

BRIBERY IN ELECTIONS

By Henry George.

What can be done to check the corrupt use of the money in our elections? Year by year, bribery has been becoming more shameless and more extensive, and, at the last general election in this State, it reached a point which must sharply challenge the attention of every good citizen.

The question is a pressing one. We have been but too familiar with corruption in administration and in legislative bodies. Now the loathesome disease is attacking the very source of power. Under institutions such as ours, the moral tone of the rulers may be lower than that of the people, but it can certainly never be better. When it is merely a government that is corrupt, there is still hope in a change of officers, or a remodeling of system, or even, as a last resort, in an appeal to the right of revolution. But when the people themselves become corrupt, from what quarter can reform come? Fifteen years ago, to a most desperate case, the citizens of San Francisco applied a most hazardous remedy; and, rising, an organized mob, setting all the forms of law aside, they rid themselves of the scoundrels who had obtained control of the ballot-boxes. But this heroic remedy, even if it could be applied under conditions differing from those of San Francisco in 1856, would be powerless for good when the corruption is not of the guardians of the ballot-boxes, but of the voters themselves.

The corrupt use of money in our elections is the more to be dreaded, because of the disposition to extend the functions of government, and the tendency of the time toward the massing of wealth and the building up of immense corporations which have more or less interest in politics. When to the power of extensive patronage is added the power of directly purchasing a considerable proportion of votes, it will become almost impossible to oust any ring of thieves who gain possession of the machinery of government, be their crimes never so flagrant, and the influence of the great corporations, already so powerful, will become well-nigh irresistible.

At present, neither the giving nor receiving of a bribe for a vote is a statute offense in California, though undoubtedly punishable at common law. This omission shows that bribery at our elections has not long been an evil of sufficient magnitude to attract attention, but it can hardly be responsible for the prevalence of the crime. We are, unfortunately, too familiar with laws, just and right in themselves, and directed against crimes, which, at least in the abstract, every body condemns, that yet remain on our statute-books a dead letter. We have, for instance, stringent provisions against the bribery of legislators and of members of political conventions and caucuses - provisions which go so far as to make a penal offense of even the offer to bribe, or of an expression of willingness to be bribed; yet the buying of votes goes on uninterruptedly as often as the Legislature meets, while in political conventions bargain and sale are frequently as open and notorious as was bribery in the last election.

Nevertheless, there has been, since the last election, quite a general demand on the part of the press for a law of pains and penalties. The Commission for the Revision of the Laws have already met (or, rather, anticipated) this demand, and in the new penal code, which will be presented to the next Legislature, any attempt to bribe an elector is made a misdemeanor, and, as such, punishable by imprisonment in a county jail for not more than six months, or by a fine not exceeding \$500, or by both; and any promise on the part of a candidate to make or procure an appointment, with a view to obtain votes or assistance in his election, or any communication of such promise by a third party, is also made a misdemeanor.

It will be noticed that the Commissioners propose to punish only one of the parties to the crime - the giver of the bribe. This is in accord with the idea expressed by some of our journals, in their discussion of the matter, that it is necessary, in any effective law against bribery, to avoid the community of interest in secrecy, which is made by rendering both parties amenable. Yet the Commissioners evidently regard this as an experiment, as they retain the provisions of the present statute, making both parties liable to punishment for convention or legislative bribery. It is worth noticing, too, that while election bribery is made only a misdemeanor, the purchase or sale of a vote in a political caucus or convention is punishable by imprisonment in the penitentiary for from one to fourteen years, and that in legislative bribery the discrimination is against the receiver rather than the giver, the maximum punishment for the one being fixed at fourteen years' imprisonment, while that fixed for the other is but ten.

The press generally seem to incline to the view of the Commissioners, that it is best to affix the penalty to the crime of the giving of an election bribe. The givers of bribes are usually better known and more easily identified than the receivers, and, as a class, may have more fear of putting themselves in the power of others, and of possible punishment; yet, on the other hand, public opinion certainly looks upon the taker of a bribe as worse than the giver, and, as a general rule, laws should follow public opinion.

