

The State Legislatures Opposed to the Seventeenth Amendment

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The Seventeenth Amendment to the United States Constitution made a dramatic institutional change to the US Senate. Upon its ratification, Senators were to be selected by the electorate through “direct elections.” The first federal resolution that suggested adopting an Amendment instituting the direct elections of Senators was introduced in the House on February 14, 1826 by Representative H. R. Storrs.¹ Prominent officials of the nineteenth and early twentieth centuries such as Andrew Johnson and William Jennings Bryant were vocal advocates of direct elections. The US House and Senate finally gave its consent to the Seventeenth Amendment in 1912. It took 86 years for those chambers to approve direct elections, but it only took eleven months for thirty-six state legislatures to ratify the Seventeenth Amendment. This was one of the fastest ratification periods in American history.

Regarding the adoption of the Seventeenth Amendment, most historians' have focused on the federal government and the national levels of debate.² Meanwhile, the states' ratification process has been scarcely examined. One of the most cited scholars of the Seventeenth Amendment, George Haynes, only gave the states' ratification process a one sentence mention in his multi-volume work *The Senate of the United States*.³ A more recent work on the Seventeenth Amendment, *The Road to Mass Democracy*, gave the states a paragraph's worth of attention.⁴ The most thorough research found on the states' ratification process was done by Wallace

¹ Wallace Worthy Hall, *The History and Effect of the Seventeenth Amendment*, PhD. Diss., University of California – Berkeley, 1936, p. 10.

² Some examples of works that focus on the national levels of debate are: Peter Babich, *Senatorial Elections Before and After the Passage of the Seventeenth Amendment*, Thesis for M.A., University of Florida, June 1934.

Walter David Niswander, *The History of the Seventeenth Amendment to the United States Constitution*, Thesis for M.A., The Ohio State University, 1917.

Please note that throughout this work, the current Seventeenth Amendment to the Constitution will be referred to as the Seventeenth Amendment. At the time of the US Congress' approval of the Amendment, only 15 Amendments had been ratified to the US Constitution. The Sixteenth Amendment was ratified on February 3, 1913, during the Seventeenth Amendment's ratification process. Furthermore to ease potential confusion, whenever a constitutional Amendment is discussed, Amendment will be capitalized. Otherwise, such as when an amendment to a resolution is discussed, the word amendment will not be capitalized.

³ George H. Haynes, *The Senate of the United States II* (Cambridge 1938), p. 1041.

⁴ C.H. Hoebeke, *The Road to Mass Democracy* (New Brunswick 1995), p 189-90.

Worthy Hall for the eighteenth chapter of his Dissertation, “The history of the Seventeenth Amendment.”⁵ This chapter focuses on the ratification votes amongst the states and gives minor background for some. Hall’s discussion relied predominately upon the House and Senate journals of the various state legislatures. He utilized periodicals, correspondence, and other materials, but overall his dissertation provided little insight for any particular state's ratification.

Hall described how thirty-six states ratified the Amendment and stated that eight others did not have the opportunity to do so. This leaves four states that had the opportunity to ratify the amendment but chose not to. Delaware, Rhode Island, and Utah all officially rejected ratification. The fourth state, Georgia, officially refused to consider the Amendment. This paper will describe what happened in Georgia, Utah, and Rhode Island and seek explanations for why these states' legislatures opposed an Amendment that was extraordinarily popular amongst the ratifying legislatures.⁶

The narratives presented in this work rely upon the compilation of numerous newspaper articles from Georgia, Utah, and Rhode Island. The author examined at least two newspapers from each state, focusing heavily on the time periods in which the respective state legislature was addressing the Amendment. The newspapers of these states proved to be valuable not only in tracking the legislation but also through their publishing of speeches, rumors, and editorials.

⁵ Hall, *The History and Effect of the Seventeenth Amendment*.

John D. Buenker's "The Urban Political Machine and the Seventeenth Amendment" was the longest and only significant published piece besides Hall's found by this author regarding the actions of state legislatures. He focused on the urban political machines affect on the ratification process. However, his research was not as in depth as this work and some minor errors were found, as noted in footnote 81. See: John D. Buenker "The Urban Political Machine and the Seventeenth Amendment" *The Journal of American History*, 56 (September, 1969) 305-22.

⁶ Information regarding the ratification process in Delaware is not being presented due to research restraints. The author examined *The Wilmington Every Evening* and *The Wilmington Evening Journal* from January through March of 1913, and the newspaper coverage of Seventeenth Amendment ratification proceedings was extremely scarce. There was not enough material available to compile a solid narrative of the events there. This was surprising because both papers gave significant attention to the state's other legislative proceedings at that time.

Through these, narratives were constructed, and insights were found regarding why these states were opposed to the Amendment.

This work will first give a brief empirical description of the overwhelming support for the Seventeenth Amendment by the state legislatures. It will then trace the actions of the Georgia, Utah, and Rhode Island state legislatures. There will be a brief section regarding public apathy, and then a discussion relating the events of these three states.

The Ratifying States of the Seventeenth Amendment

The Seventeenth Amendment was ratified by thirty-six states with overwhelming support from state legislators. Table 1 gives a tabulation of all of the State House or Assembly and State Senate votes throughout the ratifying thirty-six state legislatures.⁷

Table 1 – Summation of Votes from Ratifying State Legislatures⁸

	State Houses or Assemblies	State Senates	Totals
Affirmative Votes	3067	1086	4153
Opposing Votes	165	25	190
Absent Votes	121	62	183

Within the ratifying state legislatures, given the data available, there was little opposition to the Amendment. Only 165 members of ratifying State Houses or Assemblies voted against ratification, and 152 of these came from two states, Connecticut and Vermont. Opposition from State Senates never exceeded ten members per chamber. This represents the extraordinarily small opposition to an Amendment within the states when one considers that it had been debated for over eighty years.

Twelve states did not officially ratify the Amendment. Kentucky, Mississippi, Alabama, Maryland, Virginia, and Florida's legislatures did not have the opportunity to address the

⁷ See Appendix: Table 2 for a complete breakdown of the individual state legislature's votes and further explanation of how these numbers were obtained.

⁸ In these tabulations, state legislative chambers without data available due to voice votes or listings of "Unanimous" by Hall were excluded.

amendment before it was ratified.⁹ Wisconsin and Louisiana ratified the Amendment after it had already been officially adopted.¹⁰

Four states formally took positions opposing ratification. Utah, Delaware, and Rhode Island were the only states to reject the Amendment. Georgia refused to consider the Amendment citing that the US Congress had mishandled their approval process. This work will explore why Georgia, Utah, and Rhode Island failed to ratify the Amendment, as it is peculiar that this would happen considering the ratifying state legislators voted at least 4153 to 190 in its affirmation.

Georgia

Georgia's state legislature refused to vote on the ratification of the Seventeenth Amendment. They cited constitutional issues for their refusal, but the sentiment was very clear that states' rights concerns were central to the legislature's attitude towards the Amendment.

