! Forty thousand! Fifty thousand dollars! Last call! Knocked down to the gentleman there with his trousers turned up and a single eyeglass on. Please give your name to the clerk." [Laughter.]

Mr. COGSWELL. And who said this country is not a fit place for a gentleman to live in?

Mr. LACEY. Yes. He is stated to have said that this country was not fit, as my colleague suggests, for a gentleman to live in. In fact we have come to a time when we do not need to import Englishmen. We raise them in New York. The bill introduced by my friend from Indiana evidently had this particular instance in view. But is that bill constitutional? I ask my friend from Virginia [Mr. TUCKER] if Judge Holman's bill is constitutional, to punish bribery in the purchase of public office and in the election of Members of Congress: to punish bribery in the purchase of seats in the Senate of the United States? This report says it is not, that these laws are wholly unconstitutional. That the United States is powerless to prevent, or even punish, crimes against the suffrage at Federal elections. The strongest nation in the world does not even have the right of self-preservation, for it can not live as a republic if the ballot ceases to make its peaceful decisions upon the great national issues.

Mr. Speaker, I introduced an amendment on yesterday which I now desire to call to the attention of the Democratic members of this House. They are bound to vote for this bill, and the whole of it. I know, gentlemen, you are not free agents in this matter. But you shall have the opportunity to have a yea-and-nay vote on the proposition to amend this bill, however; and let me call your attention now to what the amendment proposes.

It is proposed by this amendment to strike out the words "fifty-five hundred and six, fifty-five hundred and eleven, fifty-five hundred and twelve, fifty-five hundred and thirteen, fifty-five hundred and fourteen, fifty-five hundred and fifteen, and fifty-five hundred and twenty" from the pending bill, and thus take away that provision in the bill which repeals the sections that I have named.

Now let me call your attention to what these sections contain. They are as follows:

SEC. 5506. Every person who, by any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, de-

lay, prevent, or obstruct, any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be fined not less than \$500, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment. (See paragraphs 2004-2010.)

SEC. 5511. If, at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote; or does any unlawful act to secure an opportunity to vote for himself, or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory, from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels, or induces, by any such means, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interferes in any manner with any officer of such election in the discharge of his duties; or by any such means, or other unlawful means, induces any officer of an election or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote, or aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or omit to do any duty the omission of which is hereby made a crime, or attempt to do so, he shall be punished by a fine of not more than \$500, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

SEC. 5512. If at any registration of voters for an election for Representative or Delegate in the Congress of the United States, any person knowingly personates and registers, or attempts to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently registers, or fraudulently attempts to register, not having a lawful right so to do; or does any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevents or hinders any person having a lawful right to register from duly exercising such right; or compels or induces by any of such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interferes in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induces any officer of registration to violate or refuse to comply with his duty or any law regulating the same; or if any such officer knowingly and willfully registers as a voter any person not entitled to be registered, or refuses to so register any person entitled to be registered; or if any such officer or other person who has any duty to perform in relation to such registration or election, in ascertaining, announcing, or declaring the result thereof, or in giving or making any certificate, document, or evidence in relation thereto, knowingly neglects or refuses to perform any duty required by law, or violates any duty imposed by law, or does any act unauthorized by law relating to or affecting such registration or election, or the result thereof, or any certificate, document, or evidence in relation thereto, or if any person aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be punishable as prescribed in the preceding section.

SEC. 5513. Every registration made under the laws of any State or Territory, for any State or other election at which such Representative or Delegate in Congress may be chosen, shall be deemed to be a registration within the meaning of the preceding section, notwithstanding such registration is also made for the purposes of any State, Territorial, or municipal election.

SEC. 5514. Whenever the laws of any State or Territory require that the name of the candidate or person to be voted for as Representative or Delegate in Congress shall be printed, written, or contained on any ticket or ballot with the names of other candidates or persons to be voted for at the same election as State, Territorial, municipal, or local officers, it shall be deemed sufficient prima facie evidence to convict any person charged with voting, or offering to vote, unlawfully, under the provisions of this chapter, to prove that the person so charged cast or offered to cast such ticket or ballot whereon the name of such Representative or Delegate might by law be printed, written, or contained, or that the person so charged committed

any of the offenses denounced in this chapter with reference to such ticket or ballot.

Sec. 5515. Every officer of an election at which any Representative or Delegate in Congress is voted for, whether such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, Territorial, district, or municipal law or authority, who neglects or refuses to perform any duty in regard to such election required of him by any law of the United States, or of any State or Territory thereof; or who violates any duty so imposed; or who knowingly does any acts thereby unauthorized, with intent to affect any such election or the result thereof; or who fraudulently makes any false certificate of the result of such election in regard to such Representative or Delegate, or who withholds, conceals, or destroys any certificate of record so required by law respecting the election of any such Representative or Delegate; or who neglects or refuses to make and return such certificate as required by law; or who aids, counsels, procures, or advises any voter, person, or officer to do any act by this or any of the preceding sections made a crime, or to omit to do any duty the omission of which is by this or any of such sections made a crime, or attempts to do so, shall be punished as prescribed in section fifty-five hundred and (ten) (eleven). (See paragraph 5511.)

