

Mayville N. Y.  
April 30.. 1890.

Hon. H. C. Lodge -

Dear Sir:

Seeing from the press reports that there is a tendency to push for a Supervisor's law instead of an election law, allow me to say that such a law would be a great mistake for the following reasons.

1 - The Supervisor's law, no matter how it may be phrased or worded, cannot be enforced at the south.

2 - A mixed jurisdiction - that is a state election board supervised by Federal officials will be a source of constant irritation and conflict between state and national officials.

3 - If adopted there should be a provision in the same act for a pension to the wounded and disabled supervisors their wives and children. Unless

this is done, it will be impossible to get more in half the precincts of the South to risk their lives in the performance of such duty. Even then it is not probable a sufficient number could be obtained unless the bill contains also <sup>sanctions</sup> provisions for a draft. I do not mean to reflect on the courage of Republicans of the House, but I do not believe ten men could be found among them who would volunteer to act as Supervisors at a country precinct in South Carolina or Georgia, or Alabama or Mississippi. It is one thing to talk about it in the House and another thing to go out <sup>in the field</sup> and do it. I have never been accused of any lack of courage but I frankly admit that I would not do it, unless I desired to find an honorable end for an ill-spent life.

4 - I do not think the Republicans in Congress have the right to

pass a bill that will reasonably and probably cause the killing of five hundred or a thousand Republicans this Fall in the South merely to avoid a little inconvenience in the North.

5 - The party has promised protection to the citizen at the South. Protection to the Ballot is nothing unless the voter, the public meeting and the Candidate are also protected. Give the <sup>United States</sup> ~~State~~ Courts authority <sup>in this direction</sup> and the South can be made just as peaceful as Massachusetts - so far as an election is concerned.

6 - The election law can be enforced with comparatively little trouble <sup>and</sup> with no risk of failure, and because it would be the only way into Congress. Make the law uniform and necessity ~~and~~ itself

would make it constitutional if there were no other ground for adjudging it to be so.

Just think of the position a movement. Suppose a bill adopted containing sections 1, 2, 3, 4, 5, 6, 7 and sec. 44, 45, 48, 49, 50 and 51 of the Kelley Bill be adopted and what is the result? A House of Representatives could only be elected under this law. Every member would be tainted with the same disability and to declare it unconstitutional would be to disband and destroy the government — to declare that there was and could be no House of Representatives — for the House once eliminated there could be no constitutional method of restoring it. Of course, this is an extreme view but a correct one.

So far as the question of

~~decides the question of~~ however,  
(constitutionality goes, the election  
law stands on the same basis  
as supervision. What the Federal  
Government has a right to regulate  
it has the right, ex vi terminis, to do.

6. - A man's life would be fairly  
safe acting as an Election Offi-  
cer which would not be worth  
a pin's fee in the Supervisor's place.

The fact that the Supervisor's  
law has done well in New York  
no more argues that it could  
be made to operate in the South  
than the fact that any rod and  
reel in the corner yards are  
peculiarly effective in killing  
trout goes to sustain the view  
that they would be equally ef-  
fective in taking grizzly bears.

The conditions are not at all similar.

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I suppose I should feel the humiliation of failure on the part of the Republican Party, in this matter more than any other man in the country. For many years the greater portion of my time has been given to the personal investigation of this question. I have probably given months to its consideration where every Republican Member of Congress has given days.

Another failure in Republican legislation designed to secure free government at the South would not only be disastrous <sup>to the party</sup>, but deservedly so.

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What is the sense in giving an enemy a chance to

fuss and fight and swirl  
and swirl about inter-  
ference with state affairs and  
state rights when you have  
the power and the right to  
shut his wind off at once  
and compel compliance?

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The election law will com-  
pell after a little fair <sup>state</sup> elections  
in the states. If such a law  
had been passed in 1868, there  
would never have been  
any Kuleba Revolution!

The success of that depended  
on the cutting off of Repre-  
sentatives, quite as much as the control  
of state affairs. ==

They have had laws enough  
for the ~~benefit~~ <sup>amendment</sup> of Southern con-  
ditions to make it <sup>a</sup> Paradise  
if a more statutory action  
were enough. The trouble is  
that only one of them has been  
worth a fig because they were  
drawn up without regard to ac-  
tual conditions. The Kellogg Bill  
was drawn by a man who had  
studied Kellogg Methods and was  
thoroughly discussed by a gathering  
of Republican lawyers every one of  
whom was in too daily peril be-  
fore it was submitted to Congress.

It held water. The only trouble  
was it came four years later  
than it should have come.

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The Congress has a right to hold the election.

It has a right to protect the officers of election because they are necessary to the election.

It has the right to prescribe and protect the ballot because it is necessary to the election.

It has a right to protect the voter at the polls because unless protected the election is a farce.

It has the right to protect the voter from fraud or intimidation because a free ballot is the prime requisite.

It has a right to protect the candidate because an election with a mangled candidate is a farce.

It has a right to protect the  
public meeting because dis-  
cussion is the ~~only~~ method  
by which the voter arrives at  
a conclusion as to the  
candidate he will sup-  
port.

What the Congress has a right  
to do in these premises, it is  
the duty of the Republican Party  
to see that it does.

The fact that the pledge  
of the Republican Party to  
give free and fair elections  
~~is made~~ in the South is nearly  
twenty years old and

has never been redeemed,  
does not relieve it from  
responsibility.

There is no statute of limita-  
tion to bar such pledges.

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It was said of Martin van Bu-  
ren and an antislavery thunder-  
bolt of that day, that if both  
were set at the task of killing  
a rattlesnake known to be in  
a wheat field, that Bonaparte  
would trample down every stalk  
of wheat and perhaps kill the  
snake if he did not scare him  
out and let him get away.  
But at all events his course  
would be a very impressive  
one. On the contrary, <sup>Mr.</sup> van Bu-  
ren, it was said, would not

care for an audience and would  
not make a very <sup>while engaged in the work,</sup> showy figure,  
but he would be certain to eat  
<sup>eyes</sup> the snake without trampling  
down the wheat.

This is precisely the difference  
between these two methods. The  
supervisor system <sup>and force</sup> makes a great  
show of purpose. It <sup>takes up its coat</sup> rolls up its  
sleeves, spits on its hands, shakes its  
fists, brandishes a big club, curses,  
howls and wallows down a deal  
of wheat. The election bill makes  
no fuss, utters no threats, provokes  
no row, calls no hard names.  
It simply kills the Snake!

As to the Australian feature  
I do not care so very much.  
I think it would give us  
20,000 votes in New York and  
be generally very popular at  
the North.

If well guarded it would  
be almost invaluable to the illiter-  
ate voters of the South; <sup>also</sup> ~~South~~  
It is not  
essential however, though the  
statute might to <sup>the</sup> prescribe the  
form and character of the ballot  
but and not rely upon the  
state law for it. That  
would be very dangerous.

The provisions for a  
cypress election to be taken  
and perpetuated to be  
embraced in  
section 43, of the Kelley Bill,  
I deem of the utmost im-  
portance at the South.

Its value was well illustra-  
ted in Mr. Waddell's contest  
during the present session. This  
provision simply recognizes  
and regulates such action as  
he took of his own motion.

I trust that out of the con-  
flict of opinion we may  
get an election law like

serviceable to the country  
and creditable to the party.

If we do so the mistakes  
of the Reconstruction epoch will  
have been half-retained.  
If not, they will only have been  
emphasized by fresh folly.

Sincerely Yours

As always you are at liberty to use  
this in any manner you see  
fit to secure the results <sup>which</sup> I am  
sure every Republican desires  
to have achieved.

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