

be towards a more popular government. Take for instance the direct primaries laws adopted by many of our states and so ably championed by that great lawyer and governor, Charles E. Hughes of New York. Never has there been enacted a set of laws which has done more for the politics of the nation. In these states, at one blow it has crushed the power of the bosses, a most potent influence towards corruption under present conditions. In order to be consistent we must revise the method of selecting senators so as to make it conform to our changed political ideas.

But this last assertion will, no doubt, bring down a storm of condemnation from those who are popularly known as the "watch dogs" of the constitution, and in fact has been attacked by the so-called ultra-conservatists as being extremely radical. I will admit, and rejoice in the admission, that no instrument of its kind in the history of the world has ever compared with the constitution of the United States, and that on it rests the burden of this great government; but does not Article V of the instrument itself give to congress the power of amendment, and has not this prerogative been exercised time and again as the exigencies demanded? The settled conviction of time and experience that the constitution as a whole is good and wise has our heartiest approval, but devotion to the constitution should stimulate us with the desire to repair the few parts which have not insured to the people every reasonable liberty. "Nothing is well done that can be made better; and he who conforms to the idea of well enough has not only ceased to advance, but has actually turned the wheels of progress backward."

In one form or another the legislatures of thirty-one states, more than the full two-thirds prescribed by the constitution, have formally communicated to congress their approval of the proposed change. Indeed, if the votes in the house be taken as a fair criterion of the will of the people, then only two states have failed to give their indorsement. Is this not irrefutable evidence that the people of the country desire a change?

Previous to the year 1872 there had been nine resolutions before congress to change the prevalent manner of choosing senators to that of election by the people and since 1872 up to the close of the fiftieth congress this change had been urged some thirty times. An examination of the journals of congress for the years subsequent to March 4, 1889, shows that the number of resolutions proposing this change is unprecedented. The house of representatives of the fifty-second and fifty-third congresses passed by very pronounced majorities a joint resolution to submit such an amendment to the states, but the senate as on previous occasions failed to advance either of these resolutions to a vote. True the defenders of the present system number among their ranks senators of ability and men who are honest and unselfish in their convictions, and it is to these men who are willing to accept the evidence, that we desire to address ourselves. Take from the legislatures the selection of United States senators and inside of six years the personnel of the senate will have changed beyond recognition. The fundamental principle of republican governments is based upon the idea that they "derive their just powers from the consent of the governed." Take from the legislatures the selection of United States senators and you will destroy the most potent power by which corporate influence now holds its sway.

PART II

In the first place the proposed change would end the legislative deadlocks which have caused so much difficulty and been a source of so much grave scandal in the past. It would settle once and for all time the question of equal representation in the senate. Under the constitution each of the several states is entitled to two senators, but under present conditions scarcely a session of congress passes that some one of the sovereign states is not unrepresented by at least one of them; an injustice to the people of the state and a great wrong to the country at large. Of the last eight sessions only one has been entirely free of vacancies of this origin and in the fifty-sixth congress there were four such seats unoccupied. In three recent congresses Delaware has had but one senator while from 1901 to 1903 her voice in the senate was as mute as if she had suddenly ceased to exist, all of which was brought about by the shameful dead-locking of her legislature, produced by the aggressive determination of one rich man to force his way into the upper house of congress. Brazen presumption hardly can be carried further than was indicated in the language used by a politi-

cian the day of the election of Allee and Ball, March 2, 1903. "With Mr. Allee in the senate we will be able to get rid of all traitors in the camp, such as postmasters throughout the state, and fill their places with our own men. We will also get rid of all the bolters and two years from now, in full control of the state I will elect a legislature which will send me to the United States senate." From 1895 to 1906, there were but two congresses in which Delaware was fully represented. During the past eighteen years in fourteen contests in ten different states the body charged with the duty of electing senators proved absolutely powerless to perform its office and four states have undergone the cost and inconvenience of a special session of the legislature for the sole purpose of filling vacancies caused in this way. The legislature of Illinois was deadlocked for five months in an effort to elect a successor to Senator Albert J. Hopkins. The direct primaries system is in vogue in this state and by it the people indirectly choose their senators, but in order to evade the third section of Article I of the Constitution of the United States the legislators actually elect the senators, supposedly guided in their selection by the voice of the people at the primaries. Now Hopkins defeated Ex-Governor Yates by a small plurality at the polls, but many of the legislature have refused to abide by the will of the people and consequently no definite conclusion could be reached. In the meantime the great state of Illinois had to be content with but one representative in the United States senate.

Space forbids us to delve deeply into the shameful regularity with which many of the states have been confronted with this great menace to public policy and for the sake of brevity I shall diagram the deadlock record from 1891 to 1905 showing the date, number of days in deadlock, number of ballots taken, and the name of the senator (if any) finally elected. Thousands upon thousands of dollars have been wasted in this way and many incapable and unfit men have been chosen as eleventh hour compromises.