Sec. 5520. If two or more persons in any State or Territory conspire to prevent by force, intimidation, or threat any citizen who is lawfully entitled to vote from giving his support or advocacy, in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of the Congress of the United States, or to injure any citizen in person or property on account of such support or advocacy, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

Let us pass by the question as to whether there is a propriety and a necessity for any Federal supervision at the polls. Let us lay that aside, and for the sake of the argument agree with my friend from Virginia [Mr. TUCKER] and the gentleman from Georgia [Mr. LAWSON] and the other gentlemen who have discussed this question upon the Democratic side. But will they say that a law is unconstitutional which punishes crimes committed against the Federal elections in various States? Will they say that under the Constitution of the United States there is no power in this Congress to protect the purity of Federal elections by punishing ballot-box stuffing, bribery, intimidation, false registration?

Is there no power to punish innumerable repetitions of voting by the same man? Is it possible there is no such power in the National Government? Is the repeater who nullifies the will of the citizens and substitutes his own corrupt wish for the people's will beyond the reach of national law? I believe, gentlemen of the Democracy, that you will say, "The Supreme Court of the United States is right, and we will follow it upon this question, and we will now vote upon this question as to its propriety, and not as to its constitutionality."¹³

Section 5506 provides that any person who shall, by unlawful means, hinder, delay, obstruct, or prevent an elector from qualifying himself to vote at a Federal election, shall be punished. That offense is made a crime. It is a crime against the nation. It is one form of treason itself.

Section 5511 provides that if any one falsely personate another and votes at a Federal election, if John X votes in the name of John Y, who is dead, or who has moved out of the ward, if, in short, any of the crimes of repeating or of false personation are committed, they shall be treated and punished as crimes not only against the State in which the offense is committed, but against the laws of the United States; and the Federal courts shall have jurisdiction of the offense.

It also makes force, threats, intimidation, and bribery offenses against the Federal law. And why should they not be, gentlemen of the majority? Why should not there be a law to prevent bribery, ballot-box stuffing, and the like; and if the law is repealed in relation to supervisors, inspectors, and all that, why should not the law which punishes these crimes remain as a wholesome menace against the wrongdoers of the localities in which these crimes are committed? Surely these criminals are not proper subjects of your tender care.

Mr. HENDERSON of Iowa. It only relates to the election of Federal officers.

Mr. LACEY. It is limited to the election of Federal officers. I will ask any gentleman upon the other side to suggest some reason why this law should be repealed; because no one can be indicted until after the election. It can not control the election; and when a man is indicted, his trial occurs in a Federal court, before a Federal jury, after indictment by a Federal grand jury, and all these proceedings take place in courts that have been renowned for their purity. If those laws are to be repealed in the interest of the "heeler," the statutes against mail robbing and counterfeiting should go next. You should not indulge in unjust discrimination in favor of any of these "industries."

Take the next section, 5512. It punishes as a crime fraudulent registering or fraudulent attempts to register, and the hindering or preventing any one from exercising the right of suffrage by force, threat, menace, intimidation, bribery, or other unlawful means.

And yet our Democratic friends propose to strike that section from the statute books. This bill is wrongfully named. It ought to be called a bill for the protection of corruption and iniquity at elections, because that will be its effect.

Section 5514 simply deals with the laws of evidence relating to the punishment of crimes against the Federal election laws.

Section 5515 punishes public officers who violate the Federal election laws.

Section 5520 punishes conspiracy to prevent any one from voting or giving his support or advocacy to one side or the other in Federal elections, by force, intimidation, or threats.

A long discussion has been had on both sides as to the propriety of the present law. My good friend from Alabama [Mr. OATES], who tells us that he has not changed his mind since 1890, says to us that if there is any reason why in any locality the laws can not be enforced, or if there are any laws in any locality that encourage fraud in elections, he is in favor of amending the existing laws, so as to prevent and punish it.

Now, Mr. Speaker, let us see whether or not any State has taken up this subject in a way requiring Federal action. Many States have done so, but I will take one State simply and review its election laws. I hope that my good friends from that State upon the floor of this House, whom I esteem personally, and who are among the best members we have, will not take any offense because I single out their State. I simply take the State of South Carolina because its laws on this subject are, perhaps, better known and understood, and because its election laws are the pioneers in a course that can not be too strongly condemned.

