

"This principle—the conservative principle—in constitutional Governments, is *compromise*; and in absolute Governments, is *force*."—*Calhoun*.

SPEECHES

OF

HON. M. C. BUTLER,
OF SOUTH CAROLINA,

IN THE

SENATE OF THE UNITED STATES,

Wednesday and Thursday, October 11 and 19, 1893.



WASHINGTON.
1893.

SPEECHES
OF
HON. M. C. BUTLER.

Wednesday, October 11, 1893.

The Senate having under consideration the bill (H. R. 1) to repeal a part of an act, approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes"—

Mr. BUTLER said:

Mr. PRESIDENT: As one of those who is opposed and has been opposed to the passage of House bill No. 1, I can not permit the observations of the Senator from Indiana to pass without a brief notice.

Like the Senator from Tennessee, I acquit the Senator from Indiana—if any such acquittance is necessary—of any illiberality or ungenerous conduct or unfairness in the management of the pending bill; and if the Senator will permit me to say it in his presence, he is incapable of injustice or unfairness or ungenerosity, whether as to minorities or majorities. But when the Senator states that the issue now confronting us is whether the Government shall stop, whether the Senate of the United States is capable of self-government, I submit to him he has gone one step beyond the issue.

Are we to be told, sir—is this country to be impressed with the conviction, that because House bill No. 1 can not pass the Senate there is revolution in this country, and that the Senate can not govern itself? Is that the idea?

Was the present session of Congress convened for no other purpose except to repeal what is known as the Sherman law? Was it for that purpose in a disagreeable period of the year, at great personal inconvenience to every Senator and Representative, we were summoned here, and for nothing else? I submit, in common fairness to those who have been opposing this bill and who are now opposing it, that that conclusion is neither legitimate, logical, or fair.

Sir, I have in my hand the Calendar of this body, crowded with subjects for legislation, teeming with important measures demanding the attention of the Senate and of Congress; and yet, because we have occupied a few weeks in debating the proposed repeal of the Sherman law, we are told that we are filibusters, obstructing legislation, stopping the Government, guilty of revolution.

For myself I say, here and now, the taunts and sneers and accusations brought against me personally by the press in certain sections of the country have no terrors or concern for me. I am

under my oath to support the Constitution, discharging my duty as I understand it, and not as it is dictated to me, or attempted to be dictated to me by newspaper editors, by chambers of commerce, and boards of trade.

I deny it now, sir; it is not true, in my judgment and belief, that there is a majority of the people of the United States in favor of the unconditional repeal of the Sherman law; and if our institutions permitted it, I would be quite willing to go to the people of the country on it and submit it to their verdict and decision. I believe an overwhelming majority of the people of the United States would be with the so-called minority in the Senate in regard to the unconditional repeal of the law of 1890. If we have any evidence by which we are to be controlled or will be controlled, the last verdict of the American people was rendered in November last, and while a part of that verdict was the speedy repeal of the Sherman law, there were other principles involved as well to which that verdict and judgment related; and for one I do not intend without a protest to hear the proposition of the Senator from Indiana that a majority of the people or the United States demand the unconditional repeal of the Sherman law. Where is the evidence of it? The New York press? Does that represent the majority? The chambers of commerce and boards of trade? Do they represent the majority of the great millions of American people? I do not think so. So I am not quite content to sit quietly and permit that allegation and statement to go uncontradicted.

This measure is not the pivot upon which the Government revolves; it is not the crucial test of republican institutions, for the Senator from Indiana himself said that never before had the moneyed interests of this country manifested so much interest. It touches their pockets, and they have created, in my judgment, a false opinion in this country by undertaking to raise a clamor against the Senators who are opposing the pending bill as obstructionists, and filibusterers, and revolutionists. Mr. President, it is not always that portion of an audience which makes the most noise that necessarily represents a majority. The experience of all of us convinces us of that fact. The moneyed interest to which my friend from Indiana referred is dormant, silent, unheard anywhere, whilst the liberties of the country might be trembling in the balance. They do not get their newspapers and their lobbies to flood the Senate and the country with clamors and representations that we are in danger except as the Senator from Indiana has stated; when their pockets are touched we hear in thunder tones that we are on the eve of a great and solemn crisis, that a revolution is impending, that the Senate is a failure and must be blotted from our system of government.

The Calendar of this body is crowded with other matters of legislation requiring our attention. The very first bill on the Calendar is a bill to provide for the issue of circulating notes to national banks, "reported by Mr. VOORHEES, Committee on Finance, read twice." Then there is a bill referring to the Court of Claims the claim of William E. Woodbridge, etc. That is a private matter, of course. The next is a bill to repeal Title XXVI of the Revised Statutes of the United States known as

the Federal election law, reported by "Mr. HILL, Committee on Judiciary." That is of no consequence; there is nothing at all in that. Oh, no. Send your marshals and your supervisors and your paid minions to destroy the rights of the people and it is all right; not one word is said or heard about it.

That bill is pending before this body. It involves a right much dearer to the people than the question as to what shall be the form of their currency. There is not one word heard, there is no step taken to consider that bill; but as the Senator from Idaho has stated, when we debate with deliberation and candor and frankness House bill No. 1 (within reasonable limits, I insist), we are told that it is the end of the constitutional government and that liberty lies bleeding in the streets. I find here sixty-two measures now pending before the Senate in the forms of reports of committees, besides seventeen subjects on the table for consideration.

Mr. President, I do not desire to see the day ever arrive in this country when a minority shall control its destiny. I believe in the doctrine of the majority exercising its powers and rights under the Constitution of the Union, but I shall stand here now and as long as I am honored with a seat on this floor, and contest with my honorable friend from Indiana inch by inch and step by step every infringement he or those who think with him may attempt upon the legitimate constitutional right of the minority in this body.

Sir, if we are at the end of our usefulness upon this measure I invoke the powerful aid of the distinguished and able Senator from Indiana in the passage of the bill reported by the Senator from New York [Mr. HILL] from the Committee on the Judiciary in favor of the repeal of the Federal-election laws. Mr. President, I submit, in all candor and frankness and honesty, this attempt to convince the Senate and the country that the Government is to be stopped, that the constitutional liberty is to be destroyed, that republican institutions are to be no more because forsooth this body can not under its rules pass one measure, pales into insignificance as compared with other measures now pending before us.

But I suppose, sir, the ukase has been issued, the imperial edict has been given to the world that this measure must pass and the country's Government must stop until it does pass, and we are called upon to obey. For one, I shall not obey as long as I have the power under the Constitution to express my disobedience. I shall not now enter into the merits of this matter. I beg pardon of my distinguished friend on my right [Mr. ALLEN] for taking up so much of his time. The Senator from Tennessee [Mr. HARRIS] has said, and I reiterate and reëcho the sentiment, that he and I and those who think with us are prepared in the exercise of our constitutional duty here to meet our friends more than halfway in regard to the pending measure.

If I had the right to do it, knowing as I do and as the country knows the great and brilliant services to the country rendered by my distinguished friend from Indiana, knowing as we all do the capacity of his great big heart, and equally knowing as we do his unswerving courage when he thinks he is right, I would appeal to that distinguished Senator to throw himself into the

breach. It would be no derogation of his high dignity, it would be no detraction from his eminent services. It would add new laurels to his long and brilliant and distinguished career.

I believe, and I state it solemnly and sincerely, that he more than any other one man on this continent to-day can by throwing himself into the breach settle this controversy honorably, fairly, and legally, and make such a settlement as will leave no sting in it, make such a settlement as will carry the party to which he and I belong forward in the great mission which the American people have bestowed upon it. That, sir, is my judgment. My distinguished friend (and I know he will permit me to call him my friend) will pardon me if I have transcended the limits of propriety in making this appeal. But, sir, the people whom I have the honor in part to represent on this floor feel as profoundly as the people feel in the city of New York or in the city of Boston or the city of Philadelphia or any other financial center, and in justice to their rights and what is due to them, as I understand it, I shall never consent, if I can prevent it, to the unconditional repeal of the Sherman law.

