To J. C. Spooner
Apl. 29th 1890

I have received and examined carefully ~~your~~ the Senate Bill in amendment of Election laws, which you were so kind as to send. I was already familiar with the bills on which it is based.

It is a good law for New York and other great cities, but of little value at the South.

Supervision is feasible at the North where espionage is customary and state rights little thought of.

Has the government any right to require 100 men in each District of the South to take upon themselves the odium and danger of petitioning for this supervision as the sole condition on which it will protect their rights, or even attempt to do so?

How many Republican Senators, if they were poor men and lived at the South would dare sign such a petition and act as supervisor at the polls? Of course, I know you are all very brave men; ~~so am~~ ~~I~~ probably not one of you would actually refuse to do so; but dont you think most of them would have business away from home about that time? ~~You say I did not flinch from such danger. It is true, but~~ Perhaps

not, but there are not many districts of the South in which 100 men can be found to sign such a petition and 100 more to act as Supervisors, because there are not in that region as large a proportion of men ready to risk so much for what the Government is in honor bound to secure them without it, and which after all amounts to so little?

You see the word will go out that men who do these things will be short-lived and men who vote the Republican ticket in that region know that the Democracy keep their word in such ~~things~~ matters.

It might be well-enough for the wet-nurses of that delusive phantom a White Republican Party at the South — that is "a party in favor of protection but opposed to the Negro." I quote the definition from the ~~word~~ month of the chairman of such a Republican Club. This party would be a most excellent organization to assist in ~~distributing~~ the distribution of the Federal offices at the South and the surplus of the National Committee — and for nothing else. Four out of every ~~fo~~ five of the Republican voters at the South, ~~[illegible]~~ are colored and will be until the equal right of the colored man is secured and conceded. Then they will divide. This bill will make

it a moral necessity for the Democrats to kill 100 or 200 niggers to prevent its being ~~put into~~ carried ~~out~~ into effect at the South this Fall. They are only "niggers" however, and will probably regard this as an essential concomitant of the "protection" they have so long been promised by the Republican Party! Put yourself in their place, Senator, and see if you ~~can~~ could then find words in the prayer-book to express your ~~fel~~ feelings in regard to such a measure!

In my opinion the result of such a bill would be its universal application at the North. The Republicans would petition for it in the cities and the Democrats in the country. Kansas would have it in every district; Mississippi, possibly in one; Georgia, Alabama and South Carolina in none. As a natural consequence the Republican party would be guyed out of all endurance for having stuffed a club to beat out its own brains. You would half-die of vexa-

tion to see Wisconsin infested with supervisors and know that Alabama was free of them!

To my mind the bill is unequal, unjust evasive, insufficient, ~~[illegible]~~ irritating and unmanly. It is an attempt to do something it does not profess to do and if our Reconstructionary experience teaches anything, it is that such attempts at indirect control by a mixed jurisdiction are, as they really deserve to be, in ~~the main~~ most cases, absolute failures. My word for it, this will be not only unprofitable but discreditable to the party.

There is no way to ~~accomplish~~ secure a free ballot, ~~but to~~ in those states but by exercising the full constitutional power of congress and making one uniform national election law ~~f~~ by which alone Representatives may be chosen. I speak upon this subject with the positiveness of an expert who has studied the matter with more care, and ~~as~~ for a longer time than ~~as~~ any

any other man and
with equal adaptedness and rarely equaled opportunity.
I have studied it as an officer of elections, as a
candidate, as a lawyer, as a Judge, as ~~ad=~~ counsel
~~visor~~ of a supervisor of elections, as special coun=
sel for the Government in the prosecution of
election frauds, as a resident of the South for
fifteen years as a member of a State Repub=
lican committee, as a persistent personal
investigator of later conditions in every
Southern state — in short, ~~as a man who~~ I have
has given to the various branches of this sub=
ject the same studious and prolonged
attention that a specialist gives to the branch
of his profession he has selected ~~as a special~~ as his field of labor
~~field~~. ~~As a lawyer and an observer of con=~~
~~ditions, I believe I have therefore that measure of~~
~~capacity which entitles my deliberate judg=~~
~~ment upon this question to peculiar weight~~
~~with the representatives of that party whose~~
~~success~~ I desire and which I believe
may be ~~surely~~ most certainly advanced ~~secured~~ by a meas=
ure of this kind. ~~Beyond the good of the country and of~~
~~the party, I have~~.

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I do not mean to ~~arrogate a~~ say that my views are necessarily correct. I do not doubt that many of the Senators are greatly my superiors in ability. What I mean to claim is simply that I have made a study of the conditions to which the bill must apply by ~~fifteen years residence~~ long residence and exposure, ~~among~~ that I am a close and careful observer, ~~that no Republican Senator has~~ and not without special opportunity and preparation as a lawyer and legislator. No Republican Senator has had such opportunity and I know of no man ~~who has had~~ having the inclination to make such a study. The attention they have given to a thousand things, I have largely concentrated upon this. I have no personal bias in the matter and can derive no individual advantage from the result.