But it can hardly be that the mere exemption of one party from punishment would do much to secure the enforcement of the law, though, upon trial, it might make it easier to procure testimony. Without some strong inducement, there would be little probability of the bribed ever informing against the briber; the sort of honor that exists among thieves, and the indisposition to destroy the market for votes, would prevent that, even among those so abandoned as to be willing to convict themselves of a crime which is condemned by public opinion, even if exempted from legal punishment. It has been proposed by some of our papers to supply this inducement by giving half of the pecuniary penalty to the informer, even if a party to the crime. The Revision Commissioners have not adopted these suggestions, and probably for good reasons, as there are grave objections to offering rewards for such information. In some respects a political inducement - such as the exclusion from office of candidates who had been guilty of bribery, or the striking off from the returns of a certain number of votes for every one which could be shown to have been purchased by or for a candidate - would be preferable to the offering of a money consideration, and would certainly

secure energetic efforts to ferret out bribery; but this, too, might prove a dangerous provision.

The idea of the Commissioners, in making the offense of election bribery merely a misdemeanor, is doubtless that it is easier to procure convictions when the penalty attached is light than when it is very severe, and that certainty rather than severity of punishment does most to deter from crime; yet, whatever the penalty, disfranchisement ought to be part of it, and it should be visited upon the bribed as well as upon the briber, unless in those cases where the criminal has turned State's evidence. The official declaration that the man who would sell his vote, or induce another to sell his vote, is not worthy of the privileges of American citizenship, is at least worth making. By the law of Pennsylvania, the voter who receives a bribe is disfranchised for that election. But the disfranchisement ought to be perpetual, for, except in rare cases, where the hard pressure of want drives a voter, against his conscience, into such a bargain, the man who would once sell his vote would sell it again.

Yet, after all, the most we can hope from the best penal statutes is that bribery shall be made less open and unblushing. Given, a man who wants to sell his vote and another who wants to buy a vote, and no law can prevent their making a bargain with impunity. Our experience in similar matters shows this. And the English - who have the reputation of enforcing their laws more rigidly than we do ours - have made the most stringent statutes against election bribery, and have enforced them in many cases, by unseating members of Parliament who had used corrupt means, without being able to break up the practice. They succeeded in doing away with the open payment of money for votes, but bribery still went on. The voter would be told, by a person he did not know, to take a package out of the hand or pocket of one looking another way; the voter's wife would find sovereigns in the bottom of her tea-cup, or the voter himself would discover them in the dregs of his mug of beer; a cabbage would be purchased for £ 15, or a canary for £ 50; or a few bricks would be taken out of a wall, and a hand from one side would pass Bank of England notes into a hand on the other. Nothing like so much ingenuity would have to be exercised here, to successfully defy any law which can be enacted.

But though we cannot hope to prevent bribery by prohibitory laws, there is another and a simpler remedy for the evil: making the ballot what it was intended to be - a secret vote. As a general thing, where votes are purchased, the buyer or his agent puts a ballot into the purchased voter's hand, walks up to the box with him, and sees that it goes in, before he pays him. Or, some times a mark is put on the ticket, and payment is made when the marked ticket is found in the count. Now, if we prohibit the counting of any but folded tickets, printed in uniform style, upon paper of the same kind, without mark or device, and so arrange the polling-places that no one can approach with the voter, or, at least, so that in passing to the box he will be for a moment secure from observation, we shall compel the purchaser of votes to rely entirely upon the good faith of the purchased, the very last thing he would care to invest money upon. The buying of votes would cease, because it would no longer pay, and with it would cease, also, another form of election corruption, which is even worse and more demoralizing than bribery - the coercion of voters by their employers.

Quadruple Ballot

Still better than merely prescribing the color, size, etc., of the ballots, would be the adoption of the Australian plan of voting-papers. Let the authorities print the tickets - the names of all the candidates upon the same piece of paper. Let one of these tickets be handed to the voter by an election-officer as he approaches the box, and a desk or desks be provided, so constructed that, in striking off the names of the candidates he does not want to vote for, the elector would be entirely secure from observation, and then let him be required to hand the folded ticket, thus prepared, directly to the receiving officer, without showing it to any one. This would necessitate a little different and somewhat more expensive arrangement of polling-places, and more of them. But it is true economy to go to any expense which would tend to purify our elections. Besides securing absolute secrecy, as near as may be, this plan offers an important incidental advantage, in compelling a choice between candidates on the part of each voter, which would probably make the voting of a "straight ticket" the exception rather than the rule. And when the man of known integrity and ability and the ignoramus or rascal ceased to poll about the same vote, because nominated by the same party, not only would the direct tendency be to an improvement in the character of the officers elected, but nominating conventions would be compelled to act more circumspectly as to the character of the men they put forward, and the temptation to pack and corrupt these bodies would be greatly lessened.

