Mr. CARTER. Mr. President, the pending amendments merely involve the question whether the judges of the courts in Hawaii shall be appointed by the governor or by the President, Other than that they do not in any way affect the judges or the administration of justice. In considering the propriety of the course of action to be taken in this case, it is well to remember that the conditions being dealt with are unique. From all information obtainable from public prints, individual observation, historical narrative, and other sources, I am satisfied that the whole question is involved with a people and a condition where the most violent extremes of ignorance and intelligence, of wealth and poverty exist. The population is a curious conglomerated mass of the aborigines, Spanish and other races, and it is not easy to judge the influence of the judiciary over the judicial system of the Territory. The selection of judges is made by popular vote, which I think is better than by appointment, and they are bound to the Territory, and they rule it, as it were, by the backs of their own backs. It is better than the appointment of judges by a President who is a stranger to the Territory and the Territory is a stranger to him. It is better to have a system of popular votes in the Territory for the appointment of judges, and I am inclined to think that the President's system would not work so well if it were tried anywhere else, and I do not think it would work in this case. The President would not appoint judges who were acceptable to the people. Privately they have told me so. I think the Senator from Wyoming, I think, said that he believed the people were changing their views on the subject; that they would prefer that the President should appoint the judges instead of the government.

Mr. TELLER. It was the Senator from Connecticut. I beg pardon.

Mr. CLARK of Wyoming. My statement was that I thought the people would be satisfied with the usual Territorial form of government.

Mr. TELLER. They are entitled to a Territorial form of Government as good as any people ever had. You are not giving them a government under this bill. You are not giving them the freedom you gave us. Of course, I would not want to say that the people of Colorado were not superior to the Kanakas. We had then a heterogeneous class of people. There was not a country or an island, I think, on the face of the earth that did not have its representative in Colorado, and we had a large population of people who were not American citizens. They belonged there long before the Territory was organized, and yet we extended to all of them the opportunity to vote. There was no restriction. The enabling act said it was restricted to white male inhabitants. Any Kanaka could have voted under the act. Every Mexican and half-Indian voted under that if he wanted to. It was only the negro who was excluded by that provision in practice in the Territory. All I am insisting upon is that these people shall have what I think we are under obligations to give them, a government of the people, by the people, and for the people, and if they are not qualified to discharge the duties of citizenship then citizenship is not given as I see it in my opinion.

When we come to deal with the Puerto Ricans and the Philippine people we are confronted with a different condition entirely.

Mr. CLARK of Wyoming. Before the Senator takes his seat, I would like to make one or two observations. We have not far apart on this proposition. I will ask him if this amendment would be acceptable to him if it provided that the judges should be appointed by the President from citizens of Hawaii.

Mr. TELLER. I do not know but that it would be. If I could be sure that the President would take these judges from the citizens there I would not particularly object to this amendment.

Mr. CLARK of Wyoming. If the President where to take these judges from the citizens of Hawaii there I believe that the President would be well satisfied with the amendment.

Mr. TELLER. That is what I want to do. On my own suggestion I should be in favor of limiting it in that way; but I understand there are some Senators here who would raise the question of whether the President should be limited in that respect. It is a question that I have considered, and I believe that it would be better to let the President do it, so far as I am concerned, and I think it would be better to leave it as the committee or the commission put it, whichever did it, when they made this arrangement, than to change it as suggested.