The attitude of the Southern Senators upon the bill, as announced by Mr. Pugh is one of great sagacity, having the effect at the same time to divert attention from the measure they really fear as dangerous to the Solid South and fix attention on the really ~~small~~ weak points of the bill itself. They know it is easy enough to make it inoperative at the South: what they are anxious to do is to make it odious at the North by insisting on its inequality interference with state officials, espionage &c. It seems to me it would be good policy to let them blow off on this a little and then let them have the other — slap between the eyes.

We must remember that

~~Remember~~, the Republican Party has a tremendous load of ineffective legislation of this sort to carry already — ~~special and sometimes sectional~~, ~~much of which has failed from lack of study~~ — ~~and it cannot afford to of the conditions it was intended to apply to~~ — and it cannot afford to add such a dangerous dead-fall as the Senate Bill. Such legislation has become onerous to the party, not because it was in extension and protection of individual rights but because it failed to do "what it professed."

But, you say, is not a general electoral law subject to greater ~~dr~~ ~~risks~~ objection than this bill?"

I answer with confidence that it is not for the following reasons:

1 — It is universal, fair and equal, and for that reason will commend respect.

2 — ~~Here~~ It enables Congress to ~~take control of the~~ extend the protection of the U.S. courts to (1) The voter (2) The Candidate (3) The public meeting. It means free speech as well as a free ballot

3 — Its constitutionality rests on exactly the same grounds as the Senate Bill and the power of enforcement is much more complete. It is this power of enforcement and difficulty of evasion which is of the greatest importance ~~where~~, as in this case, there is a ~~[illegible]~~ [illegible] pose to evade or defy.

4 — It would be popular in the North as leaving the Southern States to manage their own affairs, and vitiating the old complaint about interference in their affairs.

5 — It would be difficult to evade or nullify at the South because

it would be the only way into Congress.
The law would have to be observed in form at least, or there would be no representations, and if observed in form it will be difficult to avoid its spirit.

6 – Men who would not undertake supervision or control of the state officials, would be able and willing to conduct a fair election under national law.

I have no doubt that if the National Government had adopted such a system of electing Representatives in 1868, that the intimidation, murder and subsequent nullification of national law at the South would never have occurred. Example is better than compulsion in dealing with such a people. Let the Republican party fulfill its pledges without evasion and the result will not only be unobjectionable to the North but practically subversive of southern injustice. Give the Negro a free ballot in congressional elections and he will soon be allowed fair play in state matters.

7 – It is the strongest card the party can play at the North this Fall, because

1 – The anxiety and uneasiness over the "Southern problem" demands something that will plainly be understood to be decisive.

2 – The cost will be no serious objection, especially if some

form of the "Australian system" is adopted. In fact, this will greatly add to our strength, as there is little short of a mania for it throughout the north.

Some of the provisions of the Senate Bill, as that providing for a house to house canvass ~~of~~ after the ~~X~~ registration is concluded, are admirable and ought to be attached to the elections bill but restricted to cities. If generally applied the cost would be excessive.

~~If applied to the whole country, there is not much difference in the cost of the system elaborated in the Hans "Kelley Bill", H.R. 8,286, and Senate Bill. 3,652.~~

For the reasons given, and others which I will not weary you ~~there is not space~~ to elaborate, I am clearly of the opinion:

1 – That a general uniform system ~~of~~ for the election of Representatives under Federal laws would healthful, satisfactory efficient and practicable.

2 – That the proposed extension of the Supervisor's Act would be irritating, ineffective, likely to provoke bloodshed, unsatisfactory to Northern Republicans, practically useless to Southern voters and a fatal avoidance of solemn and repeated pledges

of the Republican party.

~~Sincerely Yours~~

I do not wish to seem captious about the matter, but I think it would be nothing short of a National calamity for us to lose the Elections this Fall and with such a law as the Senate bill provides or without one uniform in its provisions and providing for ~~national elec=~~ the election of ~~National~~ Representatives under National laws, I have no sort of doubt of ~~it~~ that such will be the result.

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no sort of doubt that a federal election
law would have been about the first
act of the Republican majority. Nay, there
is reason to believe that if the Colored
Republicans were eliminated from the problem
and the white Republican voters of ~~the~~
three ~~four~~ Southern states were
as openly and shamelessly robbed of a
voice in national affairs as the whole
country are, that the press of the North
would not care to clamor until
a law ~~giving them~~ putting the election of
Congressmen under federal control was
~~was~~ placed on the statute books.

× × ×

But this apathy will rapidly disappear when
the Republican party comes to realize the
very solemn and important fact that
its supremacy in the House of Representatives
and ~~thus for the election~~ of a Republican

Spooner
Hour
Hiscock
~~Tuller~~
Wodcott -
Allison -

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