Governor Joseph M. Brown prompted action in the Georgia state legislature with his submission of the Seventeenth Amendment to both legislative chambers on July 2, 1912.¹¹ Representative Hooper Alexander submitted a resolution to the House that would create a committee to investigate the "lawfulness of the Bristow Amendment." He stated, "we should challenge the right of any number less than two-thirds of congress to amend the constitution

⁹ Kentucky, Acts, 1912, title page, in Hall, The History and Effect of the Seventeenth Amendment, p. 362. Mississippi, Laws, 1912, title page, in Hall p. 363. Thomas Owen, History of Alabama and Dictionary of Alabama Biography, vol. I, pp. 367-8, in Hall p. 369. Dr. H.E. Flack, Director of the Maryland Department of Legislative Reference, in a letter on February 18, 1935, in Hall 368. Virginia, Acts, 1914, p. 252 in Hall p. 363. Florida, Acts and Resolutions, 1913, title page in Hall p. 363.

The sentiment of these individual states is unknown, but it should be noted that throughout the research for this paper, the south's opposition to the Amendment was frequently mentioned.

¹⁰ Louisiana, Acts, 1914, p 8 in Hall p. 359.

¹¹ "State Opposes Loss of Power," The Atlanta Constitution 3 July 1912, p. 5.

to the United States. If this legislature will state in a dignified manner that the amendment...was adopted in a revolutionary manner, the attention of the entire south will be attracted."¹²

The "revolutionary manner" that Representative Hooper referred to was how the US Congress approved the Seventeenth Amendment. On May 13, 1912, the US House voted 238 to 39 in favor of the Seventeenth Amendment with 110 not voting and 5 not present.¹³ The 238 supporters represented approximately 86% of those present but only represented approximately 60% of the whole body. The US Constitution does not specify whether the two-thirds required for Amendments need to be of the members present or of the whole body. Interestingly, this very issue had arisen earlier in the history of instituting the direct elections of Senators. Representative Ebenezer Hill, a Republican from Connecticut, brought up the issue in 1898. At that time, Speaker Thomas Reed stated that two-thirds of those present, as long as it constituted a quorum, was all that was necessary.¹⁴

Georgia State Representative Joe Hill Hall objected to Alexander's committee resolution. He believed that advice from a committee was not needed and wished to vote against the Seventeenth Amendment because "it does not recognize the rights of states to regulate suffrage."¹⁵ Upon adoption, Alexander's resolution would create a committee constituted of three members of the Georgia House and two from the Senate. This committee was given three instructions: investigate the two-thirds issue, examine whether passage of the Seventeenth Amendment would "surrender by this state of any authority or control it now reserves to itself

¹² "House Questions Vote on U.S. Senators," The Atlanta Journal, 2 July, 1912, p. 21.

¹³ Congressional Record, 62nd Cong., 2nd Sess., 6367, in Rossum, Federalism, the Supreme Court, and the Seventeenth Amendment (Lanham, MD, 2001) p. 214.

¹⁴ Congressional Record, 55th Cong., 2nd Sess. p. 4833, in Hall, The History and Effect of the Seventeenth Amendment, p. 94.

Additionally, of worthy note, the Supreme Court later ruled that only two-thirds of those present was required in two later cases after the Seventeenth Amendment had been adopted: *Missouri Pacific R.R. v Kansas*, 248 US 276 in 1919 & Prohibition cases in 1920. See 253 US 350 in Hall, The History and Effect of the Seventeenth Amendment, p. 94.

¹⁵ "State Opposes Loss of Power," The Atlanta Constitution, 3 July 1912, p. 5.

over its own electoral regulations," and report recommendations from the committee regarding the situation.¹⁶

The next day, the Senator J.E. Shepard made three unsuccessful attempts to bring Alexander's resolution to the Senate floor. After some bill readings, the Georgia Senate adjourned until July 8 for the Independence Day holiday.¹⁷

During the Senate's adjournment, the Democratic executive committee met and debated the Amendment. However, the Bristow Amendment concerned them more than the two-thirds question. Of the objections of the examined states that rejected the Seventeenth Amendment, the Bristow Amendment concerns of Georgia were most similar to those objections at the Federal level.

The story behind the Bristow Amendment comes from the 62nd US Congress. H. J. Res. 39 was the House resolution that would become the Seventeenth Amendment. This legislation had stipulations assuring the states of control over their elections. When the resolution reached the Senate, Senator Joseph Bristow, a Kansas Republican, proposed an amendment to H. J. Res. 39 that removed the stipulations regarding elections, which became known as the "Bristow Amendment." The debate regarding the Seventeenth Amendment became an issue of states' rights regarding election procedures. Many southern Democrats felt the omission of stipulations through the Bristow Amendment gave power to the federal government for Senate elections, specifically concerning the qualifications of electors. The vote on the Bristow Amendment was 42-42 with Vice-President John Sherman casting the tie-breaking vote in its favor. The Senate then approved the Seventeenth Amendment 64-14.¹⁸

¹⁶ "House Questions Vote on U.S. Senators," The Atlanta Journal, 2 July, 1912, p. 21.

¹⁷ "Senate Again Shies at Talluah Falls Suit," The Atlanta Journal, 3 July, 1912, p. 10.

¹⁸ Rossum, Federalism, the Supreme Court, and the Seventeenth Amendment, p. 211.

When the amended H. J. Res. 39 returned to the House, it was voted down 111-171, with Southern Congressmen casting "more than half of the opposing votes."¹⁹ After nine months and sixteen conference committee meetings regarding the Bristow Amendment, the House addressed the issue again. Supporters of direct elections had become more willing to accept the Bristow Amendment so that the issue would not be lost entirely. However, Representative Charles Bartlett, a Georgia Democrat, proposed another amendment to H. J. Res. 39 that explicitly denied the federal government power over elections or the qualifications of electors. This amendment was voted down 89 to 189 with only 9 opposing votes coming from the south.²⁰ The same day the House addressed H. J. Res. 39 as amended by Bristow again, and it passed 238 to 39. The US Congress had approved the Seventeenth Amendment, and it was submitted to the states without many of the election law stipulations that were important to many Southerners.²¹

At the Georgia Democratic executive committee meeting, J.B. Jackson had submitted a resolution opposing the Seventeenth Amendment. His resolution stated: "Democrats of Georgia

¹⁹ Rossum, Federalism, the Supreme Court, and the Seventeenth Amendment, p. 212.

²⁰ Rossum, Federalism, the Supreme Court, and the Seventeenth Amendment, p. 213

²¹ Rossum, Federalism, the Supreme Court, and the Seventeenth Amendment, p. 214

It should be noted that in the US Congresses of the twentieth century, there were many resolutions submitted at the federal level to amend the constitution to require the direct election of Senators, but very few reached the floor. Of those that did, a majority were passed by the House but were stalled the Senate. The Senate first gave serious consideration to one of these Amendments in the 57th Congress. The debates then were centered on federal election control, specifically of electors' qualifications. Even these debates were restricted to Senate committees. It was not until the 61st Congress that the Senate addressed the Seventeenth Amendment in the main chamber. Again, the debate's focus was not on the state legislatures' role in Senate appointments but instead on federal control of the states' election procedures. Senators such as Elihu Root and Henry Cabot Lodge debated the states' rights issues. Senator George Sutherland of Utah had even proposed an amendment to Senator Joseph Bristow's Constitutional Amendment resolution to eliminate the explicit reservation of the states' rights over election procedures. Senator Chauncey Depew argued that without Sutherland's Amendment, Bristow's proposal essentially would repeal the Fourteenth and Fifteenth Amendment. Bristow's direct elections Amendment did not achieve the two-thirds approval needed in the Senate by four votes. However, the 1910 elections benefited the Seventeenth Amendment's prospects, as Rossum notes, when ten of its opponents in the Senate were defeated in elections. Somewhat ironically Bristow, to assure passage of his the direct elections Amendment in the 62nd Congress, offered his "Bristow" Amendment, which was very similar to the Sutherland Amendment of the 61st Congress. However, in the 61st Congress, he voted against the Sutherland's amendment. The House throughout this period was continually in favor of the Seventeenth Amendment. See Rossum, Federalism, the Supreme Court, and the Seventeenth Amendment, p. 206-210.

