

SAFEGUARDS OF THE SUFFRAGE.



HERE is much discussion in these days about safeguards of the ballot. It is all timely and urgent; but, after all, is there not a previous question? Is it not the suffrage that first needs to be guarded? How we shall vote is well worth thinking about; but first let us determine who shall vote.

It will not do to say that this question is already settled. How is it settled? Not by the Constitution of the United States, for that does not define the qualification of voters. Not by the constitutions of the several States, for they differ in their provisions with respect to the franchise. Not by the general consent, for the opinions and wishes of citizens are by no means unanimous. The question is open, and it is well that it is, for the future welfare of the country greatly depends on the answer that will be made within this generation. It is a double question: it looks towards action by the Federal government and by the State governments. Doubtless the work of reform should begin at Washington, in sharper restrictions upon naturalization; but it could only be completed by the coöperation of the legislatures of the several States.

Every intelligent person knows that the first condition of popular government is education. The citizen must be trained for citizenship. "Educate your masters," said Robert Lowe to Parliament, when the electoral reform bill had enfranchised a million of men. The people who are called to rule must know how to rule, and they must have such discipline in the first principles of social and political obligations that they shall be disposed to rule righteously. We have always understood this doctrine, so far as it applies to native citizenship. We have taken the greatest pains to provide such education for our children. Our theory has been that the boys who receive in our public schools the elements of knowledge and who are taught something about the history and the institutions of their own country will be able, by the use of the faculties thus trained, to vote intelligently by the time that they reach their majority. We know that without as much training as this native citizens could not perform their political duties. Yet, strangely enough, we have admitted to the highest privileges of citizenship men by the million, born in other lands, who know

little or nothing about the Constitution of the country or its laws.

That the great majority of these immigrants are deplorably ignorant is not to be questioned. Whatever may have been the case with the immigration of former years, it is clear that the people who are coming to us now are not the *élite* of the European working-class, but the lower grades of the peasantry and the refuse of the trades. Of course there are many exceptions, but this is the rule. Optimists have been assuming that we were taking our pick of the toilers of the Old World; but that comfortable delusion will be dispelled by a study of the steerages and an investigation of the returns of the commissioners of emigration. The skilled laborers that come from other countries are very few. A recent careful analysis of the occupation of immigrants thus concludes: "The great bulk of our immigration consists of the people who can find no place in their own country. This immense preponderance of the classes whose wages in Europe are the lowest and whose lack of acquired skill makes their securing of employment most difficult shows that we are getting the Europeans who can't get a foothold in their own country—we are getting what is left over after all the places in Europe are filled."¹ The notion that such people, with no knowledge of our language, are fit to vote after they have lived five years in this country is sufficiently absurd. And it is evident that the infusion of all this ignorance into our voting population greatly lowers the average of intelligence.

The introduction of several millions of lately emancipated slaves into the full privileges of citizenship has let the average of intelligence down still lower. Counting in all these millions of ignorant immigrants, and all these millions of ignorant negroes, with our native white reserves of illiteracy North and South, and then striking the average, would not the unprejudiced political philosopher be compelled to say that the average American citizen of the year of grace 1888 is not properly qualified for citizenship; that he is not a proper person to exercise the suffrage; that the ballot, in the hands of such a person, is a dangerous weapon, with which he is liable to do himself and the country a great deal of harm?

It is true that a large share of these ignorant voters—the blacks of the South—are prevented from doing the state much harm, since

¹ "Quarterly Journal of Economics," Vol. II., p. 228.

they are by one means or another prevailed upon to forego their political privileges. The measures that are taken for the suppression of the colored vote are sometimes justified on the ground of political necessity. If the whole illiterate vote of the South, white as well as black, were thus suppressed the excuse would be more plausible; but even then the question would arise as to what must be the effect upon the ruling class at the South of the practice of these methods of coercion. Is not this class, by the habitual resort to violence and fraud, gradually learning to despise the first principles of free government? Yet this is one of the natural consequences of extending the suffrage to people who are unfit to vote. That much mischief was done when the negroes voted is unquestionable; that the forcible suppression of their vote works injury, if not to the negroes themselves, yet certainly to those who practice it, and to the whole nation, is quite as clear. An ignorant suffrage will always prove to be subversive of republican government in one way or another, for it is the contradiction of the fundamental postulate of republican government. The most hopeful symptoms of recent politics is the proposition of an educational test for the suffrage, now strongly advocated by influential Southern journals. If that measure can be honestly carried into effect in the South, the worst political evils of that region will be corrected.