Thursday, October 19, 1893.

Mr. BUTLER. Mr. President, in what I am about to say in regard to the pending motion, I trust I shall not be betrayed into misrepresenting the position of the Senator from Texas [Mr. MILLS] or that of the Senator from New York [Mr. HILL]. If I am not mistaken in their position, I feel bound to say that the propositions which they have submitted for the consideration of the Senate, as I understand them, appear to me to be little less than monstrous, and I must express my surprise that Senators of their experience, ability, and patriotism should, in a body like the United States Senate, or in the United States Senate, deliberately propose to violate not only every tradition of this body, but every law which has been adopted for its government from its foundation to the present time.

I want to say here and now, sir, in connection with the propositions of those two Senators that if they should be adopted by the Senate, it would reduce this body to a plane with a town meeting trying to elect a town constable; if their propositions should be adopted by the Senate, we shall have bedlam in this body, if not anarchy, instead of orderly procedure and dignified deportment.

In order that I may not be misunderstood, I will state what I understand to be their position; and I am sorry the Senator from Texas is not in his seat. I understand the position of those Senators to be that at any moment, at any hour, on any day the majority in this body may change its rules without regard to the mode provided in the rules for the government of the body; that by the exercise of brute force a majority of this body to-day can, of its own motion, without regard to the rules, introduce an amendment to the rules and pass it in utter disregard of this code of rules which I hold in my hand. The effect of that would be, as I understand, that a majority to-day may modify or change the rules to suit itself; and if that majority fades by this hour

to-morrow, that majority may reverse and revoke that rule and make another. That I understand to be the proposition of the two Senators, the one from Texas and the other from New York. I repeat, Mr. President, to my mind it is little less than monstrous, and fills me with surprise and amazement.

I hold in my hand the code of the standing rules of the Senate, 40 in number, followed by the rules of procedure and practice in the Senate when sitting on the trial of impeachments; followed by rules for the regulation of the Senate wing of the United States Capitol. They are followed by the standing orders of the Senate, not embraced in the rules, and such parts of acts as affect the business of the Senate, and so on.

The fortieth rule provides as follows:

SUSPENSION AND AMENDMENT OF THE RULES.

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XII.

Sir, I had always supposed, until this new dispensation of the Senators from New York and of Texas, that this body was as much governed and controlled by that code of rules as any court on this continent is governed by the code of rules which it makes for its own government. I had supposed that this code of rules was as binding upon me as the Constitution of the United States and the laws made in pursuance thereof are binding upon every citizen of this country; but we are told by the Senator from New York and the Senator from Texas that we are not bound by these rules; that a majority of this body, in the exercise of its sweet will or caprice, may trample on or amend the rules of this body to suit that caprice or sweet will. If that be so, why perform the farce, the absurd farce, of keeping these rules on our desks for our guidance? Why not make a bonfire of them, and relieve this Chamber of the impediments which they make to our proceedings? Why not turn over to these two distinguished leaders of this new dispensation, as the leaders of their so-called majority, the transaction of all the business of this Senate, if their doctrine be the correct one?

The Senator from Texas told us yesterday evening that the Senate had the inherent right and power to amend the rules. Who has denied that, sir? I have heard no denial of such a proposition. Of course, this, like every other parliamentary body, has control over its rules, and it has exercised that control over and over again in amendments suggested and adopted in an orderly, decent, and lawful way, as prescribed by the fortieth rule of this code of rules—one day's notice, a reference to the Committee on Rules, a report from that committee, debate on the report, and the adoption or rejection of it. That is the manner and the method, I had always supposed, in a deliberative parliamentary body to amend the rules of its conduct and action.

Now, we are told, because certain Senators find themselves in a majority in this body, overanxious to have one bill passed, that we shall throw to the winds and scatter from our sight the rules which have been sanctified by time and approved by the greatest constitutional lawyers this country has ever produced,

and that that majority shall run roughshod over the minority and pass their measure in utter disregard of the rights of that minority. That I understand to be the proposition of those two Senators. If I have misrepresented them, I shall be delighted if they will correct me.

Some change has come over the spirit of the dream of my distinguished friend from Texas. I do not know that my friend from New York ever had a dream. [Laughter.] The Senator from Texas has made a record on this subject. He has been in the public prints in regard to the rights of minorities and majorities; he appears in the public records of this Congress frequently on that subject; and, whilst consistency has been said to be a jewel, and I think correctly so said, I should not hold that honorable Senator down to the utterances of a lifetime in order that he might comply with that quality of consistency, because all men change their minds, especially great men like the Senator from Texas and the Senator from New York; they are allowed to change their minds; but, Mr. President, when that change does take place, some better reason should be assigned for it, I respectfully submit, than that now assigned by those two Senators.

I find in the *North American Review* of December, 1889, about four years ago, an article prepared for that periodical by the honorable Senator from Texas. After paying his respects to the Republican party in the first paragraph, he says:

The rules of the House are intended, primarily, to facilitate the dispatch of business; but they are also intended, like other laws, to protect the weak against the strong. In the first paragraph of his parliamentary manual, Mr. Jefferson quotes with approval the language of Speaker Onslow, whom he characterizes as "the ablest among the Speakers of the House of Commons." Mr. Onslow said that the rules of proceeding, "as instituted by our ancestors, operated as a check and control on the actions of the majority," and that they were "in many instances a shelter and protection to the minority against the attempts of power."

He then gives what Mr. Jefferson said, which has, I believe, been quoted here this morning. Then the writer goes on and says:

Before these checks against irregularities and abuses are removed, it should be shown that the nature of power has changed, and that it is not now actuated by a spirit of wantonness. When that high standard of moral perfection is reached by Republican Congressmen, their Democratic opponents will throw no hindrance in the way of their progress.

May I be permitted, Mr. President, to paraphrase that sentence, to say that when the high standard of moral perfection is reached by the so-called majority of this body on this bill, their opponents will throw no hindrance in the way of their progress?

The same argument now made against the rules of the House could be made with equal force against the Constitution of the United States and the constitutions of all the States that compose the Union. All of these rules are but rules for the government of political societies; and in all of them there are obstructions thrown across the path the majority may wish to go. The founders of our Government had been taught in the school of experience that the multitude clothed with unlimited power was as dangerous as the single despot; that arbitrary power was the same whether it resided in one or many.

And in the very teeth of that assertion, so true, so wisely and profoundly true, the Senator from Texas proposes, aided by the Senator from New York, to come into this body and vest arbi-

trary power with the majority of this body to change the rules at their own caprice and will!

Therefore, to prevent those who were chosen to be lawmakers from becoming lawbreakers, they prescribed in all the constitutions boundaries beyond which they should not go. All these were useless precautions if majorities were not sometimes maddened by the lust of power and forgetful of the rights of the weaker party. In all these constitutions we see where the people, jealous for the preservation of their natural rights, have prohibited the government from interfering with the freedom of religion, freedom of speech, and freedom of the press, etc.

Further on the Senator says:

The demand for the removal of the limitations in the rules means that the party in power are fatally bent on mischief; that they have some desperate enterprise on foot that their prophetic souls tell them is beyond the boundary of rightful jurisdiction, and that in carrying it out they will meet with stubborn opposition.

"The party in power are fatally bent on mischief; they have some desperate enterprise on foot that their prophetic souls tell them is beyond the boundary of rightful jurisdiction."

Has the majority in this body some desperate enterprise on foot that they want to pass through this body which excuses that Senator for violating the sound doctrine he has there laid down, without notice, so far as I have been able to determine, to rise in his seat and introduce an amendment to the rules, invoke the Presiding Officer of this body to violate his oath, and pass it *volens volens* because he has the brute power to do it? That seems to be about the situation, Mr. President.