Larry J. Easterling, "Senator Joseph L. Bristow and the Seventeenth Amendment," *Kansas Historical Quarterly*, v. 41, 1975, p. 488-511.

are progressive and believe in electing United States senators by the people." It would then twice iterate the point that Georgia was unwilling to give the federal government control over its elections. His resolution passed, but W.W. Lambdin motioned to reconsider. Lambdin argued that there were no states' rights issues with the Bristow Amendment. He thought that the Seventeenth Amendment would not change anything regarding state election procedures, and jurisdiction would be the same as it was for US House contests. Pleasant A. Stovall, arguing against reconsideration, cited that Georgia's entire US Congressional delegation was opposed to the Amendment and declared that it was the duty of the executive committee to state its opposition. Lambdin then withdrew his reconsideration motion, and Jackson's resolution remained untouched.²²

It was expected that Representative Alexander's resolution would be addressed by the Georgia Senate on July 8, when many Senators would be back from the national Democratic Convention.²³ At the nomination convention, the delegates unanimously voted to add supporting the ratification of the Seventeenth Amendment to their party platform.²⁴ It was reported by *The Atlanta Constitution* that some Georgian supporters of Woodrow Wilson were upset at the future President's support of the Amendment, and national Democrats were concerned that Georgia would be the first state to oppose the Amendment.²⁵ Nevertheless, the Georgia Senate approved Alexander's committee resolution on the eighth.²⁶

²² "Bristow Amendment is Attacked by Committee," *The Atlanta Journal*, 7 July 1912, p. 5.

²³ "Bristow Amendment is Ahead for the Senate," *The Atlanta Journal*, 7 July 1912, p. 3

²⁴ "Platform Queers All Opposition to Amendment," *The Atlanta Constitution*, 6 July 1912, p. 14.

It should be noted that support of the direct election of Senators was a part of the Republican Party's national platform since 1892 and the Democrat's national platform since 1902. See: Elizabeth V. Burt, *The Progressive Era: Primary Documents on Events from 1890 to 1914*, (Westport, CT 2004), p. 328.

²⁵ "Platform Queers All Opposition to Amendment," *The Atlanta Constitution*, 6 July 1912: 14.

²⁶ "Anti-Swindling Bill Introduced in Senate," *The Atlanta Journal*, 8 July 1912, p. 3. The author was unable to find out who from the Senate was assigned to this investigative committee upon examination of the July and August issues of *The Atlanta Journal* and *The Atlanta Constitution*. Representatives Alexander, Hall, and Anderson represented the House. See "Bristow Amendment Not Constitutional," *The Atlanta Journal*, 2 Aug. 1912, p. 22.

On August 3, the investigation committee reported back to the House with five points. These primarily focused on the two-thirds constitutional issue. The committee "recommended that the governor of Georgia return the amendment to congress" and suggested that Georgia report to the other states about its decision regarding the issue.²⁷ However the fifth point was the following:

That in the interest of candor we conceive that it proper to say that the state of Georgia will be prompt to agree to the election of senators by the people of the respective states if the proposal therefor be made in what we conceive to be the method provided by the constitution for its own amendment, but not in any terms which deteriorate in any degree whatsoever, directly or consequentially, from our reserved right of entire and unqualified control over our own suffrage, registration and elections.²⁸

This point demonstrates Georgia's disapproval of the Bristow Amendment.

The committee's report was expected to be addressed on August 4, but the House did not take it up until eight days later. Then, the Georgia House adopted resolutions from the points of the report made by the joint committee by a vote of 108 to 35. *The Atlanta Journal* reported that the 35 opposed to the Amendment only voted against the resolution so that they would have an opportunity to reject the Seventeenth Amendment.²⁹ Representative Hall again wanted the opportunity to formally reject the Amendment as he was adamantly opposed to it.³⁰ He felt that

Additionally, it was unfortunate that this author was unable to find anything relating to another article in *The Atlanta Constitution* on July 8. In "Would Use County-Unit in Choosing Senators," it was noted that "state executive committee," presumably the Democratic executive committee, had "adopted resolutions providing that United States senators...should be elected by the plurality rule." It should be noted that during the debate of the Seventeenth Amendment, Georgia already had a primary system for selecting US Senators. See *The Atlanta Constitution*, 1 Aug. 1912, p. 1.

²⁷ "Bristow Amendment Held to be Unconstitutional," *The Atlanta Constitution*, 3 Aug. 1912, p. 3.

²⁸ "Bristow Amendment Held to be Unconstitutional."

²⁹ "House Returns Bristow Amendment to Congress," *The Atlanta Journal*, 13 Aug. 1912, p. 20.

³⁰ Unknown if this is the same Hall who served on the investigative committee. However it is assumed not to be because in "No Vote Taken on Amendment," a Representative Hooper Alexander was cited in the Article as being on the committee, but Joe Hall was not. See "No Vote Taken on Amendment," *The Atlanta Constitution*, 13 Aug. 1912, p. 2.

Georgia had no business in informing the other states what to do. Hall additionally believed that by voting for the committee report, the members of the Georgia House were being tricked into not voting against the Seventeenth Amendment. According to Hall, voting on the committee's findings was neither a vote in favor or against the Seventeenth Amendment. Representative Wimberly even proposed a resolution to reject the committee report and have the House vote to repudiate the Amendment, but a member of the rules committee pointed out that this was out of order.³¹

After the affirmative vote on the committee's report, multiple representatives, in particular Representative Blackshear, wanted to vote to formally reject the Amendment. However, the Chair of the House Ruled that there was no Bristow Amendment before the body and debate on the issue was closed.³² The Senate concurred to the resolutions two days later, and the Governor approved them on August 19.³³

Therefore, Georgia's opposition to the direct election of senators was technically rooted in Constitutional concerns regarding the two-thirds issue, but the real issue of the debate was the Bristow Amendment.³⁴ Before proceeding to Rhode Island and Utah's rejections, the opposition to the Bristow Amendment deserves further attention.

Georgia's concerns focused on federal control over elections. The heart of this issue was voter qualifications. Many southerners at both the federal and state levels were afraid that the ratification of the Seventeenth Amendment as amended by Bristow would expand negro suffrage. *The Atlanta Journal*, a Democratic newspaper, in an editorial on July 3, 1912 stated that the Bristow Amendment "would jeopardize the integrity of the negro disfranchisement laws." The

³¹ "No Vote Taken on Amendment," *The Atlanta Constitution*, 13 Aug. 1912, p. 2.