Unless this diagnosis is wholly at fault, we find ourselves between these oceans with sixty millions of people, widely scattered, far from homogeneous; with an enormous development of material wealth; with social classes rapidly forming and tending to jealousy and variance; and with powerful influences already at work to debauch our voters, to corrupt our representatives, and to cripple our laws. To cope with the difficulties that must inevitably spring from such a condition of things, those who exercise the power, the voting population, ought to possess a high degree of intelligence and virtue. But the average of intelligence and virtue has been greatly debased by the adulterations I have described. Is it not a question whether our voting population, as at present constituted, is fit to cope with the enormous task thrust upon it — the task of governing this country? For my own part, I must confess my fears that unless some important change is made in the constitution of our voting population the breaking strain upon our political system will come within half a century. Is it not evident that our present tendencies are in the wrong direction? The rapidly increasing use of money in election for the undisguised purchase of votes, and the growing disposition to tamper with the ballot-box and the tally-sheet, are some of the

symptoms. We think that the falsification of returns is a grievous crime, and it is; but it is the natural outcome of bribery. Do you think that you will convince the average election officer that it is a great crime to cheat in the return of votes when he knows that a good share of these votes have been purchased with money? No; the machinery of the elections will not be kept free from fraud while the atmosphere about the polls reeks with bribery. "The system will all go down together; in a constituency which can be bribed all the forms of law will tend swiftly to decay.

If no improvement should take place in the rank and file of the voters this Government, in its present form, would not long endure. But there is abundant room for such improvement. Doubtless some of our citizens abide in a serene optimism in which they see no need of any reform. After a hotly contested election the shouters of the victorious party are apt to feel that the country is entirely safe. Yet sober men, even among the victors, may find reason for solicitude when they reflect upon the methods and the combinations by which the victory has been won. The fact that the same methods, or even worse ones, may have been employed on the other side will not lessen their anxiety. The need that something should be done to raise our politics out of this mire is obvious enough. And all good Americans, unless they are so infatuated as to believe that nothing needs to be done, expect and believe that something will be done. They do not purpose to stand still and see their Government swamped by its overload of ignorance and barbarism. They are casting about them for remedies, and the remedies proposed are many.

First. By some a restriction of the suffrage is proposed. The franchise ought, they say, to be taken away from many of those ignorant persons who now possess it. Doubtless it ought to be; but the question is, how can it be? Political concessions of this sort cannot easily be retracted. When you have once uncorked your genie you find it hard to get him back into his demijohn. It was sheer fatuity, no doubt, to bestow the suffrage on these millions who cannot read their ballots, and who are morally sure to be the prey of demagogues. But what is given cannot easily be recalled.

"Might not the naturalization laws be so amended," it may be asked, "that the evil should not be perpetuated?" Doubtless they might be, and must be. Every consideration of patriotism, every instinct of self-preservation, should lead us to give prompt and diligent attention to this matter. It is no hardship to those who are already voting; it is only justice and kindness to them to protect the suffrage from any further debasement. We must see to

it that those who are henceforth intrusted with the franchise are reasonably fit to exercise it.