But that is not all the Senator says in this excellent article. He proceeds:

The excesses which they will attempt will be such as are dictated by a conviction of party necessity. The measures for which the way must be cleared are such as will, in their judgment, secure party ascendancy. If it can be done, the rules will be so framed that all opposition will be silenced when they are ready to vacate a Democratic seat and give it to a Republican contestant, regardless of the vote of the constituency. And there will be no "scandalous scenes" when they are trying to pass bills to create returning boards to give certificates of election to defeated Republican candidates for electors and members of Congress. It is to prepare the way for the advent of this higher civilization that the rules have been indicted and arraigned before the bar of public opinion.

Then he gives a history of some of the proceedings of that body in unseating several members of Congress, two from my own State;

While these resolutions unseating the Democratic Representatives were before the House, the minority indulged in parliamentary tactics to defeat them, and the country can decide whether the scandal attached to the majority, who were engaged in an effort to rob the constituencies of three districts of the right of representation, or the minority, who were engaged in defending them.

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Democrats ought not to be too severely criticised by their opponents for employing filibustering tactics, for the lesson was learned from the Republicans.

Then the distinguished writer gives a history of the Kansas-Nebraska bill against which the Republicans filibustered, and of the consideration and passage of the civil-rights bill. He says:

In 1837 there was another notable struggle by the minority to prevent the theft of the Presidency. An act of Congress was passed to change the existing rule for counting the electoral vote. A commission was created to lift the contest out of the murky atmosphere of politics, and into a higher and purer atmosphere of patriotism. But it was found that politics, and not

patriotism, controlled the decisions of the commission, and that it was organized to avoid the obstructions that would otherwise have embarrassed the way to the Executive chair.

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The Republicans again have a majority in the House, but not large enough to insure the success of their schemes. They have again extraordinary measures to be carried through, and the rules must again be subjected to their manipulations. They have gotten up seventeen contests for Democratic seats.

Then he says:

There was a thorough revision of the rules of the House in 1879. The committee charged with the duty of overhauling the rules reported numerous amendments, all of which had the unanimous agreement of the whole. The gag, of course, was left out, as it had been taken out by the Democratic House in the previous Congress, and not being in accord with the canons of Democratic faith, it was never restored in any of the Houses when they were in the majority.

The gag was left out in the revision of the rules in the other House on that occasion, but the Senator proposes in this body to apply the gag by not permitting the minority to open their mouths when he and his friends desire to change the rules in order to pass this or any other measure.

Then he concludes this most excellent article, sound in every respect, according to my judgment, as follows:

The measure they propose—

That is the Republican House of Representatives—

is bold and revolutionary, and it remains to be seen whether they will succeed in passing it, and, if it is passed, what the popular verdict will be when it comes to be enforced.

That is a part of the record made by the honorable Senator on this question. That was in 1889. On a more recent occasion in the House of Representatives, on February 10, 1890, the honorable Senator delivered a very spirited, able, sound argument against the very measure which he is now proposing that the Senate shall adopt. Among other things, he said:

Mr. MILLS. Mr. Speaker, the code of rules which the majority of the committee have reported to the House for its adoption is a new departure in parliamentary law. It is a proposition to reverse the legislative engine and to run back on the track upon which we have been running forward for a whole century. It is a code based upon a newly discovered idea, that in this country minorities have no rights, and that majorities are all powerful, that they speak by inspiration, that their utterances are infallible and their actions impeccable. It is the resurrection of the old, exploded idea of centuries ago that the king is the divinely appointed agent of the Almighty, and of course "the king can do no wrong."

Then, after quoting from the Declaration of Independence, he said:

How are these rights to be secured? Certainly not by subjecting them all to the caprice and whim of a majority. Oh, no; our fathers never meant to do anything of that sort. Why, sir, they knew that power when vested either in a million of people or in one man, without any limit upon its exercise, is a tyrant. Hence our Government is a government of checks and balances. It is a government of limitations, delegations, and prohibitions.

Then, further on, the distinguished Senator said:

Yes, Mr. Speaker, majorities within their limits as defined by the Constitution are supreme. That ought to be satisfactory. But there are some powers that our fathers thought it dangerous for majorities to have, and they said that majorities should not have them. They put majorities under the ban of suspicion. They surrounded them with limitations. They directed the vigilant and watchful eye of the citizen on all their movements.

Again, he said:

Here, sir, is one place where the minority is superior to the majority. A majority can create a navy, but it can not create a military commission to try any citizen in time of peace. A majority can close our ports, but it can not close our mouths. Free speech is one of the rights which is safely secured within the bolts and bars of the Constitution; it is far beyond the reach of the strong arm of the majority.

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They said in many things majorities should be supreme, and in many others that minorities should be supreme.

Then, again, the Senator said:

But, Mr. Speaker, it is not only in our national Constitution we see these limitations thrown around majorities. It is so in every State constitution in the Union. What is it for? It is to protect the minority; that is what it is for. It is a check to the madness of the majority or its caprice, or its wantonness, to use the word employed by Mr. Jefferson. It is to take away from it that power which all history shows it has so grossly abused.

Further on the distinguished Senator said:

The rules prescribed under the power conferred by the Constitution of the United States are for the protection of the minority, and they have done it from the foundation of the Government. That is one of the objects of making rules. It is not alone to facilitate business. Of course rules are intended to secure the orderly procedure of the business of this body, but at the same time they are intended to cause the House to halt, to pause, to reflect, and in some instance, where it may become necessary, to go back and inquire of the sober second thought of the people again. It is on the sober second thought of the people our Government rests. The people themselves may become mad. They may become wanton with power, and the very security of our free institutions rests on the fact that the sober second thought, in the language of one of our illustrious forefathers, will bring them back to a sense of their duty to their fellow-citizens and themselves, and thus preserve the blessings of free government for themselves and their posterity.

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Mr. Speaker, what we have done on this side of the House was simply to call the attention of the people of the United States to the fact that the majority in this House had broken the bounds assigned to it by the Constitution of the United States, and that it was ravening like a wolf in the fold at night, that it was coming into the House in defiance of the constitutional mandate to make rules for the government of its procedure—rules for the protection of the minority as well as rules for the expression of the will of the majority in the prosecution of the business before the House.

So, I might continue to read, all in the line of the sentiments thus so forcibly and eloquently expressed. In three years from that time, to-day, in this body, the Senator from Texas and the Senator from New York propose to override the limitations and restrictions which the Constitution places upon the majorities, and to railroad through this body a motion to change the rules, as they say, to enable the Senate to transact business. It will never be done with my consent. I recognize the rights of majorities to express their verdict in a constitutional manner; no man more readily does than myself.

The Senator from New York propounded a question to the Senator from Idaho [Mr. DUBOIS] awhile ago, and asked him when we could get to a vote with 20 Senators obstructing and opposing it. I will tell the Senator when we can get to a vote; I will tell that Senator now when we can get to a vote. If this majority, from which he proposes to take the bridle of restraint, will do as the founders of this Government did when it was organized and formed, formed for future generations, compromise

the differences between the majority and the minority of this body, then a vote can be had.

Mr. HILL. Will the Senator allow me?

Mr. BUTLER. Certainly.

Mr. HILL. Possibly the majority might be a little obstinate; sometimes majorities are, as well as minorities; and they might not desire compromise. What then?

Mr. BUTLER. Then, Mr. President, it is the highest evidence to my mind that the bill ought not to pass, if that is the case, particularly when the Senator has announced that he proposes, if he can get assistance in this body, to remove the restraint from that majority and pass the bill over the rules, Constitution, laws, rights, and every other consideration which has controlled the deliberations of this body. I say if that majority is actuated by such motives and from such a consideration as that, the bill ought not to pass until, as was suggested by the Senator from Texas in his speech in the other House, we have had the opportunity of appealing to the judgment and verdict of the American people upon the subject. That is my position.

Mr. HILL. Will the Senator allow me?

Mr. BUTLER. Certainly.

Mr. HILL. The question of the amendment of the rules is one thing; the question which the Senator was going to answer, as I understood him, was the question I had propounded to the Senator from Idaho [Mr. DUBOIS]; which was, if the majority of this Senate desire to pass the pending bill, which they think is a wise bill, demanded by the best interests of the country, I asked the Senator to point out how the majority is to pass the bill under the existing rules, provided the minority do not want them to pass it? I should like to hear a frank, plain, explicit answer to that question, and not a general reference to the Constitution, rules, and matters of that kind.