³² "No Vote Taken on Amendment."

³³ Georgia, Senate Journal, 1914, p. 1114 in Hall, *The History and Effect of the Seventeenth Amendment*, p. 362.

³⁴ The Iowa State Legislature expressed similar concerns. See Carrol, B.F. "1913 Biennial Message." 14 Jan. 1913 in Hall, *The History and Effect of the Seventeenth Amendment*, p. 357.

editorial expressed fears that Georgia election laws with "safeguards against the corrupt and ignorant vote of the negro, would be exposed to the ignorant attack of a Republican majority in Congress as they could never be under existing regulations."³⁵ On the same day, *The Atlanta Constitution* editorial section stated that "the south opposes [The Bristow Amendment] because it takes away from the states the right of suffrage and it fears that negroes will be permitted to vote in [Senate] elections." In the same article, Representative Hall was noted as opposed to the Amendment for suffrage concerns.³⁶ *The Atlanta Journal* later expressed its approval of Georgia's state legislature's actions on August 15, 1912. Once again, it cited the "ignorant Negro vote."³⁷ Upon the ratification of the Seventeenth Amendment, *The Atlanta Constitution* published an editorial stating that the nation understood the Negro problem, and it would be wise enough not to force any revisions to electoral laws, whether or not the Amendment gave that power to the US Congress.³⁸

The issue of negro voting was also a key component of the Federal debate regarding the Seventeenth Amendment.³⁹ Before the US House's first vote on the Bristow Amendment, Democratic Representative Samuel Witherspoon argued that Republicans were trying to

³⁵ "Repudiate The Bristow Amendment: It's Dangerous," *The Atlanta Journal*, 3 July 1912.

³⁶ "State Opposes Loss of Power," *The Atlanta Constitution*, 13 Aug. 1912.

³⁷ "Georgia Wisely Rejects The Bristow Amendment," *The Atlanta Journal*, 15 Aug. 1912.

³⁸ "Senators from the People," *The Atlanta Constitution*, 11 Apr. 1912. in Elizabeth Burt, *The Progressive Era: Primary Documents on Events from 1890 to 1914*, (Westport, 2004) p. 335.

³⁹ It should be noted that in Burt, *The Progressive Era: Primary Documents on Events from 1890 to 1914*, p. 335, she argues more that the debate regarding the Seventeenth Amendment focused more on issues such as Senator quality, reform, and appointment deadlocks. However, her sources tend to be from newspaper editorials targeted at a more national level. All the newspaper editorials she cites as "Opposition to the Seventeenth Amendment" came from states that ratified the Amendment. Additionally, she never explores the debates in the US House or Senate. However, Hoebeke, who discussed the Federal debate in greater detail fully acknowledges the negro issue in the US Senate. In the interest of full disclosure, Hoebeke pays considerably more attention to the debate regarding whether or not Senators should be representatives of the people and the honesty of state legislatures, but even Hoebeke acknowledges that his work does not include the full debates. See C.H. Hoebeke *The Road to Mass Democracy*, (New Brunswick, 1995), p. 163.

establish "Negro rule in the South" and "overthrow white supremacy."⁴⁰ Southern Democrats at both the state and federal levels were afraid that the Seventeenth Amendment, as amended by Bristow, would lead to a large enfranchisement of Negro voters. They repeatedly expressed their support of the direct election of Senators, but they were nervous about the Seventeenth Amendment's impact on voter qualification laws and election procedures.

Therefore, the Georgia state legislature did not ratify the Amendment technically for constitutional concerns regarding how the Amendment was approved at the federal level. However, the legislature had more significant concerns about how the federal government would be able to exercise power over Georgia's elections, specifically in regards to negroes voting, because of the Bristow Amendment.

Utah

In the 61st US Congress, Senator George Sutherland of Utah proposed an amendment that explicitly removed states' rights language from a direct election Amendment before the US Senate. He successfully amended the resolution, but the constitutional Amendment itself failed to achieve the two-thirds support needed in the Senate. Interestingly, Senator Sutherland's amendment was accused of being proposed only to doom the constitutional Amendment both in the US Senate and the state legislatures.⁴¹ In Utah, the issue of election jurisdiction was not apparent in the state level debates. However, the most prominent concerns presented were institutionally or structurally based and often came from leaders.⁴²

⁴⁰ *Congressional Record*, 62nd Congress., 1st Sess., 2415 qtd. in Rossum, Federalism, the Supreme Court, and the Seventeenth Amendment, p. 212.

⁴¹ Rossum, Federalism, the Supreme Court, and the Seventeenth Amendment, p. 208.

It should be additionally noted that C.H. Hoebeker argues that in the Senate before Sutherland's the direct elections Amendment had the votes necessary to pass. Therefore adding evidence to the argument that his amendment as an attempt to kill the direct elections Amendment. Hoebeker also notes that states' rights Senators who supported direct elections "warned fellow amendment advocates 'not to load it down with propositions that mean its death'." *Congressional Record* (61st Congress, 3rd Session): 1164 in Hoebeker, The Road to Mass Democracy, p. 163.

⁴² Rossum, Federalism, the Supreme Court, and the Seventeenth Amendment, p. 208

The Utah Senate originally intended to consider the Seventeenth Amendment on January 29, 1913. This was after a “unanimous vote of the committee on state affairs and federal relations” to report favorably on the Amendment.⁴³ The ratification vote then experienced a series of delays.

First it was delayed to the thirtieth of February. On that day, *The Salt Lake Tribune* reported that the Amendment’s “passage by the senate is regarded as certain.”⁴⁴ However, the same paper reported the previous day that the President of the Senate, Henry Gardiner, was opposed to the Amendment. He feared that “the movement to secure the election of United States Senators by popular vote would be a movement to apportion the senators to the states on a population basis which would give New York, Pennsylvania and other larger eastern cities a much larger representation in the senate than is given to Utah.”⁴⁵ Therefore, Gardiner feared that the Seventeenth Amendment would deteriorate the institutional design of the founding fathers’ Great Compromise regarding the bicameral Congress.

The ratification legislation again failed to come up in the Senate on the thirty-first.⁴⁶ *The Salt Lake Tribune* reported that the ratification vote would come to the Senate floor on February 3, but before the final passage vote that day, the Senate postponed the voting on the Amendment for another two days.⁴⁷ This delay was initiated by Republican Senator W. Mono Ferry of Salt Lake City. Republicans reported that they needed the extra time to decide how to vote for the Amendment. Ferry motioned to consider postponement after some Senate Republicans, such as Senator Joseph Eckersley, expressed personal opposition towards the Amendment but stated that they would vote for it because supporting it was a part of the Utah Republican Party platform.

⁴³ “Would Put Shylocks Out of Business,” *The Salt Lake Tribune*, 29 Jan. 1913, p. 12.

⁴⁴ “House Bill References,” *The Salt Lake Tribune*, 30 Jan. 1913, p. 3.

⁴⁵ “Would Put Shylocks Out of Business.”

⁴⁶ “Senate Notes,” *The Salt Lake Tribune*, 31 Jan. 1913, p. 3.

⁴⁷ “To Vote on Direct Vote for Senators,” *The Salt Lake Tribune*, 3 Feb. 1913, p. 12.

