

**SPECIAL OFFER**

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**Popular Election of Senators**

Orwell C. Riddle, 327 Hamilton avenue, Columbus, Ohio, makes an interesting suggestion with respect to the election of United States senators. Writing to The Commoner Mr. Riddle says:

I believe the election of senators by direct vote can be accomplished by an act of congress without amending the constitution. Not to tire you with a long discussion on this point, for I believe I can make a consistent argument in support of the proposition, permit me to give some reasons for trying to bring about this reform by statute, rather than by amendment of the constitution.

If it can be done by statute it might be accomplished much sooner, perhaps, than by going through all the circumlocution of a constitutional convention with its tedious debate in every state to get the amendment proposed or a convention demanded, and again to have the amendment ratified. Besides, I regard the prospect of calling a constitutional convention with fear that it would endanger the whole fabric—it might be more difficult to stop it than to stop the man yoked to a calf, once it got fairly started.

In an address at Providence, R. I., Prof. J. A. Garner of the University of Illinois on the topic: "The existing methods of amending state constitutions," said: "The safeguards to prevent tinkering with the fundamental law verge dangerously near the line of prohibition in many states, and have brought about constitutional stagnation, if not retrogression, in others." This is what constitutions are made for—to prevent tinkering, and we should zealously guard against the danger of tinkering with the federal constitution. You know the constitution has been trampled on so much since 1896 that there would be danger of a general assault by corporation interests once the door was opened by a constitutional convention.

In the sections of the constitution relating to the election of senators (Art. 1, Sec. 3, P. 1 and Art. 1, Sec. 4, P. 1) I believe authority is given congress to fix the manner of electing senators by law, especially if construed with Art. 1, Sec. 8, P. 18. The words on which the whole matter would hinge are "chosen" (Art. 1, Sec. 3, P. 1) and "time," "places," "manner" and "regulations" (Art. 1, Sec. 4, P. 1), but I believe the definitions of these words are varied enough to sustain my interpretation.

In elaboration of my position I have framed a rough draft of such an act, as I think would cover all these points, and send you a copy of it.

Of course in hair-splitting opinions of courts

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much may be said about "established precedent," "gathering intent from the manner of electing senators from the first," etc., but I contend that all this may be admitted, with the counter-point that it is custom because the question of regulating the matter by statute was never considered since it was never raised. Once raised, there is no reason why it can not be affirmed if shown to be right and consistent.

A rough draft of the bill proposed by Mr. Riddle follows:

An act to regulate the election of United States senators in each state: Be it enacted, etc.: That United States senators shall be chosen, as provided by section three of article one of the federal constitution, in accordance with the following regulations fixed by congress, as authorized by the first paragraph of section four of article one of the constitution of the United States:

1. In each and every state candidates for United States senator shall be nominated in like manner as candidates for governor and other state officers are nominated therein; and the names of all such candidates shall be placed on the official ballot to be voted for by the electors of such state at the time and places designated by the legislature thereof for holding an election for state officers therein. Returns of such vote cast for United States senator shall be made to the state legislature in the usual manner for returning the vote cast for state officers.

2. At such time, place and manner as the state legislature may determine for canvassing the returns of votes cast for state officers within such state, the legislature shall also canvass the returns of the votes cast for all the candidates duly nominated for United States senator, and the person having the greatest number of votes as candidate for senator shall be chosen by the legislature, the result of such vote and the action of the legislature thereon duly certified at once to the governor of such state, who shall thereupon issue a commission of election to the United States senate accordingly.

3. In case of a tie for two or more persons having the greatest number of votes for senator, the legislature shall choose whichever of such candidates thus having an equal number of votes the members of the legislature may prefer, and certify to the governor the result of the popular ballot and the action thereon by the legislature, accordingly, and the commission of election shall issue as provided in this act.

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