

LOCAL SELF-GOVERNMENT IN THE TERRITORIES.

*Speech Of Hon. William R. Steele,
of Wyoming, in the House of
Representatives, Saturday, July
29, 1876.*

The House having under consideration the bill (H. R. No. 3629) to provide for the election of a territorial governor, secretary, treasurer, auditor, and superintendent of schools in the several Territories of the United States—

Mr. STEELE said:

Mr. Speaker—The Committee on the Territories, of the Forty-fourth Congress, has taken a step in reference to the government of the Territories which will secure for it the gratitude and grateful remembrance of the people of the several Territories, whose interests, so far as national legislation is concerned, are committed to its keeping. That committee has recognized the right of the people of the Territories to a voice in the choice of their own officer, and the duty of Congress to provide by new legislation for giving expression to that voice, and on the 18th day of the present month reported to this House, with a favorable recommendation that it pass, the bill (H. R. No. 3267) to provide for the election of territorial officers in the several Territories of the United States. The bill is as follows—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following officers for each of the several Territories (who shall hold their respective offices for two years and until their successors are elected and qualified) shall hereafter be elected by the qualified voters of each of said Territories: a governor, secretary, territorial treasurer, territorial auditor, and superintendent of schools. The term of office of each of the above-named officers shall commence upon the first Monday in January after their election; and the Tuesday next after the first Monday in November in the year 1876 is established as the day of holding the first election under this act; and the Tuesday next after the first Monday in November of every second year thereafter is established as the day for holding all subsequent elections. All votes for said officers must be by written or printed ballots, and shall be cast and counted and the result declared under such regulations as may be provided by law; but the first election herein provided for shall be held under the laws as they may exist in the several Territories governing the election of Delegates to Congress at the date of said election. But this section shall not apply to Territories hereafter to be formed until Congress by special act shall so decide.

SEC. 2. That the qualifications and duties of such territorial treasurers, auditors, and superintendents of schools shall be declared by the legislative assemblies of the several Territories; but nothing herein contained shall in any manner change or impair the duties, rights, powers, and obligations of the governors and secretaries of the several Territories as they are now, or may hereafter be provided for by act of Congress, except so far as the manner of their selection and their term of office are hereby changed.

SEC. 3. That the President may at any time, for good cause, remove either the governor or secretary of any Territory, and, with the consent of the Senate, appoint a successor to hold his office during the unexpired term of the person removed; and the cause of any such removal shall be communicated by the President to the Senate at the next succeeding session thereof; and the President, by the consent of the Senate, may fill all vacancies in the office of governor or secretary occasioned by death or resignation, and in such event the appointee shall hold his office during the unexpired term of the officer who has died or resigned.

Representing as I do one of the Territories, it is hardly necessary for me to say that this bill meets my hearty and cordial approval. Especially am I interested in the question, having had the honor to introduce in both the present and the Forty-third Congress a bill giving to the people of the Territories the right to elect their own officers. And although the present bill does not go to the extent which is desirable, in my opinion, in allowing to the people the right to elect their judicial officers, it is a very great measure of relief to grant to the Territories the right of election of governor and secretary and of their own local officials, and on behalf of the people I have the honor to represent I desire to return to the committee on the Territories grateful thanks for their recognition of our right to "home rule and local self-government" even to the extent done by the pending bill.

The bill allows the people of each of the Territories to elect biennially a governor and secretary, in place of their being appointed by the President, and also allows the election of an auditor, treasurer, and superintendent of schools, they being officials whose offices are created by the act of the territorial legislatures and whose salaries and compensation are paid by the people of the Territories, but whom,

under the "organic acts" of the Territories, it has been decided cannot be elected by the people, but are to be appointed by the governor with the consent of the legislative council; so that the only change proposed in the existing law which interests the House and Congress is the proposition to allow the people to elect their governor and secretary, instead of their being as now appointed by the President and confirmed by the Senate, and to this extent allowing the people of the several Territories to choose their officers from their own citizens.

