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PARTIES AND ELECTIONS

AMERICAN PARTIES AND ELECTIONS

BY
EDWARD McCHESNEY SAIT, PH.D.

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PREFACE

Certain features of this book may require an explanation or even an apology.

Complaint has been made, by those who have read the manuscript, that the central figure of the piece—that is, party—makes a belated entrance. Why, they ask, such an extensive and wearisome prologue; why all this preliminary explanation about suffrage, about public opinion, about the activity of organized groups? Is it not a canon of literary craftsmanship, laid down by no less an authority than Virgil, that the reader should be plunged "into the middle of things" at once? To me the prologue seems altogether essential. Party is an instrument of the electorate, the means by which the inchoate mass of voters—whether taken as so many isolated individuals or as a congeries of groups—makes itself politically articulate. Party adjusts conflicting interests, gathers together the fragments of opinion, and imparts some degree of coherence to a disordered and chaotic scene. Before its nature and function can be understood we must have some conception of the materials upon which it works.

Even so, the detailed examination of negro suffrage or woman suffrage, of the prohibition movement or the agrarian movement, may be viewed with some impatience. In each case I have had a definite object in view. I have tried to explain the tactics of the Anti-Saloon League and the American Farm Bureau Federation, of the Nonpartisan League and the American Federation of Labor, because of their intimate relationship with party politics. I have dwelt upon the agitation for woman suffrage because it likewise reveals, better than any abstract treatise on social psychology, the hidden springs of public opinion. In a word, my purpose has been, not to obtrude my own philosophy, but to portray the concrete methods of group propaganda and leave the reader free to frame conclusions for himself. Robert Browning, whom Chesterton regards as the greatest of the English love-poets, never speaks of love; out of the little familiar things of every-day experience he creates the living reality. The living reality of politics can never be con-

veyed by an abstraction. I have at least had in mind, all through this book, the necessity of describing political processes in the vivid language of experience. The ward boss is here, I hope, a man of flesh and blood. The significance of the direct primary movement is suggested by the story of La Follette's struggle with the Stalwarts in Wisconsin.

In dealing with the suffrage, as in dealing with party organization later on, my aim has been not only to describe the situation of to-day, but also to explain how it came about. If they are to be comprehended at all, institutions must be placed in their historical setting. Young America should not be left with the impression that the election of hide inspectors is ordained by some eternal law or that the direct primary appears in the first chapter of Genesis. Rückert, a German poet of the last century, imagined a celestial visitor descending, at long intervals, upon a certain portion of the earth's surface and finding now a dreary expanse of ice and snow, now a primeval forest, a smiling valley covered with cattle and crops, or a city lost in the smoke of its throbbing factories; and to the question of how these things originated the invariable answer was, "So it always has been and always will be." In their conception of democracy Americans too often take that very attitude. They do not think of universal suffrage as a comparatively recent innovation, one that has still to vindicate itself and prove its adaptibility to the changing social environment. It is precisely because democracy is still new, still in the experimental stage, that, in spite of all its revealed defects, hope may be entertained for its future. We have the power to wreck it or to save it. As long as people treat democracy as a permanent possession, always at hand, like air or water or bread, and therefore little considered or prized; as long as they think it can survive every sort of misuse and misapplication, they are inviting catastrophe.

I have laid tribute upon a great many books, for the most part specialized studies or biographies and memoirs. In so wide a field as is covered here one's own limited experience in politics and one's own first-hand collection of data count for little. It is necessary to rely in the main upon the experience and the research of others. Perhaps my practice of quoting directly and at some length from numerous authorities has been carried too far. I chose that method deliberately. The quoted passage is likely to be more vivid than any paraphrase could be; and the distinction or the picturesqueness of the language may serve to arouse the reader's curiosity and direct

him to the book from which it was taken. Above all, for a mastery of this subject, emphasis should be laid upon the importance of wide reading, reading that looks towards a realization of the values in political life rather than towards a familiarity with mere detail.

It is difficult, indeed, to escape from being overwhelmed by a mass of detail. In this country parties and elections are regulated by forty-eight state legislatures. The investigator, who in England can turn to the Representation of the People Act of 1918 and discover what the suffrage requirements are or how the voters are registered and how they cast their ballots, here must burrow into innumerable statutes and amendments to statutes, being forced to repeat forty-eight times the task that in England has to be performed once only. Then, having collected his data, he finds generalization almost impossible. He can define the direct primary in terms of its essential attributes and observe that it is the required instrument for the making of nominations in thirty-eight states. But as soon as he penetrates a little below the surface he meets with an infinite variation of practice. In describing the direct primary, therefore, he is faced with an alternative; either to produce something that resembles a statistical abstract or to give the amount of enlightening information which a foreign secretary accords to the House of Commons at question time. I have followed neither course consistently. Where detail has seemed of value and significance I have given it, hoping that those who are repelled by the dullness of certain chapters will at least recognize my good intentions.

I wish to express my gratitude to those who have assisted me in the preparation of this book; particularly to Professor Frederic A. Ogg, the editor of the series in which the book appears; Professor Arthur W. Macmahon of Columbia University, who has read the manuscript and saved me from many errors in judgment and fact; Dr. Roger J. Traynor of the University of California; Miss Helen M. Rocca, Secretary of Political Education, National League of Women Voters; and Dr. Edward Livingston Jenks, Miss Bessie Murray, and Miss Helen R. Rosenberg, former students of mine at the University of California.

EDWARD MCCHESNEY SAIT.

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PART I. THE ELECTORATE AND PUBLIC OPINION

AMERICAN PARTIES AND ELECTIONS

CHAPTER I

MANHOOD SUFFRAGE AND REGISTRATION

Parties essential to democracy

THE best approach to party is through the electorate and the methods by which the electorate gives expression to its will. Doubtless party is, in a broad sense, as old as politics; for even among primitive peoples, still in an early stage of political development, differences of opinion manifest themselves in the formation of opposing groups. But party as we know it to-day, with its elaborate organization, its hierarchy of committees, its manifold activities in mobilizing the voters and in fighting campaigns, is a phenomenon peculiar to the democratic régime. The reasons for this are obvious. Under an absolute monarchy, intolerant of organized opposition, party savors of sedition; and it is consequently proscribed and outlawed. Under an aristocracy, where the governing class is small and homogeneous, little is needed in the way of machinery; social intercourse facilitates the shaping of opinion; and party leaders are made sufficiently aware of that opinion by personal contact with their followers. Under a democracy, on the other hand, the voters are so numerous that they find it difficult to express collectively an intelligible opinion. They can do so only when the issues are presented to them in a simple form and nothing more than an affirmative or negative answer is required. It is the function of parties to present such issues to the electorate. Naturally, therefore, parties are recognized as having a legitimate, and even a necessary, place in the scheme of democratic government; and the magnitude of their task, the continuous effort that must be expended in focusing attention on particular questions and in seeing that opinion, when once ascertained, is carried into effect, has led to a discipline and organization almost military in thoroughness and efficiency.

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But what do we mean by the term democratic government, or popular government? Does it imply an extension of the suffrage to some fixed part or proportion of the people, or merely to a comparatively large number? Sir Henry Maine came to the conclusion that "the border between the Few and the Many, and again between the varieties of the Many, is necessarily indeterminate."[1] The same vagueness marked the view of Professor Burgess that the English reform act of 1832 set up a democratic government;[2] for that act enfranchised less than five per cent of the population, perhaps one adult male in every five. In common usage, however, a democratic government is one based upon universal suffrage; and until the recent enfranchisement of women universal suffrage was taken to mean adult male suffrage.[3]

No democracy before the nineteenth century

In that sense democracy must be regarded as a recent development, or achievement. It did not exist in the republics of antiquity; in Athens, where citizenship was rigidly defined, the governing class formed a small minority of the population.[4] It did not exist anywhere until the nineteenth century.[5] If, in 1787, the framers of the federal constitution condemned (in the words of Edmund Randolph) "the turbulence and follies of democracy," if they felt (in the words of Alexander Hamilton) that the people seldom judge or determine right, they were reflecting the convictions entertained in the eighteenth century by men of substance everywhere. Even Thomas Jefferson supported, in 1776 and 1783, a property qualification for the suffrage in Virginia; and in later years, while endorsing the principle of manhood suffrage, he did

[1] *Popular Government* (ed. 1886), p. 59.

[2] *Political Science and Comparative Constitutional Law* (1900), II, p. 95.

[3] Cf. Sir John Seeley, *Introduction to Political Science* (1896), p. 324: "I use 'democracy' here, in its modern sense, to mean 'a government in which every one has a share'." Bryce, *Modern Democracies* (1921), Vol. I, p. 22, says: "I use the word in its old and strict sense, as denoting a government in which the will of the majority of qualified citizens rules, taking the qualified citizens to constitute the great bulk of the inhabitants, say, roughly, at least three-fourths."

[4] In the time of Pericles an Athenian citizen must be the son of an Athenian father, himself a citizen, and of an Athenian mother. The slaves alone greatly outnumbered the citizens.

[5] Even for the election of the French Convention of 1792 a voter must be living on the product of his labor; and domestic servants were excluded. For a brief period manhood suffrage, or an approximation to it, prevailed in three of the English colonies in America—Maryland, Virginia, and North Carolina.

not regard it as an essential element of Republican faith.[1] Nor did his followers generally accept it during his lifetime. Democracy must be associated with the period of Andrew Jackson rather than with the period of Thomas Jefferson. At the close of the Revolutionary War the right to vote depended upon the possession of property in every state but Pennsylvania, where the payment of public taxes was required, and South Carolina, where the payment of a tax equal to the tax on fifty acres of land was an alternative to the property qualification. Nevertheless, in view of the wide diffusion of landed property, the electorate was relatively much larger than in England; and, although in some of the original states restrictions persisted for more than half a century, the United States has the distinction of being the first country to establish manhood suffrage. The main features of this evolution may be stated briefly.

Suffrage in the Colonies[2]

Religious tests in New England

The property qualification, which made its appearance during the latter part of the seventeenth century, became universal in the eighteenth. For this reason, and because of its continued importance after the Revolution, it deserves a careful analysis. Something must first be said, however, about the religious and moral tests which were so characteristic of New England in the earlier colonial period. The governments of Massachusetts Bay and New Haven, less definitely those of Plymouth and Connecticut,[3] were of a theocratic cast. In Massachusetts Bay a law of 1631 declared that "for time to come noe man shalbe admitted to the freedome of this body polliticke, but such as are members of some of the churches within the lymitts of the same." What constituted church membership? Under this close union of church and state the secular arm reached out to maintain the orthodox faith and punish heresy; the approval of the magistrates and of the elders of ex-

[1] C. A. Beard, *Economic Origins of Jeffersonian Democracy* (1915), pp. 457 and 461.

[2] A. E. McKinley, *The Suffrage Franchise in the Thirteen English Colonies in America* (1905). See also Cortland F. Bishop, *History of Elections in the American Colonies* (1893).

[3] In Plymouth a certificate of religious character or some proof of orthodoxy might be required. McKinley, *op cit.*, p. 344. In Connecticut church membership was probably required in the practice of early days, though not by law. *Ibid.*, p. 389.

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isting churches was required for the recognition of a new church. The religious test, rigidly applied, led to the exclusion of three-fourths or more of the adult males.[1] When the English authorities insisted upon its abandonment, the legislature of 1664 devised an ingenious system which, while apparently making large concessions, in practice kept theocracy intact. The church-membership test was retained, but in a disguised form and with an alternative; others could vote provided they were twenty-four years of age, of good character (this to be attested by a certificate), inhabitant householders, and freeholders paying a tax of ten shillings in addition to the poll tax. Few could satisfy this tax requirement. Thus Puritan ingenuity, by such indirect methods as were employed against the Southern negroes two centuries later, disfranchised the heterodox for another twenty years. The New Haven theocracy had a shorter life, lasting from 1639 to 1664. All the New England colonies, even when the voters were not required to be orthodox churchmen, laid emphasis upon moral character. Thus in Plymouth "such as are Judged by the Court grosly scandalouse as lyers drunkards Swearers etc." might be disfranchised. It should be observed that Baptists, Quakers, Roman Catholics, and Jews frequently found themselves excluded from political rights, though not in all the thirteen colonies.

Voting rights based on real property

That land should have been the normal basis of colonial suffrage need occasion no surprise. Land was, in America even more emphatically than in England, the dominant form of wealth and remained such until the age of power-driven machines and the factory system. In England, under a statute which dated back to 1430, the county franchise extended only to forty-shilling freeholders—that is, only to those who held "free Land or Tenement to the value of Forty Shillings by the Year at the least above all Charges"; and the English precedent, though modified by colonial conditions—by the Puritan ideals of New England, by the frontier spirit of equality, and by the easy acquisition of land—exerted a powerful influence. For a time, in three colonies, the suffrage attached to freemen as distinguished from freeholders—until 1670 in Virginia and Maryland, and for some years before 1729 in North Carolina. But these experiments with manhood suffrage conflicted with the principles that generally prevailed in the seventeenth century. Thus the governor and council of

[1] McKinley, *op. cit.*, pp. 313 and 334.

Maryland, answering the complaints of poor freemen who, though subject to taxation, were now deprived of political rights, said in 1676:[1]

"As to the votes of ffreemen who have neither lands nor visible personall Estate, in the Eleccon of Delegates for the Assembly we doe say, that as the Lord Proprietary can call assemblys by his Patent whensoever & in what manner to him shall seeme most fitt and convenient, Itt is no wonder that he should chuse this as the fittest & most convenient manner, & most agreeable to the Lawe and Custome of England For what man in England can be admitted to the Election of Parliament men that hath not a visible Estate in lands or Goods? nay are there not infinite numbers concluded in Parliament without vote in the Elections, though they have great Estates both in lands and Goods? As namely all unmarryed women be their Estates in lands never so great, & all both men and woman living out of Corporations, having no Estates in land be their Personall Estate never so considerable. This we say to the point of reason and law. But if itt be thought an unkinde way of preceeding with the poore ffreeman, or that the ffreeman be deerer To the ffreholder than himself his Wife children & fortune, & that they will needs submit themselves and all that is deare to them to be disposed of by the votes of the ffreemen that have nothing & that can as easily carry themselves out of the reach of Lawes by themselves made, to the prejudice of the ffreeholder as change their Cloathes Wee do promise to propound the case of the indigent freeman to his Lord[pp] at his return . . ."

But alternative qualifications introduced

The freehold qualification, when first imposed, did not always involve the ownership of a stated amount of land. But later, as a more exclusive spirit came to prevail, the laws required a minimum which was based either upon income from the land (as in England), or upon the value of the land, or upon its size in acres. Each of these three criteria was preferred in a different section of the country: the first in New England, the second in the middle colonies, and the third in the South. Where the requirement was based upon area, it obviously worked to the disadvantage of the townsman, whose house and lot, though more valuable, perhaps, than a fifty-acre farm, would not entitle him to vote. Justice demanded that the town franchise should be differentiated from the country franchise, as in England; or that a personal property

[1] *Ibid.*, p. 65.

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qualification should be established generally as an alternative to the freehold qualification. Both of these methods were adopted. In Georgia alone was no concession made during the colonial period. The qualifications varied in the nine towns of North Carolina, where sometimes those in possession of any freehold, sometimes those occupying or owning a house, could vote. In certain towns of Virginia and New Jersey, as in Annapolis, Maryland, freeholders and inhabitant householders could vote; in the towns of South Carolina, those possessed of real estate worth sixty pounds on which taxes had been paid. The owner of a town lot and a house twelve feet square was qualified in any Virginia town. Even in New York, where the freehold requirement was expressed not in area but in value, a freemanship qualification might be obtained in Albany and New York City by apprenticeship or purchase; and in New York City the landless freemen constituted forty per cent of the electorate.[1] But, aside from special franchises affecting the towns alone, five colonies (doubtless chiefly in consideration of the towns) recognized personal property as an alternative to real estate: Pennsylvania, fifty acres or fifty pounds personalty; Delaware and Maryland, fifty acres or forty pounds personalty; Connecticut and Massachusetts, lands yielding forty shillings a year or forty pounds personalty. In South Carolina the alternative was a tax-payment of ten shillings.

Situation at close of the colonial period

It will be observed, then, that, while land may be regarded as the normal basis of the suffrage immediately before the Revolution, alternative qualifications had come into existence. Some did not apply to the counties; but others (personal property in five colonies, a ten-shilling tax-payment in South Carolina) were of general application. These alternatives foreshadowed the future evolution toward manhood suffrage, the first step being to substitute personalty for realty, and the second to substitute the payment of taxes for every kind of property. Subject to the exceptions that have been noticed, the suffrage qualifications at the close of the colonial period may be expressed as follows: (1) *Fifty-acre freehold:* Delaware, Georgia, Maryland, North Carolina, Pennsylvania, and Virginia (alternative in Virginia, twenty-five acres and a house twelve feet square). (2) *One-hundred-acre freehold:* New Jersey (alternative, fifty pounds personalty *and* some land) and South Carolina (alternative, a settled plantation). (3) *Forty-*

[1] McKinley, *op. cit.*, p. 218.

shilling freehold: Connecticut, Massachusetts, and Rhode Island (alternative, a freehold worth forty pounds). (4) *Freehold in terms of value:* New Hampshire, fifty pounds; New York and Rhode Island, forty pounds.

Size of colonial electorate

Forty-shilling freeholds and ten-shilling taxes convey no precise meaning in America to-day. We are led to inquire what proportion of the people could vote under such qualifications. Unfortunately the available statistics will permit no more than a rough estimate. They do show a marked variation as between different colonies and as between town and country. The potential voters, that is, the persons qualified to vote, are said to have constituted only two per cent of the population in Philadelphia, but eight per cent in rural Pennsylvania;[1] nine per cent in Rhode Island;[2] sixteen per cent in Massachusetts.[3] In New York City about eight per cent of the population actually voted; in Boston, during the decade that preceded the Revolution, an average of three and a half per cent.[4] "At best," McKinley says,[5] "the colonial elections called forth both relatively and absolutely only a small fraction of the present percentage of voters. Property qualifications, poor means of communication, large election districts and the absence of party organization combined to make the most sharply contested elections feeble in their effects upon the community as compared with the widespread suffrage of the twentieth century."

Democratization of the Suffrage[6]

Reasons for extension of suffrage

Neither in America nor in Europe has the expansion of political privilege rested on abstract doctrine. The chief consideration has been expediency, the welfare of the state. As successive classes have advanced in enlightenment, in economic power and in political consciousness, they have insisted upon recognition. This may be seen most clearly in England where the monopoly of landed wealth gave way before the new wealth of manufacture and commerce in 1832; and where the door was opened in turn to the urban proletariat in 1867, to the agricultural workers in 1884,

[1] *Ibid.*, p. 292.
[2] *Ibid.*, p. 472.
[3] *Ibid.*, p. 357.
[4] But once the percentage rose to more than six.
[5] *Ibid.*, p. 488.
[6] Kirk H. Porter, *History of Suffrage in the United States* (1918).

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and to the women in 1918. The rural wage-earners lagged behind the urban wage-earners for various reasons, but mainly because, being scattered, they found organization difficult. Women, because of tradition, because of their secluded lives, and because of their slow emergence into the business activities of the community, were the last to press their claims. Somewhat the same phenomena may be observed in America.

Abstract ideas of little weight

Theory, unless it rests firmly upon economic tendencies and serves to clarify the developing popular thought, exerts little influence. Thus, although the theory of natural right was propounded throughout the controversies over the elective franchise, it never became the basis of action. Suffrage was thrust upon the Southern negro after the Civil War, not because he was entitled to it, as so many professed, but because that course would work to the advantage of the Republican party and act as a bar to the re-establishment of slavery. Otherwise why did the Northern and Western states still exclude the negro from the suffrage while they compelled the Southern states to admit him?[1] Natural right, since it must be present from birth, would enfranchise children; since it has no geographical limits, it would enfranchise the alien; and since it is not dependent upon mental character, it would enfranchise criminals and lunatics. "If there is one thing settled," said Elihu Root, "it is that voting is not a natural right, but simply a means of government."[2] In the exaltation of the moment and in order to justify a particular line of conduct, the Declaration of Independence asserted that all men are created equal and that governments derive their just powers from the consent of the governed. Little will be found in the early state constitutions to support this thesis. Thus the Maryland constitution (1776, article V): "Every man, having property in, a common interest with, and an attachment to the community ought to have a right to the suffrage." Or Virginia (1776, section 6): "All men, having sufficient evidence of permanent common interest with, and attachment to the community, have the right of suffrage." Almost the same language is employed in the Pennsylvania constitution of the same year. The constitution of Massachusetts (1780, article IX) gives the vote to those "having such qualifications as they shall

[1] See Chap. II.

[2] So, too, Judge Cooley in his *Principles of Constitutional Law* (p. 240): "Suffrage cannot be the natural right of the individual because it does not exist for the benefit of the individual but for the benefit of the state itself."

establish in their frame of government"; and that of New Hampshire (1784, article XI), to those "having the proper qualifications." Not one of the states approached more closely to any theoretical assumption.

The Revolution introduced few changes

In sum, the Revolution brought about no marked change in the suffrage laws. Discontent had been aroused, not by the domestic political institutions which the colonists themselves had built up, but by restrictions which an external authority had imposed. The position of the propertied classes remained almost as secure after, as it had been before, independence. It is true that eight of the thirteen states had modified their practice. Four adhered to the existing tests, but, in the case of Massachusetts, increased the qualifying values, or, in the case of Maryland, New York, and South Carolina, made them less onerous.[1] New Jersey and Georgia substituted personal property for land,[2] the latter also allowing mechanics to vote. Pennsylvania and North Carolina (the latter for the election of assemblymen only) abandoned property in favor of tax-payments without specifying the amount of taxes. This summary statement shows that no serious inroads had yet been made upon the privileges of property which, indeed, maintained in most states a second line of defence in the form of high personal property qualifications required for membership in the legislature.[3] According to Professor Thorpe, the voters constituted only three per cent of the population.[4] Nevertheless, a liberalizing tendency was at work; and when once that tendency had been set in motion, it steadily gathered momentum. Before the end of the century three of the original states followed Pennsylvania in setting up a tax-payment as the sole qualification for the suffrage (New Hampshire in 1784, Georgia in 1789, and Delaware in 1792); and three new states entered the Union with manhood suffrage (Vermont in

[1] Massachusetts now required a freehold yielding £3 or personalty of £60; Maryland reduced the personalty requirement to £30; New York reduced the freehold requirement to £20, added as an alternative a forty shilling leasehold, and also required the payment of state taxes; South Carolina now required a fifty-acre freehold or a town lot or the payment of a tax equal to the tax on fifty acres.

[2] In New Jersey, however, a freehold of £100 was required in the election of senators.

[3] See the tables compiled by F. N. Thorpe, *Constitutional History of the American People, I*, pp. 68 *et seq.*

[4] Thorpe, *op. cit.*, I, p. 97. Also C. A. Beard, *An Economic Interpretation of the Constitution* (1913), Chap. IX.

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1791, Kentucky in 1792, and Tennessee in 1796).[1] New Hampshire and Georgia dropped even the tax qualification in 1792 and 1798 respectively.

Democratic impulse of early nineteenth century

In the early part of the nineteenth century a number of different influences combined to batter down the decaying principle of aristocracy in American politics. The most impressive of these and the most immediate in its effects came from the newly settled region of the West. There land was plentiful and easily acquired. The homesteading pioneers were alike in the privations that they suffered and in the rude comforts that they won from the soil. Social conditions assumed a remarkable uniformity; and the equality of economic life reflected itself in politics. Where men were substantially equal in possessions there was no reason to discriminate in defining political rights; and Ohio alone among the new states erected in the West entered the Union with a restriction on the suffrage, this taking the form of a tax-paying test that was not abolished till 1851.[2] The equalitarian ideals of the West, flowing strongly from economic circumstances, served to encourage the democratic movement as it made headway in the East. The normal growth of population along the Atlantic seaboard would, by itself alone, have gradually increased the proportion of landless and voteless men. Further, as the value of land increased, men acquired it under mortgages that withheld title until the last payment had been made.[3] An inevitable difficulty was aggravated by the growth of manufacture, and consequently of the wage-earning class. Machines, driven by water or steam, were beginning to transform industry. By 1815, for instance, cotton mills employed some 76,000 persons, a third of these in the neighborhood of Providence. The population of Boston doubled in twenty years; in thirty years that of New York quadrupled, chiefly in the "mechanic wards." Professor Fox, speaking of New York, says:[4] "It was a new people who, in the last years of the second decade of the nineteenth

[1] Tennessee is incorrectly cited by Porter as having a property qualification. What the constitution says is that freeholders may vote in the county without the residence of six months required of other persons (1796, Article III, Section I).

[2] In the South two states were admitted with a tax-paying qualification—Louisiana in 1812 and Mississippi in 1817. This qualification was abolished in 1845 and 1832, respectively.

[3] D. R. Fox, *The Decline of Aristocracy in the Politics of New York* (1919), p. 229.

[4] *Op. cit.*, p. 230.

century, demanded a revision of the constitution" and admission to the franchise.

Its triumph in New York

In 1821, when the New York constitutional convention assembled, the property qualification had disappeared in all but six states.[1] Maryland had abandoned it in 1810, Connecticut in 1818.[2] Maine had entered the Union in 1819 with manhood suffrage. No one could misinterpret the signs. The future lay with democracy. Its portentous advance, while viewed with complacency by most of the convention delegates, filled the small but devoted band of Federalists with gloomy apprehension. When the committee on suffrage proposed to abolish the property test, Chancellor Kent condemned "our apparent disposition to vibrate from a well-balanced government to the extremes of democratic doctrines. Such a proposition as that contained in the report [of the suffrage committee], at the distance of ten years past, would have struck the public mind with astonishment and terror."[3] But the Federalists, though superior in intellectual power and argumentative resource, could not prevail against the Democratic majority. They vainly tried to save a part of their defences by proposing that only two-hundred-and-fifty-dollar freeholders should be qualified to vote for senators. It was on this question that Chancellor Kent delivered what was afterwards described as "an elegant epitaph" of the old order.[4]

"Dare we flatter ourselves [he asked, when he had painted the calamities democracy had brought upon republics of the old world] that we are a peculiar people, who can run the career of history exempted from the passions which have disturbed and corrupted the rest of mankind? . . . The men of no property, together with crowds of dependents connected with the great manufacturing and commercial establishments and the motley and indefinable population of the crowded ports, may, perhaps, at some future day, under skilful management, predominate in the assembly, and yet we should be perfectly safe if no laws could pass without the free consent of the owners of the soil. That security we at present enjoy, and it is that security which I wish to retain.

[1] Massachusetts, New Jersey, New York, North Carolina, Rhode Island, Virginia.

[2] Maryland established manhood suffrage; Connecticut maintained a tax-payment qualification until 1845.

[3] Fox, *op. cit.*, p. 252.

[4] *Ibid.*, pp. 254-255.

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The apprehended danger from the experiment of universal suffrage, applied to the whole legislative department, is no dream of the imagination. It is too mighty an excitement for the moral condition of men to endure. The tendency of universal suffrage is to jeopardize the rights of property and the principles of liberty. There is a constant tendency in human society—and the history of every age proves it—there is a constant tendency in the poor to covet and to share the plunder of the rich; in the debtor to relax or avoid the obligations of contract; in the indolent and profligate to cast the whole burthen of society upon the industrious and virtuous; and there is a tendency in ambitious and wicked men to inflame those combustible materials. . . . New York is destined to be the future London of America, and in less than a century that city, with the operation of universal suffrage, and under skilful management, will govern this state. . . .

"Society is an institution for the protection of property as well as life, and the individual who contributes only one cent to the common stock ought not to have the same power and influence in directing the property concerns of the partnership as he who contributes his thousands. He will not have the same inducements to care and diligence and fidelity. His inducements and his temptation would be to divide the whole capital upon the principles of agrarian law. . . . We have to apprehend the oppression of minorities, and a disposition to encroach upon private rights—to disturb chartered privilege—and to weaken, degrade and overawe the administration of justice (especially since the delegates are) already determined to withdraw the watchful eye of the judicial department from the passage of the laws. . . . We stand, therefore, on the brink of fate, on the very edge of a precipice. If we let go our present hold on the senate, we commit our proudest hopes and our most precious interests to the waves."

The convention finally conferred the suffrage on those who paid taxes or served in the militia or performed labor upon the public highways; but persons of color must possess a freehold of $250 and pay taxes on it. Five years later (1826) manhood suffrage was established, negroes alone excepted.[1]

Its triumph in other states

In Massachusetts, when a constitutional convention met in 1820, the propertied class suffered a similar reverse. Here, too, eminent statesmen—John Adams, Daniel Webster, Joseph Story—brought historical learning and dialectical skill to the defence of a hopeless

[1] The property test for negroes continued till 1874.

cause. Argument could not overcome democratic conviction. "Rude men from rural districts," says Porter,[1] "would stand helpless before the intellectual statesmen thundering at them in resounding periods. They would voice a few idle arguments and then vote on the strength of their inbred conviction. The most impressive thing about this entire movement toward broader suffrage is that men came to be filled with a fixed determination that as this country was a democracy all men should have a hand in running it. They were ready to argue, but were determined to have their way in any event." They got their way in Massachusetts by providing that all who paid a state or county tax might vote. During the thirties, however, the conservatives held their own in other states. They repelled assaults upon the property test in Virginia (1830) [2] and North Carolina (1835) and upon the tax-paying test in Delaware (1831) and Pennsylvania (1837). But these were successes of the moment only. In the next decade their forces were put utterly to rout. The tax-paying test was abandoned in Louisiana (1845), Connecticut (1845), and Ohio (1851). New Jersey (1844) and Virginia (1850) established manhood suffrage. Rhode Island (1842) substituted a tax-paying for a freehold qualification. It was not till 1856 that North Carolina followed suit. A table on the following page shows the dates at which the property and tax-paying tests were removed in the various states.

Bitter struggle in Rhode Island

The popular movement in Rhode Island, taking a more determined and more dramatic course than in any other state, culminated in Dorr's Rebellion.[3] Under the charter of 1663, which continued in force, the assembly could admit as freemen (voters) "such and soe manye other persons as they shall thinke fitte." The suffrage was limited to those who possessed a freehold worth $134 or yielding $7 a year, and to their eldest sons. As manufactures developed, the wage-earning class loudly voiced their discontent, especially after the property test had been abolished in neighboring states. Nor was the restricted franchise the only ground of complaint. Notwithstanding the uneven increase of population the towns were still represented in the legislature as

[1] *Op. cit.*, pp. 71-72.

[2] But the Virginia requirement was reduced; and, alongside of twenty-five-dollar freeholders, leaseholders and tax-paying heads of families could vote.

[3] Jacob Frieze, *A Concise History of the Efforts to Obtain an Extension of Suffrage in Rhode Island* (1842; 3d. ed., 1912).

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they had been a century and a half earlier; Providence, for instance, had four representatives, while Newport, half its size, had six. Unfortunately, in the face of a more and more insistent clamor for reform, the assembly displayed contemptuous indifference; and in time the malcontents were drawn into a revolutionary agitation. In 1840 Thomas W. Dorr assumed the leadership

REMOVAL OF PROPERTY AND TAX-PAYING QUALIFICATIONS

(For the revival of these qualifications as a means of disfranchising negroes in the South see Chapter II)

	Property	Tax Payment
South Carolina	1759[1]	1810
Pennsylvania	1776	....
New Hampshire	1784	1792
Georgia	1789	1798
Delaware	1792	1897
Maryland	1810	No tax payment required
Connecticut	1818	1845
New York	1821	1826
Massachusetts	1821	1891
Rhode Island	1842[2]	....
New Jersey	1844	No tax payment required
Virginia	1850[3]	No tax payment required
North Carolina	1856[4]	1868
Ohio (admitted 1803)[5]	....	1851
Louisiana (admitted 1812)	....	1845
Mississippi (admitted 1817)	....	1832

of a suffrage association, or party, which adopted a tone of violence in its propaganda. "The great object," says a contemporary,[6] "appeared to be to carry the citadel by storm; and this was only to be done by presenting the landholders as aristocrats, and the foes of human liberty, and holding them up to view as objects of detestation. . . . But little effort was necessary, especially when

[1] A freehold qualification, first of 100 acres, later of 50, lasted till 1865; but only as an alternative, since tax-payers (and after 1810 residents) could vote. The tax-paying test was a severe one, but must have enfranchised some townsmen lacking freeholds. McKinley, *op. cit.*, p. 158.

[2] A property qualification was required of foreign-born citizens until 1888.

[3] But 1830-1850 the head of a family, being a householder and tax-payer, could vote.

[4] The property test applied after 1776 only in the election of senators.

[5] Aside from the thirteen original states only three states (Ohio, Louisiana, and Mississippi) entered the Union with a restricted suffrage.

[6] Frieze, *op. cit.*, p. 79.

aided by political partisan animosity, to create a spirit of deadly hostility in an assembled throng; and arms, and blood, and threats of vengeance soon became as familiar, even in public meetings, as household words."

Dorr's rebellion

The suffrage association ignored the lawfully constituted authorities. In 1841 a "People's Convention" drafted a "People's Constitution" and incorporated in it a provision for manhood suffrage. This constitution having been adopted by an unofficial popular vote, Thomas W. Dorr was elected governor in April, 1842. He determined forcibly to assert his authority against the legitimate government. On May 18 he led a meager, ill-equipped force against the state arsenal. "On that awful night but few of the citizens of Providence retired to rest; or, if they did, retired not to slumber, but, with watchful eyes and aching hearts, to await in the most painful suspense the dread spectacle of our fair city wrapt in flames, and her streets deluged with blood. . . . Visions of a city in flames, and its inhabitants devoted to the knife of the midnight assassin, rose up in the imagination and struck the soul with horror."[1] But Dorr's followers could not be brought to attack a superior force sheltered behind stone walls and protected by artillery. The bold adventure utterly collapsed. Dorr himself, after issuing some bombastic proclamations and calling the people to arms, ignominiously fled. It was a comic opera rebellion; but it attracted sympathetic attention throughout the Union, enlisted the moral support of the Democratic party everywhere, and led to an immediate extension of the franchise. A new constitution, which displaced the charter in 1842, gave the vote to native citizens who paid a tax of one dollar, while retaining a property test for foreign-born citizens. In 1888 this discrimination was removed. But the constitution provides that "no person shall be allowed to vote in the election of the city council of any city, or upon any proposition to impose a tax or for the expenditure of money in any town or city, unless he shall within the year next preceding have paid a tax assessed upon his property therein, valued at least at one hundred and thirty-four dollars." With certain exceptions an annual tax of one dollar is assessed against every person who, if registered, would be qualified to vote.

In the middle of the nineteenth century the problem of the suffrage seemed to be settled. Except in North Carolina, where

[1] *Ibid.*, p. 81.

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American democracy established

the property test still persisted for the election of senators,[1] and in four other states which had a tax-paying test, manhood suffrage had been established. Although many viewed this democratic experiment with profound misgiving, anticipating and prophesying misfortune, on the whole democratic principles tended to harden into a rigid dogma. The solution that had been reached, however, was soon roughly disturbed. Three serious questions had to be confronted in turn. These concerned the voting rights of foreign immigrants, emancipated slaves, and women.

Immigrants and the Suffrage

Introduction of the literacy test

The political importance of the immigrant dates from the middle of the nineteenth century. Between 1845 and 1855 a million and a quarter Irishmen came to America; in the early fifties Germans were coming in numbers almost equally large. In great measure the new arrivals remained in the eastern states, finding employment in the industrial centers. There the Irish Catholics —poor, ignorant, and rather disorderly—aroused a good deal of hostility. The American or "Know-nothing" party, which began to exert a powerful influence at this period, wished to exclude foreign-born citizens from office and require twenty-one years' residence before naturalization. In New York (1846) and Maryland (1850) the advisability of imposing a literacy or educational test upon voters was discussed. Connecticut actually did impose it in 1855. "Every person," runs the constitutional amendment, "shall be able to read any section of the constitution or any section of the statutes of this state, before being admitted an elector." Massachusetts provided in 1857 that all voters should be able to read the constitution and write their names.[2] Literacy tests, says Porter,[3] "were applied freely to the negro in future years and to-day are being used on general principles, but they originated practically for the benefit of the Irishman." Eighteen states now require ability to read or ability to read and write.[4] Seven of

[1] Otherwise a tax-paying qualification was required.

[2] A constitutional amendment of 1859, repealed in 1863, required two years' residence in the United States after naturalization.

[3] *History of Suffrage*, p. 119.

[4] The legislatures of Colorado, Idaho, and North Dakota are empowered (in the last state, in fact, required) to establish a literacy test, but no action has been taken. In Texas the voter must be able to *speak* English. The Oklahoma amendment of 1910 which linked a literacy test with a "grandfather clause" was held unconstitutional by the U. S. Supreme Court in 1915. See below, p. 47.

these are in the South, where the literacy test appears as an alternative to other tests and, as will be shown in the next chapter, is one of the devices employed to keep negroes from the polls.[1] The other eleven states are: Arizona, California, Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New York, Oregon, Washington, Wyoming.[2] The Arizona provision is peculiar in the fact that the voter must read the constitution in such a way as to show that he is neither being prompted nor reciting from memory.

The New York law

Except in New York the application of the test is left to election officials, who may be biased or incompetent. There is a statute of 1923, giving effect to a constitutional amendment adopted two years earlier, provides that the school authorities shall conduct uniform examinations throughout the state and that the state education department shall issue certificates of literacy on the basis of these examinations. "What is likely to come about under such a system," observes the *New York Times*,[3] "is that most of the men and women of foreign birth looking forward to the franchise will take advantage of courses in English and civics in order to win their certificates of literacy. The school will thus become for alien adults as well as for native-born children the only door of approach to the full enjoyment of citizenship. This requirement should have a most wholesome effect. But it will make necessary a more extensive and generous provision for evening classes, factory classes for men and women of foreign birth, and even home classes for women." Certificates may be issued to those who have completed the fifth grade in the public schools of the state and to those who have completed equivalent work in evening, private, or parochial schools.

Justification of the test

If the property and tax-paying qualifications have been abandoned as undemocratic, what justification can be found for this new qualification which has met with such wide acceptance? It has

[1] Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia.