It may be objected to this plan that some voters can not read, and, therefore, could not intelligently mark off their tickets. But the man who, in this country, can not read, ought not to vote, and if he does vote, it is probable that he will vote nearly as well at random as in any other way. Another objection may be, that many of the voters, not remembering all the names, would be at a loss who to scratch off; but this could be remedied by having the politics of each candidate indicated on the ticket, or the voter could take a list with him to the polls, and mark from that. But a still better way would be to strike off some of our officers from the elective list, commencing with Judges and Assessors, and continuing the operation until only the Executives of our State and local governments, and legislative officers, remain to be voted for.

In this plan of secret voting will, I think, be found the simplest and most effective way of preventing the corrupt use of money in elections; yet there are other things which suggest themselves in this connection. It is impossible to examine the subject without having the great problem of municipal government present itself. Here, in San Francisco, the practices of buying votes, of colonizing and repeating, have first shown themselves in the contests for municipal offices, and to the same source may be traced the worst manifestations of the convention system. Some reform we must make in our municipal system, or we shall soon find ourselves in the condition from which the people of New York are now making such strenuous efforts to extricate themselves - a condition toward which all our American cities have been for some time steadily drifting. It may be that some changes in the structure of our municipal government would be sufficient to cure the grossest of these evils, or it may be that the problem can be ultimately solved only by such radical changes as few politicians would care to advocate at a time when the unmistakable tendency is to endow with an equal voice in public affairs

every thing that will come under Plato's definition of a man.

There is, too, a section in the proposed penal code which seems to promise more toward diminishing election corruption than the clauses aimed directly at the crime of bribery. Section 54 of the code makes guilty of a misdemeanor any person who, with intent to promote either his own election or that of another, furnishes, pays for, or engages to pay for, the entertainment of electors, or pays, or engages to pay, for procuring the attendance of voters at the polls, except such as are sick and infirm, or who "furnishes, or engages to pay, or deliver, any money or property for any purpose intended to promote the election of any candidate, except for the expenses of holding and conducting public meetings for the discussion of public questions, and of printing and circulating ballots, handbills, and other papers previous to such election."

This section is credited to the penal code of New York; but, from its phraseology, was doubtless taken originally from the statutes of Great Britain, where the giving of dinners and the freedom of public-houses were a marked feature in electioneering, and immense sums - in some cases amounting to half a million of dollars for a single candidate in a single election - were often spent in paying the conveyance bills of voters. The paragraph in quotation marks is the important one; but if it be deemed desirable to retain the others, the language might, with advantage, be changed, so as to definitely prohibit the more American modes of spending money on elections. That the effect of this, or a similar enactment, would be to reduce the corruption fund available in elections, there can be no doubt. Of course, it is impossible by any such law, or by any law at all, to prevent a man spending what he pleases; but the fact is, that a very large proportion of the money now used in elections comes from unwilling givers, who, if they had the excuse of its being prohibited by law, would refuse to give. It is probable that such a provision as this would entirely break up the practice of assessing candidates for large amounts by political committees, as there would always be some of the candidates who would not desire to pay more than was absolutely necessary for the purposes declared legitimate, if they could decently refuse, and the refusal of some would make others unwilling to pay. It would certainly curtail the sums collected from outside parties, and make it more difficult to raise assessments on the salaries of those in office, while it would give to the candidates beset by strikers a sufficient reason for resisting the demands of that very large class, who shame the money out of their victim by prefacing their demands with a statement of the work they have done, or are about doing, for his benefit. Any thing which will reduce the amount of money used in elections is a real gain. In cutting off the supplies, we are cutting off that without which corruption can not exist.