In the first place the laws of that State provide that there shall be no county home rule. Whilst the Democracy are always con-

tending for home rule, they provide that the governor shall make the appointment of the officers to hold the elections. This right is taken away from the county officers elected by the people, and the first cardinal principle of Democratic faith is violated in these laws. Now, does that law work well or does it work ill? Is it calculated or intended to prevent the voice of the people from being recorded in any locality?

Let me call your attention to the action of the executive of that grand old State in 1838.

In the first place, there is a district in one part of that State so overwhelmingly Republican that it would be hard to prevent the election from being unanimous if a full and a free ballot is held and an honest count is made. And let me say right here, to the credit of the honorable young attorney-general now representing one of the districts of South Carolina in this Congress, the certificate of election was given to the colored brother here in the election last fall of that State.

In 1838 an attempt was made to enforce the election laws in that district, if possible, to utilize the enormous Republican majority that had been congested into that district. School districts had been cut in two; townships had been divided, and lines had been placed there in such a way as far as possible to put into a pocket in that single district the entire Republican vote of South Carolina.

Mr. TALBERT of South Carolina. Will the gentleman allow me to ask him a question?

Mr. LACEY. Certainly.

Mr. TALBERT of South Carolina. I want to ask him, as the only colored man in this august body is the Representative of a South Carolina district, if it is not in bad grace for him to stand up here and say anything derogatory of that State? What State in the North can the gentleman point to that has sent a colored man to hold a seat on this floor? South Carolina has done so; and that ought to stand commendatory of that State; and I think it is time that this abuse of South Carolina should be stopped. I stand here and hurl it back at the gentleman.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from South Carolina?

Mr. LACEY. Certainly; I always yield.

Mr. TALBERT of South Carolina. I have had my say. [Laughter.]

Mr. LACEY. I was complimenting my friend from South Carolina that he and his wing of the Democratic party—

Mr. TALBERT of South Carolina. A very strange way to compliment me.

Mr. LACEY. Had managed to split the old party wide open. It is always necessary that there should be two parties everywhere. Destroy one and another will spring up. In the lowest order of vegetable life Darwin tells us of a curious little plant. In the beginning it is single and about as big as a pin head, but as soon as it matures it splits and forms two from the one. There is a duality in all things. My friend has two eyes, two ears, two feet, and he believes in gold and silver both.

Mr. TALBERT of South Carolina. And greenbacks.

Mr. LACEY. And republics must have two parties. In that proud State the Democracy, being supreme, began to fight among themselves. Their elections, however, were not held at the polls,

but they hold them in primaries; and my friend who has just objected (and he stands up for South Carolina, and I am glad to see him do so, for a man ought to stand by his own State) won his place at the primaries.

South Carolina has now been split up, one-half of the Democrats went off with the Alliance people, and the other half are the old timers. They go into a primary; they can not elect at the polls—

Mr. TALBERT of South Carolina. The Alliance people are the true Democrats.

Mr. LACEY (continuing). But they carry the primaries, and the election merely records the verdict of the primaries. That this system transfers the elections from the polls to the primaries of a party is a certain fact, and it calls for action at the hands of the Federal Government when it deprives anybody of the right of suffrage in a district. There is good reason why the laws punishing crime ought to remain upon the statute books. In 1888 the Republican candidate in the district to which I referred applied through his executive committee for leave to have a Republican member upon the election boards, and the governor answered him in writing. I commend this answer to my friend from South Carolina, and ask him if he indorses it? The governor refused to recognize the existence of the Republican party in that State, and he goes on to say:

It will be sufficient simply to say that, in my judgment, a departure from the wisely established methods and principles upon which these appointments are made would endanger the continuance of the perfectly free, fair, and peaceful elections—the professed object of your desire—that are the proud boast and the highest achievements of Democratic rule in this State.

To the eternal honor of our State and the Democratic party, it can now be said that our elections are the freest and fairest in the world, and that not a single citizen of hers, no matter what his rank, color, or condition, can, under her just and equal laws, impartially administered as they are, be by any perversion or intimidation, barred at the polls, from the free and full exercise of his suffrage. There is not only perfect freedom in voting, but the amplest protection afforded the voter.

That was the statement of the governor at that time. Let us see how that election was held under the laws of which I complain, and, I think, rightly.

Mr. McLAURIN. Did I understand the gentleman to say that that was the statement of the governor of South Carolina?

Mr. LACEY. Yes, sir.

Mr. McLAURIN. I would like to say, in addition to that and in explanation of it, that there is no Republican party in South Carolina to-day, and that there has not been any for several years, except just a few men hanging on to get the crumbs and the droppings. There is not to-day, and there never has been for ten years, any Republican party in South Carolina worthy of the name, and there never will be again.