Mr. BUTLER. I will give the Senator from New York a direct answer, and thought I had done so. When the majority finds itself in that condition in this body, with a strong, determined, sincere, anxious minority, the way to pass a bill is to make some concession to that minority. If that is not done, the bill ought not to pass.

Mr. HILL. Then, I understand, if the Senator will indulge me a little further, that it is not the majority which passes bills in this body, and the bills passed do not reflect the sentiments of the majority, but they reflect the sentiments of the minority?

Mr. BUTLER. Oh, no.

Mr. HILL. And therefore the plain doctrine, enunciated by the Senator now for the first time, is that the majority can not pass bills they want to pass, but that they must always compromise with the minority. I do not believe in any such doctrine.

Mr. BUTLER. Oh, no, Mr. President, the Senator from New York has made a side issue, and he begs the question when he says that the majority here never pass a bill through this body without the consent of the minority.

Mr. HILL. If the Senator will indulge me a moment, I shall not interrupt him further, I think. I understood him to say—I am not so far off, I think, that I did not correctly understand him—that if the majority desired to pass a bill under those cir-

cumstances and refused to compromise, then he said that the bill ought not to pass.

Mr. BUTLER. And I repeat it, Mr. President.

Mr. HILL. And there I take issue with the Senator.

Mr. BUTLER. I repeat it, and I have no apologies to make for it; and I repeat to the Senator what I said the other day, that seven-tenths, I think nine-tenths, of the measures which become laws in this country are the results of compromise. Does the Senator pretend to say that because the rights of the minority are recognized in a measure, it does not express the judgment of the majority? Is that the position I understand the Senator from New York to take?

Mr. HILL. Does the Senator want an answer?

Mr. BUTLER. Yes.

Mr. HILL. I should not interrupt the Senator otherwise.

Mr. BUTLER. I have not the slightest objection to interruption, for I want to state my position, and I wish to hear the Senator's.

Mr. HILL. My position is—and I submit that it is the correct position under our form of government—that the minority have the right to express their views, have a right to endeavor to impress their views upon the majority, but if the majority in their ignorance, in their wisdom, in their obstinacy, or in their foolishness desire to reject the views of the minority, they have a right to do it. I say that I can not find anything in the Constitution of the United States which says that a minority of the United States Senate can pass a bill. [Applause in the galleries.]

Mr. BUTLER. Nor I, Mr. President.

Mr. HILL. If there is such a provision let it be pointed out.

Mr. BUTLER. I have made no such statement. I have not stated that a minority could pass a bill; I have stated, what I repeat, that a minority is clothed by the Constitution and the rules made in pursuance of it, with the right to prevent the passage of obnoxious measures; and when the majority has expressed itself in a constitutional way in accordance with the rules, then, I submit, it has the power and the right to pass measures; and not till then.

Mr. PALMER. May I ask the Senator from South Carolina a question?

Mr. BUTLER. Yes, sir.

Mr. PALMER. Let me ask the Senator does he believe the majority have a right to vote on a measure?

Mr. BUTLER. It depends on how the majority behave themselves whether they have a right to do it or not. [Laughter.]

Mr. PALMER. When it does?

Mr. BUTLER. Then I think they have a right to vote.

Mr. PALMER. Do I understand the Senator that the majority must accede to the demands of the minority before they can vote?

Mr. BUTLER. Yes, they can vote. We have been voting here all the time.

Mr. PALMER. On the main question?

Mr. BUTLER. We have been voting here for the last two months on some question.

Mr. PALMER. Oh, yes; but on the main question. Can I, as a Senator from Illinois, be allowed to vote for repeal?

Mr. BUTLER. The Senator must answer that question for himself. I do not control the Senator's vote. I say to the Senator that he has a right to vote whenever we reach a vote under the rules.

Mr. PALMER. Whenever I get an opportunity?

Mr. BUTLER. Certainly.

Mr. PALMER. When can I have the opportunity?

Mr. BUTLER. When debate is exhausted.

Mr. PALMER. I may not be with the majority, but does the Senator mean to say that I can have a right to vote only when the minority conclude to concede it to me?

Mr. BUTLER. Whenever the debate is concluded and the minority think they have had ample time to debate the question, I take it for granted the Senator from Illinois will have the right to vote. I have no control over his vote. I only control my own.

Mr. PALMER. Until the minority conclude that I may vote, I can not.

Mr. BUTLER. Precisely; you can not vote, because the rule gives the right of debate.

Mr. PALMER. That is the Senator's interpretation of the rule, that until the minority conclude that the majority may vote, they can not vote?

Mr. BUTLER. When debate under the rule is exhausted, of course you have a right to vote.

Mr. PALMER. I understand the Senator to say that the interpretation of the rule of the Senate is, that until the minority consent the majority can not vote?

Mr. BUTLER. Now let me ask the Senator a question. Does he not admit that the rule as now existing in our code of rules, gives the minority unlimited power of debate?

Mr. PALMER. No.

Mr. BUTLER. If the Senator denies that the rules under which we are acting do not give the minority unlimited power of debate, then, of course, the controversy between the Senator and myself is ended.

Mr. PALMER. May I be allowed to make a statement? I believe that in all discussion before this body the minority have the right in good faith to exercise the right of free debate, but when minorities maintain the right to debate for the sake of exhausting time I deny that right.

Mr. BUTLER. Nobody has done that.

Mr. PALMER. It has been claimed here—

Mr. BUTLER. Nobody has done that.

Mr. PALMER. There has been what may be called obstructive debate.

Mr. BUTLER. That is a matter of opinion. Who is to determine whether I am obstructing now or not?

Mr. PALMER. May I answer the question?

Mr. BUTLER. Certainly.

Mr. PALMER. First, the Senator himself; secondly, the majority of this body. [Applause in the galleries.]

Mr. BUTLER. I did not hear the Senator's answer.

Mr. PALMER. I said, first, the Senator himself, under his own—

Mr. HARRIS. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Tennessee will state his point of order.

Mr. HARRIS. It is in gross violation of the rules of the body for the galleries to make any expression of approval or disapproval of what is occurring on this floor.

The VICE-PRESIDENT. Does the Senator from Tennessee enter a motion to have the galleries cleared?

Mr. HARRIS. I will demand it, if the offense is again repeated; but not now.

The VICE-PRESIDENT. The Chair takes this occasion to state to the occupants of the galleries that if the offense again occurs, upon the motion of the Senator from Tennessee, the galleries will be cleared. The Chair has more than once called the attention of the occupants of the galleries to the fact that any manifestation of approval or disapproval is a violation of the rules.

Mr. HARRIS. I desire to add that it does not require a motion, but it is one of the duties of the Chair, independent of a motion, to warn the galleries, and to order them cleared without motion if the offense is repeated.

The VICE-PRESIDENT. Upon the suggestion of the Senator from Tennessee, the Chair announces that upon a repetition of this offense the Chair will order the galleries to be cleared.

Mr. BUTLER. Mr. President, I am perfectly well aware that under the rules of this body, which the Senator from New York and the Senator from Texas are so ready to trample on, to cast aside and discard, and convert this Senate into a town meeting—I am perfectly well aware that it is one of the provisions of that code of rules that no applause shall be allowed in the galleries; and if I have been the means, while nobody applauds me, if the friends of the Senator from New York have gathered here for the purpose of expressing their approbation of his methods I should be very glad, Mr. President, to invite that Senator out upon some street corner, where he and I can have it out before the masses.

Mr. MANDERSON. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from Nebraska will state his point of order.

Mr. MANDERSON. I ask for the enforcement of the rule. The Senator who is called to order must sit down, and he can not proceed without leave of the Senate.

Mr. BUTLER. Does the Senator call me to order?

Mr. MANDERSON. I do.

Mr. BUTLER. Very well.