It is not clear that the end desired would be most surely reached by greatly extending the term of residence previous to naturalization. That would be an arbitrary rule, and would unreasonably exclude from political life many who are well qualified to vote when they first land upon these shores. But it would be well to provide that no final naturalization papers should be issued between the 1st of July and the election day in any presidential year; that would discourage the running of the naturalization mill for election purposes. And the law should also require that the intelligence and preparation for citizenship of the person applying should be thoroughly tested by examination. The man who seeks to be invested with the functions of sovereignty in this country should be required to show that he has some knowledge of what citizenship means. He should be able to read the Constitution of the United States, and to read it in the English language. English is the language of this country, and the man who cannot use it cannot obtain the intelligence requisite for citizenship. American ideas are best obtained from Americans; and he who cannot freely communicate with Americans is not likely to secure a satisfactory knowledge of our institutions, or to cultivate a genuine sympathy with our national aims. Thus far our policy seems to have been to encourage the perpetuation upon this soil of separate nationalities. That policy cannot be too speedily reversed.

The candidate for naturalization should also be required to make oath that he has not during his residence in this country, or during the five years previous to his application, been convicted in our courts of any crime or misdemeanor, and that he has not received during that time, as a pauper or dependent, any public aid from the overseers of the poor or from the State or municipal authorities. A man who cannot keep out of the police court and the poor-house during his period of probation for citizenship may as well wait a little before he undertakes to exercise the functions of a ruler.

By the enforcement of some such simple methods we might sift the European contingent, admitting to full citizenship those who give some evidence of being fitted for its responsibilities and excluding the rest. It is difficult to see how any intelligent citizen, native born or foreign born, could object to the erection of these safeguards around the suffrage. If we do not propose to take away the

franchise from those who now possess it, but only to make sure that those upon whom it is hereafter bestowed shall be persons qualified for its exercise, we do not interfere with the interest of any class of voters, but only seek to secure the rights of all.

That the average politician will object is a matter of course. He objects to everything that tends to preserve the purity of elections. His methods are corrupt, and it is his interest to maintain a corruptible constituency. Unfortunately the political managers have had quite too much to do with the creation of public opinion. In studying this question, and every other one, for that matter, it will be well to turn a deaf ear to everything they have to say. The man whose business is simply carrying elections is not the man to whom we should go for counsel upon questions of this nature.¹

Second. But improvements of this kind in our naturalization laws, necessary as they are, would not be sufficient for the purification of the suffrage. We must sharply limit the bestowment of it upon natives as well as upon foreigners. And although we may not be able to take it away—except for reasons which will presently be discussed—from those who now possess it, we ought to take care that hereafter it is not extended to any man, native or foreigner, who is manifestly incapable of using it.

The popular reply to this suggestion will be that suffrage is a natural right which can be justly withheld from no man. But this is a popular superstition. Suffrage is not a natural right—our own laws and the laws of every free country being witnesses. Natural rights are not subject to restriction and limitation. The suffrage is always restricted, and many of these restrictions never raise a suggestion of injustice. Saying nothing about the fact that only the male half of the population is permitted to vote—since the justice of this limitation is questioned—we have this other fact, that out of the 25,518,849 males in the United States at the last census, only 12,830,349 could by our laws be intrusted with the franchise. The other twelve and a half millions of males were absolutely forbidden to vote because they were not twenty-one years of age. Nobody doubts that this is rightfully and wisely done. Nobody imagines that any man's natural rights are infringed by this provision. If the suffrage were a natural right it could not be rightfully denied to male citizens under twenty-one years of age. The right to life, the right to hold property, the right to the peaceable enjoyment of one's own powers and possessions, these are natural rights, and these the state maintains

¹ One of the anomalies that need correction is the practical repudiation of the naturalization laws by several of the States. In Indiana, in Wisconsin, and in

Michigan, aliens are intrusted with the suffrage: a man who is not a citizen of the United States may help by his vote to elect the President of the United States.

and defends for every one of its citizens without distinction of age or sex or race—for the infant of days as jealously as for the man of mature years. All states in which the suffrage is exercised limit the possession of it to those of a certain age: in Germany and Italy twenty-five is the voting age; in our own country twenty-one. And the plain reason of this limitation is the belief that it cannot be wisely used by the average citizen under that age. Many youths under twenty-one could vote intelligently; many more would not. The state must have a general rule, easy of application, and this is confessedly a good general rule. But the principle on which it rests defines the suffrage, not as a right, but as a privilege or power conferred by the state, for the service of the state. It ought therefore to be given to those only who can be trusted to serve the state; and the state is bound to withhold it from those individuals or those classes that would be likely to use it for the injury of the state.