Mr. LACEY. Now, my friend takes the good out of all that his colleague has said. His colleague told us that they had kindly given us a Republican Congressman, and a black Republican at that, and he wanted to know if my friends had done as well; but now the other gentleman from South Carolina [Mr. McLAURIN] tells us there is no Republican party there at all, so I suppose that the gentleman [Mr. MURRAY] who is here claiming to represent the Republican party of South Carolina and 8,000,000 negroes in the United States, does not represent anybody, but is here by sufferance.

Mr. McLAURIN. We gave the election, not to a Republican or a Democrat, but to the man who got the majority of the votes and was fairly elected.

Mr. LACEY. Well, that was right; but is Mr. MURRAY a Democrat or a Republican?

Mr. McLAURIN. Mr. MURRAY is a South Carolina Republican, but he comes here and votes on financial questions, be it said to his eternal honor, with the Democrats, because the interests of his people are identical with the interests of the white people.

Mr. LACEY. With the Administration Democrats or with the anti-Administration Democrats? [Laughter.]

Mr. McLAURIN. The anti-Administration Democrats cut such a small figure in South Carolina that they are hardly worth talking about.

Mr. GEAR. They are better represented on this floor. [Laughter.]

Mr. LACEY. Mr. Speaker, I have been warned that I have but an hour, and I hope that if my friends do feel constrained to interrupt me at all they will not take up much of my time. I wish now to follow up this election a little. The governor of South Carolina said that there was no Republican party in that State, and he is corroborated by my friend from South Carolina [Mr. McLAURIN], who seems to represent the Democratic party there.

Mr. TALBERT of South Carolina. I would like to say to my friend that South Carolina is able to take care of itself—

The SPEAKER. Does the gentleman from Iowa yield?

Mr. LACEY. No, sir; I do not. I do not decline to yield for a question, but not to a mere interruption or interjection, as I do not wish to have my time frittered away in that manner. Now, let us look at this election, conducted under those "wise laws" which the governor of South Carolina describes, and let us see whether there is any occasion for a Federal law to protect the voters. Under the election law of South Carolina a screen has to be erected in front of the voting place and only one man is permitted to go in at a time. The governor does not appoint judges of election except on one side. All are of his own party. He does not recognize the other side, so that when the voter goes in there he and the Democratic judges and the Almighty are alone. [Laughter.]

In one of the towns of this district the colored brethren, believing that they belonged to the Republican party, organized a "conspiracy" against the South Carolina election laws. One of them who could read went in to inspect the two ballot boxes when he cast his vote. While he was in there, being able to read, he found that the right-hand box was the Presidential box, and on the left hand was the Congressional box, and when he came out he formed a line of the colored voters who could not read. Another one of them climbed a tree outside, where he could look over the screen of boards.

The first man went in with his tickets, and he put his Presidential ticket in the right-hand box, and his Congressional ticket in the left-hand box, and so they went on in succession. Well after awhile, as the procession moved on, the judges of election made the discovery that a "fraud" was being perpetrated and that the tickets were actually all going into the proper boxes; so they shifted the ballot boxes, and then the man who

had climbed the tree to see what a South Carolina election would look like to a man up a tree [laughter], shouted out: "Change dem tickets, de boxes is shifted!" And the voters changed the tickets, and they went right along, putting the right-hand ticket in the right-hand box and the left-hand ticket in the left-hand box, and the fraud against the election laws of the grand old Palmetto State continued. The country was in great danger.

Now, what did the judges of election do? They could tolerate no such outrage as this. They sent for the sheriff, and directed him to call upon the man to come down out of the tree; but Zaccheus would not come down, and therefore the sheriff climbed the tree and took him down, and the election, a "free and fair election," was finished. And yet my friends say that the election laws of none of the States have been so framed as to accomplish or encourage anything but honesty, purity, and uprightness!

Mr. TALBERT of South Carolina. I want to say to my friend that in our State any man who has a registration ticket, whether he be white or colored, can vote, and I deny the general tenor of the gentleman's assertions, and I would like to have the proof.

Mr. LACEY. Mr. Speaker, I am very glad that the gentleman confines his denial to the general tenor of my remarks instead of denying the facts. I am responsible for the tenor of the remarks, and the facts speak for themselves. Now, in the language of the gentleman from Alabama, is there any necessity there for a law that will punish false counting or ballot-box stuffing? When that election closed that evening Miller had 1,300 tickets in the Presidential box, and they were thrown out, and his opponent got the certificate of election. He was unseated. In the last Congress the same game was played, and the contestant of the election was not even permitted to have his case heard in this House. The report involving the right to true representation of the people of the most populous district in South Carolina was not considered in the House, and the right of those people to representation went over at the end of the session as unfinished business.