The VICE-PRESIDENT. The Senator from South Carolina will be seated.

Mr. MANDERSON. I ask that the words as spoken be read by the Reporter.

The VICE-PRESIDENT. The words will be read.

The Reporter read as follows:

Mr. BUTLER. Mr. President, I am perfectly well aware that under the rules of this body, which the Senator from New York and the Senator from

Texas are so ready to trample on, to cast aside and discard, and convert this Senate into a town meeting—I am perfectly well aware that it is one of the provisions of that code of rules that no applause shall be allowed in the galleries; and if I have been the means, while nobody applauds me, if the friends of the Senator from New York have gathered here for the purpose of expressing their approbation of his methods, I should be very glad, Mr. President, to invite that Senator out upon some street corner, where he and I can have it out before the masses.

Mr. MANDERSON. Mr. President, I have simply this to say. I realize, in the heat of discussion, that much is said which should not be said. This debate for the last few days has been characterized by a degree of personalities unbecoming to the Senators who have used the personalities and not befitting this Chamber. I think all that is necessary is that, in a cool moment, the Senator from South Carolina shall hear a repetition of the words used by him, and he will see, upon a moment's reflection, that they are hardly fit for this presence.

Mr. BUTLER. Mr. President, I must confess——

Mr. HARRIS. Mr. President, I move that the Senator from South Carolina be allowed to proceed in order.

Mr. MANDERSON. I second the motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee.

The motion was agreed to.

The VICE-PRESIDENT. The Senator from South Carolina will proceed in order.

Mr. BUTLER. This is like a thunderclap. I do not know exactly how to proceed if I am to be hauled up on a short turn, as I was a while ago by the Senator from Nebraska. I was as unconscious as a man ever was in his life of violating any rule of order of the Senate. What I said to the Senator from New York was said playfully. I take it for granted that he so understood it.

Mr. HILL. I certainly understood that the Senator was speaking as he sometimes does, in a Pickwickian, sense.

Mr. BUTLER. That is a better expression. But it seems to have struck everybody around me, and the Senator from Nebraska rises with the utmost solemnity and dignity and coolness and hauls me over the coals. Of course, I am very much obliged to that Senator when he thinks I am going wrong that he should exercise the position of a sort of *ensor morum* over me; but I must confess I was taken entirely by surprise to have it supposed that I had ever violated any rules of the Senate. It has never been my habit, it is not now, to make personal allusions unless some Senator sees fit to attack me. Nothing was further from my purpose than to say anything that was unkind or unpleasant to the Senator from New York.

As he expresses it, it was said in a Pickwickian sense. The Senate seems to be getting into a very serious mood after having been in a very hilarious one in the gallery; and I simply wanted to keep up that feeling, if possible. As my friend from Arkansas [Mr. BERRY] suggests to me, I meant to speak on the corner, not to fight. I had no idea of inviting the Senator from New York out on the corner for the purpose of doing anything else except indulging in a little legitimate stump-speaking; that was all; and as the galleries were applauding, I thought I would give them a wider range, where they could hear the Senator better.

But, Mr. President, I think this is one of the results of the proposition of the Senator from New York himself and of the Senator from Texas.

Mr. HILL. What proposition?

Mr. BUTLER. This performance here in the Senate. I think it is one of the natural and necessary results of the proposition of the Senator from Texas and the Senator from New York that the majority shall change the rules of this body without regard to the mode or method by which they shall be changed. It seems to me that way. Clothe the majority with power, unrestrained, unlimited, unbridled power, and you will have a town meeting or a mass meeting here at any time you please.

Mr. PUGH. Or a despotism.

Mr. BUTLER. Or a despotism, because the history of mankind proves that power is always aggressive and never satisfied, except it is accumulating more and more.

Now, I should like to ask the Senator from New York a question, and I should like to ask the venerable Senator from Illinois a question—one at a time. How do they propose to get around the difficulty which they say is confronting us to-day? I should like to have an answer from the Senator from New York first.

Mr. HILL. Let us first ascertain what the difficulty is.

Mr. BUTLER. The difficulty, I understand, complained of by the Senator from New York is because we can not get a vote. That I understand is the complaint made by the Senator from New York and the Senator from Illinois. Now, I should like the Senator to tell me how he proposes to get around that difficulty and get to a vote.

Mr. HILL. In the first place, to answer the Senator from South Carolina, we must ascertain what the difficulty is.

Mr. BUTLER. Well, I leave that to the Senator.

Mr. HILL. The difficulty, I understand, is that by reason of the imperfection, the weakness, the omission, and, as I think, the unconstitutionality of existing rules, with the minority acting as now, and as they assert they propose to act, it is utterly impossible for the majority to carry out the constitutional provision which requires them to legislate, and that, therefore, these rules are just as defective, just as unconstitutional in practical substance and effect as though they had in their very terms provided that the rules should never be changed without the consent of the minority.

That is the difficulty that confronts us, and I am free to say unless the minority retreat from their position, unless the minority consent that we may vote, if they continue in the attitude they have now assumed and threaten to continue, we can not pass the pending bill or any other bill that the people demand.

That is the difficulty. Now the remedy. I argued the other day, sir, that it was always the right under the Constitution for the Senate (and when I speak of the Senate I speak of the majority of the Senate, of course) to make rules. The right is conferred by the terms of the Constitution. In that same Constitution, which gives the majority the right to make rules, is conferred the right and the responsibility of legislation. We have the power to make the rules; we are required to legislate.

In order to carry out those two purposes I go further and say, the power to make the rules implies the power to change them; and whenever the majority of this body discover that it is utterly impossible for them to legislate without a change of the rules, they have the constitutional right to so change the rules as to enable them to legislate. The difficulty? There is no difficulty, sir, in carrying out this constitutional provision.

Mr. BUTLER. If the Senator will allow me right there, because he and I are together up to that point—

Mr. HILL. I am very glad to hear it.

Mr. BUTLER. Nobody has denied, I have not, the right of the Senate to change its rules. Nobody has denied that. It has been done over and over again in this body and the other. The point I would like the Senator—

Mr. HILL. I understand the Senator thinks the majority have a right to change the rules without the consent of the minority.

Mr. BUTLER. That is what I am coming to.

Mr. HILL. That is the point. The Senator is very near right to that point.

Mr. BUTLER. I admit the right of the majority to change the rules. Nobody denies the right.

Mr. HILL. It seems to me that is the remedy for the whole difficulty.

Mr. BUTLER. Nobody denies the right of the Senate to change its rules; but the point where the Senator and I part company is as to the manner of changing those rules. I understood the Senator to say that the majority could get up and by a simple resolution at any moment change the rules. Do I understand that to be his position?

Mr. HILL. The precise hour, form, and manner of offering the resolution will be determined when the majority conclude to amend the rules. The Senator need not be impatient.

Mr. BUTLER. Oh, Mr. President, that is not the question. The Senator has not answered the question. I asked him if in proceeding to amend those rules he would be guided by the provisions of the code of rules under which we are governed? That is the point I should like him to answer.

Mr. HILL. I insist upon it that any restriction in those rules whereby the majority are deprived of the power of making an amendment is not binding upon the Senate, because otherwise the rules might bind the Senate so that it would be impossible to change them. In other words, my position is simply this: that whether the rules say directly that the majority shall control the amendment of the rules or whether by other provisions they permit the minority to prevent an amendment, it amounts to the same thing and has the same effect.

Mr. BUTLER. Then I understand the position of the Senator is about this: that the rules bind the minority but do not bind or control the majority. Is that the position?

Mr. HILL. That is not the position.

Mr. BUTLER. I should be glad to have the matter explained, then.

Mr. HILL. As I stated yesterday, and I repeat it for the information of the Senator, upon all ordinary methods of pro-

cedure they are binding upon both. In reference to the power of amendment, we can not tie ourselves up so that the majority have not the power to amend the rules.

Mr. BUTLER. But, if the Senator will pardon me, we have tied ourselves up by a code of rules to which the Senator subscribed when he took the oath as a Senator of the United States. Now, I understand the Senator to say that he is not bound by that code of rules except in so far as it may meet his approbation.

