

NOTHING NEW

"The senator from Wisconsin spends his nights getting his name into the newspapers," says Penrose. "The decencies of senatorial procedure will not permit me to ask how the senator from Pennsylvania spends his nights," retorts LaFollette. "The speeches of Demosthenes," said Aeschines, "smell of the

lamp." "There is great difference between the objects which you and I pursue by lamplight," answered Demosthenes. There is nothing new under the sun.—Goodwin's Weekly.

DIAGNOSIS

Many a girl thinks she has broken her heart when she has only sprained her imagination.—Life.

ELECTION OF SENATORS BY THE PEOPLE

(Continued from Page 3)

This change in electing senators would give the people much more powerful influence over the federal government. The only department of the entire government elected directly by the people is the house of representatives, one-half of the legislative department. The executive department, in theory, at least, is not elected by the people, but by certain electors chosen for the purpose. The judicial department is appointed by the executive and confirmed by one-half of the legislative department. One-half, therefore, of one of the three departments is the only portion of control directly in popular hands.

PART III

Now that I have made out my affirmative case the logical order of things demands that the claims of our opponents be solved.

A favorite argument of those who are opposed to this change is that it not only antagonizes Article I, Section III, of the Constitution, but likewise Article V, which guarantees to every state its equal representation in the senate. It is claimed that popular election would take away this equality and senators from the larger states would be more powerful than those from the smaller ones, because in many cases they would represent millions of more voting constituents. We answer that the word "equal" there can have no significance and no reference except to numbers itself and can not apply to the manner in which senators are elected. We submit that there can be no successful contradiction of that proposition. The language of the constitution is "and that no state without its consent shall be deprived of" what? Of representation in the senate, of senators, as by this instrument it is provided they shall be elected? No? but—"shall be deprived of its equal suffrage in the senate." The word that relates to proportion, the word that relates to numbers is used there, the word "equal" limits the significance of that provision. It seems to us that there can be no question but that it was simply a pledge that each state should be entitled to its equal number of senators and should not be deprived of that proportion without its consent.

The next objection that is raised to our proposition is that we are violating one of the cardinal principles of our constitutional fathers; that this is the first time that an effort has been made to materially and radically change the policy of this government. The history of this government does not warrant that statement, and before we should be bound

by precedent we must recognize the two great truths, the fallible nature of man and the impossibility of any man, I care not how able, how great, how wise he may be, anticipating all the needs of the future.

Applying these principles to the idea of government, we are forced to recognize that, in the history of the human race there never was formulated a rigid and fixed scheme of government that did not perish because it failed to recognize the changes in conditions that time would bring.

Happily the American constitution is an exception to this rule because it contains within itself the elements of its own modification. Scarce was the ink dry with which it was written until, notwithstanding the wisdom of the fathers, it was found necessary to begin its modification by the process of amendment.

But there is still another objection urged to this proposed change and that is that it overturns the policy of the fathers of the constitution in a controversy which they waged with one another and out of which controversy the legislative election of senators was finally accepted as a compromise. We are willing to admit that this view does prevail as a popular impression, but we challenge its correctness in view of the debates on the floor of the constitutional convention itself.

This controversy over the election of senators did not begin with senators. It began with the primary proposition of the election of the house of representatives. The debates on this question produced three distinct propositions—first, that the members of the lower house should be elected directly by the people; second, that they should be elected by the legislature; and third, that they should be nominated by the legislature and elected by the people. It was a period parts and water

Some of the... opposed to the popular election of members of the lower house, while others valiantly championed its cause. Mr. Madison was one of the chief exponents of popular election and the matter was finally settled by providing that its members should be chosen by popular vote.

They then proceeded to the consideration of the manner in which senators should be elected. Here again, as I have mentioned in the introductory pages of this thesis, popular election had its champions and likewise its opponents. Our opponents would have us believe that the proposed change in the constitution would overturn the policy of the fathers and do exactly that which they overwhelmingly rejected on the floor of the convention, but here again do we challenge the correctness of their charges and we are sustained by the record of the constitutional convention itself. James Wilson, of Pennsylvania, as I have before mentioned, championed the cause of popular election of senators, and in his speech of May 31, 1787, he moved that their election be by districts, that is to say, that the whole United States be divided into senatorial districts, so to speak, irrespective of state lines. Of course the smaller states had everything to lose and nothing to gain by adopting this plan and their representatives fought it bitterly. On June 7, Gerry, a delegate from a small state argued against the plan on the grounds, first, that it was impracticable and the people could not be brought to one place for the purpose, and whether brought to the same place or not numberless frauds would be unavoidable; second, small states forming parts of the same district with a large one would have no chance of gaining an appointment for their citizens of merit; and third, a new source of discord

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