Why this is too serious for a comedy; yet some one of the distinguished gentlemen who are engaged in preparing works of that kind might take one of these elections as the subject of a new comic opera. I think that one of these men climbing a tree and watching the election carried on below would bring down the house.

Mr. TALBERT of South Carolina. The gentleman makes a statement of which we call upon him to produce the proof; we deny it.

Mr. LACEY. I only allude to this case because—

Mr. JOHNSON of Indiana. Mr. Speaker, I believe I shall have to object to the gentleman from Iowa any longer interrupting the gentleman from South Carolina. [Laughter.]

The SPEAKER. The gentleman from Iowa, as the Chair understood, yielded.

Mr. LACEY. Yes, sir, I yielded. I like my friend from South Carolina. He always looks so good-natured I can not refuse to consent to an interruption from him.

But I will pass now from South Carolina. In selecting that State I did not intend to make any invidious distinction as against any other not less ingenious localities in which similar election laws have been invented.

I know, Mr. Speaker, that the management of elections in these States will make no difference to the party to which I belong. We have one member from South Carolina and he is a spared "monument of mercy." He is the sole representative of 8,000,000 people. There is no longer any excuse for these laws in the South. My friends, you have 22,000,000 people in the Southern States, 6,000,000 black, 16,000,000 white; I admire the courage, I admire the brains, I admire the endurance of the Southern people and I think too much of them to believe that the 16,000,000 whites of the South run any risk of being "dominated" by the 6,000,000 of the negro race living among them. It makes no difference to the Republican party, because the South is gone, so far as we are concerned.

The gentleman from Kentucky yesterday said he had witnessed the breaking up of the great Democratic party at Charleston, and he wanted to live long enough to see the Republican party go the same way. I hope not, because that breaking up at Charleston was a bloody dissolution. That party pulled the ruins of the national temple down around them and involved the country in fearful calamity. The Republican party is a national party. Though gentlemen may say it is not, it is the only national party. It is the only party that works for the interest of every part of this country.

In the South, which the gentleman from Kentucky spoke of yesterday so feelingly—in the South the work of the Republican party has been shown by the very census reports that he read. He tells us that in 1860 there were \$5,000,000,000 of assessed property in the Southern States, and that in 1890 there were only \$5,500,000,000. He neglects to tell you that in 1860 the slaves were assessed, and that item is now stricken from the assessment roll. He ignores the vast destruction of the war. He neglects to call your attention to the fact that within the last ten years, from 1880 to 1890, at all times, under wise Republican laws, a part of the time it is true administered by a Democratic President, the great Southern States have increased their assessment over \$2,000,000,000. They have overcome the loss of their slaves; they have overcome the destruction of their property; and Atlanta and Birmingham and many other cities of the South have risen up under the wise and beneficent laws enacted by the Republican party. Protection is doing its good work in the South as well as the North. The forge and the spindle have gone South.

I was interested in observing that a committee from the State of Georgia—from the city of Atlanta, that queen of the South—appeared recently before the Committee on Ways and Means, asking that dangerous committee to spare the industries of Atlanta and Birmingham. And I was interested in seeing a free-trade Democrat from the State of my own birth—the governor of West Virginia, who was elected upon the free-trade platform—come before the Committee on Ways and Means, asking them to spare the coal miners of West Virginia, to spare the iron industries of West Virginia, to spare the industries represented by my friend from the Wheeling district, and to allow them to prosper under Democratic rule as they have prospered in Republican times in the past: and his request, as I understand, was accompanied with a threat that the grand young State of West Virginia would not silently submit to the destruction of her industries.

Mr. PENDLETON of West Virginia. May I interrupt the gentleman?

Mr. LACEY. I am not attacking my friend's State, and I must decline to yield.

Mr. PENDLETON of West Virginia. All right.

Mr. LACEY. It is my State as well as his; and I have the right to speak of her. When my friend from South Carolina interrupts in regard to a matter affecting laws of his State I am glad to yield; I would be still more glad to hear him say that he would favor the repeal of those laws.

Now, what other localities are there where these laws are necessary? My friend from Illinois [Mr. BLACK], a gentleman who does not represent a special district of his State, but is Congressman-at-large, tells us that the Federal law was put into force last year in the city of Chicago, and that "Black Jack Yattaw's bum boat" was polled for inspectors and for marshals. Now, you do not go to Democratic headquarters for Republican marshals; yet he tells us that marshals were drawn from "Black Jack Yattaw's," the Democratic headquarters of the lake front breakwater.