[2] All but Connecticut, Washington, and Wyoming require ability to write as well as to read. The most recent provision is that of Oregon (1923). There shall be provided in every voting precinct and place of registration one hundred extracts, of approximately fifty words each, selected from the state constitution by the secretary of state. Whenever a registration officer or judge of election has reason to suspect that any applicant to register or vote is unable to read or write the English language, or if the applicant is challenged upon that ground, the test shall be applied by requiring him to read one extract and write ten words from it.

[3] May 7, 1923.

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been condemned on various grounds: as depriving of political rights those who must bear the political burdens of taxation and military service, as encouraging unlawful methods of expression (direct action) on the part of the disfranchised, as having no relation to political capacity, as incapable of fair application, and as inconsistent with democratic principles. Taken collectively, these considerations must carry a good deal of weight. On the other hand, as the franchise is a privilege and not a natural right, it must be so qualified as to secure the best interests of the state. How can illiterate persons, with a printed ballot in their hands, vote intelligently?[1] Their helplessness encourages resort to trickery. Speaking of Maryland some years ago, Philip Loring Allen said:[2] "The 'Repudiation' party was extemporized and put candidates in nomination in order to bewilder negroes who had been laboriously taught to recognize the word 'Republican.' One Maryland Congressman is said to have established schools in which negro voters were taught to recognize his Christian name, 'Sydney,' by the two 'ox yokes'—the y's—and just as he had succeeded, another 'Sydney' was nominated against him by petition so that there would still be confusion." The situation is infinitely worse when the voter is asked to pronounce upon a long list of initiated and referred measures. The literacy test also makes for "Americanization," because it ensures on the part of the voter accessibility to current American ideas, at least through the medium of the newspapers; and, since the roots of American institutions are buried deep in the past, it is desirable that the voter should have in his possession the means of acquainting himself with that past and imbibing the spirit of a long tradition. Finally—and this must count with a people that set such store by their elementary public schools—emphasis is put upon the desirability of education as an instrument of civic efficiency.

Aliens and the suffrage

While the influx of aliens led Connecticut and Massachusetts to impose a literacy test, it had a very different effect in the West. The frontier states wanted settlers, both to hasten internal development and to increase their congressional representation. As an inducement to the foreign immigrant, some of them extended

[1] It may be observed here that, according to the report of the Illiteracy Commission of the National Education Association, more than 4,300,000 illiterates were entitled to vote in the presidential election of 1924. See New York *Times*, July 2, 1924, and *Literary Digest*, Aug. 2, 1924, p. 35.

[2] *North American Review*, Vol. CXCI (May, 1910), pp. 608-609.

the suffrage not to citizens alone, but to those who had declared their intention of becoming citizens. This occurred first in Wisconsin (1848); a little later in Indiana (1850), Minnesota, (1857), and Oregon (1859). At one time seventeen states, four of them in the South,[1] permitted aliens to vote. This practice was much criticized during the late war, when it still persisted in seven states. With the resurgence of nativism after the war, it was abandoned everywhere but in Arkansas.[2] abolished in 1926

Registration [3]

Present-day qualifications

The controversy that has ranged about the questions of negro suffrage and woman suffrage will be described in the following chapters. In each case a solution was found in an amendment of the federal Constitution. Under the provisions of the Fifteenth and Nineteenth Amendments the right of American citizens to vote may not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude, or on account of sex. With these exceptions,[4] the Constitution still leaves to the several states entire freedom in bestowing or withholding the elective franchise. Indeed, the states of the Solid South have managed to nullify the purpose of the Fifteenth Amendment by ingenious requirements—as to literacy, the payment of taxes, and the ownership of property—which, on their face, do not discriminate against the negro and which have been sustained by the Supreme Court. It has already been shown that neither the tax-paying test nor the literacy test is peculiar to the Solid South. Moreover, there are certain restrictions—further modifying the general rule that every American citizen of twenty-one years may vote—that are imposed in varying forms by all of the states. Everywhere a period of residence is required: for the state the period varies from three months in Maine to two years

[1] Alabama, Arkansas, Florida, Texas.

[2] By Indiana and Texas in 1921; by Missouri in 1922.

[3] I am indebted to Professor J. P. Harris, of the University of Wisconsin, for permission to use the manuscript of a forthcoming work on *Registration and Voting*. Helen M. Rocca's *Registration Laws* (1925), published by the National League of Women Voters, has also been very helpful. See also "A Model Registration System," supplement to *Nat. Mun. Rev.*, Vol. XVI (Jan., 1927).

[4] And, of course, the provisions of Art. I, Sec. 2, regarding the election of representatives

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in five Southern states and Rhode Island, and is commonly one year; for the county it varies from ten days in Wisconsin to one year in the same five Southern states, and is commonly two or three months;[1] and for the election district (precinct) it varies from one day in Maryland to one year in Mississippi, and is commonly thirty days. Inhabitants of the District of Columbia are debarred from the exercise of the suffrage unless they retain a legal residence in one of the states and vote there. Paupers, lunatics, and idiots are disqualified everywhere, as also are persons who have been convicted of certain crimes and not pardoned or restored to citizenship.

The system of registration. its introduction

In the earlier part of the nineteenth century, outside of New England, the voter did not have to establish his qualifications prior to election day. He simply presented himself at the polling place and, if his right to cast a vote were disputed, supported his claim by an affidavit and produced other voters to identify him. This practice suited the simple conditions of the time; common acquaintance acted as a bar to fraud. But with the growth of large cities, where families changed their abode frequently and in the same neighborhood might be strangers to each other, additional safeguards had to be devised. It became imperative to investigate claims beforehand; and, with this object in view, the system of registration was developed. Nowadays the name of the voter must appear on a list which has been compiled in advance of the election. Only ten states permit those who have not been previously registered to vote on election day. Most of the ten states concede the right conditionally—in Iowa only if the voter was absent from the precinct on the days of registration or if his name was wrongfully struck off the register. In Nebraska and Wisconsin, however, the courts have held that a voter, otherwise qualified, may vote without registering;[2] and therefore the registration laws of those states are not compulsory. In Wisconsin the unregistered voter makes affidavit on election day that he is qualified, and such affidavit must be substantiated by the affidavit of two freeholders, voters

[1] Four states have no requirement as to length of residence in the county.

[2] *Dells v. Kennedy*, 49 Wis., 555 (1880); *State v. Moorhead*, 95 Neb., 80 (1914). Elsewhere compulsory registration laws have been sustained, provided they give a reasonable opportunity to register and do not impose any great inconvenience upon an appreciable number of voters. It has even been held that registration is necessary to protect the right of suffrage, since the citizen's right to vote is worthless unless fraudulent voters are barred from the ballot-box. *Edmunds v. Banbury*, 28 Iowa, 267 (1869).

in the same precinct, corroborating all the material statements.[1] Only a compulsory law can be effective against fraud. If the general requirement of registration is waived in particular cases, it is the machine politician who is most likely to take advantage of the concession.

Its development

The system of compulsory registration has developed gradually over a long period of time. It appeared in Massachusetts as early as 1800 and spread to other New England states during the next half-century. Under the Massachusetts law the assessors of each town annually compiled an alphabetical list of inhabitants qualified to vote and transmitted the list to the selectmen, who revised and corrected it.[2] Without being inscribed on the list no one could vote. At the present time the arrangements in Texas—where the voters must pay a poll tax—are somewhat similar. The county collector makes out a "certified list of qualified voters," delivering it to the election board before April 1 of each year; and not later than four days before any primary or election he submits a supplementary list of voters who have moved into each precinct during the interval. New York lagged behind New England.[3] At last, in 1859, provision was made for a register, based upon the poll list of the last election. Notwithstanding the fact that unregistered voters could qualify by affidavit on election day, the arbitrary power exercised in correcting the poll lists—that is, in adding and removing names—caused complaint; and six years later a new principle was introduced. Persons who had not voted in the last election or who had since then moved into the precinct or reached the age of twenty-one might have their names inscribed by making personal application.[4] For the cities of New York and

[1] In Illinois the supporting affidavit of only one householder is required.

[2] A Pennsylvania act of 1836 provided that the assessors of Philadelphia should compile a list for that city.

[3] See F. A. Cleveland, *Organized Democracy* (1913), pp. 222-224. In 1840 a registration law applying to New York City alone was passed. It was repealed two years later.

[4] This is substantially the plan now followed in Illinois (except that Chicago and nine other cities have elected, as the general election law permits, to come under the provisions of a law of 1885). The election inspectors correct the poll list three weeks before the election, post it "conspicuously" for public inspection, and two weeks later meet to hear claims and objections. Names are dropped when two legal voters under oath prove to the satisfaction of the board that the persons are not qualified. Applicants for registration may be examined under oath by the inspectors. On election day any unregistered person may qualify by making an affidavit, supported by a householder of the precinct, that he is entitled to vote.

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Brooklyn personal appearance before the registering officers was required of all voters, the use of the poll list being discontinued; and a law of 1880 extended this system to all cities of 16,000 population and over. To-day the two methods are still employed in New York. Personal registration is required in the more populous communities as a safeguard against illegal voting.

Existing arrangements in New York

Under the present New York law the board of election inspectors (four in number) compiles the register for each precinct or election district. In cities of 5,000 or more it holds four meetings—on the fourth and third Fridays and Saturdays before the election;[1] elsewhere, two meetings. In cities of 5,000 and more the voters must appear in person. Elsewhere the board, using the poll list, removes the names of "such voters as are proven to the satisfaction of such inspectors to have ceased to be voters in such district" and adds the names of all other persons known or proved to be entitled to vote. "A qualified voter in such election district may apply, but is not required to apply, in person, to be registered." Procedure is regulated in some detail, even to the point of requiring an American flag of stated size to be displayed and the premises to be clearly lighted. The board elects a chairman and decides questions by majority vote. Each party committee may appoint two watchers, who have the privilege of inspecting the records and challenging applicants for registration. Where personal registration is required the register contains thirty-five columns; elsewhere, seventeen. In these columns are entered such pertinent facts as the age of the voter (which he may withhold by stating that he is over twenty-one); his length of residence in the state, county, and election district; details as to his naturalization, if he has been naturalized; date when he last registered or voted, and his address at the time; his present address, with number of room or floor; the name of the householder or tenant with whom he resides; his occupation, with the name of his employer, if any; street and number of his place of business; proof of literacy; and his signature in a column headed "The foregoing statements are true."[2] Any applicant may be challenged by a

[1] The hours are 10 A.M. to 10 P.M. except on the last day, when the board convenes at seven. In New York City the meetings begin on Monday the twenty-ninth day before election and continue through Saturday.

[2] If the voter cannot sign his name, one of the inspectors asks him a series of questions, records the answers in the "book of identification statements," and certifies them with his own signature.

watcher or other qualified voter. He then must answer under oath a series of thirty-six questions appearing on the "challenge affidavit." He signs the affidavit, as do all four inspectors. Along with the answers appears a physical description of the applicant: height, weight, color, color of hair, hair on face, kind of nose, marks on face or hands, distinguishing marks. The local police captain or the sheriff must immediately investigate the truth of all challenge affidavits and deliver any evidence of falsity to the district attorney for action by the grand jury.

Different types of registration: (1) personal and non-personal

In attempting to classify systems of registration—and their variety makes classification difficult—the personal type may be distinguished from the non-personal and the periodic type from the permanent. Forty states require personal registration (that is, the appearance of the applicants before the registering officers), either for the whole state or for certain parts of the state, especially the large cities. Thus Kentucky requires it in all cases, New York only in cities of 5,000 and upwards. Personal registration affords the best guarantee against the all-too-common abuse of voting in the name of a fictitious person or a dead person or a person who has moved from the precinct.[1] On the other hand, it involves inconvenience to the voter. The number of days allotted to registration varies from one to six;[2] and these days usually occur in the summer or autumn months when many people take their vacations. "Absentee *voting* laws," says Miss Rocca,[3] "are now in effect in over forty states. Provision for absentee *registration* is, however, by no means as common. Obviously many persons who are absent from their homes on election day are also likely to be absent on the registration days as well, especially where these are limited and fall on dates close to that of the election." Fourteen states have provided for absentee registration in varying form. These states are: Arizona, California, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oregon, and Tennessee.

The method of conducting personal registration in California

[1] Minnesota, extending the system of permanent registration in 1925, provided that the record of adult deaths in each city should be communicated to the registration officers.

[2] A Kentucky statute was held invalid because only one day in the year was allotted to registration. Perkins *v.* Lucas, 246 S.W., 150 (1922).

[3] *Op. cit.*, p. 8. See also Miss Rocca's *Brief Compilation of the Laws Relating to Absentee Voting* (National League of Women Voters, 1927).

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places very little burden upon the voter. The process begins in January of every second year and is in progress at all times except within thirty days of an election. The county or county-and-city election boards may adopt arrangements "deemed most convenient to large numbers of voters." Thus in Pasadena deputy registrars make a house-to-house canvass during the month of January, each voter signing an affidavit; in February they are stationed in the lobby of the municipal building daily from eight-thirty in the morning till five in the afternoon for the convenience of voters not already listed.[1] In Los Angeles the registrar of voters, a permanent official protected by civil service rules, employs a field force of some eight hundred persons. These visit all the homes in the territory assigned to them, calling a second or third time if the occupier is absent, and receive eight or ten cents for each affidavit of registration.[2] Voters who have not been reached in the house-to-house canvass may afterwards register at any one of numerous places scattered through the city; they will find deputy registrars waiting for them in shops and even on street corners. Under these circumstances forty per cent of the population registers. The percentage in Philadelphia and New York City is only twenty-four; in Milwaukee, where the police conduct a house-to-house canvass before important elections, thirty-six.[3]

The California plan

(2) Periodic and permanent registration

Periodic registration involves the compiling of a completely new list of voters at certain intervals. The new list may be prepared every year (as in New York), every second year (as in California), every fourth or presidential year (as in Iowa), or every tenth year (as in South Carolina alone). Under the system of permanent registration a voter's name remains on the list as long as he continues to reside in the precinct. This system, like the non-personal, relieves the voter of a troublesome duty and the state of a considerable expense. But in large cities, where the population is migratory, it opens the way to abuses. Too often names

[1] In Berkeley, lodges and clubs, having ten or more voters present, are invited through the press to summon a deputy registrar by telephone.

[2] Ten cents after sixty per cent. of the voters have been registered.

[3] Harris, *op. cit.;* and "Registration for Voting in Milwaukee," *Nat. Mun. Rev.*, Vol. XIV (1925), pp. 603-609. Procedure in Boston, Milwaukee, Omaha, and Portland is described briefly in a report of the Chicago Bureau of Public Efficiency, *A Proposed System of Registering Voters* (1923), pp. 21-24.

are not removed after the voters have left the precinct;[1] and this encourages personation. Fourteen states provide for permanent registration alone, twenty-four for periodic alone; and seven provide for periodic registration in specified areas, chiefly the larger cities. The prevailing type of registration in cities is personal and periodic; in rural areas either personal and permanent or non-personal and periodic. Wisconsin, Kentucky, and a few other states do not require registration in rural areas. There is no registration at all in Arkansas.

Appointment of registration officers

The machinery of registration is decentralized. State control, where it exists, rarely goes beyond the appointment of county registration officers and the prescription of forms for the records. Two-thirds of the states provide some measure of county control; in several Southern states, indeed, county officers conduct the whole business of registration, sometimes moving from precinct to precinct for the purpose. As a general rule, voters register at the precinct polling places[2] before a board, which in thirteen states is identical with the board of election inspectors, or a single officer.[3] The boards, usually bi-partisan, have sometimes two members, sometimes four, and in Chicago and North Dakota five. They are appointed in most cases on the recommendation of party leaders who, in turn, take the advice of the election district captains.[4] Political patronage of this kind does not make for high

[1] See F. H. Ritter's article condemning permanent registration for large cities, *Nat. Mun. Rev.*, Vol. XIV (1925), pp. 532-535; and F. L. Olson's article commending the system in Milwaukee, *ibid.*, Vol. XIII (1924), pp. 488-492.

[2] Sometimes at a central place, such as the city hall or county court house. In New England town officers conduct the registration.

[3] The single officer is found mainly in the South and West. Thus in Utah the board of county commissioners appoints for each precinct a "registration agent," who must belong to the party that cast the highest vote for congressman.

[4] The exercise of patronage by the party organization, though usually sanctioned by custom alone, is sometimes (especially in the South) a matter of law. Thus the Kentucky law requires two of the four officers to be chosen from each major party, the county committees furnishing lists. In Iowa the city committee of each party submits for each precinct a list of three names from which one is chosen. Years ago, when the writer served as election inspector in New York City, he was nominated by the election district captain, but had to qualify by passing an examination conducted by the board of elections. Although he had studied the election law, he found the questions somewhat more searching than college standards had led him to expect. As he sat gazing dubiously at the paper, he heard a voice behind his back and

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standards of capacity or ensure a spirit of honest public service. Whatever the method of appointment, properly qualified men cannot easily be found; for they must be free from regular occupations, as the days of registration are not holidays, and must be willing to accept a very low rate of pay. The pay varies from $1.50 a day in Tennessee to $10 in Detroit and New York City; it is $2 in Kentucky, $3 in Iowa and Utah. The precinct registration officers are provided with books in which they enter the names of the voters in alphabetic order (as far as practicable), with the required data concerning them in successive columns. Several Western states have abandoned books in favor of numbered cards or sheets. The elaborate character of the New York records has already been indicated. The Philadelphia requirements are hardly less exacting. On the other hand, New Hampshire and New Mexico require only the name of the voter; and several other states, only the name and the address. Professor Harris lists as follows the items that occur most frequently: age, 26 states;[1] date of registration, 25; nativity, 23; naturalization, 20; occupation, 17; length of residence, 17; number of precinct, 13; signature, 13. The signature requirement, adopted first by California in 1905 and three years later by New York in a more elaborate form, is the most effective safeguard against fraud on election day. If there is any doubt about the identity of the voter, he may be asked to write his name for the purpose of comparison with the signature appearing in the register.[2]

Methods of checking the voters' list

The system of registration has been adopted in order to prevent illegal voting. On election day there is no opportunity to test a man's statement as to age, citizenship, or residence, when he offers to vote. His qualifications must be investigated beforehand; and, since fraud may be practised as easily in registering as in voting, any effective system of registration—at least outside rural areas, where the voters are personally known to each other and to

soon discovered that the answers were being dictated for his benefit. No doubt he got a perfect mark. An inspector who served in the same election district and had passed the same examination was so nearly illiterate that he had to be relieved of all clerical work.

[1] A number of states provide (like Colorado and Maryland) that women may announce their age as "over twenty-one"; or (like Kentucky and New York) that any applicant for registration may do so.

[2] In Boston the voter signs his name at the time of registration; but, since the original register is not sent to the precincts on election day, the signature cannot be used for the purpose of identification at that time.

the officials—would seem to require some means of checking the names and addresses and other data. Arrangements vary. The laws of several states provide for no investigation whatever. In some of the larger cities, on the other hand, the police make a house-to-house canvass. Early in April of each year, for example, the Boston police take a census of all adults; and, after due notice and opportunity to be heard, the names not listed by the police are dropped from the register. In ten cities of Illinois, including Chicago, the two election clerks in each precinct are supposed to visit every address appearing in the register and to serve "suspect notices" upon persons who are not found at their stated residence, these notices requiring them to appear before the registration board and show cause why their names should not be removed.[1] The usual procedure is less elaborate. The list of registered voters is made public either by posting it in a convenient place for inspection or by printing it for the use of those who apply for it. Shortly before election day the registration officers meet to hear complaints and make corrections. Any person whose name has been omitted may then establish his claim; any voter may object to the appearance of a particular name on the register. The election district captain of each party will be concerned in protecting the interests of his fellow-partisans and in uncovering frauds that are likely to help the other side.[2]

[1] "It is ridiculous to expect two persons in each precinct—men and women—to go from house to house and verify in a day or two, for five dollars each, the residence of each of 400 or more voters in such precinct. Such verification is, in fact, seldom if ever had." Chicago Bureau of Public Efficiency, *op. cit.*, p. 15. Dishonest clerks may fail to report cases of false registration or of removal from the precinct or death. They may disfranchise lawful voters by falsely claiming to have served them with suspect notices, such voters failing to appear in defence of their rights and being therefore struck off the lists.

[2] The Kentucky law provides that, when the county committee of either party requests it, the county election board shall appoint two precinct officers, one nominated by each party, to purge the register. These officers may summon and swear witnesses. Whenever they disagree, the case is heard by the circuit court; and any voter may appeal to that court from their decisions. The county court, at the request of any voter, may strake a name off the register.

CHAPTER II

Negro Suffrage and the Solid South

Supremacy of Democrats in the South

The existence of the Solid South, resting upon the menace of negro domination, has for half a century disturbed and distorted the political life of the country. The ten states that constitute the Solid South [1] are overwhelmingly Democratic. For the most part, Republicans maintain only a nominal organization; and this they do, not because they have the slightest hope of victory at the polls, but for the purpose of securing federal patronage and of exerting influence in the national conventions. Political life is therefore abnormal. The necessity of preserving an unbroken party front, which will be explained later, hampers the free play of opinion. Oscillations in policy must not pass beyond the Democratic orbit. Since the Democratic party can always rely upon the entire electoral vote of these states in presidential years, it might be thought that the South would have a determining voice in the national

[1] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, Virginia. These must be distinguished from the six border states: Kentucky, Maryland, Missouri, Oklahoma, Tennessee, West Virginia. Some writers include Tennessee in the Solid South, apparently because, like the other ten states, it seceded from the Union. But in view of the fact that sentiment was divided during the Civil War, that the negroes form less than a fifth of the population, and that the Republican party maintains a vigorous life there, Tennessee must properly be classed as a border state. All of the border states except Kentucky (where the election was exceedingly close) went Republican in 1920; all of them send divided delegations to Congress. The distinguishing mark of the Solid South is that in state and national elections it invariably goes Democratic, and by overwhelming majorities. Since the negroes, forming a large percentage of the population, do not vote and since there is no real contest between the parties, the active electorate is very small. Thus in 1920 the voters were four to five per cent of the population in three states, seven to ten in five others, twelve in Florida, and twenty-one in North Carolina, where the Republican party has developed some strength. Among the border states, on the other hand, the percentage fell below thirty only in Oklahoma and Tennessee. General elections in the Solid South serve merely to ratify the decision which Democrats have made in their direct primaries. It is in these preliminary elections within the party that the significant struggle takes place and the interest of the voters is absorbed. The political cleavage is between factions in the Democratic party.

councils of the party. Far from it; for policies are shaped, nominations made, and campaigns conducted to win doubtful northern states like Ohio and New York. The South, which gives everything, can ask for nothing. Its only recompense, aside from the suppression of the negro vote, is the power it wields in Congress when the Democrats control either house and, in conformity with the seniority rule, give the places of leadership to Southern members, who have often served continuously for long terms. It is not the South alone that suffers. The Republican party remains what it was at the time of its inception, a sectional party. Satellites it has in the Solid South, but these are in some ways a liability rather than an asset,[1] a liability that cannot be abandoned without giving offence to the numerous negro voters in the North. To make clear the problem of the Solid South it is necessary to look back to the period immediately following the Civil War.

Establishment of Negro Suffrage

Thirteenth and Fourteenth Amendments

Although the war was fought to preserve the Union rather than to free the slaves, through the logic of events it brought about not only their emancipation but also their admission to the suffrage. The first measures, calculated to weaken the enemy by striking at his property in slaves, applied only to the rebel states; but a bolder course was advocated in the Republican platform of 1864. "As slavery was the cause and now constitutes the strength of this rebellion," the platform says, "and as it must be, always and everywhere, hostile to the principles of republican government, justice and the national safety demand its complete extirpation from the soil of the republic; . . . we are in favor, furthermore, of such amendment to the Constitution . . . as shall terminate and forever prohibit the existence of slavery within the limits or the jurisdiction of the United States." The Thirteenth Amendment achieved this object. Then, having freed the slaves, the radical Republicans determined to secure for them the full enjoyment of civil rights. That was the main purpose of the Fourteenth Amendment. In its second section, however, the amendment marked an indirect approach to negro suffrage. It provided that, when the right to vote is denied to any adult male citizens, the congressional representation of the state concerned shall be reduced propor-

[1] For the rôle played by Southern delegates in the Republican national convention see below, Chapter XVII.

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tionately. Whether the Southern states gave the suffrage to the negroes, who would naturally support the Republican ticket, or preferred to sacrifice their strength in Congress and therefore in the electoral college also, the Republican party was bound to profit. Only under compulsion did the South accept the amendment.

Fifteenth Amendment

While the Fourteenth Amendment was awaiting ratification, Congress passed, over the President's veto, the Reconstruction Act of March 2, 1867. This divided the rebel states (except Tennessee, which had been readmitted to the Union) into five military districts. It further provided that senators and representatives would be admitted to Congress when the states had framed constitutions that Congress approved and had ratified the amendment; but negroes must be allowed to vote not only in electing delegates to the constitutional conventions and in ratifying the work of those conventions, but permanently under the terms of the new constitutions. Seven states complied with these requirements in 1868; the remaining three—Mississippi, Texas, and Virginia—in 1870. The negro could now defend himself with the ballot; for the moment he was secure in the possession of equal rights. It was clear, however, that the Southern whites were bent upon recovering their ascendancy and disfranchising the negro in defiance of Congress. No clause of the federal constitution stood in their way; for to the states belonged the exclusive power of fixing qualifications for the suffrage.[1] The Republicans hastened, before such a calamity could occur, to place negro suffrage beyond the reach of local hostility. According to the terms of a new amendment, the fifteenth, "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude." It was adopted in 1870.[2] "A measure," said President Grant, "of grander importance than any other act of our free government to the present day."

What were the motives which lay behind this enfranchisement of the negro? The North imposed it on the South. Yet in 1867, the year of the reconstruction acts, only seven Northern

[1] Art. I, Sec. 2, Clause I, of the constitution provides that representatives shall be chosen in each state by those who "have the qualifications requisite for electors of the most numerous branch of the state legislature."

[2] Mississippi, Texas, and Virginia ratified under duress. Negro control in other southern states secured ratification.

Motives of the Republican party

states permitted negroes to vote;[1] and that same year Kansas, Michigan, Minnesota, and Ohio rejected suffrage amendments, although no race problem existed there, as in the South, to justify their attitude. In the platform of 1868 the Republican party did not attempt to disguise the inconsistency of its position: "The guarantee of equal suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all the loyal states properly belongs to the people of those states." The Fifteenth Amendment was enacted in spite of Northern indifference or hostility to negro suffrage and because no other effective means of controlling the South could be devised. Republicans supported the amendment on a variety of grounds.[2] Some relied upon the principle of natural right (while repulsing the claims by that time vigorously made by women); others, on the principle of expediency, since the negro vote was necessary to preserve the post-war settlement; others, again, wished to satisfy a feeling of rancor towards the rebels. Thaddeus Stevens shared all these views. "I am for negro suffrage in every southern state," he declared.[3] "If it be just, it should not be denied; if it be necessary, it should be adopted; if it be a punishment to traitors, they deserve it." Perhaps the prevailing motive was that of party advantage; for the negroes, out of gratitude, would identify themselves politically with their liberators and thus permanently disable the Democratic party. "There was not one shred of evidence to show that anywhere in the North men wanted negro voters in their midst," says Porter.[4] "Done under the cloak of hypocrisy in feigned support of democratic principles, it was in truth a revengeful, punitive measure directed at the South, for which the entire nation suffered." The transaction was, as we must view it now, incredibly misguided. The freedmen had not asked for the

[1] Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, Wisconsin. New York imposed a property qualification on negroes. Negroes were permitted to vote in Wisconsin under a court decision of 1866. G. T. Stephenson, *Race Distinctions in American Law* (1910), p. 282. See also the table given by Porter, *A History of Suffrage in the United States* (1918), p. 90, where Wisconsin, however, is given as excluding the negro.

[2] J. M. Mathews, *Legislative and Judicial History of the Fifteenth Amendment* (1909), pp. 21-22.

[3] J. A. Hamilton, *Negro Suffrage and Congressional Representation* (1910), p. 15.

[4] *Op. cit.*, p. 134.

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suffrage; they were, in view of their condition at the time, incapable of using it intelligently. "The simple truth is that negro suffrage was the most artificial creation ever known to our history," says Alfred Holt Stone.[1] "The only natural thing about it was its death."

Restoration of white ascendancy

While it lasted, however, negro suffrage involved the South in misery and demoralization. Under the most favorable circumstances the situation arising out of a prolonged war and the sudden emancipation of a multitude of slaves would have presented baffling difficulties. It was a critical time. The best efforts of the best men were needed to meet the exigencies of reconstruction. But unfortunately the old leaders had been eliminated from public life;[2] carpetbaggers and scalawags, exploiting the negro vote and securing control of the government, wasted resources, looted the treasury, and fastened heavy debts upon the states. Such rampant corruption shook the faith of all but the most arrogant partisans of negro suffrage in the North. In the South it convinced the exasperated whites that the very fabric of civilization was imperiled and that white ascendancy must be restored at all hazards, even in defiance of law. In some states, where moderate Republicans, appalled by the riot of extravagance and corruption, deserted their party and combined with the other whites, the carpetbag governments were dislodged without resort to questionable methods. Elsewhere intimidation, trickery, and fraud kept the negroes from the polls or nullified their votes. Between 1869 and 1877 the whites regained control of every southern state. Thus was born the "Solid South," the "color line" in politics. The negroes adhered to the Republican party with undeviating loyalty. The whites, who regarded the negro menace as the fundamental question in politics, concentrated their strength within the Democratic ranks.

Congress intervenes: Enforcement Act

The Republican party did not acquiesce in the disfranchisement of the negro by violence and fraud; its successive platforms denounced the conduct of the Democratic party in the South and promised legislative remedies.[3] Nor did the negro himself at once

[1] *Studies in the American Race Problem* (1908), p. 358. This is the best book on the Solid South.

[2] By the Reconstruction Act of March 23, 1867, prescribing rules for the registration of voters, and by the third section of the Fourteenth Amendment. The disabilities were removed by the amnesty act of May 22, 1872.

[3] Thus in 1884: "The perpetuity of our institutions rests upon the maintenance of a free ballot, an honest count, and correct returns. We denounce

give up the struggle. To him the ballot was the symbol of freedom; his party, the sole bar to a revival of slavery. In 1870 the majority in Congress sought to check the practices employed in the South and to vindicate the Fifteenth Amendment. An elaborate statute prohibited under heavy penalties not only all forms of racial discrimination in the conduct of elections, but also the employment by private individuals of violence, threats, or bribery to discourage citizens in the exercise of their voting rights.[1] This "enforcement act," while provoking lively resentment in the South, failed to accomplish its purpose. Those provisions which penalized the wrongful acts of private persons were declared unconstitutional by the courts; and most of the other provisions, having no other effect than to irritate the South, were repealed by Congress in 1894. When the justices of the Supreme Court came to interpret the Fifteenth Amendment, they laid down three principles which, in combination, made its practical application exceedingly difficult. These principles were: (1) that the amendment did not confer the right to vote upon any one, since that right was still derived from the states; (2) that no one could be convicted under its provisions unless his acts constituted a discrimination on account of race, color, or previous condition of servitude; and (3) that the amendment did not contemplate the wrongful acts of private individuals, but only those of a state or its agents.[2]

In the light of these principles the supposed safeguards of the negro's rights, one after the other, disappeared. The states could,

the fraud and violence practised by the Democracy in the Southern states, by which the will of the voter is defeated, as dangerous to the preservation of free institutions; and we solemnly arraign the Democratic party as being the guilty recipient of the fruits of such fraud and violence. We extend to the Republicans of the South, regardless of their former party affiliations, our cordial sympathy, and pledge to them our most earnest efforts to promote the passage of such legislation as will secure to every citizen, of whatever race and color, the full and complete recognition, possession and exercise of all civil and political rights."

[1] For the details see J. M. Mathews, *op. cit.*, Chap. V. Further legislation in 1871 empowered federal circuit judges, under certain circumstances, to appoint election inspectors. This is as far as Congress has gone in the attempt to enforce the Fifteenth Amendment. The House, it is true, did pass a "force bill" in 1890, but it was defeated in the Senate.

[2] These principles were first developed in the state and lower federal courts. The Supreme Court approved the first two in the case of U. S. *v.* Reese (92 U. S., 214, 1876) and the third in the case of James *v.* Bowman (190 U. S., 127, 1903).

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Decisions of the Supreme Court

as the Southern states afterwards did, impose suffrage qualifications which disfranchised the negro without discriminating against him in terms. Again, when a negro was denied the right to vote, he must show, with a reasonable degree of certainty, that the discrimination he complained of was a racial discrimination. "Nor is it charged that the bribery was on account of race, color, or previous condition of servitude," said Justice Brewer in the case of *James v. Bowman*. "True, the parties who were bribed were alleged to be 'men of African descent, colored men, negroes, and not white men' and, again, that they were 'persons to whom the right to suffrage and the right to vote was then and there guaranteed by the Fifteenth Amendment to the Constitution of the United States.' But this merely describes the parties wronged as within the classes named in the Amendment. They were not bribed because they were colored men, but because they were voters. No discrimination on account of race, color, or previous condition of servitude is charged." Again, in a case where negroes were prevented from voting by violence,[1] Chief Justice Waite said: "We may suspect that race was the cause of hostility, but it is not so averred. This is material to a description of the substance of the offence, and cannot be supplied by implication. Everything essential must be charged positively and not inferentially." This was good law, but it rendered the case of the negro almost hopeless.[2] Finally, the third principle, under which the wrongful acts of private persons escaped the prohibition of the Amendment, left the way open to intimidation, fraud, and bribery, if these were not punished by the states themselves. It appeared, therefore, that white ascendancy in the Solid South was not seriously threatened by the Fifteenth Amendment.

Disfranchisement of the Negro

Having produced satisfactory results, the illegal or extra-legal practices might have been continued indefinitely. Gradually, too, as the negro came to recognize his helplessness and, through apathy

[1] *U. S. v. Cruikshank*, 92 U. S., 542.

[2] Porter (*op. cit.*, p. 200) takes a critical view of the judicial decisions. "Tribunals very early began to exhibit a tendency to keep 'hands off' the Southerners and not force the issue with them. All the burden of proof was laid upon the negro to show that he was being deprived of a right, and the courts took advantage of technicalities and ambiguities to make the negro's position all the harder." On the other hand, note the expressions of approval in J. M. Mecklin, *Democracy and Race Friction* (1914), pp. 220-221.

and indifference, accept his inevitable exclusion from politics, they would have been less frequently employed. But, after all, these practices were distasteful to the better element among the whites; encouraging as they did a general spirit of disorder and contempt for law, they had been sanctioned only under the pressure of necessity. Towards the end of the century a new plan was devised, one that proved quite effective and yet kept within the letter of the law as interpreted by the Supreme Court. It rested upon the principle that the states might impose suffrage restrictions of any kind, provided only that these did not discriminate against the negro. Now, according to the courts, the fact of discrimination must be proved, not simply inferred as a probable motive. Between 1890 and 1908, therefore, seven states (all the Solid South except Arkansas, Florida, and Texas) enacted new constitutions [1] and incorporated in them requirements which, though carefully avoiding any suggestion of racial bias, were designed by ingenious indirection to exclude the great mass of the negroes. Referring to the Mississippi constitution of 1890, the supreme court of the state said: [2] "Within the field of permissible action under the limitations proposed by the Federal Constitution, the Convention swept the field of expedients to obstruct the exercise of suffrage by the negro race. By reason of its previous condition of servitude and dependency, this race had acquired or accentuated certain peculiarities of habit, or temperament, and of character which clearly distinguished it as a race from the whites. A patient, docile people; but careless, landless, migratory within certain limits, without forethought; and its criminal members given to furtive offences rather than the robust crimes of the whites. Restrained by the Federal Constitution from discriminating against the negro race, the Convention discriminated against its characteristics and the offences to which its criminal members are prone."

Exclusion of the negro by constitutional devices

Before describing generally the constitutional requirements (which are by no means identical in all the Southern states) and explaining their significance, it will be serviceable to summarize the provisions of the Alabama constitution of 1901. That consti-

Provisions of the Alabama constitution

[1] Mississippi (1890), South Carolina (1895), Louisiana (1898, 1913, and 1922), Alabama (1901), North Carolina (constitutional amendment effective in 1902), Virginia (1902), Georgia (constitutional amendment of 1908). The payment of a poll tax is required in the other three states.

[2] Quoted by William P. Pickett, *The Negro Problem* (1909), p. 244, from 20 *Southern Reporter*, 865.

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tution is the most comprehensive; in it will be found every device employed by the other states. In the first place the voter must have resided in the state two years, the county one year, the precinct three months. In the second place, he must have paid a poll tax of one dollar and fifty cents for the year 1901 and for each subsequent year; and "any person who shall pay the poll tax of another, or advance him money for that purpose in order to influence his vote, shall be guilty of bribery." In the third place he must be registered; and this means that he must satisfy either an educational or a property test. Under the educational test he must be able to read and write any article of the United States Constitution in English and he must have worked in some lawful employment, business or occupation, trade or calling for the greater part of the preceding year. Under the property test he must be the owner (or the husband of the owner) of forty acres of land upon which he resides, or the owner of real estate or personalty in Alabama assessed for taxation at three hundred dollars; and all taxes due upon such property for the preceding year must have been paid. Any applicant for registration may be required to state under oath where he has resided during the past four years, the name or names by which he was known, and the names of his employers; and those who make a wilful misstatement shall be guilty of perjury. Further, those are disqualified from voting who have been convicted of certain crimes, including arson, perjury, larceny, assault and battery upon the wife, adultery, bigamy; or who have been convicted as vagrants or tramps or of selling or offering to sell their votes. Finally, there is the so-called "grandfather clause" which permits certain persons, before a specified date (December 20, 1902), to have their names inscribed permanently on the register without paying the poll tax or satisfying the educational or property test. Such permanent registration is open to: (1) those who have served in the armed forces of the United States in the war of 1812 or any subsequent war or in the Confederate forces during the Civil War; (2) their lawful descendants; and (3) "all persons who are of good character and who understand the duties and obligations of citizenship under a republican form of government."