The educational value of the suffrage is sometimes insisted on. It is claimed that citizens are educated by voting, and that the suffrage ought therefore to be bestowed, for educational purposes, upon all citizens of proper age. That citizens of a certain grade of intelligence and virtue are educated by the use of the franchise I admit. When a man endeavors to vote intelligently and conscientiously the suffrage is to him a means of culture. But he who uses it as a weapon of selfishness is not elevated but degraded by the use of it. The "ten thousand floaters" of Indiana, who, in the last election, were corralled and conducted to the polls in "blocks of five" by persons well furnished with election funds were not educated, in any useful sense of the word, by the suffrage. To a very large class of voters the suffrage is a personal injury. They themselves are corrupted by the use of it; their possession of it breeds corruption and bribery in the community. And whatever may be said of the educational value of the suffrage to certain classes of voters it is clear that this is not the main reason for which it is given. It is given for the service of the state; and the paramount question in the bestowment of it is whether the persons receiving it are likely to use it to promote the public welfare. Those classes of whom this cannot be expected ought not to be intrusted with it.

Now it is safe to say that a young man who has grown up in this country and has not learned to read and write before he is twenty-one years old is not likely to use this power wisely. The chances are a hundred to one that such a young man will use the suffrage carelessly if not mischievously. It is recklessness and madness to commit the difficult and

delicate work of governing the state to such hands as his.

On all these questions of political right John Stuart Mill was a pretty thoroughgoing radical. He believed, as everybody knows, in woman suffrage, and he was utterly opposed to class distinctions and property qualifications for the suffrage; but upon the point which we are now considering he expressed himself as follows:

I regard it as wholly inadmissible that any person should participate in the suffrage without being able to read and write, and, I will add, perform the common operations of arithmetic. Justice demands, even when the suffrage does not depend on it, that the means of attaining these elementary acquirements should be within the reach of all, either gratuitously or at an expense not exceeding what the poorest who can earn their own living can afford. If this were really the case, people would no more think of giving the suffrage to a man who could not read than of giving it to a child who cannot speak; and it would not be society that would exclude him, but his own laziness. . . . No one but those in whom an *a priori* theory has silenced common sense will maintain that power over others, over the whole community, should be imparted to people who have not acquired the commonest and most essential requisites for taking care of themselves, for pursuing intelligently their own interests and those of the persons most nearly allied to them.¹

Mill was a courteous gentleman, and was particularly friendly to the people of the United States; it is to be presumed that he was not altogether familiar with our political customs, or else he would have apologized for describing the people of this country as "those in whom an *a priori* theory has silenced common sense." The description is, however, perfectly accurate and perfectly just. For the people of all but three of the States of this Union have done the very thing that Mill declares no person of common sense would think of doing. Although they have made all the provision that Mill demands for popular education; although most of them offer to every child, without money and without price, the best opportunities for obtaining the elements of knowledge, yet they give to their ignoramuses just as many popular rights as their educated citizens possess, and thus, in effect, say to every boy in the streets and on the farms, "It makes no difference whether you avail yourself of the privileges of the schools or not; you shall have just the same political powers and privileges whether you are a dunce or a sage." The States of this Union, in making this proclamation, put upon their costly schools a slight which is altogether gratuitous. If the schools are, as we always claim, the nurseries of citizenship, then the state ought to honor them

¹ "Considerations on Representative Government," p. 174.

as such, and to punish, by disfranchisement, those who despise the provision that it makes to fit them for citizenship.