But after all discussion as to the best remedy for political corruption, we come back to the fact, that in public opinion must be found the motor. When the people really and strongly desire reform, they will get it, but not till then; nor until public opinion is ripe for their enforcement, would the best of laws be of much avail. The first effort toward a thorough reform must be directed to the awakening of a proper public opinion. The lack of this is shown not merely by the belief on the part of a large number of voters that the sale of their suffrages is a perfectly legitimate transaction, but by the existence of a corresponding belief among a more intelligent class. At least one of our journals asserts that there is no moral wrong in buying votes, in bribing legislators, or in paying corruption money to Judges, but that the crime is all on the side of those who ask the bribes. The opinion thus boldly avowed is, unfortunately, too prevalent. The poor and ignorant laborer, who sells his vote, is esteemed a miserable wretch, but the men who furnish the money go unwhipped of public opinion. The excuse that "it is necessary to fight the devil with fire," justifies all. When the best lawyers wish to elect a good Judge, they make up a purse, and send the money to the polls; when the insurance companies wish to keep out a bad Fire Commissioner, they send a check into a convention; when even a semi-benevolent society finds that the measure it asks, as a matter of pure public policy, will not pass without the purchase of votes, it is ready to close the bargain. And at the last general election, numbers of good, well-intentioned, patriotic men, who desired the success of their party as a matter of principle, stood at the polls purchasing votes, or furnished the money with which votes were bought. This is all wrong. It may be that if there were no sellers, there would be no buyers; but, certainly, if there were no buyers, there could be no sellers. If I tempt a man to commit a theft, or accept his offer that he will commit a theft for me, am I less criminal than he? And if I tempt a man to sell his vote, or accept his offer to sell his vote for a price, do I not commit as great a wrong as he? And, in fact, effect considered, am I not guilty of the greater crime? He but sells his vote, and the evil stops there. But I, in buying it, am also tempting other men to buy, and the money I give is a premium to induce other men to offer to sell. Morality of this kind - which too generally guides the actions in politics of even good men - is not that which will give us reform, but is a morality which will rapidly give way to lower sentiments. A respected citizen raises in New York \$100,000 with which to corrupt the voters of Pennsylvania in a local election, and is rewarded by the approbation of his friends and a lucrative office. It is only in the natural order of things that his successor should be a swindling shoddy contractor, who has raised a purse with which to buy the President a pleasure-house.

The great trouble in our politics is, that, for the success of our parties (and which, to many of us, represent nothing higher than our prejudices), we are willing to condone crime and wink at corruption; to sacrifice, for a temporary success, that which is greater than parties, and more important than any principle they may hold. There is need of a higher sentiment. Without it, there is no hope of reform; but we must flounder along, from bad to worse, every step taking us deeper into the slough of corruption and making extrication more difficult.

Yet, this winking at corruption is poor policy, even when gauged by the lowest measures. The most valuable party journal is that which can denounce corruption among its political friends, as readily as among its political enemies. The party, if one could be, which should absolutely refuse to take part in, or countenance, corruption of any kind, let the present result be what it might; which should refuse to tolerate the traders in votes, no matter how strong they were, or how necessary they might seem to its success; which should refuse to vote the straight ticket, when places on it had been notoriously purchased; which should refuse to buy votes, even to avoid defeat - though it might be, at first, unsuccessful, would, at length, surely win, and for a long time retain, power. An individual may sometimes profit by setting at defiance God's great laws of right and wrong; but a party, seldom, and a community, never.

Is it not time that a higher sentiment were cultivated, and a determined effort to check corruption made? Already, the purchasable voters of San Francisco hold the balance of power; and already, in the State at large, the "coin vote" is sufficient to decide, either way, a contest in which parties are nearly evenly balanced. Unless energetically checked, the disease is certain to rapidly spread, for corruption runs through a body politic like poison through the blood. The remarkable increase in the salable vote, shown at the last election, is a matter of comment, even to those who have sounded the lower depths of politics; and, unless efficient remedies can be found and applied, the increase at the next election is certain to be still more marked. Every dollar paid out this year to "strikers," or directly for votes, will cause a demand for additional dollars next year. Every man who sold his vote this time will, if alive and on the poll-list, be looking for a purchaser next time; and with him are pretty sure to be others, who have seen, by his example, how easy it is to make a few dollars, without work, or the sacrifice of any thing tangible; while politicians will have greater reason to believe that the success of their party depends principally upon the amount of money which can be raised and spent - an opinion that already prevails far too generally to be wholesome.