Mr. HILL. If we have, as the Senator says, tied ourselves up so that we can not change them, then I propose to untie the rules so that we may be permitted to change them.

Mr. BUTLER. How, Mr. President?

Mr. HILL. By simply presenting at the proper time and hour and place and occasion, to be determined by the majority, an amendment to our rules, and then proceeding as regulated by the majority to vote upon it. There is no practical difficulty if the majority of the Senate desire to change the rules. That is all.

Mr. BUTLER. Then I understand the Senator, in proceeding to change those rules, would disregard Rule XL?

Mr. HILL. What is Rule XL?

Mr. BUTLER. Rule XL reads:

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XII.

Do I understand the Senator from New York to say that in proceeding to amend the rules he would ignore the provision of Rule XL?

Mr. HILL. That rule is very easily complied with; and I should prefer, and have already given notice of, an amendment under the strict terms of that rule.

Mr. BUTLER. Then I understand the Senator to say that he would not consent to amend the rules except as provided in the code of rules itself.

Mr. HILL. I have not said that. I said I have thus far proceeded under the strict letter of the rules. What position the majority should take upon this question, if a majority desire to change the rules, will depend in my judgment very much upon the attitude of the minority.

Mr. BUTLER. Then I understand the Senator to say that he will not be bound by the code of rules in proceedings to amend them; but, as I understand him, he would amend the rules according to the will of the majority at any hour of the day, as many hours as we sit here, at any day of the week, in any week of the year, by the will of the majority.

Mr. HILL. I have said that the power to amend the rules is a constitutional right, and it overrides any particular rule here which in any manner restricts or limits it. But the majority have a right to proceed under the rules, if they see fit or desire to do so, and unquestionably the majority would proceed, as we have proceeded thus far, strictly under the very rule mentioned by the Senator.

Mr. BUTLER. I am not asking what the majority would do; I am asking what the Senator from New York would do?

Mr. HILL. I hope, sir, that I am one of the majority. I assume only to speak for myself. I hope that before this debate is through a majority will be found by my side ready to insist upon the constitutional right to amend the rules, whereby we can carry out the provision of the Constitution which vests in the majority, and not in the minority, the power of legislation.

Mr. BUTLER. To that proceeding there would be no objection—not the slightest.

Mr. HILL. Then we agree.

Mr. BUTLER. I have finally got the Senator down to the point, which was rather difficult to do I confess. If he will proceed in that way, if he will proceed in the manner provided in the rules themselves, he will find that the minority will meet him on those rules, frankly, freely, honestly. Nobody here, I repeat, has denied the right of the majority of this body to change its rules. A man who would deny it would fly in the face of history. They have been changed and modified over and over again, and perhaps will be as long as this is a deliberative body.

The other House of Congress are amending their rules from time to time, but they do it in an orderly, constitutional, regular, lawful way, and no parliamentary body that I have heard under a popular government has ever clothed a naked, unbridled majority with the right to amend its rules or transact any other business.

Mr. HILL. In order that we may understand each other further, and possibly better, does the Senator claim the right of unlimited debate on every amendment of the rules?

Mr. BUTLER. I claim no right except that which is given me by the Constitution and rules themselves.

Mr. HILL. That statement is pretty general.

Mr. BUTLER. If the rules give me the right to unlimited debate, and my conscience and my judgment and my duty to my constituents justify me in conducting that unlimited debate, I shall proceed to exercise that right.

Mr. HILL. Can not the Senator answer it in any other way? He prefers not to answer in any other way. I was simply going to suggest how can the majority amend the rules, although given power under the Constitution to amend the rules, if the minority are to enjoy the right of unlimited debate upon the very question involved?

Mr. BUTLER. Mr. President, we would rely upon the persuasive powers and eloquence of the Senator from New York.

Mr. HILL. I fear that would not be sufficient to induce the minority to amend the rules.

Mr. BUTLER. We would rely upon that to convince us.

Mr. STEWART. We expect to convince him before we get through.

Mr. BUTLER. I am not so sure about that. The Senator from Nevada says we expect to convince the Senator from New York before we get through.

Mr. STEWART. He has taken our side of the question in half of his speeches.

Mr. BUTLER. I am very glad to hear that. I think we are making progress with the Senator from New York.

Mr. STEWART. Certainly, he is on the fence.

Mr. BUTLER. I think he is a little over on our side, and when the persuasive eloquence of my friend from Nevada shall have a little further sway, I think the Senator from New York will drop entirely on our side of the fence.

Mr. STEWART. I think so, too.

Mr. BUTLER. I think perhaps if the New York election was over he would come over to our side. I do not know about that, but I am inclined to think that would have some influence and I am not saying that reproachfully at all.

Mr. HILL. I can not hear the Senator.

Mr. BUTLER. I will not repeat it; it is a little badinage.

Now, Mr. President, returning to the Senator from Texas [Mr. MILLS], who, I am sorry to say, is not here, he treated us yesterday evening to a most graphic—

Mr. HOAR. Before the Senator proceeds to that new point, I should like to ask him a practical question to get at his views, if there be no objection.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. BUTLER. Of course, Mr. President.

Mr. HOAR. The rule at present provides that for the morning hour, which is two hours, only certain topics shall be taken up, except by unanimous consent; which very easily may, if anybody chooses to debate them, always fill up the morning hour.

Now, suppose an outgoing political majority just before the 4th of March should extend that rule to the entire day, and should leave behind them a certain calendar, as they would have the right to do, by having a rule that the Senate is always the same body; and they provide that only the subject prescribed in that calendar should be taken up in the entire day except by unanimous consent. They give place on the 4th of March, under the new elections of the third of this body, to a majority of another political faith. Under such a rule, constitutionally adopted, that majority can never proceed to take up or consider the great measures which the people expected to be accomplished when they changed the political power in the country.

Now then, they set themselves to amend that rule, and under the rule two Senators may divide the twenty-four hours between them. One of them may move for an adjournment and have the Presiding Officer count the Senate on it, and then alternate a motion for a recess, and spend twelve hours in that way. The other may take his place and spend the other twelve hours. That method of proceeding being in perfect accord with the rules of this body would prevent forever, at the will of two men alone, the body from changing by reason of the new majority which has come in.

Now, does the Senator hold that there is no power in this body to prevent that thing? You can not prevent it by changing the rules according to the rules, because you can never get a vote to do it, and therefore no political change of opinion and of power can take place in the Senate until every State has changed its

Senator. I ask the Senator if his logic does not bring him to that position, and if he accepts that position.

Mr. BUTLER. No, Mr. President, I think not. Of course the Senator from Massachusetts or any other Senator can propound what appears to me (and I say it without any disrespect to him) a very absurd proposition.

Mr. HOAR. It is not.

Mr. BUTLER. That is the way it strikes me. Of course we can always suppose an extreme case, and the one proposed by the Senator is an extreme case. The general rule of law is, I believe, that all public officials are going to discharge their duty according to law. The presumption is in favor of this body changing its rules in accordance with the principles of common sense and common justice, and in the discharge of the public business. The Senator might get up and ask me a great many very extreme questions which would have no relevancy.

Will the Senator allow me to ask him a question? Does the Senator from Massachusetts hold that this body can change its rules except in accordance with the code of rules itself?

Mr. HOAR. I do.

Mr. BUTLER. You do?

Mr. HOAR. I do.

Mr. BUTLER. In what manner?

Mr. HOAR. I will state it if the Senator wants me to do it. Before stating it, however, I should like to add only one sentence to what I have just said. Although I have put an extreme case it is no more extreme than that which confronts this body at the present moment, when a Senator who half a minute ago was in his seat said to a majority of the Senate, "You know you can, not pass this bill," not meaning—no human being who heard him understood him to mean—that he knew the minority would persuade and change the majority. We all understood him to mean that we know there is no constitutional way in which the majority, desiring to pass the bill, could do it.