Mr. Speaker, in a government which rests upon such principles as does our own any measure proposing to increase the rights and liberties of the citizen or citizens in their aggregate capacity merits and should receive the profound and careful consideration of the Congress of the United States. More especially should this be the case when such increase of personal and political right can be granted and guaranteed without change of the fundamental law of the land and without invasion of any rights either of the Union or the States.

I have listened with great pleasure, and not, I hope, without profit, to the eloquence that has resounded through this Hall during the present session in reference to this "centennial year of the Republic." And I doubt not that we have all felt our hearts beat faster and our hope and pride in our common country rise higher as, burying all past differences and sectional animosities, members from all portions of our country, representing the honest and loyal sentiments of honest and loyal constituencies, have expressed their hope in the devotion of the Union of the States and its perpetuity, and that all men who can divest themselves of the extreme prejudice which blinds reason feel that, the exciting cause of the past differences being removed, we are nearer than ever to the realization of the hope for "one country, one flag, and one destiny."

It is well for us in this year to look back to the principles upon which this government was founded and see what it was that caused the feeble colonies to throw off the government of the mother country and lay in suffering, privation and blood the foundation of this great Republic; and it would be well for all to see that the principles lying at the foundation of our political fabric are not violated in this land in this centennial year.

Sir, what was it that led to the revolt of the colonies? Without going into the familiar and tedious detail of the long struggle of the colonies to maintain their charters and liberties, the main-spring of all their action may be said to have been—

No taxation without representation and a demand for the right of local self-government.

The first congress of the colonies met October 7, 1765, in the city of New York, and on the 19th of that month published the "Declaration of Rights," article 2 of which declared—

That His Majesty's liege subjects in these colonies are entitled to all the inherent rights and liberties of his natural born subjects within the Kingdom of Great Britain.

Article 3 protested against the right of taxation without representation.

The immortal Declaration of Independence, in which the colonies made their appeal to the judgment of mankind, announces it to be a self-evident truth—

That all men are created equal: that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

It is now one hundred years since this great declaration of human rights was formulated; and it would be well to ask ourselves, is there within the limits of the republic any system of government established by the Congress which violates the principles upon which this Government was established? Have the United States any colonies; if so, are the people of the colonies denied the right of local self-government and subjected to taxation without representation; and do the governments of the colonies derive their just powers from the consent of the governed?

And if these questions should be answered so as to show that the territorial plan of government vio-

lates the fundamental principles of our system of government; that the Territories are essentially colonies and under a pro-consular system of government, in which the right of local self-government is denied; that there is taxation without representation; and that the territorial governments do not derive their just powers from the consent of the governed, it would seem to be the duty of Congress to devise some method of governing the Territories which should give to those colonies the largest liberty of self-government consistent with the safety of the Republic.

Sir, the United States have colonies, and those colonies are the organized Territories of the United States, which are to-day, with some slight changes of detail, governed substantially upon the same principles as the American colonies were prior to the Revolution.

The ordinance of 1787 "for the government of the territory of the United States north-west of the river Ohio" continues with but few changes the basis of the plan for the government of the Territories. This system may have answered the necessities of the people when Territories were soon admitted as States and the period of vassalage was short; but the basis of representation is rapidly increasing and the objection to admitting new States with small populations is growing stronger, and some new system of governing the Territories should be devised by which during the years that they are kept in their territorial condition they shall be allowed the fullest right of local self-government, with the right of election of their executive and judicial officers. When these rights shall be granted the people of the Territories the demand for admission as States until fully entitled and prepared for admission to the Union will cease, strife and dissension in the Territories will end, and they will enter upon careers of progress, prosperity, and development unexampled in our history and impossible under our present system.

But it will be said, "How are all these great results to be obtained by simply giving the people of the Territories the right of election of their own officers?" and the answer is that you will give the people a government of their own, elected by and responsible to them, identified with them in interest, which they will honor and respect.