Is there in the city of New York any reason for this law? Is there in any State any reason why the law against crimes at elections should be repealed? Is there any reason why the law as to supervisors should be repealed so far as the city of New York is concerned? The silver-tongued gentleman from New York [Mr. FELLOWS], whom I do not now see in his seat—we do not often see these New Yorkers, except when they come down here to vote on a silver bill, or to vote on taking up an election bill—the gentleman told us the other evening that if this election law was repealed the Democratic majority of 76,000 in the city of New York would be increased to 90,000; and I do not know but that he rather held out the hope that it might go to a hundred thousand if necessary in order to overcome the vote in the districts farther north.

Mr. Speaker, this statement of the gentleman was not received with indignation on the Democratic side. This statement that if the Federal election laws punishing crimes in New York City should be repealed, the Democratic vote in that city would be increased to the extent of 24,000 was not received with a storm of hisses upon the Democratic side of the House. My Democratic friends you can not afford to listen in silence to such language from your own side. You have been in the minority a long time; but you are now in power; you have a character to preserve; you have a character to make. You represent, or claim to represent the people of the United States; and the things you could support in your feeble minority; the things you could do when you were out of power, you should not think of doing now when you are clothed with the responsibility of the administration of the Government of 67,000,000 of freemen. You should rise to the dignity of the great trust with which your party has been honored. You can not afford thus openly to espouse the cause of crime and to efface from the statutes the terrors of punishment which alone deter so many men from evil doing. You can not afford to give this public notice that you are unworthy of trust and confidence.

And, Mr. Speaker, you can not afford to repeal these laws in order to strengthen the already too strong hand of Tammany.

Tammany is swallowing up the Democratic party. I am reminded of a campaign story of a few years ago, which was told in my own State, that fits the case exactly. An Englishman had gone hunting into the wilds of India, and the news came that he had been killed and that his body was on its way home. His friends went to the landing and took the remains—the coffin—out of the vessel when it reached Liverpool, but upon opening it they could find nothing in it except the unbalanced body of a tiger with a bullet hole through it. They immediately telegraphed to Calcutta, "Where is George? There is nothing in the box but a tiger." The answer came back, "George inside tiger." [Laughter.]

And that is the situation of the Democracy of the South here to-day. They are inside the Democratic tiger—the tiger that was carried last March in the procession. Don't you remember it, gentlemen, how it was carried in triumph down the avenue? That tiger has swallowed up the Southern Democracy, and it is now necessary to bring forward the repeal of the election laws to bring up something new to offer to the Southern contingent so as to get them again in line in order that the election bills may be repealed and that the State of New York may have its majority in the city increased by 24,000. With this addition to their majority they can dictate to the party at all the coming national conventions. New-York will then be theirs in fee simple.

It is no reflection upon the city of New York to say that strict law is needed there. A city with 76,000 majority of honest voters—and let us concede them to be honest—is in no danger of being overawed by the minority. If they have 76,000 of an actual majority, with the judges of election, with the judges of the court, with the jurors drawn by the local authorities; is it likely that the Tammany tiger will allow any of his cubs to go to Sing Sing? Is it likely that Tammany will permit any of its voters, its repeaters, who operate on the same day in New Jersey on one side and New York on the other, to be convicted?

But there is a wholesome fear of the Federal courts. You have seen many cases where rioters have stopped railway trains, but when they found that the United States mail was on board they have withdrawn and allowed the train to proceed on its unobstructed way. Why? Simply because they feared the Federal courts; because they feared the law that was administered in justice, and in justice only, by the purest judiciary that the world has ever seen, a judiciary elevated above and beyond all local and political influences.

Gentlemen of the Democracy, Judge Jackson, the judge of your own choice, nominated by President Cleveland, promoted by President Harrison, instructed the grand jury at Memphis to look into election frauds, and when they were brought before him in the form of an indictment and the election officers who were alleged to be guilty were put on trial, he instructed the jury earnestly and fearlessly. And so the Federal judges in all cases have done. They are removed beyond all party politics and will enforce the law of the land. They do not hold their offices through the favor of the prisoners in the dock.

And why should these particular laws for the punishment of crime be repealed? They say that they are taking away the rightful power of the States; that they are destroying confidence

in the local administration of governmental affairs. If there is a reason for confidence always, is there not always some good reason for lack of confidence? Repeal these laws, says the gentleman from Virginia, and put these men on their honor, and we will have good times again. The gentleman from Kentucky [Mr. BRECKINRIDGE] says, remove from the great cities the laws that interfere in election—the Federal laws that protect elections, and the millennium will come. To put criminals upon their honor is too visionary a scheme for practical legislation. Ah, my friend, it would be simply loosing the enemy that has been chained, to take away the last vestige of control from the hands of the General Government in the city of New York, and turn it over to the local society that has its foot on all the industries of that city.

But the gentleman from Illinois tells us that a million and a quarter of votes were recorded in the last election in favor of the repeal of these laws.