Democrats opposed the postponement, but the Republicans were unified behind Senator Ferry. It should be additionally noted that in this debate when Senate President Gardner was asked where he stood on the Amendment he promptly replied, “I’m against it.”⁴⁸

The vote for final passage in the Senate was then placed on the calendar for February 5.⁴⁹ After two hours of debate in the Senate, the Amendment was unable to obtain support from a majority of the whole body. Nine Senators supported the bill, seven opposed, and two did not vote.⁵⁰ Both Senate Democrats and Republicans criticized the opposing Republicans for not adhering to their party platform pledges. Democrat Senator J.W. Funk was reported “to be enjoying immensely” the Republicans difficulty in explaining their nay votes despite their pledges.⁵¹

Within the debate, Senators G.A. Iverson and Ferry, both Republicans, represented the opposition to the Amendment. Ferry felt that the legislation was “hasty, ill-considered, and dangerous.” To refute accusations that the Republicans were violating their platform pledges, he claimed that the plank was added to the platform after most had left the convention. He cited a need for the Senate to “act as a break” against popular clamor, and the Senator expressed concern for the future representation of smaller states, similar to the concerns of Gardiner.⁵²

Funk, a leading advocate for the Amendment, dismissed the idea that it would lead to an apportionment of the Senate. He believed the Senate’s current structure, two Senators for every state, would never allow for the two-thirds needed in the US Senate to amend the Constitution to establish apportionment.⁵³

⁴⁸ “Vote on Amendment Deferred Two Days,” The Salt Lake Tribune, 4 Feb. 1913, p. 4.

⁴⁹ “Race Track Bill to be Theme Today,” The Salt Lake Tribune, 5 Feb. 1913, p. 4.

⁵⁰ “Senate Kills Bill for Direct Election,” The Ogden Examiner, 6 Feb. 1913, p. 1.

⁵¹ “Direct Vote for Senators is Defeated,” The Salt Lake Tribune, 6 Feb. 1913, p. 1 & 3.

⁵² Ibid.

⁵³ Ibid.

In his speech, Funk argued that it was the people's right to vote for their Senators. He did not want Utah to reject this progressive Amendment as it had the income tax. This statement received applause from the Senate galleries. Opponents to the Amendment were upset at this outburst during session, and the chair apologized on behalf of the gallery. Senator D.O. Rideout then said "[t]hat little demonstration is just an echo of the great popular demand for this measure that has swept the country." He then went on to criticize the Senate, calling it a "club of millionaires" and criticized Republicans for misleading the people by breaking their pledges.⁵⁴

Senator L.B. Wright, an opponent of the Amendment, introduced a new argument into the debate. He believed that the state legislatures selected more qualified men for the US Congress than the people could. The debate closed with Iverson making a statement to the effect that Senators should feel more bound to do what they see as right and not necessarily to a party platform. Senators Benner Smith promptly criticized this and accused Iverson of misleading his constituents by running on a platform to which he did not adhere.⁵⁵

Two Senators did not cast votes that could have been deciding ballots regarding ratification. According to *The Salt Lake Tribune*:

"During the debate Senators W.S. Hansen and J.W. Thornley left the chamber. Their absence was not noted until the roll began. Then President Gardiner sent the sergeant-at-arms to look for them. Both came in before the result was announced and professed ignorance of the question before them. They declined to vote and President Gardiner held that the Senate could not compel them to vote."

The Senate proceeded to vote nine for and seven against the measure, and before Senator Rideout could make a motion to reconsider, President Gardiner cut him off with the

⁵⁴ "Direct Vote for Senators is Defeated."

⁵⁵ Ibid.

announcement of the vote. The ratification of the Amendment was defeated in the Utah Senate.⁵⁶

Despite the resolution's defeat in the Senate, Utah Democrats were determined to get some political mileage out of the Republicans renegeing on their platform pledges.⁵⁷ On February 6, Representatives A.M. Durham, a Democrat, and Smith, a Republican, each introduced resolutions in the House to ratify the Seventeenth Amendment. The Democrats would need nine House Republicans to join them to pass the measure and send the ratification resolution back to the Senate. These resolutions were referred to the committee on resolutions, which later recommended Durham's resolution.⁵⁸ Durham saw the resolution as likely to pass because it was supported by both party's platforms.⁵⁹

Also on February 6, Senator Rideout brought up the issue of the Republican's platform again in the Senate. He cited a newspaper article which stated that the platform was unanimously adopted by the Republican convention, which countered previous claims made by Senator Iverson.⁶⁰

It should be noted that *The Salt Lake Tribune* reported on February 9 that a state Senator was heard saying that "the death of the resolution [in the Senate] met high approval from 'the powers that be.'"⁶¹ The paper stated that it was uncertain who "the powers that be" were, but it assumed that it was Republican party leaders.⁶²

⁵⁶ "Direct Vote for Senators is Defeated."

⁵⁷ "House Republicans Will Get No Rest," *The Salt Lake Tribune*, 6 Feb. 1913, p. 8.

⁵⁸ "House to Consider Direct Vote Matter," *The Salt Lake Tribune*, 7 Feb. 1913, p. 7.

⁵⁹ "Direct Vote Bill Now up to House," *The Salt Lake Tribune*, 9 Feb. 1913, p. 12.

⁶⁰ "Direct Election Again Discussed," *The Salt Lake Tribune*, 7 Feb. 1913, p. 7.

"Direct Vote for Senators is Defeated," *The Salt Lake Tribune*, 6 Feb. 1913, p. 3.

⁶¹ "Direct Vote Bill Now up to House."

⁶² Note the Speaker of the House and the Senate President both voted against ratification. See "Stormy Debate is Feature in House," *The Salt Lake Tribune*, 19 Feb. 1913, p. 3.

Durham's resolution was finally debated in the House on February 18.⁶³ *The Salt Lake Tribune* reported that House's debate did not focus on the issue of direct elections or the Republican's platform pledges. Instead, the main issue of the debate was the name of the resolution. When the committee on resolutions referred the ratification resolution to the House, they put the committee's name on the resolution instead of Durham's. Durham's and the committee's resolutions were identical, and Republicans accused the committee of "cheap politics" in trying to make Durham's resolution look non-partisan. However, both Durham and Smith were not concerned about the name of the resolution and both were part of the 35-3 majority that voted to adopt it.⁶⁴

With the House's approval, the resolution was returned to the Senate on February 26. Senator Rideout asked that the vote be delayed due to the absence of five Senators, but this request was denied. The Senate proceeded to vote against the resolution nine to five. Before the official announcement of the vote, Rideout changed his vote and "gave notice that he would move for reconsideration of the resolution."⁶⁵ The following day, the resolution was then killed for the third time in three weeks in the Senate by a vote of four to fourteen.⁶⁶ The ratification prospects of the Seventeenth Amendment were then officially dead in Utah.⁶⁷

During the ratification debate, some Utah newspapers wrote editorials regarding the Seventeenth Amendment. *The Salt Lake Tribune* accurately stated in its editorial section that the

⁶³ The Ogden Examiner reported on February 19th that this debate took place on February 12. The Toole Transcript and The Salt Lake Tribune reported that this occurred on February 18. Hall cited the Utah House Journal, 1913, p. 387 as stating the vote took place on February 17. See

"Lower House Votes for Direct Election," The Ogden Examiner, 19 Feb. 1913, p. 7.