If the question were to be asked, "Do we need state legislatures?" our opponents would in all probability tell us that we undoubtedly do. And why do we need them? Experience has shown us that we need them primarily to elect senators and only secondarily to attend to the affairs of the respective states. Surely this was not the intention of our constitutional fathers. In many of our states it has become a notorious fact that the legislatures are rendered less fit instruments for their important law making, financial and administrative duties by reason of the fact that in at least two out of every three of their biennial sessions they must subordinate all their business to the struggle for the choice of United States senators.

That a candidate should be elected on account of his national party badge alone and not on account of his fitness and probity is of course destructive to the idea that a public office is a public trust derived from the people and answerable to the people. Have we not here the germ of most of our civic corruption? The very existence of the machine and the boss is involved in keeping up this vicious confusion of things and in hindering the subservient partisan from voting on the real local (state or municipal) issue, or upon the character of the candidate. The voter's paramount concern is the success of the national party. So long as this state of things continues, it seems hopeless to look for any such purification of our political life as will tempt men of refinement, honor, training and public spirit to seek a statesman's career. The federal senate, which should be the assured goal of men competent to govern and a model of legislative dignity, capacity and behavior, can not be expected to fulfill these functions while the state legislatures remain vulgar, petty and sordid; and the state legislatures in their turn can not avoid these vices so long as their excuse for being is primarily to elect senators and only secondarily to attend to the affairs of their respective commonwealths. The two seats in the senate for each state have come to be the most highly coveted prizes in American public life, and since legislatures have to choose the senators, the would-be senators make it their business to choose the legislatures. To one who is unaware of existing conditions in the various states this last statement may seem impossible, but allow me to cite just one example which conclusively proves how easily this can be done. Take the state of Rhode Island, where senators are elected by the state senate and the state house of representatives in accordance with the federal constitution. The

senate is composed of thirty-eight members together with the lieutenant governor, who is chosen by the entire state. Each of the thirty-eight members represents one town or city in the senate. Each town and city is entitled to one state senator regardless of population or wealth, and as a result of this unjust and more or less ridiculous regulation twenty of the present state senators (a majority of the entire senate) were elected last fall by less than ten per cent of the total vote cast for state senators. The town of West Greenwich, with 110 votes, is entitled to the same representation as the city of Providence, with over 30,000 votes. In the house of representatives, while the disproportion is not so great, it is still greater than it should be. Twenty-five per cent of the voters of the state elect a majority of the seventy-two representatives in the lower house. You can readily see that all a United States senator from Rhode Island needs to regard is ten per cent of the voters of the state so far as the state senate is concerned and twenty-five per cent, so far as the house of representatives is concerned. Now do you see the reason why the senators of Rhode Island do not want popular election of United States senators and why they can afford to go on and do as they see fit regardless of what their constituents or the people of the country think or feel? And who are their constituents? Are they the great mass of people of Rhode Island? I need only refer you to the afore-given statistics and you may judge for yourself. No system should be capable of such terrible and far-reaching abuses.

And now another strong argument against the present system is that it leads to the corruption of legislatures and to the selection of men whose only claim to office is their great wealth or their subserviency to corporate interests. On the other hand it is maintained that the proposed change would lead to the choice of deserving men reflecting more truly the sentiment of the people.

James Bryce, England's learned ambassador to the United States, writing of the United States senate in his American commonwealth, very aptly remarks: "Some are senators because they are rich and others are rich because they are senators."

The United States senate of today has been likened unto the Roman senate of old. Rome at the zenith of her power boasted of the learning of her senators, which has been handed down to posterity and forms today the master work of the Latin tongue. But her senate became the goal of those who bought their seats with their gold, thus driving out the men whose brilliancy shone in brains alone; their laws began to decline; the people lost their virility; they lost their manhood and they lost Rome. "Money is forever the same. Its one inherent quality in the social universe is cohesion. Its power wherever exercised is proportionate to its mass. Separated from the individuality of its owner it becomes a menace to the body politic, the destroyer of social equality, the creator of caste. Tyranny flourishes where money rules."

Whatever grounds there may have been for the criticism of Randolph on the follies of democracy, it is certain that many of the evils of the present day may properly be ascribed to the reckless selfishness of aggregated wealth.

The immortal Lincoln, with keen insight, foresaw the future of the United States senate when he prophetically admonished his countrymen to "beware of the money power which seeks to perpetuate its reign until the wealth of the country has passed into the hands of the few and the nation is lost."

Far be it from us to condemn a United States senator simply because he happens to be worth millions, if with these millions he can couple true worth and a degree of fitness in keeping with his position; but an alarming number of these senators have, of late gone into the upper house as men of moderate means and *mirabile dictu*, in a suspiciously few years have amassed immense fortunes and all on a salary of \$7,500 per annum. How can this be possible? Something is vitally wrong and the scandals brought to light during the recent presidential campaign seem to lend great weight to the logical conclusion. It is a sad state of affairs when many of these individuals or groups of individuals have come to be familiarly known as the "oil senators," "steel senators" or the "railroad senators," significant of the different corporations, trusts and monopolies whose interests they illegitimately represent in the halls of congress.

When we recollect that in the senate of the fifty-eighth congress at least one out of every ten members, had been put on trial before the courts or subjected to legislative investigation