Only three of the States, Connecticut, Massachusetts, and Missouri, require their voters to possess ordinary intelligence. The rest of them are plainly under the condemnation of Mill's just dictum. An *a priori* theory it is that has opened the doors of power so wide,—the theory that suffrage is a natural right,—a theory that was borrowed, with much other rubbish, from the romantic philosophers of the eighteenth century. But it cannot be difficult for any one who will listen for a moment to the voice of common sense to perceive that this theory must be unsound. Voting in a republican country is governing. The voters are the rulers. It is evident, as we have seen, that in every state there must be a large number of those who are ruled; over these the voters are the rulers. Shall we say that every man has a natural right to exercise the functions of a ruler? That is the old notion of the divine right of kings in a new and even more questionable shape. No man has a natural right to rule. Only those who possess some measure of intelligence, who have fitted themselves to exercise the functions of the ruler, can be imagined to have any just title to exercise this power.

We talk of choosing our rulers, but the presidents, the governors, the magistrates whom we elect are not our rulers; they are our servants, our representatives; they only exercise the power that we delegate to them. It is not at our elections that we choose our rulers; we choose them when we frame our naturalization laws, and when we adopt those constitutional provisions which define the suffrage. It is a deplorable fact that we have been too careless in the choice of them, and that we have put the power of ruling into the hands of multitudes that are not fit to wield it. In 1880 there were in the United States 1,908,710 males over 21 years of age who could not write—about 15½ per cent. of the whole number of voters. Except in the three States mentioned, these persons are permitted by law to exercise the function of governing their fellow-men. It is a monstrous blunder—one of those blunders that are akin to crime. Nay, is it not a crime, a capital crime against the Government? Does it not strike at the very life of it? Doubtless we cannot, as I have said, deprive any of these illiterates of the power which we have bestowed on them; but we can, if we will, prevent any more of their class from obtaining possession of this power. By means of a system of registration we could easily enforce a law requiring those who hereafter come to their majority to prove themselves qualified,

by the possession of some elementary knowledge, for the exercise of the franchise.

Third. Allusion was made above to certain good and sufficient reasons for which the franchise may be withdrawn from those who now possess it. As a matter of fact the suffrage is now withdrawn, in most of the States, for certain specified causes. Disfranchisement for crime is part of the organic law of nearly every nation in which popular rights are recognized. All the States of the Union but three make disfranchisement the penalty for certain offenses. The laws of the several States treat this matter, however, quite variously. In twenty-four States the voter is disfranchised for bribery; in seventeen, for felony; in sixteen, for infamous crimes; in twelve, for treason; in eleven, for dueling; in ten, for perjury; in seven, for forgery; in seven, for larceny; in seven, for embezzlement of public funds or fraudulent bankruptcy; in six, for "election misdemeanors"; in six, for other high crimes or malfeasance in office; in two, for robbery; in two, for murder. Some of the States specify only a single cause for which the franchise may be withdrawn; others name two or more of those above noted.¹ But the principle is clear that the man who proves himself a malefactor and an enemy of society shall not take part in governing the state. Is it not a sound principle? Would not the denial of it be a political solecism?

The principle has had, however, a very inadequate application. It is not for these high crimes alone that men ought to suffer political disabilities, but for every offense against the criminal laws. For the graver crimes the voter might be permanently dispossessed of his vote; for the lesser offenses, temporarily. *But any misdemeanor that brings a man under the censure of the criminal laws ought to deprive him, for a season at least, of the suffrage.* It is absurd, it is monstrous, it is almost a contradiction in terms, to allow men who are engaged in breaking the laws to take part in making the laws. The state is injured in reality far more by the multitude of the lesser crimes and misdemeanors than by the few great crimes. We are told that certainly four-fifths, perhaps nine-tenths, of all convictions under the criminal law are for what are technically called misdemeanors, as distinguished from felonies. "There can be no doubt," says a careful writer, "that the state suffers more economical injury from the constant attack of misdemeanants—drunkards, brawlers, and thieves—than from the occasional assault of felons."² The host of evil-doers who throng our police courts are the most destructive of the enemies of society.

¹ See an article by Mr. J. F. Colby, in the "Journal of Social Science," Vol. XVII.