Their significance

These complicated provisions seem to exhaust the possibilities of genius in striking at the negro's peculiar characteristics and at the same time, through the grandfather clause and the discretionary power lodged with election officers, safeguarding the in-

terests of the whites.[1] The exacting residence requirement, which is reproduced, with variations, in the other six states, penalizes the migratory habits of the negro. The tax-paying requirement, universal in the Solid South, penalizes his improvidence and carelessness; and this is especially true when the tax must be paid through a period of years and a receipt or other "satisfactory evidence" of payment given. Frequently the negroes fail to pay the tax, although the amount is small,[2] or else they lose the receipt. The literacy or educational requirement, found in seven states, penalizes the negro's lack of schooling. The applicant for registration must usually be able to read and write some part of the state or federal constitution. In Louisiana and Virginia he must make application in his own handwriting; in Mississippi read some section of the constitution, or "be able to understand the same when read to him, or give a reasonable interpretation thereof." Whatever form the test takes, the registration officers conduct it; and the standards they demand of a negro and a white man may differ greatly.[3] Thus in Columbia, South Carolina, when women applied for registration in 1920, white women were subjected to no test of any kind, but colored women "were made to read and even to explain long passages from the constitution and from various civil and criminal codes, although there is no law requiring such an inquisition. . . . Well educated colored women were denied the

Similar arrangements in other states

[1] Alfred Holt Stone (*Studies in the American Race Problem*, 1908, pp. 354-355) says: "There is a good deal of nonsense indulged in, North and South, about those Southern constitutions. There is not one of them under which the Negro is not disfranchised automatically. The most effective bar to Negro suffrage ever devised is the cumulative poll tax provision of Georgia. Yet Georgia's is not inscribed among the offending constitutions. [Stone wrote before the revision of 1908 in Georgia.] The tax-payment provisions of these constitutions are directed against two race characteristics—lack of thrift and absence of foresight—and they operate with telling effect. Couple with these the requirment of registration, and we have practically all there is of the really active features of these instruments. The so-called 'understanding clause,' for example, in the constitution of Mississippi is a dead letter to all intents and purposes. It is doubtful if it has been resorted to, all told, one hundred times in sixteen years."

[2] In Louisiana $1; in Alabama $1.50; in Mississippi $2.

[3] Frank R. Kent, *The Great Game of Politics* (1923), p. 317, says: "Ordinarily they let the few Negroes who apply for registration get by. The idea is not to keep all Negroes off the list, but the power is there, through the educational test, to apply it so unfairly that the Negro cannot qualify and the white voter can, and there is no hesitation in the South in admitting that it would be so applied if the Negroes attempted to register in any considerable numbers."

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right to register. Some of the questions actually put to the inexperienced colored applicant were: 'Explain *mandamus*.' 'Define civil code.' 'How should you appeal a case?' 'If presidential votes are tied, how would you break the tie?' 'How much revenue did the State hospital pay the State last year?' . . . Several colored teachers of Columbia, licensed by the State to teach colored children, were denied the right to register, as being insufficiently educated to read a ballot!"[1] As an alternative to the educational requirement there is, in four states, a property requirement: in Alabama real or personal property assessed for taxation at $300, or forty acres of land; in Louisiana and South Carolina $300; in Georgia $500. In Georgia any one may register without meeting either the educational or property test if he is of good character and understands the duties and obligations of citizenship under a republican form of government. In its actual administration by partisan officials this may become a very important provision. In 1922 Louisiana incorporated it in her constitution, applying it to all voters, and at the same time, as an alternative to the literacy test, required the voter to be a person of good character, attached to the principles of the federal and state constitutions, and able to give a reasonable interpretation of any part of either instrument when read to him by the registrar. In all the Southern states a person otherwise qualified to vote is debarred by a criminal record; and some of the numerous crimes that are listed—such as wife-beating, adultery, petit larceny, obtaining goods under false pretenses, perjury—are supposed to be more common among the negroes. In some states the voter may be required to answer under oath a formidable series of questions which, through confusion and innocent mistakes, may involve him in perjury.

Now, while devised expressly to eliminate the negro, these various requirements would, if fairly applied, eliminate a considerable number of white men too.[2] This awkward possibility was

[1] William Pickens, "The Woman Voter Hits the Color Line," *Nation*, Vol. CXI (Oct. 6, 1920), pp. 372-373.

[2] How far this has actually occurred is uncertain; most available statements are unsupported by statistics. Thus a writer in the *Nation* (April 21, 1910, p. 873) says that "50,000 (white) voters, it is estimated, will be disfranchised" in Georgia. Paul L. Haworth in the *Outlook* (May 17, 1902, pp. 163-166) shows, however, that in Louisiana 164,000 whites were registered before the adoption of the constitution of 1898 and only 125,000 afterwards; the number of negroes fell from 130,000 (of whom 94,000 were illiterates) to

not overlooked. Ingenious minds discovered a remedy in the "grandfather clause" or, to use a less picturesque but more accurate phrase, the permanent registration clause, which is found in six states. Its purpose is to relieve certain classes from the operation of the educational or property test. In defining these classes the criterion is either (1) the right to vote in any state before the establishment of negro suffrage under the Reconstruction acts or (2) service in the armed forces of the United States or the Confederate states; and the descendants of such persons are also included. Thus Louisiana and North Carolina permit those who could vote in any state on January 1, 1867, and their descendants to enroll permanently as voters; Alabama, Georgia, and Virginia, those who served in the army or navy of the United States or the Confederate states and their descendants. The term "grandfather clause" is appropriate here. But in two of these five states other classes are recognized: in Alabama, those who are of good character and understand the duties and obligations of citizenship under a republican form of government;[1] in Virginia, those who own property and pay a state tax assessed against it and those who can read and explain any section of the constitution or, being unable to read, explain it when read to them. There is no "grandfather" element in these provisions or in any part of the South Carolina clause which enfranchises permanently those able to read or explain the constitution. Registration under the grandfather clauses was confined to a limited period, ranging from three and a half months in Louisiana to eight and a half years in

Permanent registration for whites in the "Grandfather Clause"

5,000. Frank R. Kent (*op. cit.*, pp. 318-319) says: "The education test, simple though it may be in the hands of sympathetic registration officials, tends to eliminate the really illiterate whites, a certain number of which will be found in every Southern state, but the poll tax eliminates vastly many more. Coupled with these obstacles to registration is the fact that, there being practically no general election contest . . . , the only fight of any sort being in the primaries, politics and elections generally are of less interest in the South than they are in the North. The result is that, outside of the professional politicians and the organization forces, a smaller proportion of the people take an active interest in them. The figures show that the white vote in the South has been dwindling for some years, and there has been in some of the states a shocking drop in registration figures. These things, however, are by no means, in the judgment of the people of these states, too big a price to pay for having really solved the Negro political problem. From their viewpoint, no price would be too big for that."

[1] Negroes unsuccessfully attempted to register under this provision and carried their case to the courts. See below the case of Giles *v.* Harris.

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North Carolina.[1] The grandfather clauses are still effective in the sense that existing suffrage rights have been acquired under them, but in the sense that no further claims to enrolment can be made they have all expired by limitation.[2] Outside the Solid South, in the border state of Oklahoma, a grandfather clause made its appearance in a constitutional amendment of 1910.[3] This amendment imposed a literacy test and relieved from its operation those who were "on January 1, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation," and their lineal descendants. Such persons could register at any time, not simply within a limited period. Some mystery surrounds this amendment. It did not proceed from any popular demand or any belief in its necessity, for the negroes form only seven per cent of the population; and its adoption was apparently secured by an artifice.[4] Its significance lies in the fact that, five years later, the United States Supreme Court declared it unconstitutional and so threw doubt upon the validity of all the grandfather clauses in the Solid South. A Maryland statute of 1908, which fixed the voting qualifications in the city of Annapolis, contained a grandfather clause. This, too, fell under the interdict of the court.

Its importance exaggerated

There is a disposition to exaggerate the importance of the grandfather, or permanent registration, clauses. Frank R. Kent observes[5] that if you ask the average person, not actually engaged in politics, how the negro has been excluded from politics, nine times out of ten the grandfather clause is held to be solely responsible. "Even some of our wisest and most seasoned political analysts in Washington of whom I inquired insisted that such was the fact. The 'grandfather clause,' they pointed out, provides that no one shall vote in these states who was not 'entitled to vote prior to 1864, or who is a descendant of such person.' This, they say, completely bars out the negro, and that is all there is to it.

[1] In Louisiana a constitutional amendment of 1912 gave a fresh opportunity to register in 1912-1913.

[2] The last being that of Georgia, December 31, 1914.

[3] Art. III, Sec. 4a, of the constitution, proposed by initiative.

[4] Every other referendum has been submitted in such a form that the voter could indicate his "yes" or "no" with a rubber stamp, no pencils being provided in Oklahoma polling booths. In this case every ballot was counted in the affirmative unless the voter crossed out the words "for the amendment." *Outlook*, Vol. XCV (Aug. 20, 1910), pp. 853-854.

[5] *Op. cit.*, p. 315.

Unquestionably, this is the prevailing belief throughout the country." As a matter of fact the grandfather clauses do not appear to have enfranchised any large proportion of the whites. For one thing, registration under their provisions implies inability to meet the literacy or property test; and many poor whites must have preferred to take their chances with well-disposed and lenient officials rather than confess their deficiencies. In Louisiana, after the constitution of 1898 went into effect, the number of registered white voters fell from 164,000 in 1897 to 125,000 in 1900. In 1897 there were 28,000 illiterate white voters; in 1900 little more than 29,000 registered under the grandfather clause.[1]

Purpose of constitutional provisions not disguised

There can be no doubt whatever as to the purpose of the constitutional arrangements that have been described or as to the elimination of the negro vote by these and other methods. The purpose was not disguised. The chairman of the Louisiana constitutional convention, for instance, said:[2] "We have not drafted the exact constitution we should have liked to have drafted; otherwise we should have inscribed in it, if I know the popular sentiment of this state, universal white manhood suffrage and the exclusion of every man with a trace of African blood in his veins. We could not do that on account of the Fifteenth Amendment. . . . What care I whether the test we have put be a new one or an old one? What care I whether it be more or less ridiculous or not? Doesn't it meet the case? Doesn't it let the white man vote, and doesn't it stop the negro from voting, and isn't that what we came here for?" Governor Charles B. Aycock of North Carolina said in 1900:[3] "We must disfranchise the negro. This movement comes from the people. Politicians have been afraid of it, and have hesitated, but the great mass of white men in the state are now demanding, and have demanded, that the matter be settled once for all. . . . The amendment to the constitution stays inside the Fifteenth Amendment, and nevertheless accomplishes its purpose. It . . . demands the existence of sufficient intelligence either by 'inheritance or education' as a necessary qualification for voting; it requires of the negro the qualification of education, since he has it not by inheritance, and demands of the white man only that

[1] 86,000 whites registered under the educational qualification; 10,000 under the property qualification. Paul L. Haworth, "Negro Disfranchisement in Louisiana," *Outlook*, Vol. LXXI (May 17, 1902), pp. 163-166.

[2] J. A. Hamilton, *op. cit.*, p. 32.

[3] *Ibid.*, p. 33.

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he possess it by inheritance; it . . . seizes upon the negro's educational unfitness, and saves the whites from participation therein by boldly recognizing the claims of their hereditary fitness. The amendment makes a distinction between a white man and a negro, but it does so on the ground that the white man has a knowledge by inheritance that the negro has not." The state platform of the Democratic party in 1906 congratulated the people of North Carolina on the fact that the franchise amendment had "permanently solved the race problem" and removed "a menace to peace and good government. In its operation the assurances made by the Democratic party to the people, that no white man would be disfranchised thereby, have been amply verified."[1]

Suffrage Restrictions before the Courts

Without further evidence it may be taken as an admitted and notorious fact that the suffrage provisions of seven states in the Solid South were adopted for the purpose of eliminating the negro vote. They were ingenious provisions, which sought to disguise, in the letter of the law, their real motive. Their real motive, and likewise their actual effect, was to nullify the Fifteenth Amendment. Under the circumstances it was natural that efforts should have been made to raise before the Supreme Court the question of their constitutionality. Several interesting cases did reach that court; but in none of them was the question presented squarely or in such a form as to elicit a clear-cut decision.

Validity of suffrage restrictions questioned

The first important case was that of *Williams v. Mississippi* (1898).[2] The laws of Mississippi required jurors to be registered voters. A negro by the name of Williams, having been indicted for murder by a grand jury composed exclusively of white men, claimed that the suffrage provisions of the state constitution were designed to discriminate against negroes and that such discrimination was effected, not directly by the constitution, but indirectly by the powers entrusted to administrative officers. He did not, however, cite any specific instances in support of this proposition; and the court dismissed the writ of error on the ground that the constitution and laws of the state "do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under

[1] Pickett, *op. cit.*, p. 250.

[2] 170 U. S., 213.

them." The case of *Giles v. Harris*[1] (1903) concerned the right of negroes to register under the Alabama grandfather clause. That clause, it will be remembered, permitted the permanent registration, before the end of 1903, not only of veterans and their lawful descendants, but of "all persons who are of good character and who understand the duties and obligations of citizenship." Giles, having attempted to register under the latter provision, alleged that he had been rejected arbitrarily by the board of registrars on account of his color. He brought a bill of equity to compel the board to enroll him as a voter and to have the suffrage provisions of the state constitution declared void as repugnant to the Fourteenth and Fifteenth Amendments. The court decided nothing, however, but the question of jurisdiction. It held that a suit in equity was not the proper proceeding for the redress of political wrongs. Then, because it regarded the situation as "new and extraordinary," it proceeded to dispose of two "final considerations." In the first place, Giles had asked to be registered under provisions which he nevertheless claimed were void. "If," said the court, "the sections of the constitution were illegal in their inception, it would be a new doctrine in constitutional law that the original invalidity could be cured by an administration which defeated their intent. We express no opinion as to the alleged fact of their unconstitutionality beyond saying that we are not willing to assume that they are valid, in the face of the main allegations and object of the bill, for the purpose of granting the relief which it was necessary to pray in order that the object should be secured." In the second place, the courts have no constitutional power to control state action by direct means, and as little practical power to deal with the people of the state as a body. "Unless we are prepared to supervise the voting in that state by officers of the court, it seems to us that all the plaintiff could get from equity would be an empty form. Apart from damages to the individual, relief from a great political wrong, if done, as alleged, by the people of a state and the state itself, must be given by them and by the legislature and political department of the government of the United States." Giles carried another case to the Supreme Court on writ of error, but the writ was dismissed for want of jurisdiction.[2] The case of *Jones v. Montague*

[1] 189 U. S., 475.

[2] *Giles v. Teasley*, 193 U. S., 146 (1904).

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(1904)[1] arose under the Virginia constitution of 1902. Jones petitioned for a writ of prohibition to prevent the canvass of votes cast in the election of Congressmen. He alleged that the constitution had not been submitted to the people for approval, that the purpose of the dominant party was the disfranchisement of negroes, and that, though properly qualified, he had been deprived of his right of voting in the congressional election. By the time the case had reached the Supreme Court on writ of error the canvass had been made and the certificates of election issued. Since the thing sought to be prohibited had been done and could not be undone by any order of the court, the writ of error was dismissed. The court seemed to imply that redress lay with the political branch of the government, since the House of Representatives was sole judge of the qualifications of its members.

Restrictions impregnable until 1915

Down to 1915 the constitutional structure which had been erected against the negro still stood secure. The Supreme Court seemed ready to take advantage of technicalities to avoid expressing an opinion on broad constitutional grounds. On the other hand, the political branch of the government, to which responsibility was shifted, in turn seemed to regard the matter as one appropriate to judicial settlement.[2] In truth public opinion outside the Solid South had begun to take a rather sympathetic view of the Southerner's attitude. The weak point in the suffrage arrangements was the grandfather clause. When the Supreme Court held that the Mississippi constitution did not discriminate on its face between the races, it was concerned with a constitution that had no such clause. Ostensibly, of course, the grandfather clause, far from denying the right to vote, enlarged it. But the South felt uneasy on this point. In North Carolina proposals to permit a new permanent registration, in 1912 and 1916, were rejected; it was thought unwise to invite litigation in this way. The opportunity of permanent registration had ended in every one of the six states when the Supreme Court condemned the recently-enacted grandfather clauses of Oklahoma and Maryland in 1915.[3]

The court held these clauses invalid on the ground that they recurred to conditions which had existed before the adoption of

[1] 194 U. S., 147.

[2] Mathews, *op. cit.*, p. 126.

[3] *Guinn and Beal v. U. S.*, 238 U. S., 347; *Myers v. Anderson*, 238 U. S., 368.

Oklahoma "grandfather clause" unconstitutional

the Fifteenth Amendment and which the amendment prohibited. "How can there be room," asked Chief Justice White in the Oklahoma case, "for any serious dispute concerning the repugnancy of the standard based upon January 1, 1866 (a date which preceded the adoption of the Fifteenth Amendment), if the suffrage provision fixing that standard is susceptible of the significance which the government attributes to it? Indeed, there seems no escape from the conclusion that to hold that there was even possibility for dispute on the subject would be but to declare that the Fifteenth Amendment not only had not the self-executing power which it has been recognized to have from the beginning, but that its provisions were wholly inoperative because susceptible of being rendered inapplicable by mere forms of expression embodying no exercise of judgment and resting upon no discernible reason other than the purpose to disregard the prohibitions of the amendment by creating a standard of voting which on its face was in substance but a revitalization of conditions which when they prevailed in the past had been destroyed by the self-operating force of the amendment. . . . We are unable to discover how, unless the prohibitions of the Fifteenth Amendment were considered, the slightest reason was afforded for basing the classification upon a period of time prior to the Fifteenth Amendment. Certainly it cannot be said that there was any peculiar necromancy in the time named which engendered attributes affecting the qualification to vote which would not exist at another and different period unless the Fifteenth Amendment was in view."

The question arises whether the grandfather clauses of the Solid South, though not part of the regular scheme of registration (as they were in Oklahoma and Maryland), are imperilled by the new doctrine of the court. Perhaps they are. If the court was forced to meet the question directly, they would fall. At least the Louisiana and North Carolina clauses would fall, because they are based, to use the language of the court, "purely upon a period of time before the enactment of the Fifteenth Amendment and make that period the controlling and dominant test." But not one negro would gain a vote thereby—that is, unless the court should hold, as it did in the Oklahoma case, that the unconstitutionality of the grandfather clause rendered other provisions connected with it void. Nor would the matter be of much importance as affecting the rights of white voters.

Elimination of the Negro Voter

Negro vote insignificant

It is commonly said that ninety per cent of the adult negroes are excluded from the suffrage in the South. In some states at least, the percentage is higher. The census of 1920 gives the negro population of Louisiana as 700,257, or nearly forty per cent of the entire population. Only 595 persons of that race were on the register in 1922,[1] or less than a fifth of one per cent of the adults, male and female. In the border state of Maryland, on the other hand, where the negroes form considerably less than a fifth of the population and are not systematically kept from voting, over forty per cent of the adult negroes are registered. "Politically," says Kent,[2] "the South has solved its negro problem. As an issue it is a thing of the past, and the white people have ceased to think about it. The negro has been almost entirely eliminated from participation in the politics of nearly all the states where he is most numerous."[3] The process of elimination might be illustrated by a review of election statistics. In Mississippi the various suffrage requirements were imposed in 1890. They seem to have had the effect of cutting the aggregate state vote in half; and the Republican vote fell from thirty thousand to five or six thousand.

Constitutional provisions not the only reason

In the black belt the decline was particularly marked. The negroes formed, according to the census of 1890, ninety-six per cent of the population of Washington County. In 1888 Harrison, the Republican candidate for president, received 1322 votes; in 1892 only 20. In Grenada, another black county, the Harrison vote fell from 253 to 2. In Louisiana the constitutional provisions of 1898 re-

[1] Frank R. Kent, *The Great Game of Politics* (1923), p. 314.

[2] *Ibid.*, p. 315.

[3] Ray Stannard Baker in the *Atlantic Monthly*, Vol. CVI (Nov., 1910), pp. 612-619, says: "First we shall find many negroes, and indeed hundreds of thousands of white men as well, who might vote, but who, through ignorance, or inability or unwillingness to pay the poll-taxes, or from mere lack of interest, disfranchise themselves. The second difficulty is peculiar to the negro. It consists in open or concealed intimidation on the part of the white men who control the election machinery. In many places in the South to-day no negro, no matter how well qualified, would dare to present himself for registration." C. T. Crowell in the *Independent*, Vol. LXX (May 11, 1911), pp. 990-994, says: "In Southern cities negroes pay their poll taxes and vote. They are in a minority, and it does not matter. They are influenced, coerced, intimidated or bought, for the most part. In the smaller communities the poll tax eliminates thousands of them. When this is not done, they are usually intimidated."

duced the electorate by a third, here again the effect being chiefly noticeable in the black counties. Thus in Madison (ninety-two per cent black) the total vote fell from 1356 to 158; in Tensas (ninety-three per cent black) from 1360 to 217. The curious fact develops that the decline was often more marked on the Democratic than on the Republican side; this leads to the conclusion, not that many whites were disfranchised, but that they no longer took the trouble to vote when the negroes could not vote. As to the white counties, where the decline is mostly on the Republican side, it may be assumed that many whites had long since abstained from voting because of their easy predominance. As a matter of fact, toward the end of the nineteenth century the negro vote dwindled everywhere, irrespective of constitutional provisions. In some states (Virginia, for example) the new suffrage requirements hurried the process; in other states (South Carolina, for example) they had no perceptible effect. Florida took no legal measures to eliminate the negro (except to require a poll tax); yet the Republican vote declined from 26,657 in 1888 to 11,288 in 1896 and 6,238 in 1900. Kelly Miller, himself a negro, wrote in 1906:[1] "In Alabama there are less than 3,000 qualified Negro voters. Even under the severities of the revised constitutions and the unfairness of registration officers there ought to be at least ten times as many as are now on the list. Indifference more than any other cause accounts for this condition. 'What is the use?' is the universal response to the inquiry concerning this political inactivity. It seems to me that the colored race in Texas, Florida, Georgia,[2] and Kansas [Arkansas], where the state constitutions have not been revised, is losing by default the right of which they have been violently bereft in the more stringent Southern states."

Apathy of the negro

If the subsidence of the negro vote cannot be attributed merely to the operation of suffrage laws, if these must be considered rather as tending to produce the result and as capable of being effectively employed to produce it, what is the real explanation? It may be stated in this way. Negro suffrage has no natural basis. It was given, without the asking, to a class that knew nothing of politics and could not use political rights intelligently. The negro prized the ballot and eagerly used it while stimulated thereto by unprincipled white leaders. Then came his disfranchisement, first by force and trickery, later by legal methods. There developed in

[1] *The Voice of the Negro*, p. 361.

[2] Georgia did not amend her constitution till 1908.

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the South, irrespective of party, a fixed principle that politics must be a white monopoly.[1] Republican politicians began to identify themselves with a "Lily White" movement which would expel negroes from the organization and win the confidence of the whites. Indeed, these politicians, as their black cohorts melted away, deserted the fruitless field of state politics, confining their energies to intrigues in the national conventions and the pursuit of federal patronage.[2] Under the circumstances it would be strange if the negro did manifest a desire to vote. He is no longer under the urgent lash of the leader's whip; he knows that his ballot, if he could cast it, would have utterly no effect upon the election. Political indifference is common enough in all communities; Bryce places politics in fifth place among the interests of the average man. It hardly ranks at all among the interests of the Southern negro to-day. The cause of negro abstention, says Stone, is the inherent lethargy of the race.[3] "The negro masses in fact do not have to be excluded. They will disfranchise themselves if left to their own devices."

The "white primary"

An important element in the situation is the "white primary." Indeed, it has been described as "beyond comparison" the most effective means of keeping the negro out of politics. "What they have done—these states like Louisiana, Mississippi, South Carolina, and Alabama—is to provide that none but white voters may vote in Primary elections," says Kent,[4] "and, further, that no

[1] "After more than a generation," says Stone (*op. cit.*, p. 353), "Southern opposition to negro suffrage had ceased to be a matter of party affiliation."

[2] Frank R. Kent observes (*op. cit.*, pp. 317-318): "These men all hold federal offices. They are not in politics for their health. They are in it solely and entirely for the federal patronage. It is a business with them. Distinctly it is not to their interest to build up a virile, fighting Republican party in these states. Such a party would develop competition for control and candidates for their jobs. Those are the last things they want. They centre on the control of the delegations from their states to the Republican national conventions. Every four years their aim is to take to the national convention a hand-picked delegation from their states, which will gain them recognition as state leaders by the national leaders. In the event of the election of a Republican President, this means that they and they only become the distributors of the federal plums in their states. It is for this purpose that they work to keep the local Republican machinery in their hands. Under the circumstances it is easy to see why they are entirely satisfied to let the Democrats pass white primary laws without protest, and why they make no particular effort to induce the Negro to register."

[3] *Op. cit.*, p. 374.

[4] *Op. cit.*, p. 316.

party not polling a certain proportion of the total vote in the general election shall hold primaries at all. As the Republican party does not poll anything like the proportion fixed, the Republican party cannot hold primaries and is compelled to place its candidates on the general election ticket by petition. Very often it does not take the trouble even to do that, and lets the whole thing go by default. With the Negroes unregistered, the result in the general election is so inevitably Democratic that no one takes any interest in it and only a handful of votes are polled as a ratification of the selection of the Democratic primaries. Not only has the law forbidding any but whites to vote in the primaries a strong psychological effect in keeping the Negro away from the general election, but with his own party holding no primaries and the general election of no consequence at all, there is not the slightest inducement for him to register, and he does not try. He has lost the habit of voting."

Importance of party rules: Democratic practice

This statement requires some revision. It is true, for example, that the "white primary" has been generally established for the Democratic party throughout the Solid South. But this has been done by party rule and not by state law. The only statute was that of Texas (1923), which the United States Supreme Court declared unconstitutional in March, 1927.[1] Elsewhere the party organization is left free to fix the qualifications of voters in the primary, sometimes (as in South Carolina) to the point of admitting persons who have not been registered as voters, sometimes (as in Louisiana) [2] subject to the suffrage provisions of the constitution and statutes. Thus under the rules of the Democratic party of South Carolina:[3] "The qualifications for membership in any club of the party in this State and for voting at a primary shall be as follows, *viz:* The applicant for membership, or voter, shall be 21 years of age and be a white Democrat. . . . Every negro applying for membership in a Democratic club, or offering to vote in a

[1] The court held the law unconstitutional not only as denying equal protection of the laws under the Fourteenth Amendment, but also as denying the right to vote, which is guaranteed by the Fifteenth Amendment, though it waived consideration of the Fifteenth. It would therefore seem to vindicate the power of Congress, questioned in the Newberry case (infra, pages 528-530), to regulate primaries as a part of the process of election.

[2] Act of July 13, 1922, section 10. Qualifications to vote in the primaries shall be the qualifications required by the constitution and election laws "and the further qualifications prescribed by the State Central Committee of the respective political parties."

[3] Secs. 6 and 7 of the party rules adopted May 17, 1922.

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primary, must produce a written statement of ten reputable white men, who shall swear that they know of their own knowledge that the applicant or voter voted for General Hampton in 1876, and has voted the Democratic ticket continuously since." In Arkansas [1] the Democratic party "shall consist of all eligible and legally qualified white electors." Thus in the Democratic primaries, where the significant political decisions are made, the negroes have no voice.

Republican practice

The Republicans usually hold no direct primaries. This is not, as Kent says, because some provision of the state law stands in the way. It is because the holding of a primary entails an expenditure of money and energy which, since the candidates can have no hope of victory in the general election, does not seem worth while; and, in lesser degree, because those in control of the party machinery believe that the delegate convention is more amenable to management. Thus in Arkansas "the Republican party never holds a primary. It is purely a machine party. They hold some sort of a convention in which perhaps half a dozen white men control and dominate the convention, and these conventions are sometimes held without notice and negroes are no longer considered." [2] In South Carolina "the neglect of the Republicans to hold primaries and thus show their possible strength in numbers is proof that they don't wish to have numbers. The South Carolina Republicans are perhaps the most contented political party on earth." [3] In North Carolina the primary law provides that, where there is only one aspirant for nomination for a particular political office to be voted for by his political party, the State Board of Elections shall declare him to be the party's nominee and place his name on the election ballot. The Republicans hold a convention, nominate candidates, and, since no rival aspirants ever come forward against the regular ticket, have their names printed on the official ballot. But while the Republican party makes use of the delegate convention rather than the direct primary in making nominations, the convention is becoming, in most parts of the South, almost as "white" as the Democratic primary. "The Re-

[1] Sec. 2 of the party rules adopted April 21, 1922.

[2] Letter from Mr. W. V. Tompkins, chairman of the Democratic State Central Committee.

[3] Letter from Dean W. W. Ball, School of Journalism, University of South Carolina.

publican party in this state," writes an Arkansas politician,[1] "is composed of two factions—the Lily Whites who never permit a negro to go to the national convention and the great body of colored people who are as thoroughly disfranchised in the counsels of the Republican party as they are in the counsels of the Democratic party." Similarly in North Carolina the Lily Whites have established control. No negroes appear in the conventions.[2] The party is avowedly a white man's party. The state platform of 1922 contains the following plank: "We deplore the attempts of the Democratic party to drag the negro question into any campaign. The Republican party of North Carolina is an organization of white men and women. It has no intention of appointing negroes to office within the State."[3] In the Republican party of the South, then, as in the Democratic party, the negroes have been deprived of all share in the making of nominations.

Can the Solid South be Broken?

Republican hopes in the South

If the political aspect of the race question has finally been settled in the South, as so many believe, why should the Solid South remain unbroken? Must its isolation be permanent, or are there tendencies already at work which will eventually re-absorb the South in the general politics of the country? High but ill-founded hopes of breaking the Solid South have been entertained in the past. The Populist irruption in the early nineties was expected to accomplish much; so too McKinley's conciliatory methods and his liberality in recognizing Southern Democrats in the way of patronage, for the Southern leaders at that time had little re-

[1] Letter from Mr. W. V. Tompkins, chairman of the Democratic State Central Committee.

[2] Letter from Professor R. W. D. Connor, University of North Carolina.

[3] In North Carolina the Republicans control a number of county governments and occasionally gain control of many others; there are three Congressional districts which they sometimes carry. Since the negro does not vote, they have nothing to gain and much to lose by catering to him. In some other Southern states the Republicans might be unwilling to make so frank an avowal of their attitude toward the negro. They would have nothing to gain in state politics, being in a hopeless minority, and they would certainly injure the prospects of the party in certain Northern states where the negroes almost hold the balance of power. In South Carolina the Lily White movement has made no headway. But there can scarcely be said to be a Republican party there; only 2,600 votes were cast for Harding in 1920.

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gard for Bryan. Within the past fifteen years the Republicans have, for one reason or another, found great encouragement in the prospect. In 1908 Secretary Straus said that it would soon be a misnomer "even politically" to speak of the "Solid" South. In 1909 President Taft said that "we are on the eve of such a condition in the South that there shall grow into respectable power an opposition in each state" which would tend to improve the state government and send Republican Congressmen to Washington.[1] It was not till 1920, however, that the prophets consented to give details. The election of that year seemed to afford substantial ground for optimism. The Republicans carried every border state except Kentucky (where they elected a United States senator). The Democratic pluralities declined substantially, as compared with 1916, in five states of the Solid South;[2] and this notwithstanding the fact that with woman suffrage they should normally have been doubled.[3] Still more impressive was the Republican strength developed in the Congressional elections. Combining twenty-five Congressional districts (distributed among five states), the Democratic vote was 490,295; the Republican, 330,540.[4] One Republican Congressman was elected in Virginia, one in Texas. It should also be remarked that, for the first time and without solicitation, considerable sums were contributed to the national campaign fund. It would be quite unsafe, of course, to accept the optimistic deductions of Republican politicians; the election of 1920 was abnormal. But it may perhaps be admitted that certain more or less permanent influences are working against the Democratic party in the South; and the chief of these is the growing sentiment in favor of a protective tariff among farmers, stockmen, and business men.[5]

Even so, Southerners cannot be expected to identify them-

[1] W. H. Taft, *Addresses and State Papers*, Vol. I, p. 109.

[2] Arkansas, Georgia, Louisiana, Mississippi, and Texas.

[3] The election returns show that the Democratic vote absolutely declined in three states (Arkansas, Georgia, and Mississippi) and remained stationary in two (South Carolina and Texas), while in most cases the Republican vote at least doubled. Possibly (though there is no good evidence to support the view) Democratic women did not vote. For the 1924 election see Professor A. W. Macmahon's analysis, *Political Science Quarterly*, supplement, Vol. XL (1925), pp. 50 *et seq.*

[4] See "G. O. P.'s Drive in the South," New York *Times*, June 19, 1921.

[5] *World's Work*, Vol. XLI (1920-21), pp. 119-120; New York *Times* as above.

selves freely with the Republican party unless it gives clear evidence of a change of heart on the negro question. The Fifteenth Amendment is moribund (as far as the political rights of the negro in the Solid South are concerned), but the penalties of the Fourteenth Amendment still threaten. In 1904 the Republican platform for the first time dropped its insistence on the Fifteenth Amendment and instead demanded the application of the Fourteenth. In 1908 it declared "once more, and without reservation, for the enforcement in letter and spirit of the Thirteenth, Fourteenth, and Fifteenth amendments to the constitution, which were designed for the protection and advancement of the negro." Then silence in 1912 and 1916. The platform of 1920 took a new line, no less distasteful to the South. It urged Congress to abolish lynching, "a terrible blot on our civilization"; and, in his speech of acceptance, the presidential candidate declared that the negroes "should be guaranteed the enjoyment of all their rights." In 1924 again Congress was urged to "enact at the earliest possible date a Federal anti-lynching law, so that the full influence of the Federal government may be wielded to exterminate this hideous crime." These are not messages of peace and good will to the South. Yet the South knows how empty of significance campaign declarations usually are; and it must know further that the Fourteenth Amendment cannot be enforced. By what machinery could Congress discover how many persons are actually denied the right to vote? Proof of such a denial would have to be established in every individual case; for of course Congress cannot assume that those who abstain from registering have been denied the right to vote. More abstain from indifference than from necessity.

These seem illusory

Southerners distrust the Republican party

But there is a more effective bar to the successful penetration of the South by the Republican party. The negro menace is latent. Under a two-party system the competition for votes would stir it into dangerous activity. This was demonstrated in Virginia where, ten years after the carpet-baggers had been dislodged, negro voters were used to sustain the Readjuster party and the Mahone machine.[1] It was demonstrated nearly twenty years later in North Carolina where a combination of Republicans, Populists, and negroes gained partial control of the government and involved the state in a period of riot and corruption that recalled the worst days of Reconstruction. "In entire disregard of the elementary

The real danger

[1] See Richard L. Morton, *The Negro and Virginia Politics* (1918).

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facts and history of the operation of Negro suffrage in the South," says Stone,[1] "they tell us how this or that state is now rid of all danger from the Negro in political life. It is doubtful if there is a state in the South which would not be largely controlled by Negro voters if the white people in it were to divide among themselves." Dealing with the alluvial district of Mississippi in which he lives, Stone points out that there were in 1900 over 218,000 negroes as against 40,000 whites and that 28,000 of these negroes, being literate adults, could pay the poll tax and vote. "There is no possibility that the Negro will ever be a controlling factor in the politics of this section. But let a division arise among the white people, and there is no more doubt that these Negroes would be voted, and would control by sheer force of numbers, than there is that they will never care one iota about voting if only let alone. . . . There has not been an instance of local or state division in the ranks of the respectable white people in the South which has not been followed by disastrous results." [2]

[1] *Studies in the American Race Problem* (1908), p. 365.
[2] *Ibid.*, pp. 366, 368.

CHAPTER III

Woman Suffrage

Long agitation for woman suffrage

In the nineteenth century democracy was established on the basis of manhood suffrage; in the first decades of the twentieth its basis was extended and a new meaning was read into the term "universal suffrage" by the enfranchisement of women in Europe, America, and Australia.[1] A long period of agitation preceded this change. In its earlier stages the American movement for woman suffrage exerted little influence, although those who labored in the cause were inclined to believe that they had made a deep impression on the public mind and had been cheated out of victory after the Civil War by the chicanery of politicians. The truth is that before women could conquer political equality they had to achieve social and economic freedom. The elective franchise has been conferred on classes that have risen in economic power and political consciousness;[2] and these things the secluded life of women could not easily develop.

Status of women in middle of nineteenth century

We sometimes forget how secluded that life was before the middle of the nineteenth century, how lacking in opportunities for independence and self-expression. The disabilities of the married woman under the common law had been little modified. She was completely under the dominion of her husband, her legal existence being so merged in his that she was said to be "dead to the law." Single women, while enjoying practically the same legal rights as men, found themselves severely circumscribed by custom. According to Harriet Martineau only seven employments were

[1] Before the end of the nineteenth century woman suffrage had been established in four states of the American Union; in New Zealand (1893) and certain Australian colonies; and in Great Britain for local government elections only. Women now have full suffrage in the United States, in Europe outside of the Latin and Balkan countries, and in the self-governing dominions of the British Empire except Newfoundland and South Africa.

[2] The only notable exception is the American negro. His political enfranchisement was, to say the least, premature and therefore, as distinguished from every other case, temporary.

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open to them in 1840.[1] They were excluded from the professions of law and medicine.[2] They had no access to higher education until Oberlin was founded in 1833 and Mt. Holyoke in 1836. The churches gravely insisted upon female inferiority. "Woman was made for man and became first in the transgression," said the clerical prosecutor in the trial of a Presbyterian minister.[3] "My argument is that subordination is natural, the subordination of sex. Dr. See has admitted marital subordination, but that is not enough; there exists a created subordination; a divinely arranged and appointed subordination of woman as woman to man as man." This was in 1876. Four years later this passage occurs in a sermon:[4] "Wifehood is the crowning glory of woman. In it she is bound for all time. To her husband she owes the duty of unqualified obedience. There is no crime which a man can commit which justifies his wife in leaving him or applying for that monstrous thing, divorce. It is her duty to subject herself to him always, and no crime that he can commit can justify her lack of obedience. If he be a bad or wicked man, she may gently remonstrate with him, but refuse him never." The mass of women accepted this degrading status without much question; but in time active and enterprising spirits broke through the restraints imposed by custom and set in motion an organized revolt. The necessary impulse proceeded from two sources.