"Bank Department Bill Receives Senate Approval," The Toole Transcript, 21 Feb. 1913, p. 3.

"Stormy Debate is Feature in House," The Salt Lake Tribune, 19 Feb. 1913, p. 3.

⁶⁴ "Stormy Debate is Feature in House," The Salt Lake Tribune, 19 Feb. 1913, p. 3.

⁶⁵ "Senate Fails to Ratify Amendment," The Salt Lake Tribune, 27 Feb. 1913, p. 12.

⁶⁶ "Resolution Killed for a Third Time," The Salt Lake Tribune, 28 Feb. 1913, p. 10.

⁶⁷ The February 26 vote was the one that was reported in Hall's dissertation. He failed to mention the Senate's February 5 or February 27 votes.

Seventeenth Amendment was unnecessary. They argued that if Utah or any other state wanted to directly elect their Senators the state could follow "The Oregon Plan" in which the state legislature commits itself to appoint the person selected of the people in the appropriate election.⁶⁸ *The Ogden Examiner* argued that Utah should bend to the inevitable and ratify the Seventeenth Amendment. It cited the abuse of power and corruption by US Senators. Additionally, it stated that the US Senate with indirect elections stifled the will of the people.⁶⁹

Within Utah's state legislature, Representatives and Senators debated various issues for hours. Despite this, Hall in his dissertation stated: "The senate...after about ten minutes of consideration" rejected the resolution by a vote of three to ten with five absent on February 26th.⁷⁰ It is unknown if Hall knew about events leading up to the February 5 vote in the Senate, but his characterization of Utah's rejection was an inaccurate portrayal.

Hall ignored the issues regarding the quality of Congressmen, the fears of appropriation, and allegiance to party platform that were the topics of the debate in the Utah Senate. The only argument against the Seventeenth Amendment that appeared to be repeated was the apportionment issue. However, it should not be ignored that Senate President Gardiner and "the powers that be" were opposed to the Amendment, partially for this issue. Republican leaders were vocally opposed to the Amendment, and they were likely influential upon the Utah Senate in their consideration and rejection of the ratification of the Seventeenth Amendment.⁷¹

⁶⁸ "The Seventeenth Amendment," *The Salt Lake Tribune*, 24 Feb. 1913, p. 6.

⁶⁹ "Utah Missed an Opportunity," *The Ogden Examiner*, 8 Feb. 1913, p. 4.

⁷⁰ Hall, *The History and Effect of the Seventeenth Amendment*, p. 364.

⁷¹ An additional interesting note, of the three states that officially rejected the Seventeenth Amendment, Utah was the only state to send a petition or memorial to the US Congress requesting that it adopt the direct election of Senators. It did so twice in 1897. See Congressional Record, 55th Congress, 1st Session, p. 1036 & 1122.

Rhode Island

Of the states that rejected the ratification of the Seventeenth Amendment, Rhode Island waited almost as long as it could to do so. The first reference found of the legislature addressing the issue of ratification was on February 26, 1913. On February 25, there was a meeting of the committee on special legislation. There they determined to vote on Representative Ernest P. B. Atwood's ratification resolution. This committee meeting was open to the public, and some citizens expressed their support for the Amendment, but the turnout was apparently disappointing. For this, the committee would later say "that there was not enough attendance to warrant their recommendation of the bill."⁷² Never less, Atwood had specifically advocated ratifying the Amendment to prevent the rich from "secur[ing] their election."⁷³

The following week, *The Evening Times* reported that the Republican and Democrat leadership agreed to having no political legislation during the inauguration period, when many legislators would be absent from the capitol. This would mean delaying addressing the ratification debate, which was on the House calendar for March 6. It was reported that if there was a postponement there would be no assurance that Amendment would come up in the House.⁷⁴ The motion for postponement was brought up on the sixth, and Atwood spoke against it claiming that Rhode Islanders did not pay their Representatives to not do work. Despite this, the House agreed with Democratic supporters to address the Amendment the following Thursday, March 13.⁷⁵ This was reported on the seventh by *The Evening Times* as being in the official calendar.⁷⁶

⁷² "House Votes for Direct Elections," *The Evening Times, Pawtucket, R.I.* 13 Mar. 1913: 1.

⁷³ "Popular Election of Senators Favored," *The Evening Times, Pawtucket, R.I.* 26 Feb. 1913: 4.

⁷⁴ "Demands Action on Senatorial Measure," *The Evening Times, Pawtucket, R.I.* 5 Mar. 1913: 2.

⁷⁵ "Gorton Resolution on Senate Calendar," *The Evening Times, Pawtucket, R.I.* 6 Mar. 1913: 2

⁷⁶ "Senators Called Political Pirates," *The Evening Times, Pawtucket, R.I.*, 7 Mar. 1913: 2.

Additionally of interest, scheduled for the same day was "an act to provide for the expression of the popular choice of United States Senators, and to enable candidates for the General Assembly publicly and officially to pledge to

The next day, the same newspaper reported in its "Assembly Gossip" section that committee on special legislation had recommended to make the postponement indefinite. It was reported that there would be a "party fight" between Democrats and progressives against the Republicans.⁷⁷

After a week's delay, the House addressed the ratification of the Seventeenth Amendment. Representative Atwood introduced the ratification resolution by discussing the previous week's events, and then he called the measure a "plank of the Progressive platform," which would free legislatures to attend to their legislative duties instead of dealing with nomination deadlocks and steer them away from the temptation of bribery. He said that it would be "humiliating" for Rhode Island to be left out of another ratified progressive Amendment, referencing the recently ratified income tax Amendment. Representative Patrick E. Dillon shared a similar sentiment in stating that ratification was inevitable, and Rhode Island should be a part of it.⁷⁸

Representative Sumner opposed the Amendment citing that it would actually inhibit the election of more common citizens. According to him, "the average businessman has no time to go on the stump and bid for the suffrage of the people. He has not the gift of oratory." He additionally cited a situation in Oregon where a popularly elected Senator had proven to be a crook, and he expressed confidence in the party leaders' selections.⁷⁹ According to *The Evening Times*, the sentiment amongst House Republicans was that the current method of selecting Senators was working satisfactorily.⁸⁰ After multiple representatives criticized Sumner for his comments referencing previously corrupt Rhode Island US Senators, he motioned for indefinite

respect such a choice." This resolution was separate from the Ratification resolution. See "General Assembly to have Busy Week," *The Providence Journal*, 10 Mar. 1913, p. 12.

⁷⁷ "Assembly Gossip," *The Evening Times*, 8 Mar. 1913, p. 4.

⁷⁸ "House Votes for Direct Elections," *The Evening Times*, 13 Mar. 1913, p. 1 & 2.

⁷⁹ "House Votes for Direct Elections."