The history (but recent) of the reconstruction measures in the Southern States demonstrates that there can be no accord between our American people and those sent to rule over them, or selected in any method except by the choice of the people themselves; that they will not affiliate with men who have no sympathies or other interests in common with the people they are appointed to rule over, and who possess neither the respect nor the confidence of their unfortunate subjects. The people of the South had been used to the selection of their own officials, and any system which deprived them of that right naturally excited the antipathy and resistance of those who thought themselves deprived of rights which they believed of right they ought to exercise. The consequence of the plan pursued was anarchy, disorder, plunder, and misgovernment, which is to be attributed to the character and conduct of the officials sent to the South more than to any other cause.

Nor is it different in the Territories. Our people are American citizens, used to the exercise of the rights so dear to all. They emigrate to the Territories not because they are the drones of the body politic, but very largely because they are the most enterprising and ambitious of the people, and they see no good reason why their enterprise should be punished by deprivation of political rights, unless it be for the crime of aiding to develop the national domain and carrying American civilization into the wilderness. If I am competent as a citizen of one of the States to vote for governor and judges, does my removal to one of the Territories make me any less competent to wisely choose those officers?

Mr. Speaker, I venture to assert that there is not one Territory where to-day there is not dissatisfaction and open quarrel with the Federal officials; they are not of the people, not identified with them in interest, nor possessing their confidence and respect. They come as aliens and strangers to perform the duties of their offices and to remain only so long as they continue to

hold their positions, often seeking to subserve their own selfish personal ends rather than the good of the people and the progress and development of the Territory. Thus feuds, jealousies, and personal quarrels arise, tending to make discord and disturbance, and seriously interfering with the peace, harmony, progress, and prosperity of people and Territory.

The present system of appointment of territorial officers is vicious, unrepresentative, and un-American. It is one of the grandest features of our republican system of government, that all power comes from the people and that no officer is absolved from accountability and responsibility to the people. But this most wholesome provision has no applicability to the Territories. A governor and secretary are appointed, not because the people want them, but because they are to be repaid for some political service. Often lacking every essential qualification for the position, they become obnoxious to the people. But what matters that and to what purpose do the people protest and pray for a change? They owe no allegiance to the people, and the political influence which secured their appointment is but too often willing to keep them in place against the will of the people, irrespective of party.

The Federal patronage in the Territories, which it would be necessary to surrender in order to guarantee to them the rights given by the pending bill, would only be two appointees in each Territory, one wit, one governor and one secretary.

I assert and believe that the present system of government in the Territories is essentially bad and vicious; it is unrepresentative. The governments do not derive their just powers from the consent of the governed, and the fundamental principles upon which our system of government is founded are violated by the system of government which has been established for the Territories.

Whenever new states have been admitted, with but one exception, as soon as released from territorial vassalage they have rapidly increased in population and prosperity, while they languished as Territories. So soon as endowed with sovereignty and the right of governing themselves they have made such progress as was impossible while in their territorial condition. With officers of their own choice, identified with them in interest, with the right of self-government, with the cessation of strife between people and imported office-holders, they have entered upon careers of progress and prosperity which have been the wonder and admiration of the world.

It is unnecessary to inquire under what section of the Constitution Congress obtains the right to govern the Territories. It is sufficient that the power exists and is unquestioned, but the form and method of government prescribed or to be prescribed rests in the judgment and wisdom of the Congress; and, without questioning the power, we simply ask that Congress, in the exercise of its high prerogative of providing government of a temporary character for the Territories, shall revise the present system in favor of home rule and local self-government and of increased personal and political right to the people of the Territories. There is no provision of the Constitution which prohibits or prevents congress giving to the people the largest liberty of self-government and control, and the spirit of the Constitution and our system of government demand the largest liberty to the citizen consistent with the safety of the Government itself.