Women active in anti-slavery and temperance movements

The agitation against slavery had enlisted the support of many women, as the agitation against the liquor traffic did somewhat later.[5] This familiarized them with methods of organization and propaganda, inspired them with crusading ardor, and directed their minds to new fields of speculation. "I had become interested in the anti-slavery and temperance questions," says Elizabeth

[1] Teaching, needlework, keeping boarders, working in cotton mills and book binderies, type-setting, and domestic service. E. A. Hecker, *A Short History of Women's Rights* (2d. ed. 1910), p. 174.

[2] The first woman to secure a diploma in medicine was Elizabeth Blackwell in 1848; the first to be admitted to the bar was Arabella Mansfield in 1864.

[3] Before the Presbytery of Newark. Stanton and others, *History of Woman Suffrage*, Vol. I, p. 780.

[4] *Ibid.*, p. 782.

[5] The National Anti-Slavery Society was founded in 1833. It merged with the men's society six years afterwards. In 1852 women formed a state temperance society in New York; similar bodies soon appeared in other states. But women did not become a really important factor until the founding of the Women's Christian Temperance Union in 1874. It enlisted, aroused, organized, and trained women as no other movement had done.

Cady Stanton,[1] who became so prominent in the suffrage cause, "and was deeply impressed with the appeals and arguments. I felt a new inspiration in life and was enthused with new ideas of individual rights and the basic principles of government, for the anti-slavery platform was the best school the American people ever had in which to learn republican principles and ethics." Women soon discovered that the theories which were employed to justify the emancipation of negroes applied equally well to the emancipation of women. "To me," says Mrs. Stanton,[2] "there was no question so important as the emancipation of women from the dogmas of the past, political, religious, and social. It struck me as very remarkable that abolitionists, who felt so keenly the wrongs of the slave, should be so oblivious to the equal wrongs of their own mothers, wives, and sisters, when, according to the common law, both classes occupied a similar legal status." The women made abolitionist logic their own. They based their claims, not on expediency, but on abstract right.[3] They did not plead for partial concessions; they demanded everything, all at once. Nor was this fanatical zeal their only unfortunate inheritance from the school of Wendell Philips; for the enemies of abolition became the enemies of women's rights as well. So too the support that women gave to the cause of temperance and prohibition stirred up a bitter antagonism and seems seriously to have hampered them throughout their struggle for the suffrage.[4]

The first steps in emancipation

The equal rights movement may be said to begin with a local convention held at Seneca Falls, New York, in 1848.[5] There the

[1] *Eighty Years and More* (1898), p. 59.

[2] *Ibid.*, p. 79.

[3] Thus the president of the national equal rights convention in Philadelphia, 1854, said: "There is one argument which in my estimation is the argument of arguments, why woman should have her rights; not on account of expediency, not on account of policy . . . ; but we claim—I for one claim, and I presume all our friends claim—our right on the broad ground of human rights." Quoted in Porter, *A History of Suffrage*, p. 143.

[4] "Had there been no prohibition movement in the United States, the women would have been enfranchised two generations before they were. Had that movement not won its victory, they would have struggled on for another generation." C. C. Catt and N. R. Shuler, *Woman Suffrage and Politics* (1923), p. 279.

[5] Women were irritated by their treatment at anti-slavery meetings where they were often not allowed to speak or vote. Particularly they resented the exclusion from the world's anti-slavery convention at London of eight women delegates from America. Hence the convention of 1848 devoted exclusively to the rights of women.

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women formulated a "Declaration of Sentiments," adhering closely to the style of the Declaration of Independence and reciting, one after the other, their grievances against men, the just grounds of their rebellion. The document is interesting, aside from its cleverness, because it catalogues all the disabilities to which women were then subject.[1] Pressure was steadily brought to bear

[1] The text is given in Stanton and others, *History of Woman Suffrage*, Vol. I (1881), pp. 70-71. Omitting the introductory paragraphs, it runs:

The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world.

He has never permitted her to exercise her inalienable right to the elective franchise.

He has compelled her to submit to laws, in the formation of which she had no voice.

He has withheld from her rights which are given to the most ignorant and degraded men—both natives and foreigners.

Having deprived her of this first right of a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.

He has made her, if married, in the eye of the law civilly dead.

He has taken from her all right in property, even to the wages she earns.

He has made her, morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband. In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master—the law giving him power to deprive her of her liberty, and to administer chastisement.

He has so framed the laws of divorce, as to what shall be the proper causes and, in case of separation, to whom the guardianship of the children shall be given, as to be wholly regardless of the happiness of women—the law in all cases going upon the false supposition of the supremacy of man, and giving all power into his hands.

After depriving her of all rights as a married woman, if single, and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.

He has monopolized nearly all the profitable employments, and from those she is permitted to follow she receives but a scanty remuneration. He closes against her all the avenues of wealth and distinction which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.

He has denied her the facilities for obtaining a thorough education, all colleges being closed against her.

He allows her in church, as well as state, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry, and, with some exceptions, from any public participation in the affairs of the church.

He has created a false public sentiment by giving to the world a different

on the New York legislature. This led to the enactment in 1860 of a law which almost completely emancipated the married woman, giving her, among other things, the right to control her own property, to engage in civil contracts and business on her own account, and to be joint guardian of her children. The movement spread to other states; in Ohio too there was important reform legislation at this time. Meanwhile, under the leadership of Mrs. Elizabeth Cady Stanton, Lucretia Mott, and Susan B. Anthony,[1] a national organization had been effected.

Public opinion unfavorable

The pioneers required great moral courage to face the ridicule and obloquy which the popular prejudice and their own extravagance raised against them. The newspapers abused them roundly. "While the feminine propagandists of women's rights confined themselves to the exhibition of short petticoats and long-legged boots, and to the holding of conventions and speech-making in concert rooms," said the Albany *Register*,[2] "the people were disposed to be amused by them. . . . But the joke is becoming stale. People are getting cloyed with these performances. . . . The ludicrous is wearing away, and disgust is taking the place of pleasurable sensations, arising from the novelty of this new phase of hypocrisy and infidel fanaticism. People are beginning to inquire how far public sentiment should sanction or tolerate these unsexed women, who would step out from the true sphere of the mother,

code of morals for men and women, by which moral delinquencies which exclude women from society are not only tolerated, but deemed of little account in man.

He has usurped the prerogative of Jehovah himself, claiming it as his right to assign for her a sphere of action, when that belongs to her conscience and to her God.

He has endeavored, in every way that he could, to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life.

Now, in view of this entire disfranchisement of one half the people of the country, their social and religious degradation—in view of the unjust laws above mentioned, and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of the United States.

[1] All three were identified with the abolitionist movement, but Miss Anthony drew her first inspiration from the activities of the "Daughters of Temperance."

[2] Quoted in E. C. Stanton, *op. cit.*, p. 190. See also in Hecker, *op. cit.*, a passage from *Harper's Magazine* (1853) which closes: "No kindred movement is so decidedly infidel, so rancorously and avowedly anti-biblical."

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the wife, and the daughter, and taking upon themselves the duties and business of men, stalk into the public gaze, and, by engaging in the politics, the rough controversies and trafficking of the world, upheave existing institutions, and overrun all the social arrangements of life." Prejudice grew stronger as women began to affect mannish costumes and mannish ways,[1] and as eccentrics attached themselves to the devoted ranks. Argument could not prevail against it. "You have the argument," Secretary Seward told Mrs. Stanton,[2] "but custom and prejudice are against you." And yet we are told by zealous partisans[3] that before the Civil War came and hopelessly enmeshed woman suffrage in the politics of the negro question "the goal was in sight. The race was all but run. Few of this generation, even among suffragists, realize how close to victory were the women of that earlier suffrage crisis."

Situation after the Civil War

The Civil War, while it interrupted the agitation, did much to allay the ill-feeling that had been provoked. The heroism of Clara Barton on the battlefield did not stand alone. Other women made great sacrifices. They offered themselves as nurses. They took the places of men in the stores, the factories, the fields. Dr. Elizabeth Blackwell organized the Sanitary Commission (forerunner of the Red Cross) which raised $92,000,000 for the care of wounded soldiers, scraped lint, made bandages, and sent materials to the front.[4] After the war came the amendments that freed the slaves,

[1] Bloomers derive their name from Mrs. Amelia Bloomer, an editor and advocate of temperance and women's rights in Seneca Falls; but the originator, in 1852, was a Mrs. Miller who wore them for seven years, even to fashionable parties. For a couple of years they were quite generally worn. People stared and made rude remarks; multitudes of small boys sang a popular ditty:

Heigh! ho! in rain and snow,
The bloomer now is all the go.
Twenty tailors take the stitches,
Twenty women wear the breeches.
Heigh! ho! in rain and snow,
The bloomer now is all the go.

Stanton, *op. cit.*, p. 202.

[2] *Ibid.*, p. 199.

[3] Catt and Shuler, *Woman Suffrage and Politics*, p. 30.

[4] "Indeed we may safely say that there is scarcely a loyal woman in the North who did not do something in aid of the cause; who did not contribute time, labor, and money to the comfort of our soldiers and the success of our arms. The story of the War will never be fully written if the achievements of women are left untold. . . . There is no feature in our war more creditable to us as a nation, none from its positive newness so well worthy of recall." Stanton, *op. cit.*, p. 2.

gave them citizenship and civil rights, and put the ballot in their hands. Great efforts were made—by means of mass-meetings, conventions, and petitions—to impress Congress with the justice of women's claims; but the Fourteenth Amendment, in referring to the suffrage, used the terms "male inhabitants" and "male citizens," and the Senate by a vote of 37 to 9 (the first vote on woman suffrage in Congress) denied to women, while conceding to negroes, the right to vote in the District of Columbia. Woman suffrage had as yet no considerable weight of public opinion behind it.[1] This was seen in 1867 when the question was for the first time seriously considered in a state constitutional convention and also for the first time submitted to the voters of a state. In Kansas, notwithstanding the fact that Eastern crusaders were there "to roll off woman's soul the mountains of sorrow and superstition that had held her in bondage,"[2] the referendum was voted down. In New York, where the women were well organized and had the support of some eminent men, like George William Curtis, they could not prevail in the convention.[3] Their movement was developing strength, however, passing beyond the reach of ridicule. The Republican party inserted in its platform of 1872 a very guarded and non-committal plank—"splinter," the women called it.[4] In 1869 the first territorial legislature of Wyoming extended the vote to women.[5] This event came quite unheralded. "Of course," said the governor of the territory afterwards,[6] "the women were astounded! If a whole troop of angels had come down with flaming swords for their vindication, they would not have been much more

[1] Catt and Shuler, *op. cit.*, p. 50, imply that the perfidy of politicians, their reluctance further to complicate the controversy over the negro, alone prevented the women's victory.

[2] *Ibid.*, p. 54.

[3] The Michigan convention of 1867 also refused to submit a woman suffrage amendment. Porter, *op. cit.*, p. 239.

[4] "The Republican party is mindful of its obligations to the loyal women of America for their noble devotion to the cause of freedom. Their admission to wider spheres of usefulness is viewed with satisfaction; and the honest demand of any class of citizens for additional rights should be treated with respectful attention." Somewhat similar language was employed in 1876. No further mention of the subject was made for forty years.

[5] A Mrs. Morris, lately arrived from the East, had the legislative candidates of both parties to dinner and pledged them all to support woman suffrage. In 1871 a repeal bill failed to pass over the veto of the governor. Catt and Shuler, *op. cit.*, pp. 75 *et seq.*

[6] *Ibid.*, p. 79.

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astonished." The East showed little interest; the suffrage paper, *Revolution*, gave the matter only three lines in an inconspicuous corner. No one foresaw that woman suffrage would spread "like a smear of oil," as Barthélemy puts it,[1] into Idaho, Utah, and Colorado.

Fourteenth Amendment invoked

Suffragists now evolved the doctrine that the Fourteenth Amendment had conferred the suffrage upon all citizens of the United States. Certain Congressmen and lawyers, even the attorney-general of Nebraska, had accepted this interpretation. In 1871 and 1872 a hundred and fifty women, scattered among seven states and the District of Columbia, sought to register and vote.[2] In Rochester, New York, Susan B. Anthony and a dozen others actually did vote, with the connivance of the Republican members of the board of inspectors. Under the enforcement act of 1870, Miss Anthony and the inspectors were convicted and fined in a federal court.[3] Mrs. Virginia L. Minor brought an action for damages against a Missouri official who refused to register her name, although she "was then and there entitled to all the privileges and immunities of citizenship, chief among which is the elective franchise." Her counsel put forward the ingenious argument that, since the Fifteenth Amendment did not confer the suffrage, but merely forbade the denial of a right already existing, therefore the right must be derived from the Fourteenth Amendment.[4] "While the negro votes to-day in Missouri," he said, "there is not a syllable of affirmative legislation by the state conferring the right upon him. Whence then does he derive it? There is but one reply. The Fourteenth Amendment conferred upon the negro race in this country citizenship of the United States, and the ballot followed as an incident to that condition. Or, to use the more forcible language of the court in the Slaughter-house cases, 'the negro, having, by the Fourteenth Amendment, been declared a citizen of the United States, is thus made a voter in every State of the Union.' If this be true of the negro citizen of the United States, it is true equally of the woman citizen. . . . If the Fourteenth Amendment does not secure the ballot to women, neither does it to the negro; for it does not confer the ballot on any one."

[1] *Le Vote des femmes* (1920), p. 391.

[2] See Stanton and others, *History of Woman Suffrage*, Vol. II, pp. 586-755.

[3] *U. S. v. Anthony*, II Blatchford, 200. President Grant pardoned the inspectors; Miss Anthony did not pay her fine, and the court did not commit her.

[4] Stanton and others, *op. cit.*, Vol. II, p. 728.

The federal Supreme Court held, however, that the suffrage is not a necessary incident to citizenship, that the constitution "does not confer the right of suffrage upon any one, and that the constitutions and laws of the several states which commit that important trust to men alone are not necessarily void.[1]

Years of Discouragement

Slow progress before 1910

The period between 1870 and 1910 brought little comfort to the suffragist forces. There were forty lean years, forty years of the wilderness, before the progressive movement swept women along with it to victory in the states and at last to their final goal in the Nineteenth Amendment. During these years the women made some headway. They won the school suffrage in more than twenty states; the municipal suffrage in Kansas (1887); for property-owners the right to vote on some or all measures submitted to taxpayers in six states; and, far more important, full suffrage in Wyoming (1890) and in the three neighboring states of Colorado (1893), Idaho (1896), and Utah (1896).[2] The suffragists had watched and prayed and worked without ceasing; they had been incessantly active, fighting campaigns in thirty-three states and territories, obtaining millions of signatures to petitions, bringing pressure to bear upon candidates and nominating conventions. Their resourcefulness, their ability to use systematic and effective methods of publicity, their education in the mysteries of practical politics developed steadily with the years. They were well organized. Elizabeth Cady Stanton (as president) and Susan B. Anthony led the National Woman Suffrage Association, founded in 1869; Lucy Stone led the American Woman Suffrage Society, founded in the same year. These organizations differed little in tactics, although the former emphasized the necessity of amending

But forces well organized

[1] *Minor v. Happersett*, 21 Wallace, 162. In *Ex parte Yarborough* (110 U. S., 651, 1884) the court said, however, that the Fifteenth Amendment "does substantially confer on the negro the right to vote."

[2] Woman suffrage had existed in Wyoming from 1869 up to the time of its admission as a state in 1890; in Utah from 1870 to 1887, when Congress, as a means of discouraging polygamy, abolished it. The territorial governor of South Dakota vetoed a woman suffrage bill in 1885. Women voted in the territory of Washington from 1883 to 1887, when the federal Supreme Court declared the suffrage law invalid as not being properly described in the title. The local court threw out a second law (1889) on the ground that a territorial legislature had no power to enfranchise women; and no appeal was taken to the United States Supreme Court. Catt and Shuler, *op. cit.*, pp. 112-113.

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the federal constitution. They coalesced in 1890 and took the name of the National American Woman Suffrage Association. The leaders were supported with remarkable constancy. Mrs. Stanton, the first president, retired at the age of seventy-six. Her successors held office for long periods: Susan B. Anthony, 1891-1900, retiring at the age of eighty; Carrie Chapman Catt, 1900-1904, 1915-1920; and Anna Howard Shaw (who had been vice-president for thirteen years), 1904-1915. The official organ was the *Woman's Journal*, which was later (1917) transformed into the *Woman Citizen*, a thirty-two page weekly.[1] Membership rose from 17,000 in 1904 to over 200,000 in 1914.[2] When final victory came in 1920 the N.A.W.S.A. was coördinating the work of auxiliary societies in forty-six states; these paid dues and sent delegates to the annual conventions. The New York headquarters, occupying two entire floors of a great office-building, employed nearly a hundred women, half of them as field workers. Schism rent the suffragist ranks in 1913, the extremists drawing off to form the National Woman's Party and adopt the militant tactics which Emmeline Pankhurst had originated in England. There was also an Association Opposed to Suffrage for Women.

Defeats in eleven states

The progress that had been made before 1910 was more than offset by repeated disappointments. Seventeen times, in eleven states, the question of woman suffrage was submitted to the voters,[3] and rejected fifteen times. Only in Colorado and Idaho did the measure carry—unless Wyoming and Utah, where the people voted for woman suffrage as a part of the constitutions, be included. The organized strength of the suffragists lay in the East, where the movement had started, where the great leaders lived, and where women had become such an important factor in commercial and industrial employments. Yet east of the Mississippi—except in Michigan, New Hampshire, and Rhode Island—it was impossible even to persuade the legislatures to sanction a referendum. What was the reason for failure? Women who believed so firmly and who fought so fiercely in the cause could not conceive

[1] *Revolution*, edited by Mrs. Stanton and Miss Anthony, had been short-lived (1868-1870). Lucy Stone founded the *Woman's Journal* in 1870, this being for twenty years the organ of the A. W. S. A.

[2] Anna Howard Shaw, *The Story of a Pioneer* (1915), p. 335.

[3] California in 1896, Colorado in 1877 and 1893, Idaho in 1896, Kansas in 1894, Michigan in 1874, Nebraska in 1882, New Hampshire in 1902, Oregon in 1884, 1900, 1906, and 1908, Rhode Island in 1887, South Dakota in 1890 and 1898, and Washington in 1889 and 1898.

of honest conviction as the chief obstacle in their path. They saw only a conspiracy of politicians, a conspiracy of the liquor interests.[1] Their success in Colorado and Idaho had been due to the rise of Populism in those states. Elsewhere the politicians and the corrupt machines which they controlled, fearing the effect of the female vote, barred the path. Suffragists, we are told,[2] arrived at these conclusions: that the rank and file of party voters accepted the tickets and platforms prepared by the leaders; that the leaders played the game of politics for power, patronage, and graft; that the real dictation of tickets and platforms came from the monied interests whose gigantic contributions to party funds gave them control; and that here and there a statesman kept faith with the people. The most active enemy was the organized liquor interest. This was the "invisible and invincible power that for forty years kept suffragists waiting for the woman's hour. . . . When the vested interest in liquor arose to dictate terms to parties and politicians, it executed its strategic moves in secret. . . . The action of men, legislatures, and parties had the appearance of being the reflection of public opinion."[3] Suffragist writers present a mass of evidence to support this contention.[4]

Successful State Campaigns

When in 1910 a new impulse began to carry woman suffrage forward, women had been fully enfranchised only in the four

[1] Catt and Shuler, pp. 123-124 and 129 *et seq.* On the other hand note this passage in Kirk H. Porter, *op. cit.*, p. 238: "It has not been crooked politics, the liquor interests, the corrupt element, nor yet ignorance and undemocratic selfishness that has kept women from the ballot. Logical argument has had surprisingly little to do with it on either side. It has been this unreasoning, deep-seated feeling, a sense of revulsion at the thought of woman in politics, out of her 'natural sphere,' that has held the women back."

[2] Catt and Shuler, p. 130.

[3] *Ibid.*, p. 132.

[4] Woman suffrage, it is said, was feared more than prohibition. Prohibition could be repealed, but not woman suffrage; and the women would cast their ballots against the liquor trade. "The liquor funds spent in the political campaigns of the country ranged from four to ten millions of dollars a year." Catt and Shuler, p. 141. The president of the National Retail Liquor Dealers Association said in 1912: "We need not fear the churches, the men are voting the old tickets; we need not fear the ministers, for the most part they follow the men of the churches; we need not fear the Y. M. C. A., for it does not do aggressive work; but, gentlemen, we need fear the Women's Christian Temperance Union and the ballot in the hands of women; therefore, gentlemen, fight woman suffrage." *Ibid.*, p. 154.

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western states of Colorado, Idaho, Utah, and Wyoming. These states had less than two per cent of the population of the country. They cast about three per cent of the electoral vote. Five years later there was a solid block of eleven states, including all the Pacific states, all the mountain states but New Mexico, and Kansas. This block represented nine per cent of the population and, if we include Illinois, which had granted the presidential suffrage alone, seventeen per cent of the electoral vote. The progressive movement, which looked to a cleansing of political life by a more thorough democratization of our institutions—by the direct election of Senators, by the direct nomination of candidates, by direct legislation—had given momentum to all reforms. The winning of Washington in 1910 surprised suffragists themselves; there had been no elaborate campaign. Next year the N.A.W.S.A. lavished money and literature and speakers upon the struggle for California; and by a small majority the state was won. Arizona, Kansas, and Oregon were added in 1912; Montana and Nevada in 1914.[1] The Illinois legislature in 1913 gave women the right to vote for presidential electors.[2] These great successes, though confined to the West, pointed to the ultimate conquest of the whole country. The resistance was still formidable. In the years 1912-1915 the people of twelve states rejected woman suffrage,[3] and by large majorities in New York, New Jersey, Massachusetts, and Pennsylvania. But the suffragists were determined to penetrate the conservative East. They concentrated their resources in New York; and in 1917, when Tammany—either bowing to what it felt to be the inevitable or else convinced that the women's vote would on the whole strengthen its position—assumed a neutral attitude, they won the "Empire State."[4]

A period of conquest 1910-1917

New York campaign

The suffrage campaign in New York really extended over eight years, culminating in the elections of 1915 and 1917. In October, 1909, a city convention, with more than eight hundred delegates representing all the assembly districts, launched the Woman Suffrage Party. Each assembly district had its "leader," each election

[1] Also the territory of Alaska in 1913.

[2] This could be done without amendment of the state constitution, for the federal constitution says (Art. II, Sec. 2): "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors . . ."

[3] In 1912 Michigan, Ohio, and Wisconsin; in 1914 Missouri, Nebraska, Nevada, North Dakota, and Ohio; in 1915 the four states named in the text.

[4] Tammany's benevolent neutrality did it, for "above the Bronx" (that is, outside the metropolis) the amendment failed to carry.

district its "captain." The assembly district leaders were supposed to meet their captains frequently and show them in minute detail how to make a survey of their districts. A school was established to familiarize suffrage workers with the new political methods. Meetings were held on street corners and in large halls. Suffrage speakers sought places on the programs of every church or club or business organization. Money was raised by means of bazaars, rummage sales, teas, plays, picnics, card parties, dances. In 1915 the Woman Suffrage Party became co-extensive with the state.

How it was conducted

"The city campaign was more intensive than in any other part of the state, as its political unit organization had been established longer and therefore worked more smoothly. There were barbers' days, days for firemen, street cleaners, bankers, business men, clergymen, street car men, factory workers, students, restaurant and railroad workers, ticket sellers and choppers, lawyers, ditch diggers, and longshoremen. No voter escaped. Each one of these days had its own literature and attractions and called forth columns of comment in the newspapers. Evening demonstrations took place daily and brought interested and thoughtful crowds. There was a bonfire on the highest hill in each Borough, with balloons flying, music, speeches, and tableaux illustrating women's progress from the primitive campfire to the council of state. Torchlight processions were formed upon twenty-eight evenings with Chinese lanterns, balloons, banners, and decorations in yellow, and ending in a street rally at some important point in the city. There were street dances on the lower East Side in honor of political leaders; there were Irish, Syrian, Italian, and Polish rallies; there were outdoor concerts, a series of small ones culminating in a big one given in Madison Square Park where a full orchestra played, opera singers sang and many distinguished orators spoke on a platform erected for the purpose. . . . Bottles containing suffrage messages were consigned to the waves from boats and wharves with appropriate speeches. Sandwich girls advertised meetings and sold papers. Sixty playhouses had suffrage nights, many with speeches between the acts. There were innumerable movie nights with speeches and suffrage slides; 'flying canvas wedges,' 'hikes,' and automobile tours. The entire state was stirred by these activities."[1]

The victory in New York was decisive. In January of the next year (1918) the House of Representatives passed the proposed

[1] Catt and Shuler, *op. cit.*, pp. 288-289.

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woman suffrage amendment by the necessary two-thirds; in February the national committees of both parties decided to give it their support. The question of state suffrage dropped into the background. It is worth noting, however, that before the federal amendment was at last adopted fifteen states and the territory of Alaska had given women full suffrage,[1] fourteen states had given them the presidential suffrage,[2] and two southern states (Arkansas and Texas) had given them the right of taking part in the primaries.[3] More than fifteen million women could vote for presidential electors; almost half that number had the full suffrage.

The situation before 1920

Woman Suffrage by Federal Amendment

Schism in the suffrage movement

The Nineteenth Amendment to the constitution follows the phraseology of the Fifteenth: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex." Drawn by Susan B. Anthony and others, it was first introduced in the United States Senate in 1878 and afterwards reintroduced in every succeeding Congress until its final passage on June 4, 1919.[4] No adequate pressure was exerted on behalf of the amendment before 1910. Then the N.A.W.S.A. opened headquarters in Washington, appointed a "congressional committee," and began to establish contacts with senators and representatives. In December, 1912, Alice Paul took charge of this work, a young lady of attractive and dominating personality, whose impatience with conventional methods produced a series of shocks in the suffragist ranks. She had served with the

[1] Wyoming (1890), Colorado (1893), Idaho (1896), Utah (1896), Washington (1910), California (1911), Arizona (1912), Kansas (1912), Oregon (1912), Alaska (1913), Nevada (1914), Montana (1914), New York (1917), South Dakota (1918), Michigan (1918), and Oklahoma (1918).

[2] In 1913 Illinois; in 1917 Michigan, Nebraska, North Dakota, and Rhode Island; in 1919 Indiana, Iowa, Maine, Minnesota, Missouri, Ohio, Tennessee, Vermont, and Wisconsin. There was some question, however, about the legislative grant in Vermont.

[3] In 1918 some 386,000 women voted in the Texas primaries and 40,000 in the Arkansas primaries. Catt and Shuler, *op., cit.*, p. 328.

[4] Discouraged by failure in Congress, the N. A. W. S. A. approved in 1914 the so-called Shafroth amendment under which the question of woman suffrage would be submitted to a referendum on the petition of eight per cent of the voters of a state and adopted by a majority of those voting on the measure. This proposal was withdrawn just in time to prevent a split in the Association, many resenting the desertion of the Susan B. Anthony Amendment. Catt and Shuler, *op. cit.*, pp. 246-247.

militant suffragettes in England, had been three times imprisoned, and, resorting to a "hunger-strike," had been subjected to "forcible feeding." She had learned from the Pankhursts that the gospel could be brought home to the masses, not by reasoned argument, but through the picturesque, the spectacular, the unexpected; and the tactics she pursued during the next five or six years disgusted the sedate leaders of the older generation.[1] Almost immediately there was a rupture. Miss Paul organized a new body, known first as the Congressional Union, later as the National Woman's Party,[2] the whole strength of which was directed towards the passage of the federal amendment. There was vigor and vitality in the Woman's party from the first. Some women of wealth and social prominence joined it. CHAP. III

Militancy assumed many forms, some of them very reminiscent

[1] "As for militancy in America," wrote Anna Howard Shaw, president of the N. A. W. S. A., "no generation that attempted it could win. No victory could come to us in any state where militant methods were tried. They are undignified, unworthy—in other words un-American." *The Story of a Pioneer* (1915), p. 315.

[2] Inez Haynes Irwin, *The Story of the Woman's Party* (1921), pp. 199-201. The party colors were purple, white, and gold; its organ was the weekly *Suffragist*. There was a breeziness in the columns of the *Suffragist* that gave it a considerable circulation. This is the way it describes the reasons for congressional opposition to the suffrage amendment (January 23, 1915):

"That woman suffrage cannot be supported because of man's respect, admiration, and reverence for womanhood.

"That five little colored girls marched in a suffrage parade in Columbus, Ohio.

"That women must be protected against themselves. They think they want to vote. As a matter of fact they do not want to vote, and man, being aware of this fact, is obliged to prevent them from getting the ballot that they do not want.

"That the ballot would degrade women.

"That no man would care to marry a suffragist.

"That women do not read newspapers in street cars.

"That women do not buy newspapers of Ikey Oppenstein, who keeps the stand on the corner.

"That no man would care to marry a female butcher.

"That woman suffrage is a matter for the states to determine.

"That Mrs. Harriet Stanton Blatch once marched in a procession in which she carried a banner inscribed, 'One million Socialists vote and work for Suffrage.'

"That Inez Milholland married a Belgian and once referred to a cabinet officer as a 'joke.'

"That women fail to take part in the 'duty of organized murder' and might therefore vote against war."

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Militancy: the National Woman's Party

of the Pankhurst methods. Efforts were made to fix responsibility upon President Wilson as the leader of the Democratic party. There was a demonstration when he delivered his annual message to Congress on December 4, 1916. Just as he was recommending greater freedom for the people of Porto Rico, a large banner was lowered from the gallery bearing the inscription, "Mr. President, what will you do for woman suffrage?" The "White House pickets," maintained intermittently for a year and a half, attracted much attention. The pickets suffered from the hostility of mobs, especially after America entered the war, some of them being roughly handled and their purple, white, and gold banners being destroyed in great numbers. The police arrested the pickets for unlawful assembly or obstructing the traffic. When they refused to pay fines, the court sentenced them to jail or workhouse for terms varying from a few days to six or seven months. Imprisoned, they hunger-struck and were forcibly fed.[1] These episodes gave effective advertisement to the suffrage cause. They may have had some effect upon President Wilson; some weeks before he publicly announced his support of the federal amendment a man close to the Administration visited Alice Paul in jail and gave her to understand that the President would secure its passage.[2] In the fall of 1918 militants picketed the Senate and particularly thirty-four senators who had voted against the amendment. Next year they lighted the "watchfires of freedom." "Perhaps at no time in the history of the world," writes an enthusiastic disciple of Alice Paul,[3] "has there ever been projected a demonstration so full of beautiful symbolism." The plan was to keep a fire burning on the roadway in front of the White House until the President should force Congress to pass the amendment. Whenever he made a plea for democracy in Europe, that speech was to be burned and a bell tolled at headquarters. Sympathizers sent wood from every state of the Union. Unfortunately the police put out the fire and arrested the stokers. It must not be supposed that the Woman's party confined itself to militant tactics. It conducted an intensive

[1] Alice Paul and Rose Winslow maintained a strike for three weeks before they were transferred to a hospital. Irwin, *op. cit.*, p. 285. The sufferings of those who were sent to Occoquan workhouse aroused much sympathy. Though some of the colored inmates were diseased, the drinking water stood in an open pail into which the cup was frequently dipped; blankets were washed once a year; there were worms in the soup and bread. *Ibid.*, pp. 262 *et seq.*

[2] *Ibid.*, pp. 254-255.

[3] *Ibid.*, p. 391.

and businesslike lobby at the capitol; and it maintained an active organization and propaganda throughout the country, particularly in the states where women voted.

Its strategy described

The objects of the Woman's party may be described in the words of Alice Paul.[1] It was "to ask for a woman suffrage amendment from the party in power in Congress, and to hold them responsible for their answer to its request. This policy is entirely non-partisan, in that it handles all parties with perfect impartiality. If the Republicans were in power, we would regard them in their capacity as head of the government as responsible for the enfranchisement of women. . . . This policy simply recognizes the effect of our American system of government. Ours is a government by parties." And again:[2] "We propose going to the nine suffrage states and appealing to the women to use their votes to secure the franchise for the women of the rest of the country. All these years we have worked primarily in the states. Now the time has come, we believe, when we can really go into national politics and use the nearly four million votes that we have to win the vote for the rest of us. Now that we have four million voters, we need no longer continue to make our appeal simply to the men. . . . We want to attempt to organize the women's vote. Our plan is to go out to these nine states and there appeal to all women voters to withdraw their support from the Democrats nationally until the Democratic party nationally ceases to block suffrage. . . . Every one of these states, with one exception, is a doubtful state. Going back over a period of fourteen years, each state, except Utah, has supported first one party and then the other. Here are nine states which politicians are thinking about and in these nine states we have this great power. If we ask those women in the nine suffrage states, as a group, to withhold their support from this party as a group which is opposing us, it will mean that votes will be turned. . . . When we have once affected the result in a national election, no party will trifle with suffrage any longer."

What it achieved

The actual effects of this policy are difficult to measure. The claims put forward by the Woman's party (or Congressional Union, as it then was styled) after the elections of 1914 were rather vague. It is possible that the women's vote defeated three Democratic candidates for Congress and contributed to the defeat

[1] *Ibid.*, p. 49.

[2] *Ibid.*, pp. 75-76.

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of three others. In the presidential election of 1916 President Wilson carried ten of the twelve equal suffrage states. It would therefore seem that the N.A.W.S.A. was justified in condemning the "party in power" policy. But the *Suffragist*, organ of the Woman's party, did not admit failure. "What we did try to do," it said,[1] "was to organize a protest vote by women against Mr. Wilson's attitude towards suffrage. This we did. Every Democrat who has campaigned in the West knows this. The Democratic campaign in the West soon consisted almost entirely of an attempt to combat the Woman's Party attack." Be that as it may, the policy irritated many Democrats who had supported the suffrage movement and it engendered ill-feeling between the two suffragist organizations.

Congress proposes a federal amendment

In spite of dissensions, however, the suffrage cause was steadily gaining ground. After long years of silence the party platforms of 1916 extended their support,[2] the Progressives contemplating action both by the nation and the states, the Republicans and Democrats only by the states.[3] This seemed to mark the opening of a new era. When New York, the most populous and the most wealthy state in the Union, enfranchised women, opposition in Congress began to subside. On January 10, 1918, the very day after President Wilson had announced his conversion to the plan of federal action, the House passed the amendment by a two-thirds vote (274-136); but, although the President appeared before the Senators and told them that "the measure which I urge upon you is vital to the winning of the war and to the energies alike of preparation and battle," he did not get a favorable response. It was not till the summer of 1919 that the amendment passed both houses and was submitted to the states.[4] Ratification by thirty-six of the forty-eight states was needed. When the national party conventions assembled in June, 1920, thirty-five states had ratified.

The South opposes ratification

Both parties pronounced strongly for ratification. "We earnestly hope the Republican legislatures in the states which have not yet acted on the Suffrage Amendment will ratify the amendment," ran the Republican declaration. "We urge the Democratic

[1] Quoted in Irwin, *op. cit.*, p. 179.

[2] The Republican party had obscurely favored woman suffrage in 1872 and 1876. The Progressive party in 1912 had pledged itself unequivocally.

[3] The Republican candidate, Charles Evans Hughes, declared himself favorable to the proposed amendment.

[4] It passed the House (304-89) on May 21; the Senate (66-30) on June 4.

governors and legislatures of Tennessee, North Carolina and Florida and such states as have not yet ratified the Federal Suffrage Amendment," said the Democratic platform, "to unite in an effort to complete the process of ratification." There were only two Republican states which had not ratified. The Democratic South viewed the amendment with apprehension.[1] "In my opinion," said Senator Overman of North Carolina,[2] "the woman suffrage amendment is a reaffirmation of the Fifteenth Amendment. I wonder if this is appreciated through the South. This latter amendment simply goes a step further than the Fifteenth Amendment. In addition to saying that the right of suffrage shall not be abridged by reason of race, color, or previous condition of servitude the new amendment adds the word 'sex.' The language is not identical, but it is evident that the woman suffrage resolution is a postscript to the former amendment, which we have always opposed in the South. . . . The illiterate colored woman, for instance, irrespective of her non-conception of the duties of citizenship, may vote and pair with the most intelligent woman of the Caucasian race. Congress reserves the right of 'approprite legislation' to enforce this mandate, regardless of the state. That is the condition in a nutshell. I wonder if woman suffrage advocates in the South have taken into consideration all the embarrassing features possible under such legislation." There was danger to the South in such opposition; for it might provoke the hostility of Northern women and lead to a really serious demand for the enforcement of the Fourteenth and Fifteenth Amendments. President Wilson sent urgent messages to the governors of all Southern states. Secretary Daniels, Attorney General Palmer, and the chairman of the Democratic national committee brought pressure to bear on party leaders. For the most part this intervention was resented; but in August the legislature of Tennessee (the thirty-sixth state, ratified the amendment,[3] in September that of Con-

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The amendment ratified

[1] Arkansas and Texas, having earlier allowed women to vote in the primaries, had ratified the amendment; also the border states of Kentucky, Missouri, Oklahoma, and West Virginia.

[2] Catt and Shuler, *op. cit.*, p. 464. Note the similar attitude of a former governor of Louisiana, *ibid.*, p. 483.

[3] A legal question arose in Tennessee where the constitution required a new legislature to be elected between the submission of an amendment by Congress and its ratification by the state. But in a somewhat similar case the federal Supreme Court had upheld the ratification of the XVIII Amendment by the Ohio legislature although a referendum had been demanded under

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necticut. Throughout the Union women voted in the fall of 1920.

Results of Woman Suffrage

Many women indifferent

In the heat of the suffrage crusade extravagant claims were sometimes made. Women armed with the ballot would not only liberate themselves from subordination to men, but they would regenerate politics, suffusing it with a lofty idealism and directing it to the noblest social ends. What have the women actually accomplished? Or, better, what way do the tendencies point after the brief experiment with equal suffrage? It is clear at least that women have not taken full advantage of their opportunities. In New York City recently seventy-one per cent neglected to register;[1] in Baltimore (1923), fifty-seven per cent.[2] Some of the politicians who have concerned themselves with the question say, by way of rough generalization, that not half as many women register as men. The enrolment for the 1924 primaries in New York City showed 747,952 men and 357,064 women.[3] Next year the figures were: 817,949 men and 416,137 women.[4] The Illinois election returns of 1920, in which male and female voters were separately listed, show that the women cast only 46.5 per cent of their potential vote as against 74.1 per cent for the men. It has been estimated, though by a somewhat inconclusive statistical method, that in the national elections of 1924 the percentages were 35.3 for the women and 67 for the men.[5] Many women who

the provisions of the state constitution. See *Hawke v. Smith*, 253 U. S., 231 (1920). The court there held that the function of a state legislature in ratifying an amendment is a federal function derived, not from the people of the state, but from the federal constitution; and that the provisions of the Ohio constitution requiring a referendum were inconsistent with the provisions of the federal constitution.