⁸⁰ "House for Direct Senatorial Choice," *The Providence Journal*, 14 Mar. 1913, p. 3.

postponement of the resolution, which failed 39-54. The ratification resolution then passed by a voice vote.⁸¹

The previous day, the Senate committee on special legislation held a private hearing to address its own ratification resolution, introduced by Senator Addison P. Munroe.⁸² Upon House approval of the Amendment, Munroe asked for unanimous consent from the Senate to immediately consider his measure. His motion was supported by Senator Thomas McKenna. However, this was thwarted by Senator Phillip H. Wilbour who stated that the importance of the resolution required "careful attention," which would require more time.⁸³ This prevented unanimous consent, and the ratification resolution was referred to the committee on the judiciary.⁸⁴

On the March 19, *The Providence Journal* reported that the Republican leadership was now supportive of ratification. One leader was quoted as saying, "It looks like Rhode Island will be aboard now, unless we find that there are enough States opposed to the amendment to hold it

⁸¹ "House Votes for Direct Elections."

It should be noted that *The Evening Times* wrote an editorial on the fourteenth questioning the support in the House. The editorialist felt that the founding fathers put more thought into the infrastructure of the US Congress than the Utah House did and expected individuals in the future to question why changes were made to how the Senate was populated. See: "Election of Senators," *The Evening Times*, 14 Mar. 1913, p. 8.

It should be also noted that John D. Buenker argues that urban machine versus rural political interests were behind the debate of the Seventeenth Amendment. However, when he analyzes the proceedings of the Rhode Island House, he only cites the March 14 issue of *The Providence Journal*. The only article regarding the Seventeenth Amendment in that issue was "House Votes for Direct Senatorial Choice." However, inconsistencies were found between Buenker's and this author's research. Buenker says that the 39-54 vote opposed a committee report. There is no mention of any committee report in the March 14 article. "House for Direct Elections" from *The Evening Times* states in bold that the motion for indefinite postponement came from Representative Sumner, and this newspaper also mentions no committee report. There was a committee meeting or hearing on February 25, and as noted above, it recommended indefinite postponement. Representative Atwood's speech mentioned that this committee did not recommend the bill, but no vote on the committee's report was taken to this author's knowledge. Despite this, Buenker comes to the conclusion that party leaders, specifically of a non-urban interest, were behind the Seventeenth's Amendment rejection, which is similar to this author's conclusion regarding Rhode Island. However, he credits the influence of an individual named Charles R. Brayton. Such an individual was not found in this author's research, but, as noted below, a Charles A. Wilson was likely influential.

See: Buenker, "The Urban Political Machine and the Seventeenth Amendment."

⁸² "State House Brevities," *The Providence Journal*, 13 Mar. 1913, p. 14.

⁸³ "Senator Wilbour Delays Vote," *The Providence Journal*, 15 Mar. 1913, p. 8.

It should be noted that there was a significant amount of legislation that was being referred to the Judiciary committee at this time. See: "More Commissions Asked by Senators," *The Evening Times*, 14 Mar. 1913, p. 14.

⁸⁴ "In the Senate," *The Providence Journal*, 13 Mar. 1913, p. 16.

up."⁸⁵ The disclaimer regarding other states holding up the Amendment implies that the leadership's support was weak.

Three days later *The Evening Times'* Assembly Gossip section discussed the "rehabilitation of the committee on special legislation." They called it "the grave yard committee" and said that the ratification resolution was sent there.⁸⁶ It should be noted that the judiciary committee was chaired by Senator Oscar A. Bennett, who was also the Republican's majority leader. *The Providence Journal* called him "the majority pilot of that branch."⁸⁷

The following week, on March 25, the committee of the judiciary unanimously endorsed another piece of legislation from Senator Munroe, which resembled the effects of the Seventeenth Amendment. It would have established direct primaries for state elections. The purpose of the legislation was to "give the people...more direct and certain control of 'political parties.'"⁸⁸ Some Republican leadership, such as the chairman of a township committee, spoke in favor of this more direct election method of candidates. However, the Chairman of the executive committee of the Republican state central committee, Charles A. Wilson, denied an invitation to an event endorsing the direct primary measure.⁸⁹

⁸⁵ "Republicans 'To Get Aboard,'" *The Providence Journal*, 19 Mar. 1913, p. 14.

⁸⁶ "Assembly Gossip," *The Evening Times*, 22 Mar. 1913.

It is unknown as to why this was published when the ratification resolution was under the scope of the judiciary committee at this time.

⁸⁷ "Assembly Paves Way for Finish," *The Providence Journal*, 4 Apr. 1913, p. 8.

Also in this article it was mentioning how busy the Senate was. The Republicans suspended the rules to get through all of the legislation in the last ten days of the session. However, nothing was added to the calendar regarding the Seventeenth Amendment.

There were other instances of controversy involving the judiciary committee. See: "Republican Offers Property Test Bill," *The Evening Times*, 27 Mar. 1913, p. 10. Furthermore, the judiciary committee seemed to have a very broad scope, ruling on legislation covering tax payments, playground constructions, constitutional amendments, and what types of flags to use in parades. See "Senate," *The Evening Times*, 2 Apr. 1913, p. 18. For further reference, the members of the judiciary committee were Oscar A. Bennett (Chairman), George T. Gorton, Edward E. Arnold, Leon D. Andrews, Ezra Dixon, R. Livingston Beeckman, and Addison P. Monroe. See "State Senate Can Alter Nation's Law," *The Providence Journal* 8 Apr. 1913, p. 1.

⁸⁸ "Direct Primaries Law is Endorsed," *The Providence Journal*, 26 Mar. 1913, p. 8.

⁸⁹ "Speakers in Favor of Direct Primaries," *The Evening Times*, 26 Mar. 1913, p. 14.

It should be further noted that Charles A. Wilson, Chairman of the executive committee of the Republican state central committee, denied an invitation to attend the committee meeting.

Two days later, progressives attempted to force a vote on the ratification resolution in the Senate for a second time. It was motioned by Senator McKenna that the ratification measure be discharged from the judiciary committee for further consideration.⁹⁰ This motion was seconded by Senator Munroe.⁹¹ However, Senator Wilbour moved that the motion be tabled, and this action subsequently was carried out.⁹²

The ratification resolution was finally brought up in the judiciary committee on the final day of the Seventeenth Amendment's ratification within the states. *The Providence Journal* reported on the morning of April 8 that it was "generally believed that Charles A. Wilson, Chairman of the executive committee of the Republican state central committee, has given orders to the Republican members of the committee to hold the bill in the committee and not let it appear on the floor," which is what happened with the Senate's ratification measure.⁹³ In an interview with the same paper, Wilson flatly denied this allegation and stated he had no control over what the committee's actions. He admitted he was personally opposed to the Amendment on the basis that he "feel[s] that better men can be elected through the legislature."⁹⁴ He dodged questions regarding why the committee delayed its actions and his knowledge of when votes would occur.

Both *The Providence Journal* and *The Evening Times* did not report that there would necessarily be a vote on the ratification measure that day. However, it was reported on the

⁹⁰ "House Passes Two Railroad Measures" *The Providence Journal* 29 Mar. 1913, p.18

⁹¹ "In the Senate," *The Providence Journal*, 28 Mar. 1913, p. 18.

⁹² "Fight Resumed on Appropriations Bill," *The Evening Times*, 28 Mar. 1913, p. 18.

It should be noted that the Associated Press on April 5th that thirty-five states had ratified the Seventeenth Amendment, but only twenty-two of these had notified the US Secretary of State at this time. See: "Ratifying States Delaying Returns," *The Evening Times*, 5 April 1913, p. 1.