² *Ibid.*

Are such persons fit to take part in ruling the state? I protest that they are not. I deny that the men who fail to keep out of the police courts, who expose themselves by their disobedience and disorderly conduct to the penalties of the criminal law, have any right to take part in ruling me. I am wronged and outraged when my rights and liberties are intrusted, in any measure, to the keeping of people of this class. I denounce, as a prostitution of justice and common sense, the investiture of law-breakers with the law-making prerogative. Only recently, in one of our fairest cities, a number of men were taken out of the city prison and conducted by the prison officers to the places of registration, that their names might be entered on the voting-lists. Probably they were men whose terms of confinement might expire before the coming election, and it seems to have been thought a great hardship that they should lose their votes. Whether this was a lawful act on the part of the officers I do not know; if it was, the law permits a shameful thing. The fact that these men were where they were was *prima facie* evidence that they had no business at the registration offices or at the polls. But whether or not our laws permit criminals to be taken from the jails to the registration offices during the weeks just preceding the election, they do, uniformly, permit criminals whose terms of confinement expire on election day to march directly to the polls and resume the powers and functions of rulers.

The *complete* disfranchisement of men who have been guilty of the lesser offenses would not be just or expedient. Such men ought to have space for reformation. The first term of their disfranchisement might well be brief. Conviction for drunkenness or disorderly conduct might exclude from the polls for one year. More serious misdemeanors might entail a longer disfranchisement. And it would be well to give large discretion to the authorities who grant pardons, and who regulate indeterminate sentences, that they may restore the suffrage more speedily to those whose conduct in prison has been exceptionally good. But we should make sure that every conviction under the criminal law work some temporary forfeiture of political privilege. We should make it plain to the duller mind that good conduct is the indispensable condition of the possession of the franchise; that those who wish to take part in making the laws must refrain from violating the laws.

Some offenses should be followed, as now, by perpetual disfranchisement. That all "felonies" should incur this penalty is not at all clear; many of those committed to our prisons for crimes of passion may, under proper care,

be reformed and rendered useful members of the state. That door should by no means be forever closed against them, nor should the opening of it be left to executive clemency. The felon's record, in prison, should determine whether he may, after a space, be restored to full political privileges. But there is one class of crimes for which the laws of many of our States do not entail any political disabilities, which ought to be punished everywhere by the final forfeiture of political power. These are the crimes against the suffrage itself — bribery, both in the briber and the bribed, fraudulent voting, the falsifying of returns, and the like. No man convicted of one of these crimes ought ever to be permitted to vote again. Some of the States, with a moral obtuseness on this point which is positively grotesque, provide that a man caught in attempting a crime of this nature shall lose his vote "in that election"! What a sense of the sacredness of the suffrage the men must have had who could frame into a statute such a grinning jibe as that! The man who strikes with a poisoned dagger at the very heart of the Republic — he shall not be allowed to vote "in that election"! Could the force of anti-climax — and of a *priori* theory — go farther? Such an offender deserves to be banished and forbidden ever again to set foot upon our soil under penalty of death; certainly the lightest punishment that can with justice be meted out to him is perpetual exclusion from the franchise.

Unhappily there are law-breakers who never suffer the penalty of the law, but ply their unlawful callings under the protection of the police. Might not these too be disfranchised? Could not judicial power be given to the board of registration, and might it not be practicable to forbid the board to enter upon the voting-lists the name of any man upon due evidence being furnished that he was habitually violating the law? There are large numbers of persons in many of our communities who could easily be shown to be engaged in unlawful avocations; it is absurd to permit such persons to vote. Even if they are able to secure themselves against molestation by the police, and to avoid punishment through the sympathy or the subornation of jurors, it might be possible, by a rigid registration law, to exclude them from the polls. I do not offer this suggestion with much confidence, because the obvious answer to it is that the courts are the proper places to deal with these law-breakers; and that if we cannot punish them there it is useless to try to deprive them of their political power through the action of our boards of registration. Nevertheless, it is safe to say that the presence of these people at the polls, in force, at every election, is a political anom-

ally of the most aggravated nature; and if our voters valued the elective franchise as highly as they ought, if they had any adequate conception of its sacredness, they would find some way of preventing the men who spend their lives in breaking the laws from performing the functions of government.

