

Mr. President, I do not know that those officials would be reappointed; but I take it that the purpose of the bill as originally drafted was that they should not hold office beyond that period.

Mr. MORGAN. Except the judges. The Senator will notice that the section does not apply to the judges. It reads:

Except the chief justice and associate justices of the supreme court and the judges of the circuit courts, who shall continue in office until their respective offices become vacant.

Mr. TELLER. Are they all life terms?

Mr. MORGAN. No; they are not. The terms of the judges of the supreme court are for life, but not the judges of the circuit courts.

Mr. TELLER. Only the judges of the supreme court?

Mr. MORGAN. That is all.

Mr. TELLER. I did not notice the last part of the section.

Mr. MORGAN. I hope I have now placed the question clearly before the Senate. The first proposition that the Senator from Connecticut is demanding by his amendment is that the power of appointment shall be taken away from the governor and given over to the President of the United States. The second proposition is that the term shall be limited to four years, instead of nine years, as the Senate voted when we adopted that amendment here the other day.

Mr. PLATT of Connecticut. It has not been adopted.

Mr. MORGAN. The third proposition, resulting naturally or necessarily from the Senator's amendment, is that these men shall go out of office at once on the passage of this bill, because the appointing power is changed from the governor to the President. Those are the three propositions, which are clear enough, I think, for almost anybody to understand.

It has been stated here, Mr. President, that we never before had a Territorial judge appointed by anybody but the President of the United States. We never have had. It is not in the interest of local self-government that the people of a Territory should have the right to elect their judges or to have them appointed by the local authorities.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. MORGAN. I do.

Mr. PLATT of Connecticut. But the bill provides that the President shall appoint the governor. Then it provides that the governor shall appoint the judges.

Mr. MORGAN. Very good.

Mr. PLATT of Connecticut. Certainly, it seems to me, the President is as well qualified to appoint the judges as is the governor whom the President may appoint.

Mr. BEVERIDGE. It is even more important.

Mr. MORGAN. Not by any means in the world is the President as well qualified. The governor of the Hawaiian Islands knows every man who is there. The President does not know anybody. He depends upon the politicians who surround him and upon interested parties for his information. He has to do that very disagreeable thing, which he does every day of his life, guess at the best man upon the best information he can get; whereas the governor, being a local officer, knows exactly whom he is appointing, and if he makes a misappointment he is responsible to the President, who has the power of removing him at any time. The theory of this thing was that the responsibility of the governor to the President, both of them being executive officers, was direct and immediate, and that that was the right way to get control of the judiciary and all other establishments through him.

But, it is said, we have never had appointments made in that way.

Well, Mr. President, if we never hereafter have anything we have not had heretofore, we had better stop and sit down and quit trying to grow or to progress. A great many things have come along, some by accident and some by design, that have helped us out of very serious and depraving difficulties in the past—many—and I am in favor of that kind of progress, whether you call it "expansion" or whatever you may call it. I am in favor of lifting this Government, every step we take, upon a higher plane than we occupied before.

Now, let us see. The people of a Territory, according to the representative idea which pervades this Republic and lies at the bottom of it in every one of its features, would have a right to elect their judges. Suppose this bill had provided that the judges of the Territory, of the circuit courts of the Territory, and the district judges should be elected by the people; could anybody have objected? Then the question would be whether the people or the governor or the President was most likely to get a good judge.

There are a great many persons in the United States who are not yet reconciled to the idea of electing judges by the people; there are many of the States that will not yet submit to even that; yet it is

a strong representative, democratic idea. We could easily enough have put that feature into this bill, and this Senate would have passed it with a shout, from what I understand to be the sentiment expressed here; and by the time we had got through with it and had got the judges elected there we probably would have had a lot of vagabonds upon that bench who would ruin the islands. We could not pass over the necessities of the situation and frame theories of government to apply to a people who were themselves incongruous, without training, and without the knowledge of civil government—we could not do it; it was not required of us. But it is not the first time by any means that we have ever done this in the United States.

Here are some treaties with the Five Civilized Tribes, two of which I knew very well when I was a boy, and spoke the language of one of them—the Creek Indians. They were a high race of men compared with other Indians, and they went off—the Seminoles, the Creeks, the Chickasaws, the Choctaws, and the Cherokees—to the West. By a treaty we gave them authority to organize a civil government, of course under our protection, but not under the reserved power to repeal their laws. No man ever heard of a bill brought into the Congress of the United States to repeal a law which was enacted by the legislatures of either of those five tribes, and he never will hear of it.

What did they do under that authority, which is supported also by statutes in the same language as the treaty? Those five tribes went off there and each of them adopted its own written constitution. The constitutions of the Choctaw, Chickasaw, and the Cherokee tribes are admirable documents of organic law, and they were framed by lawyers as good as those who practice at the bar of the Supreme Court of the United States; and, besides that, they were native lawyers. They elected their president—sometimes calling him king—and both houses of their general assembly; and, according to their constitution and laws, they made all the appointments that were necessary to habilitate civil government out there. They have administered without stint, without reproach, and without reservation or question or criticism, civil law and criminal law; and many a man has been hung by those different civilized tribes by verdicts of juries, following the indictments of grand juries and the charges of circuit and other courts in the Indian Territory. They have their supreme court and they have their published books of decisions, and I have got them in my library. They have got all their statutes printed, and in the Cherokee Nation the statutes are printed in English and also in the original alphabet of the Cherokee tribe. Mr. Guess invented an alphabet of 38 letters, the most remarkable that has ever been produced, I think, in the annals of time. These governments have gone on—

Mr. WOLCOTT. Who did the Senator say invented the alphabet? I should like to hear his name. I did not understand it.

Mr. MORGAN. Mr. Guess. Sequoia is the Indian name for him; and the big trees upon the mountains in the great forests on the Pacific coast were named after him.

Now, sir, here have gone these five distinct constitutional governments, all republican in form, within the precincts and limits of the United States, all subject to our jurisdiction. They have elected their own governors, or kings, or rulers, and their legislatures; they have appointed their own judges; they have exercised all the powers of civil government, and do it to-day, except to the extent that we have invaded that country with judicial officers and judicial authority and have established United States courts within the territory of those Five Civilized Tribes.

I should like to know, Mr. President, what harm has ever come to the Indians from this? Why, sir, you may visit their families and you will find as refined and cultivated people amongst them as you will find anywhere. You will find their houses—very many of them—very, handsomely furnished, sumptuously furnished, with pianos and instruments of music and other things of that kind. Those governments have all grown up without any assistance from the Government of the United States. We have done nothing else except to pay the annuities to them that we owed them under treaties for land we obtained from them; we have voted them no money. They have had no representative in Congress—an unheard-of and an unknown thing. They have remained there, keeping the peace and providing as well as they could for the welfare of the people, until they have grown into a prosperous and very patriotic community. We are now seeking, Mr. President, to coordinate them in some way into a Territorial government, a provision against which was put into the treaty. It was provided that they should not be made members of a Territorial government. The treaty says so.

I should like to know why we can not be as friendly toward the Hawaiians as we have been toward these Five Civilized Tribes? That is what I should like to know. Is there some reason for going down there and butchering those people, tearing up their institutions and their arrangements of government? Can any man on this floor point to a delinquency of that government, to a failure, or anything approaching it, that justifies a total revolution