⁹³ "State Senate Can Alter Nation's Law," *The Providence Journal*, 8 Apr. 1913, p. 1.

⁹⁴ "State Senate Can Alter Nation's Law," *The Providence Journal*, 8 Apr. 1913, p. 1.

eighth that the judiciary committee had discussed the issue informally for a brief period on the fourth, but nothing official was reported by the newspapers.⁹⁵

On the morning of the eighth, the Republican steering committee of the Rhode Island Senate voted to "not recommend passage of a vote ratifying the Amendment."⁹⁶ After the Senate's afternoon session, the judiciary committee formally addressed the ratification resolution. Senator Munroe motioned that the committee favorably report the resolution, which failed. He then motioned that the resolution be reported without recommendation, which also failed. Munroe then announced to the committee that Connecticut had approved the Amendment, and the Seventeenth Amendment was ratified without Rhode Island's support.⁹⁷

From the local newspaper accounts, the ideological opposition to the Seventeenth Amendment is less apparent in Rhode Island. The Amendment passed the House, and the ratification legislation in the Senate experienced repeated delays and postponements. What seemed to be the strongest influences against the Amendment was the Republican party state leadership with Wilson, the executive committee, and the steering committee all opposing the Amendment.⁹⁸ The only repeated ideological sentiment opposing direct elections throughout the newspaper accounts was that the current method of selecting Senators was working satisfactorily. However it is more likely, when considering the attitudes of Republican leaders such as Wilson and the unenthusiastic tone of the Republican leadership when being "on board" as reported by

⁹⁵ "State Senate Can Alter Nation's Law," The Providence Journal, 8 Apr. 1913, p. 1.

⁹⁶ "Direct Senatorial Elections Assured," The Providence Journal, 9 Apr. 1913, p. 1.

⁹⁷ "Direct Senatorial Elections Assured."

It should be noted that *The Evening Times* made no mention of the Senate voting against the measure until its Editorial section on 12 April, 1914. The paper disagreed with the judiciary committee's decision. See: "Direct Elections" The Evening Times 12 Apr. 1913: 4. Additionally, *The Providence Journal* also recommended ratification. See: "One More Legislature Wanted," The Providence Journal, 3 Apr. 1913, p. 10.

⁹⁸This is somewhat consistent with John D. Buenker's conclusion. For further explanation, see footnote 81. See Buenker, "The Urban Political Machine and the Seventeenth Amendment."

The Evening Times, that the Seventeenth Amendment was rejected in Rhode Island due to the attitudes of the state Republican party's leadership.

Public Apathy

Before concluding, it should be noted that when using the local newspapers as an informal assessment of public interest, other issues received significantly more attention by the media. For example in Rhode Island, *The Providence Journal* had a section of its paper dedicated almost daily to the women's suffrage movement. Regarding the state legislature's actions, more attention was paid to legislation regarding sugar than the Seventeenth Amendment in terms of numbers of articles published. In Georgia, where the Seventeenth Amendment received the most passionate coverage of the four rejecting states, prohibition received the majority of the state legislative coverage, specifically in *The Atlanta Journal*. Utah was the only state where a single pro-Seventeenth Amendment editorial was even found, but of the newspapers there, only *The Salt Lake Tribune* gave the Amendment significant attention. This lack of reporting combined with instances such as those in Rhode Island when there was poor public attendance at committee meetings imply the public was apathetic about the Seventeenth Amendment. This apathy potentially could have allowed state legislators to follow the guidance of their party leaders instead of their constituents' interests. However, no direct causality can be inferred.

Discussion

In the states examined, there were two prominent reasons for the rejection of the Seventeenth Amendment. In Georgia, while they officially cited constitutional concerns, the state legislators feared losing control over their election regulations. This was clearly a states' rights issue. However, they were not concerned about losing their Senatorial appointment

powers or giving some citizens the ability to directly elect their Senators. Their greatest fear seemed to be giving the negro expanded suffrage, and for this reason, they refused to adopt the Seventeenth Amendment.

Within in the debates of Utah and Rhode Island, some ideological positions did come to surface, but the actions of both legislatures seemed to be influenced by party leaders. In Rhode Island, the influences of Charles A. Wilson and some Republican party committees likely shaped the Amendment's fate. In Utah, "the powers that be" were opposed to the Amendment, and the leaders of both legislative chambers expressed disapproval of the Amendment. Even in Georgia, the Democratic executive committee felt obligated to press its party members to disapprove of the Amendment. All of these "powers that be" were influential in the downfall of the Seventeenth Amendment in these three states. Reducing the influence of these "powers" was part of the intent behind the Seventeenth Amendment; as many progressive advocates of the Amendment hoped that more democratic measures in government would eradicate corruption.

The states' ratification of the Seventeenth Amendment received little attention considering the magnitude of its effects, and perhaps this allowed for party leaders to exert their influence. Considering its institutional effects upon the US Senate, the Seventeenth Amendment still receives little attention from scholars. Despite this, it is noteworthy to know that specific states' rights issues and the influence of party leaders prevented some state legislatures from conceding their power over Senatorial appointments.

AppendixTable 2 – Votes of Ratifying Statesⁱ

State	House - Ayes	House - Nays	House - Absent or Not Voting	Senate - Ayes	Senate - Nays	Senate - Absent or Not Voting
Massachusetts	Voice Vote			30	0	9
Arizona	33	0	2	18	0	-
Minnesota	90	0	-	51	0	-
New York	128	4	-	44	4	-
Kansas	113	1	11	40	0	-
Oregon	58	0	-	30	0	-
California	67	0	-	34	0	-
North Carolina	Unanimous			Unanimous		
Michigan	89	0	-	32	0	-
Iowa	105	0	3	44	0	6
Montana	79	0	-	29	0	3
West Virginia	75	0	-	29	0	-
Texas	106	1	24	24	1	6
Washington	82	0	15	31	0	11
Wyoming	52	0	-	25	2	-
Colorado	63	0	2	31	0	4
Illinois	146	1	-	50	0	-
North Dakota	102	0	10	47	0	3
Vermont	123	75	-	15	9	-
Nevada	45	0	-	19	0	-
Maine	129	0	-	28	0	-
New Hampshire	Voice Vote			20	2	-
Oklahoma	83	0	-	32	2	12
Ohio	114	0	-	30	1	-
South Dakota	92	0	11	44	0	-
Indiana	94	0	-	38	0	-
Missouri	128	1	13	22	0	-
Nebraska	94	0	6	25	0	8
New Mexico	43	0	-	23	0	-
New Jersey	42-0			18	1	-
Tennessee	81	0	-	27	3	-
Pennsylvania	193	3	-	40	0	-
Arkansas	87	1	-	34	0	-
Connecticut	151	77	-	Voice Vote		
Wisconsin	76	0	24	32	0	-
Idaho	146	1		50	0	-

ⁱ Information in this table was lifted from Hall, The History and Effect of the Seventeenth Amendment, p. 337-68. The states are listed as Hall presented them. He accumulated the data primarily from the respective states House or Senate journals, and sometimes relied upon prominent newspapers. If a cell of the table is blank, the information was omitted from Hall's dissertation. Otherwise the information listed in the cells is as Hall described it. If there were multiple ratification votes, the final votes are listed.