[1] *Saturday Evening Post*, Dec. 22, 1923, p. 4.

[2] Frank R. Kent, *The Great Game of Politics* (1923), p. 164.

[3] New York *Times*, Jan. 8, 1924.

[4] *Ibid.*, Oct. 22, 1925.

[5] H. L. Keenleyside, "The American Political Revolution of 1924," *Current History*, Vol. XXI (March, 1925), p. 838. As to Chicago 46 per cent of the adult women and 75 per cent of the adult men voted in 1920; 35 per cent of the women and 63 per cent of the men, in 1923. C. E. Merriam and H. F. Gosnell, *Non-voting: Causes and Methods of Control* (1924), p. 26. With regard to 1923 the authors observe (p. ix): "The first outstanding fact to notice is that nearly three-quarters of these non-registered adult citizens were women. Women were allowed to register for local elections in Chicago as early as 1913; and yet, ten years later, not half of the adult female citizens in the city had established voting habits."

had no sympathy with the suffrage movement deliberately abstain; and this seems to be particularly true in the Solid South. A different situation reveals itself in the four western states that adopted equal suffrage almost a generation ago; for there, according to an estimate of Professor Arthur N. Holcombe,[1] "women apparently voted about five-sixths as generally as men." In time, no doubt, other states may tend to approximate that ratio. There is no indication of sex-cleavage.[2] "Even on the so-called moral issues," says Frank R. Kent,[3] "the women have not voted one way and the men another. . . . It can be accepted as a political rule that nineteen times out of twenty the family votes as a unit." Miss Sumner, in her study of conditions in Colorado, however, indicates that women are probably more independent of the party organization, more ready to split their tickets when moral issues become apparent.[4] With the advent of equal suffrage, she says, it has become more difficult to forecast the results of elections.

But some favorable results claimed

Miss Sumner is also disposed to think that the women have had, through their vote, a beneficial effect upon legislation.[5] "It is safe to say that the most conspicuous effect of equal suffrage has been upon legislation, and, though it is impossible to prove beyond the possibility of a doubt that the woman's club movement alone would not have brought about the passage of the same laws,

[1] *State Government in the United States* (1916), p. 145.

[2] In 1921, however, the National Woman's Party adopted the following resolution (New York *Times*, Feb. 19, 1921): "Owing to the fact that women have not yet won full civic or economic equality, we recommend: 1. That the National Woman's Party, having accomplished the object for which it was organized, now disband. 2. That a new organization be created and its Executive Committee be empowered to dispose of all property of the National Woman's Party. 3. That the enfranchisement of women having been won in the United States, this new organization work for the equality of women and see that such equality be won and maintained in any association of nations that may be established. 4. That the immediate work of the new organization be the removal of the legal disabilities of women." At a meeting of the party in 1923 (*Times*, November 19) the president, Mrs. O. H. P. Belmont, said: "We demand that the principle of equality be written into the fundamental law of the land. We demand that an amendment be added to the United States constitution, giving equal rights to men and women in every place subject to its jurisdiction."

[3] *Op. cit.*, p. 169.

[4] Helen L. Sumner, *Equal Suffrage: the Results of an Investigation in Colorado* (1909), pp. 23 and 95.

[5] *Ibid.*, pp. 211-212.

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it seems probable that the votes of women have effected the desired end with less effort and in less time than would have been required in non-suffrage states. . . . Although the Colorado laws for the protection of working women and children might be greatly strengthened, . . . it is fair to say that, in other respects, no state has a code of laws better adapted to its immediate need for the protection of women and children, and that the influence of the enfranchised women has distinctly strengthened the cause of reform in this particular." Miss Sumner also emphasizes the fact that participation in political activities has had a broadening influence upon women.[1] And on the other hand it will generally be admitted that women have brought about some improvement in the tone of politics in its superficial aspects at least. They have had, says Kent,[2] "a distinctly improving effect on practical politics. Any machine man will concede that. The ward executives not only opened their clubs to women, but made a special drive to have them at the meetings and club nights. And their presence has caused the 'muldoons' to 'spruce up.' Both their collars and their language are cleaner."

Little effect on political machines

Woman suffrage has not broken the power of the Machine. "Not one of the disasters has come to pass that four years ago glowered so fearsomely upon the politician's trade," writes Charles Edward Russell.[3] "Not a boss has been unseated, not a reactionary committee wrested from the old-time control, not a convention has broken away from its familiar towage. Nothing has been changed, except that the number of docile ballot-droppers has approximately been doubled. . . . If political regeneration and the more intelligent conduct of public affairs were the main considerations on which we fought for woman suffrage, it would be

[1] Sumner, *op. cit.*, p. 260: "It has enlarged their interests, quickened their civic consciousness, and developed in many cases ability of a high order which has been of service to the city, the county, and the state. Closely allied to this wider and richer opportunity, and also distinctly visible as at least a tendency, is the development of the spirit of comradeship between the sexes. It is still too early to measure adequately these factors, and perhaps it will never be possible to determine exactly how much equal suffrage has contributed. But the Colorado experiment certainly indicates that equal suffrage is a step in the direction of a better citizenship, a more effective use of the ability of women as an integral part of the race, and a closer understanding and comradeship between men and women."

[2] *Op. cit.*, p. 170.

[3] "Is Woman Suffrage a Failure?" *Century Magazine*, Vol. CVI (March, 1924), pp. 725 and 730.

absurd to contend that the present results constitute a success." Indeed, for the time at least, the party machine seems to have been strengthened. This need occasion no surprise. As soon as women had been enfranchised, every election district captain had to face an exigent problem. He must protect his leader from any untoward effects of this new and unmeasured menace, incidentally saving himself from the loss of prestige and probable loss of his place that would follow a defeat in the primaries. He did not know how women in general would vote, or how many women would vote, but he proceeded along the familiar lines that had served him so well in the past.[1] He could depend upon the women of his own family; and these he registered first. Next he approached the job-holders and others who were under obligations to the machine, or dependent upon it for future favors, and impressed on them the vital importance of getting out the vote of their wives and sisters and daughters. These methods gave him a nucleus to build from. In view of the fact that women do not register and vote in the primaries as frequently as do the men and that, being unschooled in politics, they are more susceptible to guidance, the machine element among them is proportionately larger. But conditions in Colorado suggest that this is a passing phase.[2]

Woman suffrage, then, has had no marked effect on party politics. Such is the view of all competent observers. First of all "deduct all the dark forebodings of the opponents of woman suffrage," says Professor Joseph Barthélemy.[3] "Then take the optimistic prophecies, make a deduction of ninety-five per cent, and you will be pretty close to the truth." According to Bryce,[4] available evidence "indicates that women mostly vote much as men do, following the lead of their husbands and brothers and of the party organizations, that administrative government is in the

or politics generally

[1] See on this point Kent, *op. cit.*, p. 166.

[2] Miss Sumner found "little evidence" to support the assertion that equal suffrage "increases the facilities of the 'ward heeler,' instead of neutralizing his force, as was expected" (*op. cit.*, p. 93). She says further (p. 92): "The influence of equal suffrage over the machinery of party politics, though apparently not great, has probably been beneficial. Women have been slack, even more than men, in the fulfillment of political duties other than voting. . . . Upon the whole party politics appears to be on a somewhat higher plane in Colorado since women have voted."

[3] *Le Vote des femmes* (1920), p. 595.

[4] *Modern Democracies* (1921), Vol. II, p. 48.

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woman suffrage states neither better nor worse than in others, and that the general character of legislation remains much the same." A well-known journalist, who has followed American politics closely and who has confidence in the ultimate results of woman suffrage, says: "It is the testimony of practical politicians all over the country that the women as voters have not changed any political situation or altered the political complexion of any locality."[1]

The National League of Women Voters

Nevertheless, it would be a mistake to assume that the impulse given to women by the equal suffrage agitation has not survived the victory of 1920. If the average woman displays little interest and less activity in politics, the more ardent spirits have continued to make their influence felt. Enfranchisement has opened to them an attractive career. They sit on party committees. They occupy public office. In 1924 two were elected to the office of governor (in Texas and Wyoming), one to the office of secretary of state (in New York),[2] one to the House of Representatives,[3] and eighty-eight to state legislatures.[4] A large number are acquiring most valuable experience as paid or voluntary workers in the National League of Women Voters. This League, appearing in 1919 as an auxiliary of the National American Woman Suffrage Association, became an independent body after the adoption of the Nineteenth Amendment. Four years later it had established itself in more than three-fourths of the Congressional districts, while in half the states the local branches were functioning through a paid staff and reaching their members through monthly bulletins which gave a systematic and non-partisan review of political questions.[5] The objects of the League are to "promote education in citizenship, efficiency in government, needed legislation, and international coöperation to prevent war." The League maintains an effective lobby at the national and state capitals. In the first three years, 420 bills supported by state leagues, as the branches of the national organization are

[1] Frank R. Kent, *The Great Game of Politics* (1923), p. 169.

[2] Women had previously occupied that office in Kentucky and New Mexico.

[3] Four women had previously been elected to the House.

[4] New York *Times*, Nov. 16, 1924. According to this article: "In studying the official lists of nominations it becomes evident that the Democrats and Republicans name a woman under only two conditions: one, when there is absolutely no chance for her to win; and the other, when there is no chance for her to lose."

[5] See a pamphlet of the League, *A Record of Four Years* (1924).

styled, were enacted; 64 opposed bills were defeated.[1] The majority of those enacted had to do either with child welfare or the removal of legal discriminations against women. The methods of awakening women to their opportunity and obligation as voters are varied and interesting. The technicalities of registration and voting are explained in the most concrete fashion; schools are conducted for the study of the principles of government; committees examine problems of special interest to women; numerous pamphlets are distributed.[2] This propaganda has no effect upon the great mass of apathetic women; but it enlists the attention of the more thoughtful and gives them a means of expressing themselves politically; and, quite apart from the attainment of the objects it has in view, it involves the training of a small army of workers whose interest is permanently aroused and whose activity must be of significance in the future.

[1] *Ibid.*, p. 23.

[2] Among the titles of these pamphlets may be noticed: "Specific Bills for Specific Ills," "Law Enforcement Measures" by the committee on social hygiene, "The Economic Status of a Wife Working at Home," "The Voter and the Political Parties," "Know Your Own Town," "The Direct Primary," "Living Costs and Coal," "The Case for Acceptance of the Sheppard-Towner Act."

CHAPTER IV

PUBLIC OPINION

THE will of the electorate is impressed upon government in various ways. Its most striking, and perhaps its most adequate, manifestation occurs in elections. Whether the verdict is given upon measures or upon men, the voters express thereby what is commonly termed public opinion.

Public opinion manifested in elections

Of course, the results of an election, as an index to public opinion, may not always be conclusive. The issues may be confusing.[1] Perhaps, because of the difficulty of the task, the voters form no real opinion at all; having been asked to do the impossible, to choose good men for a great number of offices or to pass upon the merits of highly complicated measures, they go it blind. Or, again, what interpretation is to be placed upon the success of a particular candidate? It may be due to his personal popularity, or to the popularity of the policies which he, as a party man, represents, or to considerations which bind men to party in spite of objectionable candidates and objectionable policies. Corruption may have determined the result, or the indifference or abstention of a large part of the qualified voters. Some psychologists deny that the mere counting of heads, even when a clear verdict is ob-

[1] Regarding the election of 1920 Walter Lippmann says (*Public Opinion*, 1922, pp. 194-195): "They voted, says Mr. Harding, for and against the League of Nations, and in support of this claim he can point to Mr. Wilson's request for a referendum, and to the undeniable fact that the Democratic party and Mr. Cox insisted that the League was the issue. But then, saying that the League was the issue did not make the League the issue, and by counting the votes on election day you do not know the real division of opinion about the League. There were, for example, nine million Democrats. Are you entitled to believe that all of them are staunch supporters of the League? Certainly you are not. For your knowledge of American politics tells you that many of the millions voted, as they always do, to maintain the existing social system in the South, and that whatever their views on the League, they did not vote to express their views." Mr. Lippmann then proceeds to show that the Republicans were not more unanimous.

tained, can reveal the true opinion of the community.[1] Importance must be attached, they say, to the intensity of belief and to the extent of the knowledge that supports it; opinions must be weighed as well as counted. As a matter of fact, the decision of the majority at the polls, coming as it does after a prolonged campaign or debate between opposing sides, must indicate not simply the volume, but also the weight, of opinion. The few have had opportunity to impress their reasoned and deliberate views upon the many.

but also active in the intervals

The activity of public opinion, then, is not confined to its periodic expression through the ballot. It is as restless as the sea. Newspapers, individuals, private associations, political parties are constantly preoccupied with it, seeking to interpret it, trying to manipulate or manufacture it, to deflect its course now in this direction, now in that, and to bring its force to bear upon the government. In the confusion even seasoned politicians, oppressed by the insistence of clamorous minorities, may sometimes be unable to distinguish the actual trend. They take refuge in the statistics of successive elections, subjecting these to elaborate analysis and drawing inferences of some value. By one method or another the dangerous reefs and shoals are charted and by dead reckoning the course laid for a prosperous voyage. If politicians do not venerate public opinion, they fear it; and, even though contemplating corrupt and anti-social ends, they must act discreetly in its presence and make at least a show of subservience to its more violent moods. Indeed, the weakness of politicians nowadays lies, not so much in any disposition to flout the will of the electorate,

[1] In *Public Opinion and Popular Government* (1913, pp. 13-14) President Lowell says: "There is a common impression that public opinion depends upon and is measured by the mere number of persons to be found on each side of a question, but this is far from accurate. . . . In short, public opinion is not simply the opinion of the numerical majority, and no form of its expression measures the mere majority, for individual views are always to some extent weighed as well as counted. . . . Where we speak of the opinion of a majority we mean, not the numerical, but the effective majority." If physicians, and educated men generally, believe that impure water causes typhoid fever, he argues, and if the rest of the people do not, "it can hardly be said that public opinion is opposed to that notion." There seems to be some confusion of thought here. President Lowell started with the assumption, which all would accept, that intensity of belief and knowledge are important factors *in the spread of opinion*, that eventually the determined and informed minority are likely to prevail. It does not appear that his conclusion, that the opinion of the majority is not public opinion until the minority does prevail, can be deduced from his premise.

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as in the readiness with which they yield to pressure, however capricious and fleeting the popular mood may be. We have traveled far from the theory of representation which Edmund Burke expressed to his constituents in Bristol. "His unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you; to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." Burke's theory, which did not suit the voters of Bristol then, would hardly commend a candidate now. Public opinion is intolerant of opposition; and its tyranny, while so often and so harshly condemned,[1] may find some justification in the dangers that confront democracy. The people must rule. Working on that principle, it will obviously be difficult to decide upon the amount of discretion and independence that may safely be lodged with public servants.

Its importance in America

It is not surprising that such problems still await solution. Democracy, or government by public opinion, is still young, still experimenting with itself. No doubt the general proposition would hold good, that in the past all governments, even those despotic in form, have rested upon the consent of the governed, though that consent may have been merely passive and based on superstition or on the habit of obedience.[2] What distinguishes the demo-

[1] Thus Frank Exline (*Politics*, 1922, pp. 143-144) says: "Every informal manifestation of the shifting and baseless opinions of the public becomes immediately effective in influencing the conduct of all branches and departments of the government. Public officials, even those who are faithful and efficient, often are compelled to devote more time and energy to the cultivation of popular favor than to the proper performance of their official duties. They are forced to engage in constant struggles with incompetent enthusiasts and unprincipled demagogues in order to retain the confidence and continued support of their constituencies. Men of the highest character and ability are apt to shrink with disgust from such sordid struggles, while men of less scruple and of inferior ability frequently are elevated to the highest offices of trust and honor in the state."

[2] In the *American Commonwealth* (ed. 1910, Vol. II, p. 259) Bryce says: "Yet opinion has really been the chief and ultimate power in nearly all nations and at nearly all times. I do not mean merely the opinion of the class to which the rulers belong. . . . I mean the opinion, unspoken, unconscious, but not the less real and potent, of the masses of the people. Governments have always rested, and special cases apart, must rest, if not on the

cratic régime to-day is the active rôle assumed by public opinion. It is the propelling force of government. And nowhere does it act so strongly and so continuously upon government as in the United States.[1] This condition the framers of the constitution tried to escape by erecting barriers in the form of checks and balances. "While it was intended to establish a Republic," says Frank Exline,[2] "every possible precaution and safeguard, consistent with that intention, was taken to minimize the influence of public opinion and sentiment upon the several functionaries of the government. . . . The avowed and often repeated reasons for these precautions were, that public sentiment and opinion always are unstable and unsafe, always irresponsible, often irrational, and usually are incited and created by irresponsible agitators, sometimes with sinister motives, who can easily mislead the public by specious and plausible arguments; and that the true interest of society demands the exercise of the highest wisdom and unbiased judgment of the responsible functionaries of government, uninfluenced by considerations of popularity." But, contrary to expectation, the checks and balances served to stimulate rather than repress public opinion. The obstacles thus interposed put a heavier task upon the people and, since they were resolved to control the government, drew from them a more determined effort. The perfection and efficiency of party organization are sometimes attributed to this cause. Viscount Bryce, in his last observations on American democracy, expressed the belief that political opinion is better informed here than in continental Europe and that nowhere except in Switzerland "is a sane, shrewd, tolerant type of political opinion so widely diffused among the population. . . . What is peculiar to America and what makes its political strength, is the practical good sense and discriminating insight of the native citizens taken in the bulk, qualities which appear not so much in their judgment of ideas and proposals . . . as in their judgment of men. Nowhere does there exist so large a percentage who have an opinion, and can say why they have an opinion regarding

affection, then on the silent acquiescence, of the numerical majority. It is only by rare exception that a monarchy or an oligarchy has maintained authority against the will of the people."

[1] "Public opinion is on the whole more alert, more vigilant, and more generally active through every class and section of the nation than in any other great state." Bryce, *Modern Democracies* (1921), Vol. II, p. 112.

[2] *Op. cit.*, pp. 120-121.

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the merits of a question or of a politician."[1] Public opinion, in view of its activity and its effectiveness in America, must take an important place in any consideration of party; for party is at once the instrument of that opinion and, in some degree, its creator. Before proceeding farther it will be well to examine the nature of public opinion.

Nature of public opinion: (1) "Public"

By public opinion we mean the opinion of the people, the opinion of the community. It is sometimes unanimous. Under the stress of violent emotion, for example, as when a nation is engaged in war, all or substantially all the people may think alike on the chief issue. Usually they differ; and, according to a settled practice, a fundamental and necessary convention of democracy, such differences are decided by majority vote.[2] "When dealing with political questions," says President Lowell,[3] "we may for practical purposes treat the opinion of the majority as public opinion." The success of this somewhat arbitrary and mechanical method of deciding controversies depends, however, upon a further condition. The minority must recognize the validity of the decision—and do so, not because they fear the consequences, but because they accept the principle that the view of the majority ought to prevail.[4]

[1] *Modern Democracies*, II, pp. 116 and 160.

[2] Sir George Cornewall Lewis, in his *Influence of Authority in Matters of Opinion* (2nd ed. 1875, p. 145) justifies the practice in this way: "Decision by a majority places all the members of the body upon the same footing, and gives an equal value to the opinion of each. It makes no distinction between them as to competency, but allows the same weight to the vote of the persons most able, and of those least able to form a correct judgment upon the question to be decided. It therefore proceeds upon a principle directly opposed to the principle adopted voluntarily by those who are not restrained by legal rules—in guiding their practical conduct by the opinions of others, *they* look not to numbers, but to special fitness. The necessity, however, of having recourse to this principle arises from the nature of political government, and the expediency of a coercive supreme power which it implies. Whenever the ultimate decision is vested in a body, there is, by the supposition, no ulterior authority which can, in case of difference of opinion, determine who are competent judges and who are not. There is, therefore, no other alternative than to count the numbers, and to abide by the opinion of the majority. The contrivance may be rude, but it is the least bad which can be devised." See also his further discussion, *ibid.*, p. 170.

[3] *Public Opinion in War and Peace* (1923), p. 83.

[4] In supporting that principle Rousseau resorted to a singular argument. "When a law is proposed in the assembly of the people," he wrote in the *Social Contract* (IV, 2), "what is asked of them is not exactly whether they approve the proposition or reject it, but whether it is comformable or not to the general will, which is their own; each one in giving his vote expresses

Under certain circumstances—where fundamental rights or religious convictions are concerned—the minority may be indisposed to acquiesce. Thus, after the passage of the Education Act of 1902, which in effect subsidized denominational schools, English Nonconformists resorted to passive resistance; they refused to pay taxes, suffered distraint of property, even went to prison. A still more determined opposition met the enforcement of ecclesiastical legislation in France, the Associations Law of 1901 and the Separation Law of 1905. Such a situation does not often arise. The majority is restrained by the understanding that fundamental rights and religious convictions lie outside the domain of ordinary legislation and can be touched only when opinion approaches unanimity.[1] In America the federal and state constitutions place civil liberty beyond the immediate reach of the legislature, interposing, by the method of constitutional amendment, a considerable delay and in some cases the requirement of more than a simple majority. Even so, the Fifteenth Amendment was saddled upon the South more or less by military compulsion and, like the suffrage clauses of the Fourteenth Amendment, has sunk into desuetude because it lacks the sanction of true public opinion. When the minority withholds its consent, or gives it grudgingly and unwillingly, the prevailing opinion cannot be described as public.[2] Nor can acquiescence be expected unless the law permits the full and free discussion of political issues, without censorship of the press, without restraint upon legitimate propaganda, and without impairment of the right of assembly or of organized agitation. The

his opinion thereupon; and from the counting of the votes is obtained the declaration of the general will. When, therefore, the opinion opposed to my own prevails, that simply shows that I was mistaken, and that what I considered to be the general will was not so. Had my private opinion prevailed, I should have done something other than I wished; and in that case I should not have been free."

[1] "The difference of a single vote destroys unanimity," says Rousseau (*Social Contract*, IV, 2), "but between unanimity and equality there are many unequal divisions, at each of which this number can be fixed according to the condition and requirements of the body politic. Two general principles may serve to regulate these proportions: the one, that the more important and weighty the resolutions, the nearer should the opinion which prevails approach unanimity; the other, that the greater the despatch requisite in the matter under discussion, the more should we restrict the prescribed difference in the division of opinions."

[2] See Lowell, *Public Opinion and Popular Government* (1913), pp. 28-42.

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minority must feel that it has had unrestricted opportunity to present its case.

(2) "Opinion"

Opinion is defined by President Lowell[1] as "the acceptance of one among two or more inconsistent views which are capable of being accepted by a rational mind as true. If only one view can be logically accepted it is not an opinion, but the result of a demonstration. . . . An opinion, therefore, involves a choice, conscious or not, between differing views which may be rationally held." The choice may or may not be based upon a conscious process of reasoning. Everyone has convictions; he has formed or borrowed or acquired in some fashion a crude philosophy of life; and his attitude toward particular proposals may be determined solely on the ground of their consistency or inconsistency with the principles he professes. "When an old conviction is retained, or a new one is accepted," says President Lowell,[2] "on account of its consonance with a code of beliefs already in the mind, although without any sufficient process of reasoning or knowledge of the facts, it may be regarded as an opinion in a very different sense from an impression derived from authority or suggestion apart from such connection with existing ideas." Thus a man who believes in personal liberty may, without knowledge of facts or arguments, oppose the censorship of books or the suppression of cigarette-smoking. Apart from such cases, however, "an opinion worthy of the name cannot be formed without both a process of reasoning and, what is far more difficult, the command of a number of facts."[3]

Obstacles to the formation of opinion increase,

The difficulty noticed here arises from the fact that the business of politics, like most of the business of life, has grown steadily more complex, while the capacity of the voter to deal with it has not developed in equal measure. The political problems of Jack-

[1] *Public Opinion in War and Peace*, pp. 12, 13.

[2] *Public Opinion and Popular Government*, p. 21.

[3] *Ibid.*, p. 23. Ten years later, however, in his *Public Opinion in War and Peace* (p. 60) President Lowell classed mere impressions with opinions, on the ground that they may be "deemed to depend upon the same general laws." He says (p. 55): "An off-hand impression differs from an opinion deliberately held because it is not reached by weighing the evidence or arguments in the particular case. It is not the result of conscious thought, but comes at once on the presentation of the question. Yet impressions of this kind are highly important, for the conduct of life is based far more upon them than upon carefully reasoned opinion; and in elections and other public questions the great mass of men act upon them rather than upon opinions formed by conscious effort."

son's time were relatively simple; and perhaps the doctrines which we associate with his name—such as short terms and rotation in office—were less out of place then than they are now. The convention which renominated him in 1832 placed only one issue before the people—the personality of Jackson. The National Republicans, besides advocating a protective tariff and internal improvements, confined themselves to an attack upon Jackson's administration for its abuse of patronage and its attitude toward the Senate and the Supreme Court. Since then national platforms have grown longer and longer; they have invited the people to consider more and more intricate questions. The Republican platform of 1920 presented upwards of fifty different issues: in the field of finance, such matters as a budget system, international trade and the tariff, banking and currency; in the field of commerce, such matters as railroads, the merchant marine, waterways, highways; it dealt with various social problems—housing, education and health, child labor. women in industry, and the cost of living. If the statutes of any recent year were compared with those enacted a generation back or more, the contrast would be still more striking; and it would be found that legislation to-day not only covers a much wider field, but also requires far more specialized and technical knowledge than it ever did before.[1]

although the masses grow more enlightened

But, it may be argued, enlightenment too has spread. The masses are educated; they have manifold sources of information; they travel, hear lectures, use the radio, attend the movies, read books and newspapers and magazines. There can, indeed, be no question that rudimentary knowledge is more generally diffused than it was forty or fifty years ago and that the proportion of

[1] President Lowell states the case in this way (*Public Opinion and Popular Government*, p. 47): "It has been suggested as an explanation of the selection of administrative bodies in Athens by lot, that any ordinary Athenian citizen was competent to judge whether a trireme was seaworthy and properly provided with oars, sails, arms and provisions. But the ordinary man to-day, or the ordinary member of Congress or of Parliament, is wholly unable by his own observation to form an opinion of any value on the condition of the hull, machinery, or armament of a battleship. In the same way any sensible Yankee farmer who found himself two hundred years ago on a committee intrusted with the care of the schools in his town might be capable of knowing whether the little red schoolhouse was properly built and whether the teacher was qualified to teach the three R's; while the best equipped member of a school board in a large city at the present time is unfit for his office if he attempts to decide questions either of schoolhouse construction or of education without the aid of expert advice."

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young people attending high schools and colleges steadily increases.[1] But specialization of function has proceeded so rapidly in politics that men of average intelligence and average knowledge are not competent, unless they defer to the authority and guidance of experts, to form an opinion on many of the problems which are laid before them. Unfortunately they are often unwilling to accept such guidance. Their superficial education,[2] reinforced by the democratic doctrine that attributes universal competence to the average mind, is, as Bryce has remarked, sufficient to make them think they know something about the great problems of politics and insufficient to show them how little they know. "The instruction received in the common schools and from the newspapers," he says,[3] "and supposed to be developed by the practice of primaries and conventions, while it makes the voter deem himself capable of governing, does not fit him to weigh the real merits of statesmen, to discern the true grounds on which questions ought to be decided, to note the drift of events and discover the direction in which parties are being carried. He is like a sailor who knows the spars and ropes of the ship and is expert in working her, but is ignorant of geography and navigation."

The masses do not form true opinions

If we accept the view that true opinion can be formed only in two ways—either by obtaining the facts or by acting in conformity with settled convictions, then we must admit that the voter rarely expresses a real opinion. Although the electorate can always decide, the popular will which it declares may be quite a different thing from public opinion. It may rest upon vague impressions or upon unreasoning passion or upon acceptance without adequate scrutiny of the ready-made opinions of others.[4] After all, the citi-

[1] L. H. Peterson (*California Secondary Schoolhousing Needs and Available Resources,* unpublished thesis, University of California, 1923, p. 6) shows that the percentage of school children attending high schools rose from 1.1 in 1880 to 10.2 in 1920. For California alone the percentage rose from 3.07 to 23.27.

[2] A. Maurice Low (*The American People,* 1909-1911, Vol. II, p. 555) complains that Americans, from cradle to grave, are crammed with book-learning, often a mere conglomeration of meaningless things, and that it is no part of the curriculum to teach them the true meaning of education. "Americans have rioted in grammar and remained ignorant of the alphabet."

[3] *American Commonwealth* (ed. 1910), Vol. II, p. 289.

[4] "If we examine the mental furniture of the average man," says William Trotter (*Instincts of the Herd in Peace and War,* ed. 1919, p. 36), "we shall find it made up of a vast number of judgments of a very precise kind upon subjects of very great variety, complexity, and difficulty. He will have fairly

zen is not the public-spirited and omniscient being that democratic theory postulates. He gives little time and little attention to politics which, according to Bryce,[1] takes fifth place among his interests. If he did regard his civic duties more seriously, he would still, because of his inadequate equipment and the distortion of facts by newspapers and politicians, have to recognize his dependence upon authority. "In arguing recently with one of the most intelligent students of public problems whom I know," says Professor Emery,[2] "I was maintaining that the first political duty of man is to secure knowledge. To this he replied that it is the very hopelessness of even the most conscientious man getting trustworthy knowledge on most matters that made him feel that my claim was practically meaningless. In other words, he held that to advocate the impossible is to advocate nothing. His own problem for himself, he said, was to make up his mind regarding some leader whom he could trust and then follow him." In rare cases authority may be sought in this conscientious fashion; more often it is imposed by the force of personality or insinuated by clever manipulation and propaganda. In one way or another the popular will originates in the few and is communicated to the many. This fact has been emphasized by Sir George Cornewall Lewis,[3] Sir Henry Sumner

settled views upon the origin and nature of the universe, and upon what he will probably call its meaning; he will have conclusions as to what is to happen to him at death and after, as to what is and what should be the basis of conduct. He will know how the country should be governed, and why it is going to the dogs, why this piece of legislation is good and that bad. He will have strong views upon military and naval strategy, the principles of taxation, the use of alcohol and vaccination, the treatment of influenza, the prevention of hydrophobia, upon municipal trading, the teaching of Greek, upon what is permissible in art, satisfactory in literature, and hopeful in science.

"The bulk of such opinions must necessarily be without rational basis, since many of them are concerned with problems admitted by the expert to be still unsolved, while as to the rest it is clear that the training and experience of no average man can qualify him to have any opinion upon them at all. The rational method adequately used would have told him that on the great majority of these questions there could be for him but one attitude—that of suspended judgment."

[1] *Modern Democracies*, Vol. II, p. 547. These interests rank above politics: means of livelihood, domestic concerns, religious beliefs, amusements.

[2] Henry Crosby Emery, *Politicians, Party, and People* (1913), p. 37. A thoughtful and stimulating series of lectures delivered to Yale students.

[3] *Influence of Authority in Matters of Opinion* (2d. ed. 1875).

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Maine,[1] Viscount Bryce,[2] and many others, particularly Walter Lippmann in his *Public Opinion* (1922) and *The Phantom Public* (1925). "The great majority of mankind," says Frank Exline,[3] "is disposed to accept as authoritative the opinions of the more intellectual minority, and to adopt them as its own, upon the authority of those from whom they received them, rather than upon the original reason or evidence upon which those opinions are founded. And, particularly in the realm of politics and government, such is the real character and source of all 'public' opinion. Any opinion which receives the assent of all leading minds inevitably becomes public opinion. Only when there is conflict of opinion among those who are regarded as leaders do we witness a division and conflict of public opinion."

It is this deference to authority, generally unconscious, that saves democracy from shipwreck. The average man is averse to sustained thinking or incapable of it, unacquainted with the facts or without means of appraising them. He forms off-hand impressions from what he hears and reads. As he consults with others, as he observes the attitude of the press and party leaders, these tend to solidify; and, when he has committed himself to a definite view, he seizes upon arguments wherever he can find them to buttress his position and give it the appearance of rational solidity. The fact that the majority share his view, while no doubt giving him satisfaction and convincing him of its soundness, does not prove that he is right. There is no virtue in mere numbers. "We cannot create great political ability and fitness," says Sir George Cornewall Lewis,[4] "by combining the opinions of a large body, as military power can be created by rendering an army or navy numerically strong, or as a large sum of money can be produced by the subscriptions of many persons of small means. As well

[1] *Popular Government.* For example (ed. 1886, p. 89): "The truth is that the modern enthusiasts for Democracy make one fundamental confusion. They mix up the theory, that the Demos is capable of volition, with the fact, that it is capable of adopting the opinions of one man or of a limited number of men."

[2] In the *American Commonwealth* (Vol. II, p. 253) he remarks "how small a part of the view which the average man entertains when he goes to vote is really of his own making"; and in *Modern Democracies* (Vol. II, p. 542) that "direction and decisions rest in the hands of a small percentage, less and less in proportion to the larger size of the body, till in a great population it becomes an infinitesimally small proportion of the whole number."

[3] *Politics,* pp. 140-141.

[4] *Op. cit.,* p. 122.

might we attempt to make one great poet by combining the efforts of several minor poets; or a great painter, by employing several inferior artists on the same picture; or a great captain, by combining the ideas of several military officers of moderate powers. For political and other purposes, in which capacity of a high order is requisite, there must be single persons possessing that degree of power, in order to arrive at sound political conclusions." It is fortunate, therefore, that the opinions entertained by most of the electorate are their offspring only through the polite fiction of adoption and could sometimes, were their lineage known, exhibit a most respectable family tree.

Opinion is, in fact, manufactured for the masses. It is manufactured by individuals, newspapers, organized groups like those described in the next chapter, and by political parties; and these have so completely explored the mysteries of mass psychology and acquired so finished a technique that the process by which they impose their views—that is, sell their product—is apprehended but dimly or not at all. According to Walter Lippmann[1] the most significant revolution of modern times is "the revolution that is taking place in the art of creating consent among the governed. Within the life of the new generation now in control of affairs, persuasion has become a self-conscious art and a regular organ of popular government. None of us begins to understand the consequences, but it is no daring prophecy to say that the knowledge of how to create consent will alter every political premise. Under the impact of propaganda, not necessarily in the sinister meaning of the word alone, the only constants of our thinking have become variables. It is no longer possible, for example, to believe in the cardinal dogma of democracy, that the knowledge needed for the management of human affairs comes up spontaneously from the human heart. Where we act on that theory we expose ourselves to self-deception and to forms of persuasion that we cannot verify. It has been demonstrated that we cannot rely upon intuition, conscience, or the accidents of casual opinion if we are to deal with the world beyond our reach."

The Press and Public Opinion

Newspapers play a vital rôle

In the development of opinion newspapers play an indispensable part. Without them democracy could not endure in large countries like the United States and Canada; for, aside from local

[1] *Public Opinion*, p. 248.

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areas of small population where events become a matter of common knowledge through personal intercourse, people are almost entirely dependent upon the newspapers for political information. "The newspaper is," says Walter Lippmann,[1] "in all literalness the bible of democracy, the book out of which a people determines its conduct. It is the only serious book most people read. It is the only book they read every day." Nearly everyone has a favorite paper upon which he relies for information and from which, perhaps without knowing it, he may borrow his opinions. It may, among serious-minded people who have made a wise choice, become a household institution, an intimate friend capable of inspiring strong regard and personal attachment. Great indeed is the power of the press—and the responsibility that goes with power. In the past its influence, exerted on behalf of self-government and social justice, has often been decisive. There are many papers to-day that possess and merit public confidence. But on the whole a feeling of distrust and apprehension has somewhat shaken the credit of the press.

but are now much criticized

This feeling is not confined to any particular class. It exists among radicals and reactionaries, liberals and Socialists. Bryce, in his *Modern Democracies*,[2] remarked its portentous growth and exposed its causes. According to Professor Edward A. Ross,[3] "the defection of the daily press has been a staggering blow to democracy." Norman Angell[4] regards the press as "one of the worst obstacles to the development of a capacity for self-government, perhaps the worst of all menaces to modern democracy." Walter Lippmann says,[5] that men "are wondering whether government by consent can survive in a time when the manufacture of consent is an unregulated private enterprise. For in an exact sense the present crisis of western democracy is a crisis in journalism." Frank Exline declares[6] that "the inexorable law of self-preservation decrees that the existing governments of society must either perish or preserve themselves by restraining and controlling the press." These rather sweeping assertions are, in most cases, supported by positive evidence. The most severe and, in view of the abundance of specific detail that is supplied, the most convincing

[1] *Liberty and the News* (1920), p. 57.
[2] Vol. I, pp. 94 *et seq.*
[3] *Changing America* (1912), p. 131.
[4] *The Press and the Organisation of Society* (1922), p. 16.
[5] *Liberty and the News* (1920), p. 5.
[6] *Politics*, p. 185.

indictment will be found in Upton Sinclair's *The Brass Check*.[1]

Commercialization of the press

The offences attributed to modern journalism, whether justly or unjustly, are supposed to have their rise in its commercialization. The metropolitan newspaper of to-day, requiring an elaborate plant and a costly news service, has behind it a capital of millions. It is a large, and sometimes a very lucrative, business enterprise. The capitalist-owner has superseded the editor-owner. He has invested his millions for profits, usually money profits, though in some cases he may look rather to satisfying political or social ambitions or to promoting various business interests. Speaking generally, he expects his investment to bring dividends; he has to meet stiff competition in which, as in other fields of big business, the strong devour the weak; and his energies are concentrated upon increasing the circulation of the paper, because circulation brings advertisers and advertisers make the paper pay. As the price is reduced to attract more readers, it represents a smaller and smaller fraction of the cost of production. The paper derives at least two-thirds of its income, occasionally a much larger proportion, from the sale of advertising space.[2] For this reason the business office dominates the editorial office. The insatiable appetite for circulation overpowers conscience and drives ideals into hiding.