Mr. BLACK of Illinois. I said a million and a quarter majority.

Mr. LACEY. A million and a quarter majority. That the Populists of the South voted with the Democracy of the South for the repeal of these statutes. I call the attention of the gentleman to the fact that the Chicago platform did not pledge the party to their repeal. Nothing of the kind. There was denunciation of the force bill, but you did not dare to write in your platform the proposition that you would repeal the laws for the punishment of bribery at elections.

I imagine the platform of your party, written as it ought to be in order to sustain the action of this House, would recite so nothing like this: "That we, the Democratic party, in convention assembled, denounce all laws, all Federal laws, that provide for the purity of elections as unconstitutional and void. We favor the repeal of every law that prevents any man from stuffing the ballot box. We favor the repeal of every law which prevents any man from repeating his vote, from accepting a bribe at elections, or from giving a bribe."

Could you have gone to the people on such a platform as that? On the contrary, you simply went on to denounce the Lodge bill, the great voluminous document that you could hold up before an audience and could say anything was in it that you wished to. Nobody could contradict it, because they would not have an opportunity to examine it. My friend from Massachusetts made the mistake of making a bill of one hundred and some odd pages, which any man could get up and hold in his hand, while making a speech, and shake it before the audience and say that anything he chose was in it, and nobody was able to tell the difference.

No one had time to go through its details and find out how false the charges were against that bill. But you would not have dared to go before the American people and say you wanted to repeal the laws that sent Sim Coy to the penitentiary. You would not have dared to go before the American people and say you wanted to repeal the laws which punished these offenses by prosecution in the Federal courts.

Now, Mr. Speaker, I am admonished that my time is drawing to a close. Let me say that, as far as the Republican party is concerned, the administration of this law for the next four years

is to be in the hands of the Democracy. We would rather trust them nationally than trust them locally. We all recognize the fact that there are plague spots in this country. The chaplain in the early part of the present session prayed for relief against the great cities and asked the Almighty to purify them. The gentleman from Kentucky [Mr. BRECKINRIDGE] yesterday told us that the right way to purify them was to withdraw from them the protection of Federal legislation. The chaplain also prayed for help from on high to prevent our young farmers from going to the great city of New York. He was afraid it would spoil the farmers. It no doubt does spoil many of them, but it is the salvation of New York.

Now, if I remember right, it was the proud boast of the present governor of New York that he had a stone bruise on his heel when he went down to the city of New York, a young lad from the country, and started his life in that city. It is this honest yeomanry from the country that purifies and upholds a great city. Were it not for the recruits that come from such a source the sinks of iniquity from which these vast majorities are drawn, in which these repeaters are housed, would become almost uninhabitable. And when you take away from those localities the wholesome fear of some power that they can not control at the next caucus, some power that they can not control at the next election, you take away from them the only protection that there is to an honest ballot in the great cities.

And Chicago is rapidly coming forward to a position where the same condition of things will be seen as is seen in New York. When the telegraph wire sends out the news that the majority below the Harlem River is so much, then we begin to count how many of the honest yeomanry in the back districts will be disfranchised by the votes of the Baxter street repeaters. In the future I look forward with trepidation to the condition of my friend's city of Chicago. The word will come that above the Calumet River the majority is so much, and it will take so much south of the river and elsewhere in the State of Illinois to change the result. That condition of things is coming, because when you crowd people together in a great city crime stalks abroad; and it is no discredit to say of Chicago that she is like London in her wickedness as well as in her magnitude and her enterprise. It is no discredit to the city of Chicago to help protect her and her local authorities in the administration of the good and wholesome laws of the State of Illinois upon the question of the purity of elections.

Mr. BLACK of Illinois. Will the gentleman allow me to interrupt him? Does not the gentleman honestly believe that if the city of Chicago can conduct a clean election without outside help, she should be allowed to do so?

Mr. LACEY. Why, certainly; there is no doubt about that.

Mr. BLACK of Illinois. That it is all.

Mr. LACEY. But, my friend, if she is trying to conduct an honest election, if her policemen are trying to enforce the laws, it will not hurt them to have a little outside help.

Mr. BLACK of Illinois. I beg to say to the gentleman in reply to that suggestion that she not only is trying to do it, but is succeeding so well that there was but one contest instituted within her borders, and that was instituted before the tribunal appointed by the State laws and satisfactorily adjusted.

Mr. LACEY. My friend forgets that the great metropolis of the West has had her new-born honors lately thrust upon her. She has lately become the Columbian city, and she is filled with the people who have come in from the surrounding country and from the small towns. She has not yet come to such a condition and she has not yet such a class of population as will ultimately congest in her worst quarters. She has enough of them, God knows; but the number will be increased, and it is a matter of the gravest moment to look upon the increase of crime and of the criminal classes in the cities. My friend forgets the Haymarket massacre. He forgets that Chicago is at least a good second to the city of New York in crime, as she is perhaps a good first in enterprise.