Now, then, I answer the Senator's question. I will answer it with great pleasure. I say that if there were a motion made to change these rules, which tie up and prevent the American people from changing the political policies of this country at the will of the minority, and that motion were presented to the Presiding Officer after the debate, or after motions to adjourn and take a recess, or the call of a quorum, or whatever motion, usually called filibustering, had gone so far in the opinion of the constitutional Presiding Officer of this body, who is chosen by the American people and not by the Senate, and has his duty prescribed for him by the Constitution fundamentally in the beginning—I say when it had reached the point which implied to his mind that the further discussion was intended to prevent action, it would be in his power and would be his duty to say to the Senate, "Shall I put this question without further debate or dilatory motion?" and thereupon to direct the yeas and nays to be called, permitting nothing to interfere, and if a majority of the Senate say "aye" it would be his duty to put that question.

We have power to prescribe rules, it is true, but there is a rule beside that we prescribe, and that was prescribed by us, by

our masters, the American people, when they enacted their Constitution. That is a rule above, below, around, within every rule that the Senate has adopted; and the great officer who sits in that chair would, in my judgment, be bound, as the Speaker did in the other House, to obey its supreme behest.

Mr. BUTLER. In other words, Mr. President, that is a reaffirmation of the higher-law doctrine, as I understand it.

Mr. HOAR. Constitutional. It is a higher law thus to some people than the law they practice on.

Mr. BUTLER. The Senator from Massachusetts had better keep his temper, because I have been very amiable while he has interrupted me, and there is no need for him to do—

Mr. HOAR. If my friend will permit me, having preserved, if I give up my own temper I shall not take his in exchange for it.

Mr. BUTLER. Let the Senator preserve his own temper now, and we will proceed amiably about this matter.

The VICE-PRESIDENT. The Senate will be in order.

Mr. BUTLER. I say in my judgment the statement made by the Senator from Massachusetts is a reaffirmation of the higher-law doctrine. That is my judgment. Of course, I take it, the Senator, with his views, will give me the right to have my own opinions without subjecting myself to his animadversions.

The Senator from Massachusetts says that in a certain contingency which he has stated it would be the duty of the Presiding Officer of this body, upon a motion, to cut off debate, and that he alone shall be the judge as to when the minority have sufficiently discussed the question pending.

Mr. HOAR. I desire to apologize to the Senator from South Carolina for the fact that I shall be obliged to absent myself from the Senate for a little while and that I can not remain and hear what undoubtedly will be a very eloquent answer.

Mr. BUTLER. I am very sorry that the Senator is going away. Of course he is entirely excusable, as he has explained to me; and the *entente cordiale* has been entirely restored between us.

As I understand the proposition of the Senator from Massachusetts, it is that when a majority of this body determines that a rule ought to be changed, some member of the majority may make a motion that debate shall be concluded, and thereupon it is the duty of the Presiding Officer to declare the debate ended.

Now, Mr. President, where would that place a minority? A majority of one of the great parties of this country is in control of the Senate. The Presiding Officer of this body is in political accord with that majority, and the minority are turned over to the tender mercies of the majority and that partisan Presiding Officer. Is that the position in which the Senator from Massachusetts and those who think with him, would place the minority? I scarcely think so, Mr. President.

In the Government of Great Britain that has never been done. They adopted cloture in the House of Commons after a long and bitter contest by the minority; but the Speaker of the House of Commons is a nonpartisan. He is put there to protect the minority in their right of debate, and he will decline to close a de-

bate when in his opinion the majority are acting in a wanton manner.

Mr. PALMER. Will the Senator from South Carolina allow me to ask him a question to ascertain a fact? Does there reside a power anywhere in this body under the rules to declare when debate has closed and the Senate shall proceed to vote?

Mr. BUTLER. I do not think there does; and as much respect as I have for the patriotism of my party friend who presides over this Chamber to-day, as fair and impartial and as patriotic as I believe him to be, I would resist any effort to make him the depository of the power to say when debate shall terminate in this body. I would resist it with my party in the majority, because I believe it would be subversive of the very foundation principles upon which this Government is built and framed.

It is a very different thing in the British House of Commons, where the Speaker of the House is a nonpartisan. He is put there to protect the minority, the idea being that the majority is able to take care of itself, which is true. But what earthly chance would a minority have with the majority of one party and the Presiding Officer of the same party to carry through party measures?

Mr. LINDSAY. I ask the Senator from South Carolina, with his permission, whether he thinks the method of selecting the presiding officer of the British House of Commons is superior to the method by which the Presiding Officer of this body is selected?

Mr. BUTLER. I am not discussing that point. It has not the slightest reference to what I am saying. That would open a door of discussion which I do not propose to go into with the Senator from Kentucky. I am stating a fact, and when he denies the fact, I will then talk to him about it. The speaker of the British House of Commons is a nonpartisan. It is so understood; and it is understood that he is put there for the purpose of protecting the minority. What protection would a minority have in this body with a presiding officer and the majority of one party? Sir, I would never consent to it.

Mr. ALDRICH. Will the Senator from South Carolina allow me to ask him a question?

Mr. BUTLER. Yes, sir; two, if necessary.

Mr. ALDRICH. Pending a proposition to amend the rules of this body, who is to decide when the conclusion of the debate is to be reached?

Mr. BUTLER. The Senate decides for itself.

Mr. ALDRICH. Who are the Senate?

Mr. BUTLER. It is this body, sitting around here. The Senator is a part of it, and he has a right to his opinion as well as I have to mine as to how long he should talk.

Mr. ALDRICH. But how am I to express my opinion if the minority of the Senate, or those who differ with me, conclude to continue discussion indefinitely?

Mr. BUTLER. The Senator from Rhode Island is not afflicted with such an amount of modesty that he can not get in whenever he chooses. He is not overwhelmed with modesty.

Mr. ALDRICH. I beg pardon; it is not a question of modesty.

Mr. BUTLER. It is, because the Senator can get the floor at almost any time he chooses.

Mr. ALDRICH. I can get the floor for the purpose of talking, but not for the purpose of voting, I am sorry to say.

Mr. BUTLER. Then somebody else wants to talk. [Laughter.] After the Senator has uttered his eloquent phrases and electrified this body and the galleries with his powers of eloquence he ought to give some other Senator an opportunity to express himself in a feeble way, I should think.

Mr. ALDRICH. Does the Senator think that is a fair answer to my question?

Mr. BUTLER. I think I have answered it. The Senator asked me who is to judge when a motion is under discussion to amend the rules, when the debate shall end; I say the Senate itself.

Mr. ALDRICH. And that, if the Senator will pardon me, is just what I say, and I say the Senate itself is a majority of the Senate.

Mr. BUTLER. Well, then, let the majority determine it, but do not let the Presiding Officer do it. That is the point I make. I know very little about the rules of either body, I am very frank to say; but I understand that under their present system in the other House the Committee on Rules determine when debate shall end and when a vote shall be taken. Is not that the case?

Mr. ALDRICH. No; the Committee on Rules bring in a proposition. The House itself must adopt it.

Mr. BUTLER. The Committee on Rules does practically determine it. If the majority sustain the Committee on Rules, then the vote is taken?

Mr. ALDRICH. Yes; that is the case.

Mr. BUTLER. That is the rule, I understand. Now, there is some sense and some reason in that procedure; but the idea of depositing that power in any one man appears to me to be monstrous, particularly in view of the conditions which I have stated might arise.

Mr. ALDRICH. I have not undertaken to be the representative here of the Senator from Massachusetts [Mr. HOAR] in his absence, but I did not understand him to take the position that the Presiding Officer could determine the question, but that the Presiding Officer should submit the question to the Senate and let a majority of the Senate decide whether debate had proceeded a sufficient length of time.

Mr. BUTLER. I understood the Senator from Massachusetts to state the Presiding Officer should put the question and not recognize anybody for a dilatory motion.

Mr. ALDRICH. Oh, no; I think the Senator is mistaken about that.

Mr. BUTLER. It was entirely upon that hypothesis I made my statement.