We are, in fact, rapidly nearing a point at which we might almost think soberly of the propriety of putting up our offices at auction, and turning the money they would bring into the public treasury. Already, many official positions are virtually bought; in very many cases, far more money is spent to obtain elective offices than the salaries amount to, and we are not without instances in which individuals go into politics as they would go into any other business, after a shrewd calculation as to what their capital will yield, if invested in primaries, nominating conventions, and votes. Of course, the money spent is paid, ultimately, by the people, and with high interest. With the exception of offices considered as of honor - such as the Governorship of the State, and the Mayoralty of San Francisco - men do not spend, either for themselves or their friends, money which they do not expect, in some way or other, to get back. It is already becoming very difficult for a poor man, and very unprofitable for an honest man, to run for office, while the passage to office through such corruption must tend to blunt the moral sense, and breed a contempt for the popular will and

the popular conscience, in the minds of the best of men. The knowledge that it is not the display of ability and of a regard for the public interest, so much as a well-filled purse, or the backing of those who can afford to spend money, that secures recognition from the people, destroys the most powerful incentive to a strictly upright course on the part of our public servants.

It is true, that political corruption, of all kinds, has gone on since George of Cappadocia laid the foundation of his fortune and his canonization by supplying the army of Constantine with poor bacon at high prices, and for long ages before; and it is true, that in the country which, in all things, is nearest to us, election bribery has assumed dimensions which it can probably never reach here. In England, £50 has been frequently paid for a single vote, in a parliamentary election; and the expenses of candidates have sometimes reached £100,000. The greatest and best of England's statesmen have thought it no sin to purchase votes in a contested election. When the good Wilberforce, the anti-slavery apostle and the suppressor of the hideous traffic in human flesh and blood, first went to Parliament from Hull, his election cost him nearly £9,000, he having purchased votes at the rate of from £2 to £5 apiece, evading the law by deferring payment until after the election. When, in 1807, the East India nabobs made a fight against him in Yorkshire, the expenses of the three candidates were estimated at £500,000 - a sum which, measured by our standards, is probably equal to \$2,500,000. But we should aim, not to do no worse than other peoples have done, but to do a great deal better. And though, with all its election corruption, the Government of England has been passably good, and at least equal in parity and statesmanship to our own, it does not follow that the evil will work no greater harm here. For it must be remembered that the Government of England is - and has been, to even greater extent - the government of a class, not of the people, and that the distinctions of hereditary rank and caste which prevail there exercise a strong conservative influence against, at least, the more vulgar forms of legislative and administrative corruption; for aristocracy, like slavery, breeds in the superior ranks its virtues, as well as its vices.

The Upper House of the British Legislature has always been filled by right of birth, or by favor of the Crown; and, in the Lower House, for seats in which such enormous sums have been paid, the majority of members have always had their places by elections which cost no money, and were, in fact, only matters of form, while those who bought seats were men of fortune, who sought Parliament merely as a matter of pride or distinction, and if not themselves of the ruling classes, were desirous of conforming to the standards instituted by the habits of thought of the majority. Our form of Government, on the contrary, derives none of its support from the traditions of an aristocracy or hierarchy, but rests on the broad base of the people. It is vastly better, on this account, if there be popular intelligence and popular virtue; but corruption is to it more dangerous. The men who would here pay half a million for a seat in Congress, or in a State Legislature, would do it not for the sake of being styled "Honorable," but for the sake of making millions from the office. When the House of Lords shall become an elective body, as is now manifest destiny, and a thorough Reform Act shall abolish every thing like a pocket-borough, if the same corruption, and the same low estimate of the franchise which has been shown in Parliamentary contests,

shall continue, the Government of England will certainly become more corrupt and more inefficient than ever before, and even more completely under the control of the money power. And it may be remarked, in this connection, that, while England has sought to purify elections by the extension of the suffrage, the class brought in, from time to time, being, as a general thing, quite the equals in intelligence and of probably more earnest political convictions than those previously monopolizing it, we have pretty nearly reached the lowest level. All we can do now, in the way of suffrage extension, is to abolish the term required for naturalization, and give votes to the Chinamen and - pardon the connection - women. As for the former, all we can expect is that they will reduce the price of votes as they are reducing the price of labor. As for the latter, though unquestionably the better half of the race, it is hardly to be expected that they will have more political discrimination or political virtue than their husbands or brothers.

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