As to the exclusion from franchise of those who have been *convicted* of crimes or misdemeanors, that is a perfectly practicable matter. All that is needful is that the clerks of all the criminal courts, including the police courts, be required to keep full lists of all persons convicted, their names, nativities, ages, and places of residence, specifying the charges under which they were convicted and the nature and extent of the sentence pronounced upon them, and that these lists be furnished to the boards of registration. The law should forbid the inscription upon the voting-lists of the names of such criminals and misdemeanors before the time of their disfranchisement has expired, and should make the attempt of such persons to register an offense punishable by imprisonment and perpetual disfranchisement. Such a law would not lack enforcement; for the representatives of each party, watching the registry lists, would take good care that no disfranchised persons of the other party were permitted to register.

The statute should also require the same lists of criminals and misdemeanors to be furnished by the clerks of the criminal courts to the judge of the district courts in which naturalization is effected; and should forbid the bestowment of the franchise, until the expiration of a specified time, upon those foreigners who had thus brought upon themselves the censure of the criminal law.

It is also an open question whether the names of persons receiving aid from the public authorities, as paupers or dependents, should not be reported in the same way, and excluded from the lists of voters. Some worthy persons would thus be debarred from the suffrage, but there is no good law that does not entail some hardship. And it must not be forgotten that the great majority — probably nineteen-twentieths — of those who receive aid from the public almoner are persons who have come to want through vice or laziness, not through misfortune. Worthy poor there are, but not many of them fall into the hands of the overseer. And those who hang upon the city or the county for maintenance are, in the overwhelming majority of cases, persons who are morally certain to sell their votes for liquor or money. They constitute a considerable portion of the bribable voters. It may be regarded as a safe assumption that the man who has come to be dependent as a pauper

upon the state is not a man properly qualified to take part in ruling the state.

This disfranchisement, like that for petty crime, should not be permanent but temporary. The door out of pauperism and its disabilities into full citizenship should be kept wide open; but the distinction between the two conditions should be sharply made. It is not improbable that the effect of such a law would be to restrain from pauperism many of those who now too easily slide down into its quagmire, and then find it hard to extricate themselves.

It must never be forgotten that laws which regulate suffrage must deal with classes, not with individuals. Common sense teaches that persons under twenty-one years of age lack the experience which would qualify them to exercise the suffrage wisely; therefore, as a class, they are debarred. To many intelligent youth this might be regarded as an injustice, but it is a good rule, on the whole, and is maintained without question. Similarly we might find in the class that cannot read and write some persons of fair intelligence, and in the class that has fallen under the censure of the criminal law some who are not evilly disposed, and in the class of paupers and dependents some who would not sell their votes; but these persons would all be highly exceptional individuals, and the rule must be made for the class, not for the exceptions. And the proposition is that the law leave ample room and strong encouragement for these exceptional persons to extricate themselves from the disfranchised classes, and to reinstate themselves in full citizenship.

But if all these criminals and misdemeanors and paupers should be reported, according to this plan, by the clerks of the courts and the overseers of the poor to the boards of registration, and if by law the names of persons thus reported were excluded for a longer or shorter period from the voting-lists, it is certain that we should at once and very materially reduce the number of our corruptible and dangerous voters. It is not easy to estimate this reduction, but the best data I can find indicate that from one-twentieth to one-fifteenth of the voters would thus be placed upon the retired list. A city with 100,000 inhabitants would effect a reduction of perhaps 1500 in its vote. The names thus erased would not include the whole of the purchasable vote, but they would take in a large share of it. The heeler and the briber would find their power vastly circumscribed; the use of money in elections would be materially abridged; the saloon element would find its cohorts weakened and scattered, and the whole political atmosphere would be sensibly cleared.

It may be said that such a penalty as disfranchisement would have no terrors for the

chronic law-breaker; over some of them, however, I believe that it would exert considerable deterrent influence. But that has little to do with the case. Primarily the question is not whether this measure will do them any good, but whether it will prevent them from doing harm to the state.