But it is objected by some that the population of the Territories is small, and therefore that it makes but little difference whether the people are unjustly governed or not. Yet our declaration of rights holds that man possesses certain inalienable rights. If this be so, each citizen in his own right possesses certain privileges, the right to exercise which is inherent in him, and does not depend upon the number of citizens who may be aggregated together. The right of the people of a Territory to govern themselves should not depend upon the question of whether it contains a population of 50,000 or 100,000; for under our system of government the citizen is entitled as of right to local self-government. Congress possesses the power to impose upon the Territories a colonial form of government and to

disfranchise them, but I deny its moral right to deprive the humblest citizen of his inherent and guaranteed rights except on conviction for crime; and more especially do I deny the moral right of Congress to deprive entire communities of the dearest and most sacred rights of American citizenship. The exercise of these rights can in no just sense be made to depend upon the number of citizens who may be aggregated together within certain geographical limits. If it does so depend, where is the limit and what the number where servitude and vassalage end and freedom and citizenship commence?

When the colonies asserted their independence the best authorities estimate their population at about three millions; and yet at the end of a century we find in our own land one-sixth as many people, or in all the Territories about five hundred thousand people, with a property valuation of from \$125,000,000 to \$150,000,000 and with an annual mineral production alone valued at about \$25,000,000, disfranchised and deprived of some of the most valuable rights of citizenship.

It is frequently said, "If you do not desire to be deprived of those rights of citizenship, why do you go to the Territories?" This is as ungracious as illogical. Because a system of government is bad we should not be precluded from agitating for a change; and as the development, prosperity, and progress of the Territories add to the wealth and prosperity of a common country, our people should be encouraged in opening up and developing the great national domain, which is but in the infancy of the development of its almost boundless resources, and should not be discouraged from engaging in such a work by the thought that they will be punished for emigrating to and developing the great West by loss of the rights which every true American citizen believes to be his proud heritage.

The nature of the public domain open to settlement has changed since the country from which the great States of the Northwest and Southwest were formed has been settled and occupied. The rich prairies settled so rapidly, that the territorial governments were in fact temporary, and but a means of organizing the first government, and of establishing the basis upon which they should be clothed with statehood.

But the country now formed into Territories is largely composed of mineral and pastoral lands, which will not attract or support so dense a population as the agricultural lands have done, so that the territorial governments will in many instances be permanent in their character for many years to come. In this condition of affairs it becomes the duty of wise statesmanship to devise a system of government which will render the people contented and happy, which will aid them in developing the resources of the country, and in adding to the wealth, power, and prosperity of a common country.

Mr. Chancellor Kent, in speaking of the form of government in the Territories and of the condition of a country which would be for a considerable period a Territory, says in the first volume of his Commentaries, sec. 386:

"* * * If, therefore, the Government of the United States should carry into execution the project of colonizing the great valley of the Columbia or Oregon River to the west of the Rocky Mountains, it would afford a subject of grave consideration what would be the future civil and political destiny of that country. It would be a long time before it would be populous enough to be created into one or more independent States; and in the meantime, upon the doctrine taught by the acts of Congress, and even by the judicial decisions of the Supreme Court, the colonists would be in a state of the most complete subordination and as dependent upon the will of Congress as the people of this country would have been upon the King and Parliament of Great Britain if they had sustained their claim to bind us in all cases whatsoever. Such a state of absolute sovereignty on the one hand and of absolute dependence on the other is not congenial with the free and independent spirit of our native institutions, and the establishment of distant territorial governments, ruled according to will and pleasure, would have a very natural tendency, as all pro-consular governments have had, to abuse and oppress."

The dangers and abuses of pro-consular government, so clearly foreseen by Mr. Chancellor Kent, have long been familiar to the people resident in the Territories, and a change in the system which should give to those people the right to elect their officers would be hailed with joy and hope by the people, irrespective of party affiliations.

I do not intend to say that all