Its alleged effects: (1) Distortion of the news

Under pressure from the business office, according to the critics, news is distorted, suppressed, and even manufactured. "There is just one deadly, damning count against the newspaper as it is coming to be," says Professor Ross,[3] "namely, *It does not give the news.*" Advertisers set themselves up as censors.[4] When a powerful merchant has been guilty of violating the customs laws or the building code or of selling adulterated or misbranded goods; when his employees strike or are shown to be working under intolerable conditions; when the merchant himself becomes involved in scandal (through the bribery of a public official, perhaps), the

[1] 1919. Although allowance must be made for Sinclair's sense of personal grievance and his bias against the existing social order, the book is marked by a thoroughness and a mastery of the facts that place it somewhat outside the category of mere propaganda. But he altogether fails to notice that distortion of the news is far more flagrant in the socialistic than in the capitalistic press.

[2] Ross, *op. cit.*, p. 114.

[3] *Op. cit.*, p. 109.

[4] Sinclair, *op. cit.*, pp. 282-299; Ross, *op. cit.*, pp. 115-116; O. G. Villard, *Some Newspapers and Newspaper-men* (1923), pp. 165-166; Hilaire Belloc, *The Free Press* (1908), p. 15.

papers are silent. Honest, fearless criticism of plays and books is rarely permitted. William Winter, a celebrated dramatic critic, was forced to resign from a New York newspaper because his attack upon indecent plays embarrassed the business office. Walter Pritchard Eaton had a similar experience, a theatrical syndicate withdrawing its patronage from the paper and demanding his dismissal. An advertising boycott, if systematized through the merchants' association or chamber of commerce, may even ruin a paper that has attacked public service corporations or given support to organized labor in a strike. On the other hand, the newspaper may extort advertising by blackmail. "I was sent out to get interviews from other persons who didn't like the Kansas City, Pittsburg and Gulf Railway," says William Salisbury in his very interesting reminiscences,[1] "and I had to write many such interviews. And the railway company was not advertising in the *Times* then. A few months later the railway company was advertising in the *Times,* and in all the other Kansas City papers. And all the papers were saying that the railway and its seaport were very beneficial to Kansas City." Again, editorial policy may be affected by the other business interests of the proprietor. "I learned," says Salisbury,[2] "that the newspaper was only one of a great number of things in which its chief owner, John R. Walsh, was interested. He had begun his business career as a peanut vender. Now he conducted, or helped to conduct, two banks, a railroad, a dredging company, stone quarries, street railway and gas corporations, a baseball club, and many other unjournalistic things. I saw a list of sixteen corporations on the desk of the city editor. These were all Mr. Walsh's corporations. Every editor and subeditor had been provided with the list. It was to remind him of the interests about which nothing unfavorable was to appear in the *Chronicle.*" There have been cases, too, where newspapers have sold their influence for cash.[3] Even so, considering the unlimited opportunities, it is surprising that abuses have not been more flagrant and more common.

[1] *The Career of a Journalist* (1908), 42.

[2] *Ibid.*, p. 139. And for another illustration see p. 42, where the city editor says: "We'll have to print a favorable story of this consolidation. I wouldn't give much space to that man Smith's remarks. I don't know what the gas people have done here, in this office, but you can guess. They've bought the Council."

[3] For the subsidizing of the newspapers of San Francisco in the time of Ruef and Schmitz, see Fremont Older, *My Own Story* (1919).

(2) Debasement of the public mind

The subservience of the press to business interests, and the consequent distortion of the news upon which the public bases its judgment, may easily be exaggerated. Newspapers with large circulations need make no concessions to advertisers; for the merchant is actuated by economic motives and displays his wares where they show to best advantage. Nor does the press, being itself a capitalist enterprise of large dimensions, act as the mere tool of big business; it would be more correct to say that, as an equal and without conscious purpose, it assumes a benevolent attitude toward other capitalist concerns. Norman Angell's complaint against the press is of a somewhat different order.[1] "Newspapers," he says, "are compelled for the profits which are the condition of their existence increasingly to appeal to the most easily aroused interests of their readers; to pander to the instincts and emotions that can be most easily excited. . . . This competitive process sets up a progressive debasement of the public mind and judgment; of that capacity to decide wisely and truly which is, in the last resort, the thing upon which the well-working of society must depend." And again:[2] "The constant stimulus to passion and the herd instinct, entailed by the necessity of finding an appeal that shall be wider and more successful than that of a rival newspaper concern, the consequent violence of the public mind, the impossibility of an unpopular view obtaining adequate expression, all end by destroying the capacity to weigh contrary opinion, by which alone thought on public issues is possible." This may be taken as a complaint against the Yellow Press; and, when judged by the standards of yesterday, most newspapers to-day, even some that affect a sedate air, are yellow. The masses are getting what they want.

Capitalistic press not the sole offender

Critics like Upton Sinclair and Norman Angell attribute the derelictions of the press, in one way or another, to the competitive system and the unscrupulous drive for profits which it entails. Confining their attention to the so-called capitalistic press, by implication they find no evil in the organs of Socialism and trade unionism. This is, as any one familiar with such organs can attest, a perverse or mistaken point of view. In looking for sound information one would scarcely prefer the London *Daily Herald* to the *Morning Post*. Socialists, importing their peculiar bias into journalism, exaggerate the very faults which they decry in others;

[1] *The Press and the Organisation of Society*, p. 23.
[2] *Ibid.*, p. 43.

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and it is no sufficient apology to explain that they do it, not for the profit of their purses, but for the profit of the cause.

Popular taste mainly to blame

For the general lowering of tone the newspapers themselves are not primarily responsible. They are not eleemosynary institutions. Like other commodities, they can be made only so long as they can be sold; they must accommodate themselves to the market. In this age of large-scale production journalism does not adjust its tone to the refined and fastidious ear of the cultured classes; it must speak with a voice that will attract clerks and errand-boys, factory hands and unskilled laborers. From the nature of the case the newspaper proprietor, like the candidate for political office, must employ the arts that captivate the crowd. Journalism and politics reflect the public taste.

Norman Angell goes so far as to lay upon the readers rather than upon the press a part of the responsibility for the distortion of the news. "The natural man hates freedom," he says,[1] "the freedom, that is, of others to utter opinions with which he does not agree, which disturb his convictions." The hatred of heresy is age-long. The newspaper has to humor it. This might be regarded as an extreme position; there are prosperous newspapers that present the news fairly and accurately. Nevertheless, the habitual and systematic distortion which many papers practise is possible only because the people do not resent it. These papers, instead of confining opinion to the editorial page, obtrude it everywhere by coloring the news. A shift of emphasis alters the whole perspective; or they marshal all the facts (or inventions masquerading as facts) that establish a particular view, suppressing the rest. The report of a speech will show passages lifted out of their context and employed deliberately to misrepresent the speaker. Now, the theory of a free press, like the theory of free competition in business, assumes that restraint is unnecessary because the consumer will detect fraud or adulteration or poor workmanship. Having once been deceived, he will buy elsewhere. The purveyor of false news will be driven from the market. If this was ever true, if it was true when the newspapers depended upon an educated and critical class for support, it is clearly not true to-day. Either the masses prefer chicory to coffee or their palates are not sensitive enough to detect the difference. And in view of the volume of his business, the seller of news can afford to ignore the heated protests of the discriminating few.

[1] *Op. cit.*, p. 21.

Attitude of journalists

Journalists fully understand the significance of business-office domination. They are restless under a restraint which, as William Salisbury says, makes journalism in America so nearly a mental serfdom. The managing editor of a metropolitan daily, before a gathering of his fellow-craftsmen, gave voice to his profound disillusionment. "There is no such thing in America as an independent press," he said,[1] "unless it is in the country towns. You know it and I know it. There is not one of you who dares to write his honest opinions, and if you did you know beforehand that it would never appear in print. . . . The business of the New York journalist is to destroy the truth, to lie outright, to pervert, to vilify, to fawn at the feet of Mammon, and to sell his race and his country for his daily bread. You know this and I know it, and what folly is this to be toasting an 'independent Press.' We are the tools and vassals of rich men behind the scenes. We are the jumping-jacks; they pull the strings and we dance. Our talents, our possibilities and our lives are all the property of other men. We are intellectual prostitutes." Self-respecting men do not like to falsify and suppress the news, to write fictitious interviews or improvise the details of battles in Manchuria.[2] They watch with regret the decline of public confidence in the press, the first stirring of a suspicion that the functions of the press touch the welfare of the community in a most vital way and that the common carriers of news, like the common carriers of passengers, would serve the public better under regulation.

Dangers of multiple-ownership

Latterly, in America as in England, the extension of multiple-ownership in the newspaper field has occasioned some disquiet. In the Scripps-Howard group there are twenty-eight newspapers with a combined circulation of 1,321,000; in the Hearst group, besides nine magazines, there are nine morning and eleven evening newspapers with a combined daily circulation of over 3,000,000.[3] "The

[1] Quoted in Sinclair, *op. cit.*, p. 400.

[2] But some reporters have a *flair* for fiction which they indulge without any prompting from above, interviewing people who do not exist and describing events which have not occurred. An Omaha newspaper proprietor refused to credit Henry M. Stanley's story of his finding Livingstone in Africa, because he had known Stanley to describe as an eye-witness events occurring in a city five hundred miles away. Salisbury, *op. cit.*, pp. 75-76.

[3] Villard, *Some Newspapers and Newspaper-men* (1923), pp. 17 and 333-334. Other groups are: Booth, eight papers, circulation 233,000; Empire State, six papers, 181,000; Perry-Jones, five papers, 77,000. In New York City the late Frank A. Munsey purchased seven newspapers and then, by combinations, reduced the number to three. In 1924 he sold the *Herald* to Ogden Reid, who

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rise of the Hearst chain," says Villard,[1] "and other similar ones like the Scripps-Howard . . . is a phenomenon fraught with evil, particularly when one considers it in connection with the consolidation or absorption of the weaker dailies by the strong, and the large number of cities which now have only one daily apiece. Any modern democracy is peculiarly dependent upon the obtaining by its members of sound information. Should all the city dailies of the country be owned by four or five individuals or groups of owners, the situation in this country would become exceedingly serious." The problem stated here is not peculiar to the United States. In England the combinations effected by Lord Beaverbrook and the late Lord Northcliffe (among others) have occasioned profound disquiet. The danger is manifest. In such a small, compact country national opinion can be manipulated far more readily than in America; and an example may be found in the fall of the Asquith government during the war, this being due, not to any adverse vote in Parliament, but largely to insistent attacks on the part of the Northcliffe press. In 1924, referring to the powerful newspaper trusts established in England, Germany, France, and the United States, the Prime Minister (Ramsay MacDonald) observed:[2] "It is clear that measures will have to be taken to prevent public opinion being influenced, vitiated, and poisoned at the caprice of a few men. It is also evident that the news agencies will soon have to be placed, by means of state control, or even of international control, in a position in which it will be impossible for them to falsify facts in order artificially to create currents of opinion. To preserve the press and the news agencies from corruption, and to withdraw them from the power of the modern oligarchies, is a task which every present-day government has to face and which, for our part, we shall not fail to study."

Regulation has been suggested. Walter Lippmann insists upon

consolidated it with the *Tribune*. The Chicago *Tribune* and New York *News* are under the same control; so too the Philadelphia *Public Ledger* and the New York *Evening Post*.

[1] *Ibid.*, p. 39.

[2] *Manchester Guardian Weekly*, Feb. 1, 1924, quoting an interview in the *Quotidien* (Paris). See, too, Belloc, *The Free Press* (1908), pp. 20-21. "We are, if we talk in terms of real things, . . . mainly governed to-day, not even by the professional politicians, nor even by those who pay them money, but by whatever owner of a newspaper trust is, for the moment, the most unscrupulous and the most ambitious."

Various reforms proposed

its necessity. When those who control the news columns, he says,[1] "arrogate to themselves the right to determine by their own consciences what shall be reported and for what purpose, democracy is unworkable. Public opinion is blockaded. . . . In a few generations it will seem ludicrous to historians that a people professing government by the people should have made no serious effort to guarantee the news without which a governing opinion cannot exist. . . . In some form or other the next generation will attempt to bring the publishing business under greater social control. There is an increasingly angry disillusionment about the press, a growing sense of being baffled and misled." Like Norman Angell,[2] he believes that there must be a radical change in the status of journalism and that, through a professional training in which the ideal of objective testimony would be cardinal, it should be given a standing similar to that of law or medicine. Angell goes much farther. He advocates the establishment of a guild for qualified newspapermen and the formulation of a professional code to which the members must subscribe. "If we had this preliminary condition," he says,[3] "we might then hope that a state newspaper would be managed as we manage a court of law, by a journalistic judiciary, pledged to tell the truth with the same scrupulousness that a judge is pledged to administer the law and hold the scales of justice even." The state press would not, however, be a monopoly. Upton Sinclair believes in public ownership as a part of the solution, though even under a Socialist régime he would leave groups and associations free to publish their own papers,[4] and he would have the reporters unionized.[5] Exline proposes that the state examine and license all writers.[6] Professor Ross fixes his hopes in private endowment, "since we are not yet wise enough to run a public-owned daily newspaper,"[7] and this idea commends

[1] *Op. cit.*, pp. 11, 14, 75.

[2] *The Press and the Organisation of Society*, p. 82.

[3] *Ibid.*, p. 86.

[4] *The Brass Check*, pp. 408 *et seq.*

[5] *Ibid.*, pp. 417 *et seq.*

[6] *Politics*, p. 133.

[7] *Op. cit.*, p. 133. Vacancies in the governing board would be filled in turn by the local bar association, medical association, central labor union, etc. Belloc, *op. cit.*, pp. 78-102, looks hopefully to the growing influence of independent papers, what he calls the "Free Press" as opposed to the "Official [capitalist] Press," papers which have come into being from a variety of motives—religious and racial propaganda, or indignation against irresponsible power and the concealment of the truth.

itself to Upton Sinclair. In view of the pessimism of these writers, their apparent conviction that the people are helpless to solve the problem by the exercise of a discriminating judgment, it is strange to find Viscount Bryce remarking in 1921 that no one in free countries now impeaches the principle of a free press.[1]

Improvement in public taste the best remedy

Whatever criticism is levelled against the press, it still wields an enormous influence. It is true that little weight attaches to editorial pronouncements[2] and that the electorate sometimes shows a disposition to flout the advice offered in that quarter. In 1922 Robert M. La Follette, though opposed by 349 of the 351 newspapers in the state of Wisconsin, won his fourth term as United States Senator; under similar circumstances Kiel was elected mayor of St. Louis and Curley mayor of Boston in 1921; on occasion Tammany has held New York City when all the newspapers were combined against it. But in the long run journalistic opinion may be taken to reflect public opinion; and distrust of the press, though it tends to grow among the discerning few, has not yet infected the great mass of readers. Critics are sometimes eccentric, often extravagant. They seize upon the exceptional and represent it as the normal. The newspapers, while they may suppress or falsify the news in cases where their special interests are involved, for the most part act without bias; and regulation, applied generally because of occasional lapses, would entail abuses far worse than those which now exist. We should rather rely upon the slow building up of the higher standards and better tone which already show themselves both in politics and in business.

[1] *Modern Democracies*, Vol. I, p. 93. Upton Sinclair views the corruption of the press as an incident of capitalism, which would disappear in a collectivist society; but on this point the existing character of Socialist newspapers is not reassuring.

[2] This is the weakest department of American newspapers, partly because talent of no high order is employed on the editorial page and partly because opinion is expressed without giving along with it a systematic presentation of the facts. Any one can keep fairly well posted on English politics by reading the editorials alone in the Manchester *Guardian;* he would get a very imperfect understanding of American politics from the editorials of the New York *Times.*

CHAPTER V

Organized Groups and Public Opinion

Importance of organized groups

The press must be regarded as an indispensable agency in the formation of public opinion. From it the voter gets the facts and the interpretation which he places upon the facts. But political news, as it appears in the press, proceeds in considerable degree from the activities of organized groups in the community and from conflicts between them. Either through the medium of the press or through other methods of publicity, these groups are constantly seeking to enlist the attention of the electorate and influence the conduct of politicians.[1] They explore abuses and ventilate grievances; they suggest improvements in the public service, devise remedies, expound principles, formulate plans. It is one of their functions to bring forward particular issues, marshalling the facts and the arguments that seem most likely to carry weight with the masses. By the strength of their organization or by adroit management, perhaps by the mere persistence and intensity of their propaganda, they are able to reach the public ear in cases where the voice of isolated individuals would be lost in the general clamor. There are obvious advantages in association: the pooling of resources makes for economy of effort; subordination to a common policy gives force and momentum; and a corporate enterprise is capable of more sustained and continuous agitation.[2]

The organizations that concern themselves with politics,

[1] "There is a labor nucleus, a farmers' nucleus, a prohibition nucleus, a National Security League nucleus, and so on. These groups conduct a continuous electioneering campaign upon the unformed, exploitable mass of public opinion. Being special groups, they have special sources of information, and what they lack in the way of information is often manufactured." Walter Lippmann, *Liberty and the News* (1920), p. 61.

[2] "The history of such organizations," says William Dudley Foulke in *Fighting the Spoilsmen* (1919, p. 1), "ought to be preserved not only on account of the things they did, but as an illustration of the power of comparatively small groups of men, when properly organized and skilfully led, to accomplish by long and persistent efforts great public reforms. It shows what immense possibilities there are in voluntary association with self-sacrificing devotion to a cherished cause."

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Their relation to party politics

whether incidentally or exclusively, are countless in number and varied in character. The most powerful and, as will be shown later, the most essential to the well-being of a democratic society are the political parties. These may be said to differ from other groups in the fact that, under regulations laid down in the election law, they attempt to control generally both the personnel and the policies of the government. In pursuing that object, in selecting the issues that shall be laid before the electorate, parties must proceed with caution. They are bound by considerations of expediency. They must attract and hold more or less permanently a large mass of voters. They are therefore under the necessity of finding, by way of compromise, a common ground upon which this rather heterogeneous mass can be induced to coöperate. Certain questions which would precipitate discord and schism, questions which "cut across party lines," as the saying goes, or which have not reached the stage where a decision would be practicable, cannot safely be touched. They lie outside the domain of practical politics. That does not mean that they will suffer from neglect. Other groups, not faced with the same responsibilities and limitations as the parties, take up these issues and, by educating and informing the voters, develop a favorable public sentiment that the parties cannot ignore.[1] The anti-slavery movement, the prohibition movement, and the woman suffrage movement will serve as illustrations. While the private associations or societies which touch politics in one way or another can hardly be enumerated, the most important fall into a few fairly well-defined categories.

Good Government Associations

Municipal voters' leagues

There are, for example, the civic or voters' leagues, which have done excellent service in a dozen or more of the largest cities.[2]

[1] "Partyism, in the very nature of the case, is opportunism. Principle is something different. Great fundamental principles do not originate and are not developed in political party councils. They originate outside such councils and through the process of agitation and education they gradually grow into what becomes so acceptable to the public that parties finally declare for them in order to attract the many rather than the few. Political parties are of many ideas; champion many causes, selected with a view to those most likely to attract the largest number of voters." E. H. Cherrington, *The Evolution of Prohibition in the United States of America* (1920), pp. 168-169.

[2] Robert E. Cushman, "Voters' Leagues and their Work," *Nat. Mun. Rev.*, Vol. IV (1915), pp. 286-290.

These do not confine themselves to the promotion of specific reforms. They rather bend their efforts towards improving the tone of politics, stimulating the sense of civic responsibility, and equipping the voter to express himself intelligently and effectively. They are non-partisan organizations interested in the cause of good government. They first appeared in Chicago at the close of the last century, when municipal politics was notoriously and intolerably corrupt. "The Common Council of the city of Chicago," in the words of Samuel E. Sparling,[1] "was the synonym for all that is bad and disreputable in the city government. The tongue of scandal had spread this far beyond the State, and even beyond the confines of the Nation. . . . Franchise values were being voted away with alarming rapidity, and without any regard for the public interest. Machine and ward politicians of dubious character held sway and control over the Council; their will was law, and from positions of ignorance and obscurity they suddenly passed to places of power and opulence. As in many other cities of the country, the Common Council of Chicago was at this time a travesty upon representative and democratic government." It was under these conditions and with the purpose of securing an honest council that the Municipal Voters' League was organized in 1896. While the League formulated a program (urging rigid enforcement of the civil service law, municipal ownership of utilities, etc.), its main concern was with the election of councillors. It did not put forward candidates of its own, but undertook to make the existing parties responsible for the nomination of honest and capable men. It assumed the very difficult task of exploring the public and private career of candidates and of giving the voter accurate information, unbiased by partisanship or prejudice. The plan succeeded from the first. Voters showed a surprising readiness to accept the counsel of the League; politicians soon discovered the importance of gaining its endorsement. Four years after the formation of the League we are told that "the quality of membership [in the city council] has been steadily improved. Each year it is found easier to secure good candidates. . . . Public despair has given place to general confidence in the early redemption of the council. . . . It is now an honor to be a member."[2]

[1] "Chicago's Voters' League," *Outlook*, Vol. LXXI (1902), p. 495.

[2] Edwin B. Smith, "The Municipal Voters' League of Chicago," *Atlantic Monthly*, Vol. LXXXV (1900), p. 837.

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Its aims and methods

The plan followed in organizing the Municipal Voters' League has been justified both by its own success in Chicago and by the success of replicas in other cities. An essential element in the plan is non-partisanship. The League can invite the coöperation of all persons who are interested in good government, irrespective of party affiliation. It can command the confidence of Democrats and Republicans alike, because its advice is disinterested. No one can suspect it of self-seeking motives, of a wish to control the council for private ends, of a hunger for patronage or other spoils of victory. It passes upon the records of candidates for office impartially and fearlessly, endorsing and condemning without regard to party. Another essential element is what may be termed "protected leadership." One unfortunate result of primary legislation in America is that parties have lost the right to determine their own membership and may at any time be invaded, looted, despoiled of their leaders, and driven into an utterly new course. This has happened frequently. Not being a party, however, the League could take measures against such a calamity. It did not restrict membership in the manner of a social club. It simply deprived the members of control and entrusted final authority to a self-perpetuating executive committee of nine members. Almost all the voters' leagues are organized on this principle.

Citizens Union of New York

The history of the Citizens Union of New York, founded in 1897, has demonstrated the wisdom of non-partisanship.[1] The Union set out with the same object as the Chicago League, but with a different method. It sought to purify the city government and abolish the spoils system; but, believing in the necessity of divorcing municipal politics from state and national politics, it took at the outset the form of a local party. It developed assembly district organizations, drew up platforms, and nominated candidates in the usual way. In 1897, though beaten by Tammany, it polled a much larger vote than the Republican party.[2] The out-

[1] W. T. Arndt, "A Quarter Century of the Citizens Union," *Searchlight*, Vol. XII (1922), No. 4.

[2] Next year, abandoning the principle of separation between state and municipal politics, it nominated a full state ticket. The Union justified this inconsistency on the ground that "the control exercised by the state legislature, and latterly by the executive, over purely municipal matters has demonstrated the insufficiency of any effort for home rule that does not secure the selection of legislative and state officials completely independent of faction or party dictation." *Searchlight*, Vol. XII (1922), No. 2, p. 11. The adventure proved disastrous. The Union ticket received 2,100 votes out of 1,350,000. There was no further experiment in that direction.

come of this election suggested the advisability of combining all the forces opposed to Tammany; and four years later the Citizens Union, although pledged to the separation of state and local politics, stretched its conscience far enough to combine with the Republican party in presenting a fusion ticket upon which two independent Democrats appeared alongside of Republicans. Fusion won. At once the Citizens Union began to feel the embarrassing consequences of victory. The assembly district clubs had been flooded by professional politicians, some of them former Tammany men, who had read the portents and wished to be on the winning side. Their appetites were keen for the sack of the city; they clamored for patronage; they denounced the ingratitude of reform officials whose election they had helped to bring about. The Union was rent by a terrific convulsion. It was only after a protracted struggle that the original group of reformers, now chastened by experience, regained control. The district organizations were first subordinated and finally (in 1918) abolished altogether. The party rôle was dropped. Although the Union is still prepared to take a hand in campaigns, and even to make nominations when the party candidates are unworthy of support, these activities are no longer the chief concern.[1]

Its manifold activities

What are the services performed by the Citizens Union which have given it a place of some influence in the community? They cover the whole range of municipal government. Perhaps its most positive service has been rendered in bringing tax-payer's suits, these having been particularly numerous and successful during the administration of Mayor Hylan (1918-1925). Recently committees have been examining and reporting upon such problems as charter revision, city planning, port and terminal development, fire prevention, housing, departmental reorganization. The committee on legislation scrutinizes all measures which affect the welfare of the city, following them through successive legislative stages and endeavoring to impress its views, whether favorable or unfavorable, upon the legislature and the public. This work it does effectively.[2] Its annual report, a hundred-page pamphlet which discusses both men and measures, is generally accepted as a re-

[1] In 1923 they involved only a fourth of the total expenditures: campaign expenditures $14,566; total expenditures $58,318. To protect contributors who may not approve of the Union's attitude in local elections the campaign fund is kept separate from the general fund devoted to civic work.

[2] In 1923 the committee considered 757 bills, condemning 421. Of the condemned bills only 72 were enacted into law. *Annual Report*, p. 2.

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liable criterion of the work and personnel of the legislators representing New York city. An Albany bureau keeps the committee posted; it collects data, issues bulletins, and at the same time offers assistance and advice to the legislators. In a similar fashion the proceedings of the Board of Aldermen, the Board of Estimate and Apportionment, and indeed all branches of the city administration are closely watched. Every year a committee, appointed after the primaries, examines the personal records and qualifications of all candidates for local office, and publishes its detailed report in a special issue of the Union's little magazine, *The Searchlight,* which sells for twenty-five cents a year. In regard to its main functions, then, the Citizens Union resembles the Municipal Voters' League. It is not a close corporation, however; the voting members, who choose the governing body, consist of all those who serve on any committee or who contribute as much as a dollar a year to the funds of the Union. Such at least are the formal arrangements. In practice the executive committee appears to hold a fairly tight rein.

Reform Associations

The civil service reform movement

Good government clubs and voters' leagues, while giving support to specific proposals of reform, are concerned broadly with the problem of civic efficiency. Organizations of another type, like the Short Ballot Organization and the Proportional Representation League, prefer to concentrate upon a single phase of that problem. Thus the Woman's Party, under the leadership of Alice Paul, directed its entire effort towards securing the adoption of the Nineteenth Amendment; its methods have been described in a previous chapter. Such a limitation of aim often generates in the members of a group a religious fervor, a constancy of purpose which, like any firm conviction, tends to attract and dominate wavering minds. "Great is belief," said Carlyle, "were it never so meagre; and shall lead captive the doubting heart." Even movements which seem rather prosaic and which require infinite patience and detailed attention are capable of inspiring enthusiasm. For more than forty years the National Civil Service Reform League has fought the spoils system in politics. Persisting in the face of ridicule and discouragement, it has, in the national administration at least, all but stamped out an evil which, though condoned by politicians, was jeopardizing the future of democratic institutions. Distinguished men have been associated with the

League; in the earlier days George William Curtis, Carl Schurz, and Dorman B. Eaton; later on Theodore Roosevelt, W. H. Taft, Woodrow Wilson, Joseph H. Choate, Charles W. Eliot. They have dedicated themselves to a cause which has sometimes provoked powerful enmities and which rewards them only with a sense of duty well performed. It was necessary to educate public opinion, to popularize the principle of the merit system and permanence of tenure in the civil service; and no less necessary, when the principle had been accepted and embodied in law, to observe its application with sleepless vigilance and to insist upon its rigid enforcement.[1]

The prohibition movement

Most political reforms of consequence have originated in small groups. A few enthusiasts conceive the idea; organization enables them to keep up a systematic propaganda; and eventually, impressed by the real or apparent volume of favorable opinion which the agitation has created, parties and legislatures succumb before the vigorous and persistent assault. Economic and social reforms are effected in the same way. The temperance and prohibition movement is particularly interesting because of the long period of its activity and the varying methods that were employed. At the outset it was simply a moral crusade without any political objective. The American Temperance Society (1826) "was nothing more nor less than the voice and conscience of the church expressing itself in militant organized form. The leaders of that organization and those that followed in the movement for a quarter of a century were almost entirely of the church, and even in the case of the few non-church members who became active in the reform . . ., their spirit and motives were born in the atmosphere and under the peculiar moral influences of the church."[2] In a few years this society had a membership of a million and a quarter. Later its strength began to decline as new organizations, like the Sons of Temperance and the Good Templars, made their appearance, operating in the form of lodges and requiring their members to take a pledge of total abstinence. These new orders established lodges all over the country. Such rapid progress was made that by the middle of the century the organized temperance forces began a campaign for state-wide prohibition in almost all

[1] See William Dudley Foulke, *Fighting the Spoilsmen: Reminiscences of the Civil Service Reform Movement* (1919).

[2] Ernest H. Cherrington, *The Evolution of Prohibition in the United States of America* (1920), pp. 91-92.

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the states. For the most part their efforts failed; and the failure, while due to many causes, must chiefly be attributed to inadequate organization and defective methods. But whatever the outcome might be, the movement had committed itself in some degree to political action. In 1853 a convention representing all temperance societies in the United States declared that "while we do not desire to disturb political parties, we do intend to have and enforce a law prohibiting liquor manufacture and traffic as a beverage, whatever may be the consequence to political parties, and we will vote accordingly."

Prohibition Party

It will be observed that the resolution did not contemplate partisan political activity. But the discouragements of later years and the refusal of both national parties to espouse the cause led to the founding in 1869 of the National Prohibition Party. "The National Prohibition Party," says Ernest Cherrington,[1] "marked an epoch in the history of the temperance reform movement in America. It pioneered the path of political activity for the Prohibition movement, and although it failed to accomplish its original purpose it certainly helped to clear the way for the non-partisan political activity which in later years succeeded in securing what the party as such could not secure. The Prohibition Party, moreover, sounded the alarm against the growing liquor traffic. Its clarion call for aggressive political action was largely responsible for breaking down the ancient doctrine that the temperance movement and political activity should be kept separate, which doctrine had been preached by temperance advocates for half a century. In this respect, in fact, the Prohibition Party jumped from one extreme to the other. The organized temperance movements prior to 1869 had been both non-partisan and non-political. The efforts of many of the leaders of the American Temperance Union and the Good Templars of the fifties and sixties were to evolve a movement that would be political and yet non-partisan. The Prohibition Party was an attempt at both political and partisan activity." It was a party of one idea; and although its platforms were not restricted to that idea and recommended reforms which the major parties afterwards endorsed, the great mass of men who believed in prohibition continued to support the Democratic and Republican tickets. The highest vote cast for a presidential candidate of the Prohibition party was 270,000 (out of twelve millions) in 1892.

[1] *Op. cit.*, p. 167.

By that time even the most sanguine spirits had abandoned all expectations of success through the plan of partisan activity. Indeed, the situation was less favorable now than it had been ten or fifteen years earlier. State-wide prohibition survived in only six of the eighteen states which had adopted it at one time or another, and even in these was not properly enforced. Meanwhile the liquor interests, alive to the danger that confronted them, had perfected one of the strongest political machines ever known in the country.[1] The prohibition movement, if it was to recover lost ground and become a really vital force, must have new methods and a new aggressive leadership. At this juncture the Anti-Saloon League originated in Ohio. Within an incredibly short time it spread over the nation. The League was at once intensely political and steadfastly non-partisan. Its methods were business-like and systematic, resting upon realities and not upon vague emotion. It sought first of all, by every resource of argument, by every means of publicity, to create a favorable popular opinion;[2] then, through pressure upon candidates and members of the legislature, to crystallize that opinion into law; and finally, instead of regarding the task as done when the law had gone on the statute book, to apply fresh stimulants to public opinion and thus make sure of the law's enforcement. In the fifties and again in the eighties the strategy had been too bold, the advance too rapid; and the shock troops had found themselves somewhat embarrassed when their lines of communication with public opinion were severed.

But "the leaders of the Anti-Saloon League fully recognized that the temperance reform could not be successfully accom-

[1] The United States Brewers' Association was organized in 1862; the National Retail Liquor Dealers Association, in 1893. In 1867 the former announced that it would oppose all candidates for office favoring prohibition. The political activities of the brewers was investigated officially in Texas, 1915; in Pennsylvania, 1916, where a fine of $1,000,000 was imposed; and by the judiciary committee of the United States Senate, 1918. "From all of which it seems fairly clear that the liquor funds spent in the political campaigns of the country ranged from four to ten millions of dollars a year." Catt and Shuler, *Woman Suffrage and Politics* (1923), p. 141.

[2] Of course, the way had been prepared by other organizations. The National Temperance Society of New York had distributed books, pamphlets, and tracts to the value of nearly a million dollars. Cherrington, *op. cit.*, p. 182. The Women's Christian Temperance Union had been instrumental in having children in the schools of most of the states taught the evil effects of alcohol on the human mind and body. "But for this remarkable achievement the Prohibition victories of the first two decades of the twentieth century would have been practically impossible." *Ibid.*, p. 175.

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Its business-like methods

plished by any short-cut route; that the mere passage of a law or the adoption of a state constitutional amendment would not secure prohibition; that any law without the people behind it could never be permanently effective; and that in the last analysis the success of prohibition was dependent upon the slow but only sure process of the creation of temperance sentiment, the crystallization of that sentiment into public opinion, and the final expression of that public opinion in the drafting, enacting, and enforcing of prohibitory law. From the very beginning the leaders of the Anti-Saloon League had insisted upon such a program and had consistently refused to be persuaded or driven from strict adherence to such a program. The radical element of the prohibition forces had repeatedly denounced the League and its policy as compromising and even un-moral. In numerous instances where the League had refused to be coerced into a premature fight for state prohibition it had been charged with having been afraid to fight or with having been corrupted by the liquor interests, yet the League still insistently held to its course which in the long run was bound to demonstrate the wisdom of those who were responsible for its methods and plans."[1]

The Anti-Saloon League made enemies. Its methods, especially in manufacturing public opinion and intimidating legislators, provoked lively resentment. But it succeeded. By 1906 approximately 35,000,000 people were living in dry territory; the saloon had been banished from an area of more than 2,000,000 square miles.[2] By 1913 half the population and nearly three-fourths of the area of the United States had come under prohibition.[3] Only then did the League feel safe in inaugurating a campaign for the amendment of the federal constitution,[4] although it had long been obvious that the difficulty of enforcing state prohibition laws made such a course inevitable. The proposed amendment, after failing in the sixty-third and sixty-fourth Congresses, was passed in December, 1917, and ratified by the necessary number of state legislatures within little more than a year.[5]

[1] Cherrington, *op. cit.*, pp. 277-278.

[2] *Ibid.*, p. 255.

[3] *Ibid.*, p. 320.

[4] Such an amendment, first proposed by the Sons of Temperance in 1856, was introduced in the House twenty years later and in the Senate in 1885.

[5] All the states ratified the amendment except Connecticut, New Jersey, and Rhode Island.

Capitalist Groups

Tactics of capitalistic groups

There are organized groups of still another type which exercise a large influence in American politics. They may be described as representing the interests of economic classes—the captalist class, the wage-earning class, and the agrarian class. The capitalist class, while possessed of enormous material resources, is relatively weak in numbers. It cannot rely upon political methods which would be appropriate to a great body of workingmen like the American Federation of Labor or to a great body of farmers like the American Farm Bureau Federation. It cannot appeal openly to class-consciousness. It would fare badly indeed if class were arrayed against class at the polls. Its strength lies in other directions. Mere numbers may be offset by intelligence, by unity of aim, by effective organization, and by control of the instruments which mold public opinion. That wealth and the intelligence which so often goes with wealth should control these instruments must not be attributed to sinister motives or regarded as involving necessarily a peril to the social welfare. But there is always, perhaps, a tendency to fight numbers with corruption; and corruption in politics, while common to all ages and all peoples,[1] is likely to be more prevalent when economic power rests in the hands of the few and political power in the hands of the many. Big business has often written party platforms in America and paid handsomely for the privilege. It has often bought legislation.

The National Association of Wool Manufacturers

Times and manners have changed. To-day politics is far less corrupt than it was in the previous generation. Capitalists have found that their legitimate interests can best be subserved by conciliating and instructing public opinion, by laying before the people the facts and arguments that support their claims, by combating hostile and prejudiced propaganda.[2] The Federal Reserve Act of 1913 represents the triumph of publicity methods; the expert opinion of bankers, kept steadily in play for three years or

[1] "It is advisable to realize that political life nearly everywhere is, and always has been, more or less tainted. . . . The truth is that the taint set in as soon as men began to achieve by wit what in a more primitive state they had won by the sword: in other words, as soon as politics was born." Joseph McCabe, *The Taint in Politics* (1920), p. 26.

[2] Corporations employ publicity men or press agents, now frequently styled "public relations counsel." How highly developed their technique has become is shown by Edward L. Bernays in his *Crystallizing Public Opinion* (1923).

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more, overcame the popular distrust of a centralized banking system. The National Association of Wool Manufacturers is one of the many business groups which have used these methods effectively. "The Association," says Professor James T. Young,[1] "publishes a quarterly bulletin containing articles on the technical sides of the business and explaining proposed legislation which may affect the industry. An excellent instance of this is the special tariff number of March, 1909, and that of September, 1910. This bulletin is sent regularly to all members of the Association, to other manufacturers in the industry, and to a selected list of influential newspapers, also to college and public libraries. Whenever a notable address or argument bearing on the industry appears, it is published in the bulletin and republished in pamphlet form for wider distribution. Often thousands of such copies are sent to the press, to public men, and to business men in all parts of the United States. When a revision of the tariff is proposed the Association carefully prepares a brief for the wool manufacturers, which is drawn up and presented by a special committee representing all branches of the industry. The brief is placed before the Committee on Ways and Means in the House of Representatives and the Senate Finance Committee. The care and thoroughness with which these are prepared have made them models in form and have even led to their publication by Congress. They are also printed in the bulletin and in pamphlet form and are sent broadcast to the members and to leaders of public opinion. It is a significant fact that aside from the merits of the case the woolen schedule of the tariff has been kept at a higher point than that on most other industries. But the influence and activity of the Association are not limited to times of emergency; scarcely a week passes but that some statement is given to the press concerning the industry or some expression of opinion of its members as to public policy."