Mr. BLACK of Illinois. Will the gentleman yield for one moment further? Does the gentleman not remember that the offenses of which he spoke were taken cognizance of by the State tribunals?

Mr. LACEY. Yes, and a Democratic governor pardoned the men after they were convicted. [Applause on the Republican side.] That was one of the results of last fall's election.

Mr. CANNON of Illinois. Will my friend allow me right at this point to say—

The SPEAKER *pro tempore* (Mr. MALLORY in the chair). The time of the gentleman has expired.

Mr. LACEY. My time has expired?

Mr. BLACK of Illinois. If the gentleman desires a few moments longer, considering the interruptions he has had, I think he ought to have them.

Mr. LACEY. I would like to have a little more time. I would like to have five minutes.

Mr. BLACK of Illinois. I ask unanimous consent that the gentleman's time be extended five minutes.

There was no objection.

Mr. LACEY. Now, gentlemen—

Mr. CANNON of Illinois. I dislike to trespass on my friend from Iowa, but I desire to call attention to the fact that in 1836, at a general election at which members of Congress were elected, a Democratic leader, with other Democratic leaders (and I have in my mind Mr. Mackin, in the city of Chicago), abstracted ballots from the ballot box, put in other ballots in their places, committed perjury and forgery, and under the operation of these Federal election laws detection was had and that crime was rendered futile, and one of the men who was sought to be thus elected did not take his place in the senate of the State of Illinois, and upon the vote of the senator from that district turned the election of a United States Senator, and in consequence of such detection that Democratic leader, Mr. Mackin, was indicted, tried, and sent to the penitentiary. [Applause on the Republican side.]

Mr. HENDERSON of Iowa. By whom?

Mr. DOCKERY (to Mr. CANNON of Illinois). Answer that question.

Mr. LACEY. That was done by the judges of his own political faith.

Mr. BLACK of Illinois. Will the gentleman allow me now?

Mr. LACEY. I have only a few minutes left.

Mr. BLACK of Illinois. I got you the five minutes.

Mr. KYLE. We will give you more time.

Mr. BLACK of Illinois. Yield me half a minute.

Mr. LACEY. Very well.

Mr. BLACK of Illinois. The person referred to in the interruption by the gentleman from Illinois [Mr. CANNON] was convicted and sentenced to the State penitentiary by State authorities, and every contest there was properly corrected and determined by the State authorities, and all the punishment was inflicted under State law by State authorities.

Mr. GOLDZIER. And by a Democratic judge.

Mr. LACEY. The fact that State laws are invoked, and successfully invoked, does not militate against the proposition that there should be laws that can be enforced in these localities that are beyond the law, above the law, or below it.

Now, Mr. Speaker, in conclusion, let me say that if this country's Government is ever overthrown, if our liberties are ever lost, they will be lost by the corruption of the great cities. The wicked people are numerous enough, they have power enough already. Take away the restraining laws and let each scoundrel magnify himself to a dozen or more by casting as many votes as he pleases and genuine elections will cease and the nation will be ready for its overthrow. Our liberties, if lost, will be lost by fraudulent repeating, fraudulent voting in the city of New York and other great cities; and it is to the interest of every man who loves his country to sustain these laws that protect the purity of the ballot boxes in those cities. So far as Republicans are concerned that is all that affects them. They want fair elections in those localities; and there is no pretense that these laws can prevent fair elections from being held.

We not only want fair elections, but we want an honest count; and you, gentlemen of the Democratic party, when you come to pass this bill, when you who were elected upon an issue of "anti-force bill" come to pass a bill wiping from the statute books all punishments of crime against elections, you will be confronted with a proposition that will be an ugly one to meet on the stamp. You will have to vote "aye" or "nay" upon each of the amendments as to whether you will sustain bribery, intimidation, repeating, or any of the offenses that are made punishable by each section of the Federal law that you seek to repeal.

Your committee has gone too far. Tammany has taken control of your committee; and whilst in the South all that you want is to get rid of the Federal supervisors in the great city of New York all they want is to get rid of the punishment of crime. They want to take away that restriction which prevents a man from going from ward to ward to vote, voting early and often, coming out of a house where there are 300 families in a single building and going at night across to Jersey City and escape all punishment. They want to have the laws that prevent this repealed. If they are in favor of honest elections why not let at least this part of the laws remain upon the statute books. Why not, gentlemen of the Democratic party, vote at least that way upon the question of the amendments that will strike out from the bill the sections to which I have referred?

I thank the House for the courtesy of extending my time.
[Loud applause on the Republican side.]