Mr. ALDRICH. I understood the Senator from Massachusetts to say that the Presiding Officer should submit to the Senate the question whether debate had proceeded at sufficient length, and upon a decision of the majority of the Senate that debate should

close, then he should put the question without further dilatory motion.

Mr. BUTLER. The RECORD will speak for itself. I understood the Senator from Massachusetts to make that statement.

Now, Mr. President, the Senator from Texas [Mr. MILLS] yesterday stated, and it has been stated by the Senator from Illinois [Mr. PALMER] to-day, and I believe by the Senator from New York [Mr. HILL], that the Senate is paralyzed; that the Government is paralyzed. The Senator from Texas stated that the Senate could not pass an appropriation bill. Why could not the Senate pass an appropriation bill? Has the Senator made an attempt to get one through this body? Has any Senator attempted it? Has any other measure than the one which is pending been suggested for the consideration of this body, except the motion to amend the Journal made by the Senator from Colorado, which we are now discussing?

How, then, is the Government paralyzed; because the majority can not have its way? Oh; no, Mr. President, this Government is not paralyzed.

I will not include the Senator from New York, because he has modified his proposition; but, if the proposition of the Senator from Texas should prevail, I tell him the Constitution of this Union will be paralyzed.

This Government did have a partial stroke of paralysis about thirty years ago, but in the course of four years it accumulated to itself more power than any government on the face of the earth, and it has more power to-day. If it had not had that gigantic power, such valiant warriors as the Senator from Texas and myself, perhaps, would not have been compelled to lay down our swords, but we did. It was the power the Government had accumulated around itself in four years, more gigantic and portentous than any ever held by any government upon the face of the earth, and it is the strongest Government to-day on earth.

How, then, can it be said that the Government is paralyzed because one little measure can not get through the Senate as rapidly and as hurriedly as its impatient advocates demand of the minority? All this talk about the paralysis of the Government is to me, Mr. President—and I say it without disrespect—absurd and ridiculous. This particular measure may be paralyzed for the nonce, and it ought to be. If we proceed in accordance with what has been suggested here to-day, there will be a paralysis of the Constitution of this Union from which it will never recover.

But the Government is going on all the same. It is collecting its revenues; it is meeting its obligations; it is supporting its military and naval establishments; it is sustaining all the executive departments of the Government; and Congress yet lives, notwithstanding bill No. 1 from the House of Representatives is still on our table. I think we ought to hold our hands up to high Heaven and implore the great Giver of all good that we may survive notwithstanding House bill No. 1 has not yet passed.

The Senator from Texas said that he would grasp the hand of the Senator from Ohio on this measure. In his next breath he said that he was in favor of bimetalism or silver, but he rushes

into the arms of the arch enemy of silver, and I do not say that disrespectfully or intending to be personal. He rushes into the arms of the arch enemy of silver, and oh, Mr. President, what a scene that would present to the American people, a scene fit for the gods and men to behold! The Senator from Texas and the Senator from Ohio embracing each other in a warm, cordial, voluptuous embrace! I would feel like exclaiming as the disconsolate Hamlet did when the ghost of his murdered father presented itself to him:

Angels and ministers of grace defend us!

What a picture it would make for the artist—the Senator from Texas and the Senator from Ohio embracing each other over the silver question! If that would not be an instance where extremes meet I do not know where we could find an illustration.

And if we live long enough we shall behold another scene perhaps that would furnish a spectacle never before presented to the American people or to any people. When the election laws are reached, if the Government gets over its paralysis, and when a tariff bill for revenue only is reached, if it survives that paralysis, how the Senator from Texas will rush into the arms of the Senator from Ohio and embrace him again and again, and shake hands across the financial chasm!

Then he taunts those of us who vote with the venerable and distinguished Senator from Kansas with following the Populists; that "the Senator from Kansas, Mr. PEPPER," is the exponent of all the isms, of wild ideas; that he is a wild-eyed man, leading us astray; and the Senator from Texas says, *de gustibus non est disputandum!* That is true, Mr. President. He says, "politics makes strange bedfellows." There is no doubt about that. But the strangest of all the political bedfellows this country has ever known will be the Senator from Ohio and the Senator from Texas.

I say to the Senator from Texas that so long as the Senator from Kansas stands for the great tolling millions of this country against the money power I am his friend, and will stand by him. If I had to choose a file leader in the great political contest confronting us I would take the man for my leader who stands to his guns for the rights of the masses of this country against about ten or twelve men in the city of New York who can bring ruin and distress and destruction upon the country in one night. So, sir, I am not abashed at the taunt.

But, Mr. President, the age of wonders and surprises will not end with seeing me in the arms of the Senator from Kansas, and the Senator from Texas in the arms of the Senator from Ohio. We shall, I hope, live to see a long, fond, cordial, gushing embrace between the Senator from New York and the President of the United States. [Laughter.] That would be a picture for the artist. How long and lingering and loving it would be! A bucket of boiling hot water, Mr. President, could not separate them.

So the age of surprises has not passed, and I do not believe it will pass as long as this Congress is in session. We are going to have a great many such surprises. It would not surprise me to

see my venerable friend from Nevada rush up to the White House and embrace the President. [Laughter.] So at last, whilst we have heard very direful predictions and prognostics about what is going to become of the country, that it is paralyzed, the Senate is paralyzed, the Government is paralyzed, I think as long as these love scenes continue there is no danger of a revolution or of the Government stopping. I regard them as very hopeful signs of the future.

If the Senator from Texas will come as near getting over the fence on this rule question as the Senator from New York has done, I shall sleep much more profoundly and soundly than I have done since last Monday. I have no doubt he will, upon what he calls that sober second thought of the people. I have no doubt that he will not persist in a line which would destroy, as I believe it would destroy, the usefulness of this body, which would destroy its great underlying conservative principle, which has so long and so successfully and so ably sustained the burden imposed upon it by the Constitution and laws. Mr. President, we had

* * * rather bear those evils we have,
Than fly to others that we know not of.

If, after the excitement of this debate has subsided, a majority of this body shall deem it wise to modify its rules in a reasonable and conservative way, I do not know that I shall object; but the idea of attempting it now, with the heat of division and opposition burning in the minds of us all, would bring disaster, and, in my judgment, mortification and ultimately humiliation upon this Government. I would, therefore, counsel to be patient those who are manifesting so much impatience, demanding of me, as the Senator from Illinois [Mr. PALMER] has done over and over again, that I, one of eighty-five members of this body, shall say when a vote shall be taken, as though a man so insignificant as I should undertake to determine when a vote shall be taken.

I know that my venerable friend, I trust he will pardon me for calling him "my venerable friend," is the last man in the United States who would take one single step toward disturbing that underlying conservative principle which has preserved our institutions so long. I know he is impatient for this debate to end, but not more so than I; and I think I have suggested a method by which it can be ended with entire regard for the rights, the feelings, the interests of every Senator upon this floor; and it can be done, Mr. President, without leaving a sting, as I said the other night, to be carried away from this Chamber to rankle in the bosom of any Senator.

It can be done with entire regard for the best interests of all the people, those who reside in the financial centers as well as those who inhabit the plains of the West and the broad fields of the South, where all can have recognition and protection according to their deserts, and according to the opinions of their representatives. It is with that, sir, and with nothing less than that shall I be satisfied; to nothing less will I consent.

There are millions and millions of people in this country, and I am one of them, who sincerely believe that the currency is too much contracted, or, if not too much contracted, is so distrib-

uted as to bring hardship, ruin, loss, and unhappiness upon millions of the American people; and it is always wise statesmanship, Mr. President, it is to-day, and has always been since popular government was born upon the earth, to make reasonable concessions to a large body of people who sincerely believe in a particular line of policy.

Such concessions can be made without sacrifice of principle or without injury to anybody; and when some of our friends can relieve themselves of the conviction that they are politically infallible and concede that there are some other people who have political convictions and ideas as well as themselves—whenever we reach that point, my word for it, this question will be settled, and settled fairly and honorably.

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