It may be urged, also, that disfranchisement is a severe penalty for the lesser offenses. Permanent disfranchisement would be; temporary disfranchisement is not. In view of the enormous injury inflicted upon the state by these multitudes of petty criminals and misdemeanants it is no more than equitable that the state should inflict upon them this temporary disability. And the enforcement of some such rule could not but react favorably upon public opinion, greatly raising the popular estimate of the value of citizenship. In that excellent article from which I have before quoted, and to which I am greatly indebted, Mr. Colby says:

The establishment of a moral qualification for the suffrage, besides strengthening the state by practically disabling its domestic enemies, could not fail to enhance the value and dignity of the franchise itself to all law-abiding citizens, and to increase their willingness to discharge their duties as soldiers, as jurymen, and as voters. The bestowal and retention

of the ballot once made dependent upon conduct, its possession will become a badge of respectability, if not of honor, and must soon render the country itself worthier of the sacrifices of its citizens.¹

One of the first duties of patriotism is to rescue the suffrage from the influences that are now corrupting it. But this is not the only duty of patriotism. If we could purge our voting-lists of the ignorant and the vicious, these classes would still be here in the midst of us; and our duty to them would still be urgent, after our duty to the state was done. To leave them in their ignorance and vice is not to be thought of; they must be prepared for citizenship. The task is arduous, but it must not be declined. The intelligence and good-will of our Christian citizens are able not only to hold in check the selfishness and brutality of these illiterate and alien elements, but to do something far better—to transform them, or many of them, into patriotic Americans. This may require some revival of our own patriotism and some diminution of our partisanship, and it may call for an order of heroism and consecration not much below that which we look for in war-time; but these requirements will not be thought too hard by men who rightly value the freedom and the peace of their native land.

¹ "Journal of Social Science," Vol. XVII., p. 98.

Washington Gladden.

MEMORANDA ON THE CIVIL WAR.

A Question of Command at Franklin.

A NOTE FROM GENERAL STANLEY.

THERE appears in THE CENTURY MAGAZINE for August, 1887, an article by Colonel Henry Stone on Hood's campaign in Tennessee in general, and the battle of Franklin in particular, in which there are two errors to which I deem it proper to call attention.

On page 603 of the magazine Colonel Stone states: "Beyond Ruger, reaching from the ravine to the river below, was Kimball's division of the Fourth Corps,—all veterans,—consisting of three brigades, commanded by Generals William Grose and Walter C. Whitaker and Colonel Kirby. *All the troops in the works were ordered to report to General Cox, to whom was assigned the command of the defenses.*" The italics are mine.

Colonel Stone did not view these statements from the standpoint of an officer well informed as to the rights of command. Had he done so he would have seen that General Cox was in reality only the commander of a division of the Twenty-third (Schofield's) Corps, that for the time being he was in command of that corps, that "all the troops in the works" could not have been ordered to report to him without removing me from the command of the Fourth Corps, and that no one will claim that the latter idea was ever thought of by any one.

Colonel Stone personally knew very little about the matter he described, and perhaps is excusable to some extent, as he easily could have been led into making this misstatement by General Cox himself; for the latter, in the book written by him entitled "The March to the Sea: Franklin and Nashville," on page 86 complacently styles himself "commandant upon the line."

HEADQUARTERS ARMY OF THE OHIO,
FRANKLIN, TENN., Nov. 30, 1864.

GENERAL KIMBALL: The Commanding General directs that you report with your command to Brigadier-General J. D. Cox for position on the line to-day. Very respectfully,

J. A. CAMPBELL,
Major and A. A. G.

This so-called order was as informal as a written order well could be, and was simply a direction to General Kimball as to where he could find information as to the place to which he had been assigned.

General Schofield, in a letter to me of September 5, 1887, says in reference to the order: "*My recollection is, and I infer the same from their language, that the orders had reference solely to the posting of the troops on the designated line.*"

If General Schofield had directed General Kimball to report with his command to one of General Schofield's aides-de-camp for position on the line, that