Working-class Groups

The American Federation of Labor

Among labor groups the American Federation of Labor has a place of easy preëminence. In fact, it is so influential and so strongly organized that it sometimes assumes the right to speak for the wage-earning class as a whole. From the time of its formation in 1886 [2] its membership has shown an impressive growth, doub-

[1] *The New American Government and Its Work* (2d. ed. 1923), p. 581.

[2] Officially the Federation dates its origin from 1881 when ninety-five trade unions were federated on a national scale.

ling by the close of the century, when it had passed 300,000, and then increasing still more rapidly to 1,745,000 in 1910 and over 4,000,000 in 1920. There was a marked decline in 1921 and 1922. The paid-up membership now stands at a little more than 2,800,000.[1] Aside from the political parties the Federation is, therefore, the most formidable group in the country. Nevertheless, it has nothing like the power of the Trades Union Congress in Great Britain. Its membership in 1920 embraced only thirteen per cent of the wage-earning class.[2] This is mainly due to the fact that, learning from the misfortunes of earlier associations which, like the Knights of Labor, appealed to class-consciousness and enrolled skilled and unskilled, organized and unorganized workers, the Federation has confined its field of operations. It has rested squarely on the craft unions; and these may be said to represent the aristocracy of labor.[3] Even so, some important groups of skilled workers lie outside the Federation, notably the four railway brotherhoods with 450,000 members and the Almagamated Clothing Workers with 150,000 members. The Federation has used economic rather than political methods in promoting the interests of labor. It has relied upon collective bargaining—the negotiation of trade agreements with employers—and, as an ultimate recourse, upon the strike and the boycott. In the nineties the annual conventions, in spite of pressure by the Socialists, refused to formulate any comprehensive political program.[4] They went no further than to endorse certain reforms (such as workingmen's compensation) which could not be obtained by economic action and to provide for systematic pressure upon Congress by setting up a

[1] New York *Times*, Oct. 5, 1926. According to the report of the secretary strikes and unemployment would account for an additional 500,000 whose dues had not been paid.

[2] Mollie Ray Carroll, *Labor and Politics* (1923), p. xi. Ten years earlier the percentage was seven or eight. Selig Perlman, *A History of Trade Unionism in the United States* (1922), p. 163.

[3] In certain industries where capital and ownership are highly concentrated the craft union, based upon the tool used or the specialized function, is giving way to the industrial union, based upon the product. Thus the United Mine Workers, which is affiliated with the Federation, admits to membership all those employed in or about the mines. But the tendency is less marked in America than in England.

[4] It is true that in 1893 the convention did adopt a political program including the famous "Plank Ten" which endorsed "the collective ownership by the people of all the means of production and distribution"; but next year that program was repudiated.

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legislative committee. In 1896, when the Democratic party denounced capitalism and the money power and declared for free silver, an income tax, limitation of injunctions, and other measures that organized labor advocated, the Federation still adhered to its policy of aloofness from partisan politics. If its president, Samuel Gompers, and other prominent leaders gave assistance to Mr. Bryan, they did so in a private capacity.

Beginning of its political activities, 1906

But circumstances gradually forced the Federation to reconsider its attitude. Not only was Congress strangely unresponsive to the demands of labor, but the federal courts intervened with injunctions in labor disputes, and in the Danbury Hatters case brought labor unions under the penalties of the Sherman Anti-Trust act. "It thus came about," says Selig Perlman,[1] "that the Federation, which . . . by the very principles of its program wished to let government alone,—as it indeed expected little good of government,—was obliged to enter into competition with the employers for controlling government; this was because one branch of the government, namely the judicial one, would not let it alone." There was at this time no disposition to form a labor party. The Federation determined to use its numerical strength in a different way. Early in 1906 it drew up a statement of legislative demands which was styled "Labor's Bill of Grievances"[2] and laid this before President Roosevelt and both houses of Congress. "Labor brings these—its grievances—to your attention," ran the plea, "because you are the representatives responsible for legislation and for failure of legislation. . . . Labor now appeals to you, and we trust it may not be in vain. But if perchance you may not heed us, we shall appeal to the conscience and the support of our fellow-citizens."[3] Congress ignored the "Bill of Grievances."[4]

[1] *Op. cit.*, p. 202.

[2] Carroll, *op. cit.*, p. 45. It included exemption of labor from the Sherman act, limitation of the use of injunctions, Chinese exclusion, immigration restrictions, etc.

[3] *Report of the Proceedings*, 1906 convention of the A. F. of L., p. 32.

[4] Gompers, denouncing this indifference, said (*ibid.*, pp. 32-33): "Those in charge of our congressional affairs disclosed clearly what had long been realized, that the gentlemen misrepresenting the people attempt to substitute adroitness for patriotism; trickery, shiftiness and special pleading for constructive statesmanship; that their course outrages the life and interests and welfare of the people. True to our declaration, Labor appealed not only to the working people, but to all the American people, that this republic of ours shall continue to be of, for, and by the people, rather than of, for, and by the almighty dollar."

The Federation, therefore, fulfilling its threat, took an active part in the campaign of 1906 and of later years. Its new plan was formulated in these words: "We will stand by our friends and administer a stinging rebuke to men or parties who are either indifferent, negligent or hostile; and, wherever opportunity affords, secure the election of intelligent, honest, earnest trade unionists, with unblemished, paid-up union cards in their possession."[1] Six trade unionists were elected to the House in 1906, ten in 1908, and fifteen in 1910.[2] The number of congressmen elected with Federation endorsement in 1924 was 170.[3]

Support of Democratic presidential candidates

Having once become involved in politics, the Federation found it impossible to keep altogether clear of partisanship. In 1908 President Gompers submitted the demands of labor to the national conventions of the major parties. While the Republicans rejected them without much show of courtesy, the Democrats were more complaisant; and Gompers felt compelled to pledge support to the Democratic party.[4] This course seemed to require some apology. He explained in the *American Federationist* that "in performing a solemn duty at this time in support of a political party, labor does not become partisan to a political party, but partisan to a principle." In the three succeeding presidential elections similar developments occurred. The Federation seemed to be drifting in the wake of the Democratic party.[5] But on August 2, 1924,

[1] *Ibid.*, p. 33.

[2] Samuel Gompers wrote editorially in the *American Federationist* (August, 1920): "The most virile movement in political life today is the national non-partisan campaign being conducted by the American Federation of Labor. Eloquent testimony to that effect is heard wherever the political situation is intelligently discussed. There is no mistaking the influence which is being exerted for the defeat of candidates who have shown themselves to be antagonistic generally. The records show that in the primary elections which have been held thus far the national non-partisan political organization of labor has played a decisive part in more than fifteen contests. . . . Politicians who fear retribution at the hands of an outraged electorate have made the charge that labor in some cases has abandoned its non-partisanship. There is no labor vote to be delivered and there is no labor partisanship to any political party. There is, however, a vote of working men and women . . . who will vote more unitedly than ever before for the retirement of those who have betrayed the trust placed in them and for the election of those whose principles and records indicate that they may be trusted to uphold the rights of the people in public office."

[3] Report of the Executive Council, New York *Times*, Nov. 22, 1924. Of the 170 no less than 125 were Democrats.

[4] Robert Hunter, *Labor in Politics* (1915), p. 40; Perlman, *op. cit.*, p. 205.

[5] President Gompers wrote in August, 1920: "It will be noted that in

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the Executive Council of the Federation gave Robert M. La Follette and Burton K. Wheeler, independent candidates for president and vice-president respectively, "personal and non-partisan" indorsement. Now the success of this policy depends upon the ability of the Federation officials to control and deliver the labor vote. "When the A. F. of L. seeks to write its demands into the program of any political party," says Robert Hunter,[1] "the bosses inquire, What power has this Federation to swing the votes of the Trade Unionists of this country to the support of our party? If the party leaders believe that the A. F. of L. is powerless to control the votes of its members, it is certain that they will have little time in this busy week of bargaining to bother about Mr. Gompers. The success of the political methods of the American Federation of Labor depends entirely, then, upon its ability to influence the votes of its membership. It cannot get very far upon a mere bluff. If it threatens, it must carry out its threats. If it pledges, it must carry out its pledges. It must deliver the goods. If it does not, or cannot, its power and influence over the policies of the great parties, as well as over the acts of legislatures, will amount to little." Although Mr. Gompers boasted in 1908 that eighty per cent of the Federation vote had been cast for Bryan, this estimate is hardly consistent with facts shown by the election returns;[2] and there is more than a suspicion that organized labor contributed largely to the Harding vote of 1920 and the Coolidge vote of 1924. Political experts seem to attach far less weight to the attitude of the Federation leaders than a solid block of nearly three million votes would warrant. Nor have the Republicans shown much disposition to appease the wrath of Samuel Gompers or of his successor, William Green.

this issue of the *American Federationist* the platform planks on labor's proposals are published as they appear in the Democratic and Republican platforms, together with the comment of labor thereon. The intelligence of the American people will lead them to determine which platform more nearly conforms to their desires and which expresses more nearly their ideals and aspirations toward freedom, justice and democracy. The forces of greed and plunder, the profiteers and the autocrats of our political and industrial life leave no doubt as to what they desire and where they will mass their support. The challenge of these forces to the citizenship of the nation is brazen and blunt. That the right-thinking men and women of our Republic can afford to allow this challenge to reap a harvest of political power in the coming election is unthinkable. More than in any political contest since the days of the civil war the issue is clearly drawn between reaction and progress."

[1] *Op. cit.*, pp. 77-78.

[2] Perlman, *op. cit.*, p. 205.

Federation opposes formation of a labor party

The policy of the Federation must be judged by its fruits. We must ask how the "Bill of Grievances" has fared; what legislative progress has been made since 1906. President Gompers maintained that something had been won in regard to every demand except that of freedom from the competition of convict labor. His critics retorted that the only substantial victory had been the enactment of the La Follette seamen's law.[1] What has been conceded in principle, they argued, has often been withheld in practice. When the Democrats came to power, they did, in the Clayton Anti-trust act of 1914, limit severely the use of injunctions in labor disputes and provide trial by jury in case of contempt committed outside the court; but it was a Democratic President who condemned the coal strike of 1919 and a Democratic Attorney-General who secured the injunction against the United Mine Workers in that strike. In December of that year a new statement of "Labor's Grievances, Protests and Demands" was formulated,[2] to which Congress paid no attention at all.[3] If the critics condemn the present policy as being barren of results, what do they propose as an alternative? Not a return to the old non-political attitude. They advocate the formation of a labor party; and while the project has frequently been urged in the past, it has gained a fresh impetus and a new significance from the success achieved by labor parties in Australia, Great Britain, Denmark, and other countries. Circumstances, we are told, favor a redistribution of political forces in the United States. The restlessness of the voters, their growing dissatisfaction with the major parties, the apparent ease with which they can be detached from life-long associations—in a word the decay of orthodox political creeds opens the way for a labor party which does not commit itself to any rigid socialistic formula. Arguments of this kind have failed to impress the American Federation of Labor; in the convention of 1923 they were repulsed by an overwhelming majority of about thirteen to one, although the third-party movement had gathered some momentum by that time;[4] and in the conventions of 1924, with still greater emphasis.

[1] Carroll, *op. cit.*, pp. 47-49.

[2] *American Federationist*, Vol. XXVII (Jan., 1920), pp. 33-40.

[3] *Ibid.*, Vol. XXVII (March, 1920), p. 234, for Gompers' criticism of Congress.

[4] In November, 1918, leaders of the Chicago Federation of Labor formed a local Independent Labor party. Next month the Illinois Federation of Labor approved the program, adding the proviso that "brain workers" should be invited to share in the launching of the new party. In January a confer-

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Explanation of this attitude

The Federation has, indeed, very good reason for its skepticism. The collapse of earlier political adventures on the part of organized labor does not encourage their repetition. Labor parties have been short-lived and ineffective. They have fallen under the control of theorists and faddists. They have tended to dissipate energies which should have been concentrated upon immediate economic interests and, still worse, to introduce elements of discord and imperil the solidarity of labor. Taken in the mass, men are primarily concerned with their means of livelihood. Artisans think in terms of wages, hours, and working conditions, politics touching them only in a remote and occasional fashion. It has been demonstrated that they will hold firmly together in the effort to secure concrete economic advantage, but that their class-conscious-

ence of labor groups in greater New York gave their adhesion to the plan, passing a resolution to the effect that "the demands of labor can be met only through a new party to destroy autocratic and economic imperialism throughout the world" (New York *Times*, Jan. 13, 1919). In November, 1919, a convention of the Independent Labor party met in Chicago; there were twelve hundred delegates representing thirty-seven states and forty labor unions, the Nonpartisan League, and the Committee of Forty-Eight which had been formed in New York some months earlier (New York *Times*, Nov. 25, 1919; *New Republic*, Dec. 10; *Survey*, Dec. 13). The organ of the party, the *New Majority*, said: "Labor organized and unorganized, labor of the farm as well as of the shop, has leapt to the fray for political war to the death with the crooks who rule this country by subsidizing the two old political parties in order that they may maintain their iron rule of industry and commerce from which they gorge themselves with profits that they cannot spend, consigning the workers to poverty." In 1920 the Independent Labor party transformed itself into the Farmer-Labor party which polled less than 270,000 votes for its presidential candidate in 1920. Two years later there came into being the National Conference for Progressive Political Action, a loose affiliation of labor and farmer groups which at its Cleveland Convention of July, 1924, placed the La Follette-Wheeler ticket before the country in opposition to the Republican and Democratic parties. For a brief sketch of the events leading up to the national campaign of that year see Varney, "An American Labor Party in the Making," *Current History*, Vol. XX (April, 1924), pp. 86-91.

New York *Times*, Nov. 25, 1924. A report of the Resolutions Committee, which was adopted by the convention, contained this passage: "Our nonpartisan political policy does not imply that we shall ignore the existence or attitudes of political parties. It does intend that labor proposes to use all parties and be used by none. Appreciative of present tendencies and future developments, the Executive Council accurately visions the future in practical terms when it says we need not concern ourselves so much with the coming or going of political parties, their realignment, or the development of new and independent parties or groups."

ness is not strong enough to command their devotion to the distant, intangible objective of a political program like that of the Socialist party. In politics the workingman has shown himself in the past just as much attached to the party label as any average American. In a way, says Selig Perlman,[1] he considers it "an assertion of his social equality with any other group to take the same 'disinterested' and traditional view of political struggles as the rest"; and he can support one of the older parties with an easy conscience, since it will, if the situation looks dangerous, pose as the friend of labor and make (on paper) the necessary concessions. It is doubtful, then, if a labor party could confidently expect the support of the wage-earning class as a whole. Moreover, while direct economic pressure has shown itself such a powerful instrument in securing the material interests of that class, political action, especially under the American system of limited government and judicial control, could accomplish relatively little.[2] Even assuming that the results of political action would be commensurate with the effort involved and that the solidarity of labor could be relied upon, the crucial difficulty would still remain: where are the votes coming from that would give the labor party control of the government? The Federation, with approximately three million members, cannot provide them. The general public, clinging to the idea that party distinctions should proceed from differences of judgment on political issues and not from differences of economic interest, look with marked disfavor upon movements that intensify class antagonism. A labor party, if its name is to signify anything, must rest more or less upon class-consciousness; and in view of the concentration of trade union strength within limited areas, it is utterly impossible for organized labor by itself to accomplish anything in politics. Years ago John Mitchell declared that a labor party was not desirable "because it could not obtain a majority and could not therefore force its will upon the community at large."

Possible alliance of artisans and farmers

The only prospect of success lies in the combination of the city wage-earning class with the agrarian class, that is, in a farmer-labor party. The Socialists have seen the need of conciliating the farmers and diluting the principle of collective ownership of the land. According to the platform of 1920, they do not contemplate "interference with the private possession of land actually used

[1] *Op. cit.*, p. 288.

[2] See on this point *ibid.*, pp. 285-286.

and cultivated by occupants." In a recent pamphlet[1] an effort is made to gloss over the fact that the farmer is usually a capitalist (as owner of his farm) and an employer of labor, even though he is at the same time a laborer himself. "Because farmers own more property than the workingman's tools, the Wall Street agents try to make it appear that they have interests opposed to labor. . . . The farmers are not part of Wall Street. Neither are the city workers. Alike they are exploited by the money monopoly. The grievances of the toilers of field and factory are similar. There is not just reward for labor performed. . . . Can the farmers and workers of the city be united upon a common program which will serve them all? The answer is coming from all directions. They are beginning to unite." The Farmer-Labor party, which was formed in 1920 and professed principles very similar to those of the Socialist party, found the farmers unresponsive in the presidential election of 1920. The Nonpartisan League has also tried in various states of the Middle West to fuse the interests of farmer and wage-earner. This effort, in the opinion of Judge Bruce,[2] cannot succeed. The League "must sooner or later fall to pieces, and this because there are no points of common interest between the farmer and the Socialist, and the farmer and the laboring-man, save the one attempt to curtail the power of the middleman and the excessive power of organized capital, which no doubt will be accomplished, and which would have been accomplished if the League had never existed. This is already evidenced by the fact that the Employers' Liability act of North Dakota was especially drawn so as to exempt farm labor though it has been demonstrated that the accidents on farms from dangerous machinery far outnumber those in factories and upon railroads. . . . The political union between the farmer and the laboring man is an impossible union and cannot long continue. The Nonpartisan party may destroy the middleman. It may obtain a monopoly of the food supply in the Northwest. Every rise in the price of wheat, however, or in the price of food, raises the price which the laboring man pays. If the government regulates and reduces the prices of farm machinery, and other manufactured articles, it to that extent lowers the wages of the laboring man in the cities. . . . Clashes, in short, must come not merely between the landed interests and the busi-

[1] *Labor of City and Country Must Unite*, by Joseph E. Cohen, National Office of the Socialist Party (undated).

[2] Andrew A. Bruce, *Non-Partisan League* (1921), pp. 10-12.

ness interests, but between the laboring man and the farmer himself. The farmer indeed should be the most conservative of men, for he owns the land. . . . There is nothing more illogical and absurd than the union in the Northwest of the Socialist and farmer forces."

It is doubtless a similar conviction that has dictated the political policy of the American Federation of Labor. And yet the possibility of coöperation between the wage-earning class and the agrarian class—which Socialist and labor support of the La Follette third-party movement in 1924 emphasizes again—has been demonstrated more than once in the past. In periods of low prices and low wages the two classes have been drawn together by common antagonism to the capitalist. They have found an identity of grievances outweighing, for the moment at least, the conflict of their interests. The Greenback party, which had its chief strength among the farmers of the West, incorporated in its platform of 1880 comprehensive demands on behalf of labor; the Populists in 1892 declared that "the interests of rural and civic labor are the same: their enemies are identical." After all, the farmer, even though nominally the proprietor of the land he cultivates, carries often the burden of a heavy mortgage;[1] and the growth of tenant-farming, a phenomena of great significance to-day, removes one of the barriers to an accord between the farmer and the city artisan.[2]

Agrarian Groups

Manifestations of agrarian class-consciousness

In the past fifty or sixty years the farmers, particularly in the Middle West, have developed a marked class-consciousness and a capacity to organize for the purpose of advancing their special interests economically and politically.[3] The "agrarian crusade" has been intermittent, manifesting formidable strength for a time, then apparently collapsing in discouragement and defeat, only to reappear in some new form with a still more aggressive spirit and that firmer grasp of realities which experience provides. "Western

[1] The census of 1920, for instance, shows more than half the farms mortgaged in Idaho, Iowa, Montana, Nebraska, North Dakota, South Dakota, Wisconsin (71 per cent in North Dakota). The increase over 1910 was very marked. Agricultural depression after 1920 led to further indebtedness and the foreclosure of many mortgages in the Middle West.

[2] Thus the percentage of tenant farmers in 1920 was 41.7 in Iowa, 42.9 in Nebraska, 25.6 in North Dakota, 34.9 in South Dakota.

[3] S. J. Buck, *The Agrarian Crusade* (1921).

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agricultural irruptions," says Walter Locke,[1] "have not in fact been short-lived; they have been cat-lived. Granger, Populist, Progressive-Republican, coöperator, Nonpartisan Leaguer, bloc builder —one dies and up pops another. It is enough to make a man superstitious to see two heads grow on the creature for every one cut off." The class impulse first manifested itself on a grand scale in the National Grange of the Patrons of Husbandry, a secret fraternal order which built up a membership of more than 850,000 in the hard times following the panic of 1873 and almost as rapidly declined.[2]

The Granger, Greenback, and Populist movements

The Granger movement, while it stressed social and educational objects, sought to improve the economic circumstances of the farmer by displacing the middleman and securing state regulation of the railroads. Indeed, it was largely the mismanagement and failure of ambitious coöperative enterprises that arrested the progress of the Grange. Momentum spent itself in an abortive political adventure. The farmers were drawn into the Greenback party (1876-1884) which recommended a plentiful supply of paper money as a means of relieving agricultural distress.[3] Meanwhile a new organization, the Farmers' Alliance, came into prominence.[4] Its phenomenal growth may be attributed to the economic grievances of the farmers who, burdened with mortgages, were receiving low prices for their products and who looked to the government for relief from the exactions of the railroads and the Eastern financiers. Political remedies were demanded for economic ills. The Populist party, growing out of the Farmers' Alliance, denounced capitalist exploitation in its platform of 1892. "The fruits of the toil of millions are boldly stolen to build up colossal fortunes for the few, unprecedented in the history of mankind; and the possessors of these, in turn, despise the republic and endanger liberty. From the same prolific womb of governmental in-

[1] "The Prairie Octopus," *Nation*, Vol. CXIV (1922), p. 393.

[2] The membership had dropped to about 100,000 in 1895, since when, by a steady advance, it has risen to something like a million. Orville M. Kile, *The Farm Bureau Movement* (1921), p. 23.

[3] The popular vote of this party was 81,737 in 1876; 308,578 in 1880; 175,370 in 1884. In 1888 the Union Labor party, which appealed in the same way to the farmers, received 146,935 votes.

[4] There were really two separate organizations, one in the South, the other in the North. The Farmers' Union of to-day, founded in 1902, was to a considerable extent built upon the ruins of the Farmers' Alliance. Kile, *op. cit.*, p. 30.

justice we breed the two great classes of tramps and millionaires." In its first national campaign the popular vote of this party, appealing alike to the farmer and city wage-earner, was over a million; the electoral vote, 22. In the election of 1896 it fused with the Democrats, who adopted Populist principles and made the free coinage of silver the paramount issue. The subsequent decay of Populism [1] reflected the return of agricultural prosperity. In the years preceding the great war the farmers were by no means oblivious to the advantages of combination. They restored to vigorous life old associations, like the Patrons of Husbandry; they formed new associations that covered collectively the whole range of agricultural activities. There was a remarkable development of co-operative societies. In politics, it is true, the farmers launched no new movement of their own. For the time being, as Democrats and Republicans, they were absorbed in the "insurgent" or "progressive" effort to dominate the old parties. But soon again class interests obtruded. The appearance of the Nonpartisan League in 1915 and of the "Farm Bloc" six years later marked a new phase of the agrarian crusade.

The Nonpartisan League

Townley in North Dakota

The Nonpartisan League, though active in a dozen other states, originated in North Dakota and developed its effective strength there.[2] It did not reflect the exasperation of a depressed and impoverished class, as did the movements of the seventies and eighties. North Dakota ranked third among the states in per capita wealth. The farmers owned their farms; [3] and in 1915, when Arthur C. Townley began to organize the League, agriculture enjoyed an unusual prosperity. The spirit of discontent had its

[1] The party disappeared after the election of 1908 when its presidential candidate received only 28,000 votes, considerably over half of them in his home state of Georgia.

[2] Two books present the history of the League in a favorable light: Herbert E. Gaston, *The Nonpartisan League* (1920); and Charles Edward Russell, *The Story of the Nonpartisan League* (1920). Both writers were associated with the League in its early days. Two other books are frankly hostile: Andrew A. Bruce, *Non-Partisan League* (1921); and William Langer, *The Nonpartisan League* (1920). Bruce was formerly a judge of the supreme court of North Dakota; Langer was twice elected attorney general through the support of the League.

[3] The percentage of tenant-farmers in 1910 was 14.3 as against 21 in Minnesota, 24.8 in South Dakota, 37.8 in Iowa, 36.8 in Kansas. But two-thirds of the farms of North Dakota were mortgaged.

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rise among men whose material well-being made them impatient of obstacles that impeded their progress and stood in the way of complete emancipation. Concerned particularly with the problem of marketing their crops, they resented the heavy toll levied by the middlemen and the domination of the market by the milling, financial, and railroad interests centered around Minneapolis. Their grievances, even though greatly exaggerated, were supported by evidence of unfair practices and manipulation.[1] The state legislature gave no relief. When the constitution was amended, by popular vote, to provide for the erection of terminal grain elevators both outside and inside the state, "the old political gangsters in North Dakota treated the ballot-box as a joke. . . . They, together with the corporate interests, taking extortionate profits and excessive interest rates, that is, all they could get, and giving the people as little as possible in return, caused the farmers to revolt."[2] It was under these circumstances of economic and political discontent that Townley conceived the idea of the League. He named himself president and formulated a succinct program which met the chief complaints of the farmer:[3] "State ownership of terminal elevators, flour mills, packing houses and cold storage plants; state inspection of grain and grain dockage;[4] exemption of farm improvements from taxation; state hail insurance on the acreage basis; rural credit banks operated at cost."

Resources of the Nonpartisan League

It was not so much the program, perhaps, as Townley's qualities of leadership and his ingenious methods of organization that brought such substantial results. The methods were business-like. To be effective, the League needed large financial resources; and Townley realized that if the farmers could be persuaded to pay a considerable sum for the privilege of membership, as trade unionists do, they would have a more immediate and personal concern in the success of the undertaking. After some variations the dues were fixed at eighteen dollars for a period of two years, correspond-

[1] See the analysis of conditions given in the earlier chapters of the four works cited above, especially Bruce, Chaps. III-VI, and Russell, Chaps. II-X. "There seems to be no question about the flagrant injustice and actual thievery practised by the large and firmly established interests." Orville M. Kile, *The Farm Bureau Movement* (1921), p. 236.

[2] Langer, *op. cit.*, pp. 13, 16.

[3] Gaston, *op. cit.*, p. 60.

[4] There were abuses in the grading of grain and in making deductions (dockage) for impurities and foreign substances. Russell, *op. cit.*, Chap. III, pp. 34-63.

ing to the term of the state legislature. "Never indeed in the history of the country," says Bruce,[1] "have such gigantic sums of money been at the disposal of or used by any political party or faction and though the opposition is claimed to represent 'Big Biz' the money at the disposal of its candidates has been pitiably inadequate for the conflict. . . . No doubt the idea of a paid membership was borrowed from the Socialists. It furnished from the very beginning an enormous campaign fund for the payment of organizers. It made it possible to start a farmers' newspaper and employ writers and cartoonists of marked ability, though perhaps not always of the highest veracity or of the highest sense of civic obligation. It made it possible to hire and to rent scores of automobiles and to make the automobile an effective campaign agent. It made it possible to purchase aëroplanes and to make of Townley a modern Elijah, who would fly from place to place, and from state to state, and become a messenger from the skies. This device not only made the prophet ubiquitous but it drew enormous audiences and saved advertising and hall rent." Members were recruited by a staff of "organizers," selected and trained by Townley, who received a liberal commission of four dollars for each member.[2] By the middle of 1916 nearly 40,000 farmers had joined the League, by the end of 1918 about 200,000.[3] They received the sixteen-page weekly organ of the League, the *Nonpartisan Leader*,[4] which, in view of the general hostility of the press, was an essential instrument of propaganda.

Townley's leadership

The League was designed as a fighting organization which must move swiftly and strike hard. It must have unity of purpose, decision of command. From the first, therefore, autocratic power was lodged in Townley's hand. There was no way in which enemies could break into the League, dominate its councils, and divert it from its original purpose. The advantages of protected leadership

[1] *Op. cit.*, pp. 71, 74 *et seq.*

[2] Or $3.50 if the dues were paid by means of post-dated checks (Bruce, p. 72). Post-dated checks were accepted (and used as collateral for loans) because the farmers do business on credit until the marketing of the crops.

[3] Gaston, *op. cit.*, 237-238. "North Dakota and Minnesota together accounted for nearly half the number, South Dakota and Montana made up almost half of the remainder, with Nebraska, Idaho, and Colorado next in line."

[4] Known as the *National Leader* from November 14, 1921, to distinguish it from the League organs published in seven states. It became very soon a monthly publication.

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became apparent when disaffected elements sought to gain control. "An ex-bishop of the League," wrote Justice James Robinson in 1918,[1] "who is opposed to all forms of autocracy has just written for the Saint Paul *Dispatch* several letters. He concludes by calling on the farmers to assume control of the League and at once to throw off the burden of the autocrat and his machine. He thinks the best way to remedy the defects of the League is to cut off its head, though he does in no way attempt to show how it may be done. If the ex-bishop has a capacity for leadership, the formation of leagues and the advancement of civic reforms, he is free to organize a model league of his own and to show how it can be run without any form of autocracy. In the formation of leagues Townley has no patent right." This expressed the logic of the situation. When the newspapers kept asking what was being done with the farmers' money, how the accounts were being audited, and who had elected Townley president, Townley made a very effective reply. Speaking of the small group that had formed the League, he said:[2] "So we took a piece of paper and wrote the League program on it; and wrote the names of this committee up at the top; and because I had the idea they named me as chairman of the committee and wrote my name on there as president. And then when we went to the farmers we showed them these names and said the League would be carried on under the direction of this committee. And there was a clause there that said in so many words that the management of the funds was to be in the hands of that committee. And this fellow and this fellow (pointing to men in the audience) and everyone that joined the League read the program and those names and signed up and paid his money. And I have got a kind of foolish idea that all of those who signed that paper voted for me at that time. I don't know anyone that voted against me. And we got the names of 40,000 farmers, in their own handwriting on this paper, subscribing to this program and to those men to carry out that program. I think that was a pretty fair election. About as good as we could accomplish at that time, with the machinery that we had. Of course, it might have been better to have got 4,000 or 5,000 farmers to come down to Grand Forks and hold a convention; but we could not have convinced them at that time that they ought to come. I will tell you who would have been here if we had tried to do that. There would have been about half a dozen corporation lawyers, and a newspaper

[1] Bruce, *op. cit.*, note p. 78.

[2] Gaston, *op. cit.*, pp. 87-88.

man or two. But you farmers would not have come. We had to show you first that something should be done before you would come. Now that is how I came to be president of the committee." When, in December, 1918, a delegate convention adopted articles of association for the League, the autocratic principle was fully maintained.[1] But a year later, apparently as a concession in the face of ominous symptoms of revolt, the centralized control was somewhat relaxed and county organizations given a large measure of autonomy. In political activities the farmers were encouraged from the first to participate freely.

His program and tactics

The Nonpartisan League, while seeking to accomplish its objects by domination of the state government, did not take the form of a third party. The direct primary offered a more convenient solution. If the League could get possession of the Republican party in North Dakota, it would thereby get possession of the government as well. Early in 1916, therefore, the members of the League held precinct caucuses throughout the state, electing delegates to legislative district conventions which in turn sent delegates to a state convention. Chosen in this way, the League candidates were then placed on the Republican primary ballot by petition. In the primary election the League triumphed, even to the point of capturing the Republican state committee and writing the Republican platform. It did not gain complete control of the state government until 1918, however, as half the members of the senate held over. Then, the way having been cleared by the adoption of ten constitutional amendments, the legislature proceeded to enact the Townley program. The bills were drafted by League attorneys and whipped into final shape by a legislative caucus.[2] The principal measures provided for an industrial commission to supervise state-owned industries; a Bank of North Dakota, which was to be the sole depositary of public funds; state-owned grain ware-

[1] Gaston, pp. 315-316. For the text of the articles of association see Bruce, pp. 79-83.

[2] "The caucus was in fact an efficient school in legislation. In it the failures in tactics of the day in house or in senate were discussed; members, free of the restraint of the legislative chamber and the presence of hostile critics, spoke their minds before their brother farmers and differences of opinion were 'ironed out.' The sessions were held nightly in the assembly hall of the Northwest Hotel. . . . Whatever may have been the justice of the criticisms, it is certain that these caucus sessions promoted a feeling of comradeship among the League legislators and state officers, developed at a rapid rate their understanding of legislative affairs and disarmed the plans of the opposition to confuse and divide them." Gaston, pp. 133-134.

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houses, elevators, and flour mills, supported by a bond issue; hail insurance; exemption of farm improvements from taxation; regulation of railroad freight rates; a graduated income tax; and a number of concessions to wage-earners. This elaborate scheme of legislation met with bitter denunciation as a first instalment of state socialism and as a menace to American principles of government. Andrew Bruce, who a little earlier had been chief justice of the supreme court, came to regard the League as an entering wedge for a communistic America.[1] But although Townley and his intimate advisers were socialists,[2] the Socialist party emphatically repudiated the League at the St. Louis convention of 1917.[3]

Establishment of the League in other states

Meanwhile the League had extended its field of operations. In January, 1917, national headquarters were opened in St. Paul, where Townley was soon directing a force of five hundred organizers and spreading the propaganda in a dozen states.[4] Progress was not so rapid as in North Dakota, for not only were local conditions everywhere less favorable, but the dynamic genius of Townley lost some of its potency when distributed over an enormous and scattered area. The League pursued the same tactics as in North Dakota. Thus in Minnesota and Wisconsin it invaded the primaries of the dominant Republican party, in Colorado and Montana the primaries of the Democratic party. But Montana Democrats, in 1920, refused to support the League-made candidates and the League-made platform. "I wish it to be made quite plain that I am a Democrat," said Senator Henry L. Myers.[5] "I stand, as I have always done, in the Democratic party, believing in its principles. But the state and congressional nominees are not Democrats. . . . Every good citizen, regardless of party, should oppose the men who are masquerading as Democrats, but are actually a hybrid combination of radicals and revolutionists." That year the Republicans won both Colorado and Montana. In Minnesota, where the farmers do not constitute a majority of the electorate, the League was outvoted in the Republican primaries of 1918 and

[1] *Op. cit.*, p. 5.

[2] See Bruce, Chap. VII, and Langer, Chap. III.

[3] See the *Political Guide for the Workers*, issued by the party in 1920, p. 83.

[4] Minnesota, South Dakota, Montana, Idaho, Washington, Colorado, Nebraska, Iowa, Oklahoma, Kansas, Texas, Wisconsin. The order in which these states are given represents the progress of the League.

[5] New York *Times*, Sept. 28, 1920.

1920. It then changed methods and, joining forces with the organized city workers, launched the Farmer-Labor party (which must not be confused with the national party of the same name).[1] The new organization seems to have drawn the support of many Democrats. In 1922, while its state ticket lost by a narrow margin,[2] it elected a United States Senator (Hendrik Shipstead), as it did again in 1923 (Magnus Johnson).[3] In South Dakota, the only other state in which the League functioned through a party of its own, the results were less encouraging;[4] but there, as in Minnesota, the Republicans accommodated themselves to the new situation and, in order to retain some hold on the farmers, imparted a radical tone to their platforms.[5]

Disintegration of the League

Soon after the League had gained full possession of the government of North Dakota and written its program into the constitution and statute-book, opposition consolidated in the Independent Voters' Association. The attack was levelled, not against the original program of the League, but against mismanagement, extravagance, and the autocracy of Townley. It was said that the state government had become the mere appanage of the League; that the state officers were in all important matters subject to the will of Boss Townley; and that the supreme court had been packed with subservient judges. "At all times," says Judge Bruce,[6] "the League has held the threat of opposition at the polls over the head of the elective judiciary. They have executed the threat whenever it appeared to them to be necessary. . . . We can nowhere find any parallel to the judicial travesty that now prevails

[1] In 1921 the Minnesota legislature amended the direct primary law in such a way as to make a repetition of the League tactics difficult. The efforts of the Montana legislature, first to restore the convention system and then to modify the primary law, were defeated by a referendum vote in 1920.

[2] The vote for governor in 1922 was: Preus (Republican), 309,748; Johnson (Farmer-Labor), 295,448; Indrehaus (Democrat), 79,899. In March, 1924, the League in Minnesota dissolved, joining forces with the Farmer-Labor Federation.

[3] In 1924 Johnson was defeated by the Republican candidate, Schall.

[4] In 1918 and 1920 the League vote exceeded, in 1922 it fell behind, the Democratic vote, but in neither case did it seriously threaten Republican ascendancy.

[5] The Minnesota legislature of 1921 curbed speculative trading in grain futures, opened grain exchanges to coöperative societies, extended the scope of coöperative marketing associations, and passed various other measures in the interest of the farmer.

[6] *Op. cit.*, pp. 169, 184.

in the state of North Dakota." The League had lost prestige in the controversy over the affairs of the Scandinavian-American Bank at Fargo, which was finally forced to close its doors early in 1921, and of the Bank of North Dakota, which at the same time was shown to be actually insolvent.[1] The new state enterprises, while not fulfilling optimistic expectations at the outset, placed a heavy burden upon the tax-payer. Thus the state tax rose from $1,772,622 in 1918 to $3,742,616 in 1919. With the collapse of wheat prices in 1920, the failure of numerous banks, and the foreclosure of mortgages the farmers were inclined to be critical of extravagance. The most serious aspect of the situation was the refusal of Eastern bankers to take six million dollars' worth of bonds that had been issued to finance state institutions. "There were several reasons for the refusal," says Bruce.[2] "Undoubtedly one was a desire to bring the state to its economic senses; another was a fear of excessive taxation; and still another, and perhaps the most important reason, was the growing lack of confidence in the Nonpartisan supreme court." The Independent Voters' Association, gathering together all the elements of dissatisfaction and making an aggressive fight in the primaries of 1920, got control of two state offices and of the lower house.[3] Next year in a recall election Governor Frazier (serving his third term), the attorney general, and the commissioner of agriculture were retired from office. That the League, now put upon the defensive, had suffered more than a momentary decline, was shown in the election of 1922;[4] and Townley's resignation as president reflected internal dissensions which impaired the combative enthusiasm of the rank and file. A process of disintegration had apparently begun.

But though the prestige of the Nonpartisan League declined everywhere, the agrarian movement finding expression now in the Farm Bureau Federation and other organizations, the ambitious program in North Dakota did not collapse. It survived the calamity of deflation and the hostility of financial interests. "The fact is,"

[1] Bruce, *op. cit.*, pp. 185-189 and 235-236; Langer, *op. cit.*, pp. 88-106.

[2] Note, p. 227.

[3] Also two of the three railroad commissioners and two of the three Congressmen. The League still had a slight advantage in the state senate.

[4] Nestos, the I. V. A. candidate, was elected governor. Frazier's election as United States Senator came as the result of peculiar circumstances that played into the hands of the League. *Literary Digest*, Vol. LXXIV (July 15, 1922), pp. 10-11.

according to a picture of the situation early in 1926,[1] "that with only one exception every enterprise inaugurated by the League is still in operation. No one today dares propose the repeal of any of the legislation; only one item among all the laws passed, the grain grading measure, has been declared unconstitutional. Instead of being politically unpopular at present, the League won eight of the twelve state offices at the last election, and one seat in Congress."

Farm Bureau Federation and Farm Bloc

County agents and farm bureaus

While the attention of the country was fixed upon the dramatic rise of the Nonpartisan League and its socialistic experiments in North Dakota, the farmers were laying solid foundations for a national movement that was to impinge upon the political field in a different fashion. The American Farm Bureau Federation, established in November, 1919, now operates in more than forty states and has a membership of a million and a half.[2] The budget of 1921 called for an expenditure of almost $500,000, while some of the state units were spending two or three hundred thousand dollars a year. The A.F.B.F. did not come suddenly into being, without any process of slow incubation and natural growth, as the momentary reflection of enthusiasm or discontent. It traces its origin to the effort, on the part of the federal department of agriculture and the state agricultural colleges, to improve farming methods and disseminate scientific information. Fifteen years ago county agricultural agents began to be employed in this undertaking.[3] These agents, numbering about a thousand by 1915, were sustained by joint contributions from the nation, the state, and the county. They found it advisable to combine the farmers of each county in a local dues-paying group, which became known as a farm bureau. The development of this coöperation between county agent and farm bureau had a spontaneous character, appearing here and there, with some variation in form, in widely separated parts of the country. "Here at last," says Kile,[4] "we have a type of farmers' organization different from all its predecessors and involving

[1] "North Dakota Four Years After," *New Republic*, April 28, 1926, p. 293.

[2] Orville M. Kile, *The Farm Bureau Movement* (1921).

[3] They appeared in Texas as early as 1906-1907, in the Northern states a few years later (Broome county, New York, 1911). By 1912 there were 639 county agents in the South. Kile, *op. cit.*, p. 86.

[4] *Op. cit.*, p. 6.

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organization principles which should make for permanence and strength."

National federation of the bureaus

Originally designed as mere instruments to facilitate the work of the county agent, the farm bureaus gradually assumed new functions. They became interested, for instance, in coöperative buying and selling.[1] While intimate association with the county agent still continued,[2] new purposes and new activities gave the local bureaus a wide sweep over the domain of agricultural interests. State federations were formed, first in New York (1917) and West Virginia (1918); and, moved by a common impulse, these in turn came together in the American Farm Bureau Federation. The objects of the Federation are thus stated:[3] "To develop, strengthen, and correlate the work of the State Farm Bureau Federations of the Nation; to encourage and promote coöperation of all representative agricultural organizations in every effort to improve facilities and conditions for the economic production, conservation, marketing, transportation, and distribution of farm products; to further the study and enactment of constructive agricultural legislation; to advise with representatives of the public agricultural institutions coöperating with farm bureaus in the determination of nation-wide policies, and to inform farm bureau members regarding all movements that affect their interests." An elaborate program—educational, legislative, and economic—gave detailed application to these general aims.[4] As in the case of the Nonpartisan League, ample provision was made for financing the Federation. The members pay ten dollars a year, the national, state, and county organizations receiving respectively fifty cents,

[1] Kile, *op. cit.*, pp. 105 *et seq.*

[2] "Undoubtedly the greatest source of strength possessed by the Farm Bureau and the feature which makes it different from all other farm organization attempts arises from the interrelation and interdependence of the county agent and the local county farm bureau. The county agent in the beginning developed the county farm bureau because he needed it as an instrument through which to work in carrying out his educational program for the county. The Farm Bureau grew and developed functions entirely separate and distinct from those associated with the county agent, and now it needs the county agent to act as the visualizing, stimulating force on the job 365 days in the year, actively engaged not only in promoting agricultural educational work but in keeping alive interest in the Farm Bureau—the instrument through which he works. The two are inseparable if either is to be effective, even though no organic connection exists." Kile, p. 194.

[3] *Ibid.*, p. 128.

[4] *Ibid.*, pp. 129-132.

three dollars and a half, and six dollars.[1] The farmers show no pennywise spirit. Great undertakings, they have discovered, cannot be improvised or directed by men of mediocre quality; and first-rate talent, whether in executive officers or in technical experts, cannot be bought at bargain prices. The officers are well paid, the president receiving $15,000; the secretary and Washington representative each $12,000.

Lobbying at Washington

The political significance of the Federation soon became apparent. Farmers felt the need of immediate legislation by Congress to meet an unparallelled crisis. The fall in the prices of farm products, which began early in 1920 and continued through the next year, brought, in the words of Senator Capper,[2] "the most perceptible and crushing depression ever experienced by American agriculture." The Federation not only drew up a comprehensive program of legislation, but it established a lobby at Washington under Gray Silver.[3] This was not a lobby of the familiar type, secret and devious in its methods. "Ours is not a lobbying campaign," said Silver.[4] "We have nothing to 'put across' on Congress, in the sense ordinarily implied at Washington. But we do have a big educational campaign to put forth and the objects to be arrived at are big enough to enlist the best energies of the agricultural bodies in every state. By proper organization and coördination of efforts we can carry on such a campaign of ideas and information as to win Congress to the support of those principles essential to the adequate development of agriculture. . . ." The Federation relies upon the force of numbers. Its method has been first to ascertain the opinion of its members by referendum or otherwise; then to bring this opinion to bear upon senators and congressmen from agricultural states;

[1] *Ibid.*, p. 124. In some cases the dues are smaller, in some larger (Illinois, $15). Each state federation determines the amount, subject always to the requirement that the national treasury shall receive fifty cents.

[2] Arthur Capper, *The Agricultural Bloc* (1922), p. 15. "One-fourth of the 6,000,000 farmers of the country were in a position practically bankrupt" (p. 126). According to the report of the department of agriculture the value of farm products declined almost fifty per cent between 1919 and 1921 (p. 127).

[3] Powerful lobbies, working harmoniously with the Farm Bureau, are also maintained by the National Grange of Patrons of Husbandry; the Farmers' National Council; and the National Board of Farm Organizations, which is coöperatively maintained by some sixteen important agricultural associations.

[4] Quoted in Kile, *op. cit.*, p. 173.

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and finally, on the basis of a systematic record of the proceedings of Congress, to keep the members fully informed of the conduct of their representatives. In primaries and elections the farmers mete out punishment and reward. "A House member from the Middle West had done his best to prevent the passage of the packer bill. News of this was carried home, made a campaign issue in his district, and he was beaten in the primaries by the farmers. A United States senator, one of the stalwarts of the Old Guard, had steadfastly opposed certain farm legislation. Three times he was waited upon by delegations of farm bureau members from his state, informing him of what they wanted. He told them he knew what he was doing and what the folks back home wanted. Election day came and this senator went down to defeat in the primaries."[1] Equipped with adequate information, the farmers have acted in concert and made the ballot a lethal weapon against their opponents. Quite as important is the steady political backing given to those who, in the face of threats from powerful business interests and party organizations, adhere to the Farm Bureau program.[2]

Activities of the "farm bloc"

It was in 1921, during the special session of the sixty-seventh Congress, that the power of the "embattled farmers" was first demonstrated in Congress. Through the efforts of Gray Silver bipartisan groups or "farm blocs," as the newspapers styled them, took shape in both houses. The Senate bloc proved much the more effective. This was formed on May 9, 1921, when twelve senators, half Republicans, met in the office of the American Farm Bureau Federation and agreed upon a scheme of legislation for the relief of agricultural distress.[3] A dozen others subsequently attached themselves to the group. Vigorously supported by the blocs and by the farmers' lobbies, bill after bill was carried through Congress: rural credit facilities were vastly extended; agrarian cooperative societies exempted from the provisions of the Sherman act; packing houses and grain exchanges brought under federal control. Initiative had passed from the party steering committees; upon questions affecting agriculture party discipline could no longer be enforced. Conservative politicians denounced the Farm Bloc for promoting class legislation and undermining the party

[1] Harry O. O'Brien, "What the Farmers Told Congress," *Country Gentleman*, Dec. 9, 1922.

[2] See O. M. Kile in *Successful Farming*, March, 1922, p. 5.

[3] Capper, *op. cit.*, p. 9. W. S. Kenyon of Iowa acted as chairman.

system.[1] The Secretary of War declared[2] that the new tendency, if carried to its logical conclusion, would divide the country "into hostile factions or groups: one class plundered by another, and the country powerless to defend or maintain its interests, national or international." Senator Moses pictured the Senate as an Arcadian body brought under the domination of a group which advocated the free and unlimited coinage of alfalfa.[3] Republican leaders were perturbed by the emphatic manifestations of class-consciousness. They saw agrarian interests substituted for party interests, the sectional hostility between the farmers of the North and South set aside, the horrid specter of a third-party movement assuming tangible outlines. Unable to make way against the wind and tide, like wise mariners they let the wind and tide determine their course. The Bloc program became the Republican program; and in the summer of 1923 President Harding told the farmers of Kansas that his administration must receive the credit for what had been accomplished.[4]

These agrarian triumphs were not repeated, however. In the spring of 1924 the Bloc met with reverses in both houses of Congress; and the presidential election witnessed the collapse of the third-party movement as well as the refusal of the Southern farmer to be deflected from his traditional partisanship. In the first session of the sixty-ninth Congress projected schemes of farm-relief failed through lack of coöperation between the West and the South. "Agriculture," says Professor Macmahon,[5] "revealed its inability to maintain a united front when facing innovative legislation with a sectional turn."

Enough has been said to indicate the character and importance

[1] In reality, however, the Farm Bloc was doing more or less openly just what bi-partisan groups had done secretly in the past in the service of the railroads and other capitalist interests. See, for instance, the *Nation*, Vol. CXIV (1922), "Blocs against a Bloc": "How much depends upon what name a bloc carries! For decades, yes, for generations, this same Republican Party had been run by a bloc, an economic bloc of multi-millionaires who heaped up their millions because they dominated and owned their party, made it a perfect instrument of special privilege, and bent the government to their will that they might be enriched by the tariff favors they voted to themselves at the expense of all the people."

[2] New York *Times*, Dec. 9, 1921.

[3] *Ibid.*, Dec. 24, 1922.

[4] In a speech at Hutchison on July 23.

[5] "First Session of the Sixty-ninth Congress," *Am. Pol. Sci. Rev.*, Vol. XX (1926), p. 614.

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Group pressure and "invisible government"

of organized groups in the community.[1] Emphasis must be laid upon the fact that they tend not only to grow in number, but also to develop more effective organization and more finished methods. Through skilful propaganda, through a perfected technique in influencing public opinion or manufacturing a spurious public opinion they exert a tremendous pressure upon parties and upon the organs of government. On the whole, balancing the good against the evil that they do, they perform a useful, one might even say an indispensable, service. And yet in some cases their activity is pernicious, their power employed to subvert the very foundations of democracy. "The Constitution has been supplanted," says William Allen White,[2] "and we have two kinds of government—our political government, which is supposed to be in the hands of a majority of the people; and a group of organized minorities, sometimes working together, sometimes at each other's throats, making a vast, uncontrolled, but tremendously powerful, invisible government—the government of the minorities. . . . The Congress of the United States and the legislatures of all the states are used as Olympic bowls for these great contests between the powers of invisible government. And the legally constituted members of governments are kicked around, tramped upon and sometimes thrown carelessly into the discard by the great unlegal forces that stage the combat. . . . This government outside of government which we are building up in America in order that men of like minds may reach one another and form militant minorities may look harmless, but they are charged with dynamite. They are here, these new organs of government; they cannot be ignored nor destroyed, but they must be publicly controlled for the common good." Control of a kind has already been imposed by several states in laws that attempt to repress the worst features of the legislative lobbies; and in New York the Walker act requires of the Ku Klux Klan publicity as to its membership and as to political decisions taken at its meetings. Moreover the New York courts have held that the Anti-saloon League is a political organization within the meaning of the election law and that it must therefore file a statement of receipts and expenditures after each electoral campaign.

[1] An illuminating analysis of the political activities of interest-groups will be found in A. Gordon Dewey's "On Methods in the Study of Politics," *Pol. Sci. Qu.*, Vol. XXXVIII (Dec., 1923), pp. 636-651, and Vol. XXXIX (June, 1924), pp. 218-233.

[2] *Politics: the Citizen's Business* (1924), pp. 8, 16, 84.

PART II. NATURE AND HISTORY OF PARTIES

CHAPTER VI

PARTY: ITS ORIGIN AND FUNCTION

Essential characteristics of party: (1) formulates policies

PARTY may be defined as an organized group that seeks to control both the personnel and the policy of the government.[1] The line of demarcation between parties and other organized groups may at times seem blurred and indistinct. Thus the Nonpartisan League, while pursuing the same objects everywhere, found it convenient to take possession of the Republican party in North Dakota,[2] of the Democratic party in Montana, and to launch a party of its own (Nonpartisan!) in South Dakota. However the tactics might differ, in all three states the motive power proceeded from Townley's organization. Again, what is the essential difference between the Anti-Saloon League and the Prohibition party? Both are preoccupied with politics. Both have a program upon which

[1] This definition views party from the standpoint of function. State election laws adopt, however, a different criterion—demonstrated voting strength. Thus in New York "the term 'party' means any political organization which polled at the last preceding election for governor at least twenty-five thousand votes for governor"; and any organization or group which fails to reach that figure and therefore must nominate candidates by petition (instead of by convention or direct primary) is known as an "independent body." In Massachusetts the Progressives ceased to be a party from the standpoint of the election law when, in 1915, their vote for governor fell to seven thousand or less than the required three per cent of the total vote for all candidates. Aside from that arbitrary test, they continued to be just what they had been in the two preceding years when the law recognized them as a party.

[2] The New York *Times* (Nov. 3, 1924) quotes the chairman of the Republican state central committee in North Dakota as saying: "The Nonpartisan League is the Republican party of North Dakota. Make no mistake about that. And I will say that the program is the same old program the Nonpartisan League has always stood for. We have not changed in any way, shape, or manner. Our principles are now those of the Republican party, as far as this state goes, and to-day every one of the original Nonpartisan League planks is embodied in the platform of the Republican party of North Dakota. I think that is plain enough. . . . The opposition charges that Lynn Frazier [candidate for the United States Senate] has gone out of the state to urge the election of candidates who were running on the Democratic or Farmer-Labor or other tickets in South Dakota, Minnesota, and other states. That is true, and, if necessary, he will do it again."

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they wish to concentrate a favorable public opinion. Both are active in state and national elections. But it will be observed that, while the Anti-Saloon League confines itself to one particular issue, the Prohibition party looks beyond the principal object for which it was formed and addresses itself to a wide range of political questions.[1] This dispersion of interest is, indeed, a characteristic feature of party. The Abolitionist or Liberty party declared in 1843: "That the Liberty party has not been organized merely for the overthrow of slavery . . . , but it will also carry out the principle of equal rights into all its practical consequences and applications, and support every just measure conducive to individual and social freedom." Nor did the Free Soil party, in 1848 and 1852, make its appeal on the slavery issue alone. Even the Socialist party, which may be said to have a specific and limited aim, the substitution of collectivism for capitalism, deals extensively with immediate problems. Party, then, as distinguished from other organized groups, does not confine itself to the exploitation of a single issue.[2] Even if it be a minor party, a mere party of protest, without any near prospect of victory, it must nevertheless offer itself as an alternative to the major parties and, in competition with them, define its position on outstanding political controversies. It must indicate what it would do if entrusted with power.

(2) Seeks to control the government

For, in the second place, the object of party is to dominate the government. "Every honourable connexion," wrote Edmund Burke,[3] "will avow it is their first purpose, to pursue every just method to put the men who hold their opinions into such a condition as may enable them to carry their common plans into execution, with all the power and authority of the state. As this power is attached to certain situations, it is their duty to contend for

[1] It has always done so except in 1880, 1896, and 1900. In 1896 the party split, and the broad-gaugers, forming the National Party, dealt with a variety of issues in their platform.

[2] An interesting exception to the general rule was the "Know-Nothing" party, which participated in the election of 1856. Its platform was practically limited to an expression of hostility to the political influence of foreigners and of the Catholic church. But Horace Greeley rightly predicted that it would "run its career rapidly, and vanish as suddenly as it appeared. . . . It would seem as devoid of the elements of persistence as an anti-cholera or anti-potato-rot party would be." Edward Stanwood, *A History of the Presidency*, Vol. I (1898), p. 260.

[3] "Thoughts on the Cause of the Present Discontents," *Works* (Bohn, 1841), Vol. I, p. 151.

these situations." Parties, therefore, nominate candidates and pro- CHAP. VI
mote their election to office. It is true that other organized groups may nominate candidates; but they do so sporadically, occasionally, not as a settled practice; and in the methods of making nominations American election laws distinguish between parties and independent bodies, recognizing the fact that with the former the bringing forward of candidates is a normal and characteristic function. It is also true that non-party groups are often active in election campaigns. In 1922 "the Anti-Saloon League of New York, through its officers and employees and at its expense, by the printing and distribution of publications, bulletins, circulars and letters, by public addresses made to qualified electors directly referring to the record and qualifications of candidates for nomination and election and by assistance rendered in the organization and direction of activities of workers at the polls, was an active participant to aid and defeat candidates for public office at the primary and general elections"[1] But the League was not conducting itself as a party. It was doing what the American Federation of Labor has done in pursuit of its special objects since 1906—bringing pressure to bear on the established parties for the nomination of candidates favorable to its cause and, after the primaries, throwing its influence, irrespective of party, to those candidates who gave satisfactory pledges.

Other group

The two characteristics of party—one having to do with the policy, the other with the personnel of government—are not of equal significance. Politicians are far more preoccupied with getting offices than they are with proclaiming policies. It has been said with some truth that the two great parties exist in America, not because there are two sides to every question, but because there are two sides to every office—an outside and an inside. Edmund Burke took a different view. In his oft-quoted definition he regarded principle as the true basis of party and electoral activity as simply the means of reducing principle to practice.[2] But Burke was more the philosopher than the politician; he was describing parties in the light of his own ideal and not at all

The second characteristic is the vital one

[1] From the opinion of Supreme Court Justice Staley, New York *Times*, March 14, 1923. The League was held to be a "political committee" within the meaning of the election law and as such bound to file a sworn statement of receipts and expenditures connected with elections.

[2] "Party is a body of men united, for promoting by their joint endeavors the national interest, upon some particular principle in which they are all agreed." *Op. cit.*, p. 151.

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in the light of what they then were in England. Looking at American parties, Bryce observed in his *Modern Democracies*[1] that "legislation is not one of the chief aims of party, and many of the most important measures, such as the Prohibition and the Woman Suffrage amendments, have had no party character. Its chief purpose is to capture, and hold when captured, the machinery, legislative and administrative, of the legal government established by the constitution. That machinery, when captured, is used, mainly of course for discharging the routine work of legislation and administration, most of which has nothing to do with party doctrines and proposals, to some extent also for carrying out those doctrines by legislative action, but largely also for putting into public office 'sound men,' being those who profess the tenets of the party, and have rendered service to it." Mr. J. J. Murphy, who has been identified with reform movements in the politics of New York City, has expressed something of the same thought.[2] "The assumption that parties exist to advance the ideas with which they are identified in the public mind, is almost wholly erroneous. Parties take up ideas to keep themselves alive. The Republican party is sometimes supposed to exist for the perpetuation of the principle (save the mark!) of protection. As a matter of fact the Republican party takes up protection as one means of keeping itself going. So the Democratic party at one time seemed to exist to advocate the remonetization of silver. But the relegation of that idea to oblivion did not cause the party to disintegrate. Parties take up issues as a merchant replenishes his stock; when the public demands something new, the merchant brings out the new fashions. The primary purpose of the merchant and the party is the same, to make a living. Parties have an existence entirely independent of the principles they advocate or profess."

But policy is important at certain stages

If we consider the two major parties,—and in English-speaking countries they alone are serious contestants for power,—it will be found that as a rule no sharp cleavage of policy separates them. The explanation of this phenomenon will be given later. Nevertheless, when new parties come into being, they do for the moment lay great emphasis upon principles and do profess strong convictions upon the predominant questions of the time. It was so with the Whigs and Tories in seventeenth-century England, with

[1] Vol. II, pp. 42-43.

[2] "Non-partisanship in Municipal Affairs," *Nat. Mun. Rev.*, Vol. VI (1917), pp. 217-218.

the Federalists and Republicans at the close of the eighteenth century in America, with the Democrats under Jackson, and with the Republicans under Lincoln. For parties are born in times of controversy and conflict; they rise more or less spontaneously, in an atmosphere of enthusiasm and crusading ardor, when some considerable element in the community feels that its interests, particularly its economic interests, are imperilled. The party principle is announced in a form that disguises the vulgar aspects of the struggle for ascendancy, covers selfish motives with a polite veneer of idealism, and imparts solidarity and the fighting edge. But the original, creative principle is not enough. In the moment of enthusiasm practical considerations must not be overlooked. The platform must be broadened to attract diverse interest-groups and consolidate them into a majority. Thus the Republican party, though originating in a conflict over the extension of slavery, advocated in 1860 free homesteads, a Pacific railroad, internal improvements, and a protective tariff—economic policies that appealed to the manufacturer on the one hand and to the farmer on the other.

How Parties Originate

Bases of party: (1) religion;

If parties do at times, and especially in the period of origin, reflect real cleavages of opinion in the community, what is the nature of those cleavages; in other words, what is the cause of party? In continental Europe religion has been a fomenter of discord; there are powerful Catholic parties in Belgium, France, Italy, and Germany. But in the United States, while religious feeling may seriously affect the political situation (more so in the states than in the country as a whole), it cannot be regarded as an important factor in determining party affiliation.[1] Nor has nationality, which plagued British politics before the erection of the Irish Free State and which in Quebec binds the French-Canadians to the Liberal party, exerted any appreciable influence.

(2) nationality

[1] A few days before the elections of 1884 a New York clergyman used the terms "Rum, Romanism, and Rebellion" to characterize the Democratic party. This incident may have alienated Irish Catholic voters and deprived Blaine of the presidency through the loss of New York State. In 1924 the solidarity of the Democrats was imperilled by a bitter fight in the national convention over a proposal openly to condemn the Ku Klux Klan; by a majority of four votes a milder resolution was adopted which did not mention the Klan by name. No party has appealed to religious antagonisms except the short-lived Know-Nothings who embodied in their platform of 1856 a somewhat veiled declaration against the supposed aims of the Catholic church.

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Voters of foreign extraction not only show no inclination to form parties of their own, but, aside from the Irish, who are mostly Democrats, do not generally favor one party more than another. It is true that people of the same national origin do tend in a given locality, where they settle in some strength, to adopt the same political faith. They hold together, act alike. But "only in such an exceptional matter as the regulation of immigration," says Professor Holcombe,[1] "is there room for religious or racial feeling to influence political action. Religious and racial followings may be cultivated by national politicians by the petty tactics which practical politicians understand only too well, especially through the artful dispensation of patronage, but such operations can have generally no more than a local importance. Schemes for the utilization of the powers of the Congress of the United States for enlisting special religious or racial groups (excepting the negroes) in support of particular parties have been largely banished from the grand strategy of national politics." The negro, of course, from circumstances that have already been reviewed, nearly always votes the Republican ticket wherever he is allowed to vote. In 1924, however, certain negro leaders in New York and some other Northern states urged their followers to desert the Republican party because of its failure to enforce the Fourteenth and Fifteenth Amendments and to enact a law to check lynching. Republican politicians evidently regarded this as more than a mere gesture of discontent; for President Coolidge in his first message to Congress after the election declared that negroes should be accorded their full constitutional rights and be protected from the crime of lynching. He also advocated, apparently in the interests of Southern negroes, an extension of federal control over Congressional elections.

(3) temperament

The two theories of the origin of party which have attracted most attention may be termed the temperamental and the economic. The first is generally associated with the name of Lord Macaulay. In explaining the rise of the Whig and Tory parties in the seventeenth century he concludes that they rested upon "diversities of temper, of understanding, and of interests" which are common to all societies and all ages. "Everywhere," he wrote,[2] "there is a class of men who cling with fondness to whatever is ancient, and who, even when convinced by overpowering reasons that innovation

[1] *The Political Parties of To-day* (1924), p. 37.

[2] *History of England* (5th ed. 1913), p 88.

would be beneficial, consent to it with many misgivings and forebodings. We find also everywhere another class of men, sanguine in hope, bold in speculation, always pressing forward, quick to discern the imperfections of whatever exists, disposed to think lightly of the risks of change, and disposed to give every change the credit for being an improvement." On this basis there would be a party of order, authority, *status quo*—the Conservatives;[1] and a party of liberty and progress—the Liberals. Twenty-five years earlier Thomas Jefferson put forward a similar doctrine in a letter to Lafayette:[2] "In truth the parties of Whig and Tory are those of nature. They exist in all countries, whether called by these names or by those of Aristocrats and Democrats, Coté droite and Coté gauche, Ultras and Radicals, Serviles and Liberals. The sickly, weakly, timid man fears the people and is a Tory by nature. The healthy, strong, and bold cherishes them and is formed a Whig by nature."

Objections to the temperamental theory

Macaulay's theory has been much quoted and much criticized. It has been criticized because, even if accepted as an explanation of the two-party system in England, it would be inapplicable to the situation in continental Europe where there are numerous parties ranging from the extreme Left to the extreme Right. The objection is not well taken. For if men may be classified as cautious or sanguine, timid or bold, surely all are not equally timid or equally bold. There are gradations. One might discern, for instance, Reactionaries, who wish to return to the conditions of the past; Conservatives, who wish to retain the conditions of the present; Liberals, who wish to reform those conditions; and Radicals (glowing with the memory of to-morrow afternoon, as Chesterton says), who wish to abolish them.[3] In fact any number of parties might be developed through temperamental diversities. The critics also complain that the theory does not fit contemporary phenomena, that the inclination to liberty and authority, to prog-

[1] Defined by a Frenchman as people who would, on the morning of creation, cry, "Let us preserve chaos!"

[2] Quoted in C. A. Beard, *Economic Origins of Jeffersonian Democracy* (1915), note, pp. 420-421.

[3] This classification resembles that of Friedrich Rohmer (*Lehre von den politischen Parteien*, 1844), according to whose rather fantastic philosophy party divisions spring from the changes in temperament that mark successive stages of life from youth to old age. The young and those who preserve in later life a youthful outlook are radical; the old and the precocious young are reactionary.

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ress and order respectively does not find expression in the parties of to-day. "These conceptions," says President Lowell,[1] "would be all very well if every political issue could be brought within the formula of authority on the one hand, and popular rights on the other, and if every man took the same side on every question according as it fell into one or other of these categories. They would be all very well if progress in human affairs, like that of a stag, took place in only one direction at the same time, and the same party was always in favor of movement in whatever direction it might be. But unfortunately this is not true. A man or a party may desire progress, or change, in ecclesiastical or temperance legislation, and not in fiscal or foreign policy; and from a philosophic point of view we do not help matters by calling our opponent bad names, and saying that he wants to progress backwards."

Leaving aside the question as to whether in England the Labor party is not on the whole more progressive than the Unionist party or whether in America the Democratic party is not more progressive than the Republican party, one must observe that Lowell makes an important concession. "Now there are periods in the world's history," he continues, "when things are moving so rapidly under a common impulse, that people are divided into the sanguine who are inclined towards every movement proposed, and the cautious who distrust them all. The transition from older conditions to the modern industrial state gave rise to a period of this kind over a great part of continental Europe during the second and third quarters of the last century. In a lesser degree the same thing occurred in England also; but it is not a necessary or indeed a normal state of affairs." President Lowell concedes, then, that there are periods of disturbance, when temperamental reactions become significant. It is precisely under such abnormal conditions that new party alignments appear. Parties have their origin in times when questions of fundamental importance agitate the community (as the question of slavery did in the middle of the last century), tearing men loose from their old partisan moorings, dissolving long-established connections, and putting public affairs in a new perspective. If no more destructive criticism were offered, the temperamental theory would still be tenable, at least as an explanation of the origin of parties.

[1] *The Government of England* (1909), Vol. II, p. 116.

(4) economic interest

But considerations of a different order may be advanced. Even where the party cleavage may seem to reflect in some degree a conflict between the cautious and sanguine temperaments, we may often discover, by penetrating beneath the superficial appearances, that the conflict has really an economic basis. Men of property are inclined to caution, distrusting and dreading change because it threatens their security.[1] Others, having no possessions, entertain hope that change may improve their lot. Politically these classes respond to a disposition that is not inherent in character, but imposed by circumstance. Macaulay himself qualified his theory by linking together, as if they belonged in the same category, diversities of *temper* and diversities of *interest*. So, too, in the case of Thomas Jefferson. "Although Jefferson thus based his explanation of the source of the party antagonism on a theory of human nature," says Professor Beard,[2] "it must not be supposed that he was unaware of the economic character of the masses aligned on his side. Curiously enough in the very passages in which he attributes the party cleavage to the distribution of the capacity for cherishing or distrusting the people, he positively states that his party was composed of 'the landed and laboring interests of the country,' and that the cities were 'the strongholds of Federalism.' Thus he recognizes that the divergence in views concerning human nature which caused the split into parties was not fortuitous, but ran along distinctly economic lines. The landed and laboring interests cherished the people; the movable property, or capitalistic, interests distrusted them." That the party cleavage between Federalists and Republicans represented an economic cleavage has been fairly demonstrated;[3] and an analysis of political controversies since that period would indicate that so far

[1] Of course, capitalists, and the party they influence, may at the same moment favor both cautious and bold policies. Manufacturers, while opposing radical legislation at home, may press for vigorous action looking to the development of foreign markets. Organized labor may denounce every sort of foreign adventure or colonial enterprise and at the same time preach a revolutionary doctrine in home politics. In the face of such facts Macaulay's theory would break down, but no difficulty would be found in applying the theory of economic determinism.

[2] *Op. cit.*, p. 421.

[3] Beard, *op. cit.*, and *An Economic Interpretation of the Constitution of the United States* (1913). There was a time when respectable scholars insisted that the issue between parties throughout our history was merely the issue between broad and narrow construction of the Constitution. Such was the

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as parties have differed in principles or policies or tendencies the differences have usually been of an economic nature.[1]

Views of Hamilton and Madison

Some people are instinctively repelled by the suggestion that human conduct is shaped by economic motives. They see something sordid and debasing in a thesis which places self-interest above ideals. They often seek to disguise, to themselves as well as others, the materialistic aims that really control them. With some this prejudice is all the stronger because the doctrine of economic determinism, having been given such a finished and relentless form by Karl Marx, might seem to imply a Socialistic bias. But this doctrine did not originate with Marx, nor does it remain to-day the exclusive possession of Socialists. The men who laid the foundations of our government placed the greatest emphasis upon economic motives. "All communities divide themselves into the few and the many," said Hamilton.[2] "The first are the rich and the well born, the other the mass of the people." John Adams, taking the same view, held that in the pursuit of wealth religious and moral considerations were overborne.[3] James Madison in the tenth number of the *Federalist* wrote that "the most common and durable source of faction has been the various and unequal dis-

thesis of Alexander Johnston's *History of American Politics* (1898). But Professor Holcombe justly observes (*op. cit.*, pp. 34-35) that such an explanation "hardly reaches the root of the party differences that have existed. Controversies over a central bank, protection, internal improvements, exclusion of slavery from the territories, the issue of legal-tender paper money, the regulation of railroad rates and of business methods, labor legislation and so forth, may seem to turn upon points of constitutional interpretation. But popular interest in such questions does not spring from theories concerning the extent of the federal powers. It springs from the conflicts of interest which the party leaders are seeking to adjust by the use of the powers at their disposal. The clearest evidence of this is the fact that, though loose or broad construction of the constitution has been almost universally accepted, at least in principle, party organizations continue to flourish and party differences continue to be fought out at the national elections." Professor Holcombe might have added that each party has shifted its ground with respect to constitutional theory whenever economic interest dictated such a course.

[1] As to the economic basis of English parties see G. D. H. Cole, *Labour in the Commonwealth* (1919), pp. 97-101.

[2] Max Farrand, *The Records of the Federal Convention* (1911), Vol. I, p. 299.

[3] Professor Beard summarizes the views of Adams in this fashion (*Economic Origins of Jeffersonian Democracy*, p. 316): "1. Society is divided into contending classes, of which the most important and striking are the gentlemen and common people, or to speak in economic terms, the rich and

tribution of property. Those who hold and those who are without property have ever found distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, with many lesser interests, grow up of necessity in civilised nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of government."

Integration of economic groups in the party

Successful American statesmen, as Professor Holcombe observes in his admirable study of *The Political Parties of To-day*,[1] have always recognized the economic basis of party. "National parties cannot be maintained by transitory impulses or temporary needs. They must be founded upon permanent sectional interests, above all upon those of an economic character. . . . Ambitious and realistic party leaders will ascertain what interests may be able to dominate particular districts and states, and will attach enough of them, if they can, to their respective combinations to obtain control of the federal government." Because of the methods by which President and Congress are elected the parties aim to establish predominance in particular localities rather than an even distribution of strength throughout the country. National politics is, therefore, inseparable from sectional politics; and the national parties are organizations through which sectional interest-groups promote their specific objects and ambitions.[2] By means of concession and compromise, which are likely to produce a rather colorless platform, these diverse economic groups are brought into fairly harmonious coöperation.

In attributing party divisions to diversity of economic interest it must not be presumed that there are no other contributing factors. Thus Madison regarded the unequal distribution of prop-

the poor. 2. The passion for the acquisition of property or the augmentation of already acquired property is so great as to override considerations arising out of religious or moral sentiments. 3. Inevitably the rich will labor to increase their riches at the expense of the poor, and if unchecked, will probably, on account of their superior ingenuity and wisdom, absorb nearly all of the wealth of the country. 4. Out of the contest for economic goods arise great political contests in society, particularly between the rich and the poor. Such contests have ended for the most part in the poor committing themselves to an absolute monarch to secure protection against the predatory rich."

[1] Pp. 41 and 82.

[2] See H. E. Barnes, *Sociology and Political Theory* (1924), p. 114.

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erty not as the sole, but as "the most common and durable" source of party. "A zeal for different opinions concerning religion," he wrote,[1] "concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for preëminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to coöperate for the common good." In the same way Arthur Christensen, while maintaining that "the economic element is found in all political parties everywhere at all times," believes that parties commonly come into existence through the intersection of two or more lines of cleavage.[2] Indeed, any observation of individual behavior will show cases in which the predominant motive is not economic at all. There are men capable of an entirely disinterested attitude towards public affairs; others whose bias is that of a severe morality or a humanitarian fervor.

Economic interest not the only factor

Those who believe in economic determinism admit these facts. They simply claim that, taking men in the mass and thus establishing what are the normal and what are the exceptional cases, conduct will be found to respond on the whole to the pressure of the struggle for existence. The chief preoccupation of men is in the satisfaction of material needs; and so from the political standpoint self-interest must commonly dictate their party affiliation. Nevertheless, self-interest does not lead to the consolidation of rich and poor in hostile groups. The rich are often in economic conflict with each other; they form numerous interest-groups. The poor may not be conscious of their separate interests, feeling that their own prosperity depends upon the prosperity of their employers. They also have, like the rich, divergent inclinations; for with regard to a high tariff on manufactured articles, let us

But usually the predominant one

[1] *The Federalist*, Number X.

[2] *Politics and Crowd Morality* (1915), p. 187. The passage continues: "The temperamental element is also so common that it will hardly be found wanting in any party. The presence of the social-theoretical element is not so much a matter of course; it has only attained in modern times so great significance that it can be described as an actual line of party cleavage. The personal element in the parties will only make its influence felt to the extent that the party leaders possess the power of exercising suggestion on the rank and file."

say, the factory worker and the agricultural worker are not likely to entertain the same opinions. And yet a review of partisan alignments through the last century and a quarter would show at least a tendency towards the concentration of wealth in one of the parties. That tendency is clearly marked in the case of the Federalists and the Whigs. De Tocqueville observed it in the period when the Whig party was forming.[1] Emerson described the Whig party as composed of the most able and cultivated part of the population, but "merely defensive of property," and the Democratic party as "facilitating in every manner the access of the young and the poor to the same sources of wealth and power."[2] To-day the Republicans and Democrats may be distinguished in a similar fashion, though less certainly because of the peculiar position of the latter in the Solid South. Thus Professor Beard, fixing his attention on the large cities outside of the South, contends that "the center of gravity of wealth is on the Republican side, while the center of gravity of poverty is on the Democratic side."[3] Unquestionably the Democrats have been less subservient to big business and more sympathetic with wage-earners than the Republicans. The attitude of the American Federation of Labor towards the Democratic ticket from 1908 to 1920 seems conclusive on that point.

Why Party Platforms Tend to Likeness

Parties often lack distinctive principle

Those who accept and those who reject the doctrine of economic determinism will agree that parties come into being because of a difference of opinion on public questions. It is clear that at certain junctures, when great issues arise and lead to a redistribution of political forces in the electorate, there is a real conflict of principle and policy. But it is equally clear that in the intervals and even through long periods the manifestoes of opposing parties are apt to show a striking similarity. "Parties, although formed to secure

[1] *Democracy in America* (Appleton ed., 1912), Vol. I, p. 182.

[2] Essay on "Politics" (*Works*, 1903, Vol. VII, pp. 475-476). Emerson says of the parties that "one has the best cause, and the other contains the best men."

[3] *Nat. Mun. Rev.*, Vol. VI (1917), 203. Cf. William Garrott Brown in the *Atlantic Monthly*, Vol. LXXXVI (1900), p. 582, who regards the Republican party as standing for effective government, the Democratic party for free government. "One is responsible to the changeful voice of the popular will; the other follows the intelligent guidance of successful men of affairs."

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certain ends," says President Goodnow,[1] "get to be ends in and of themselves. Party allegiance gets to replace, as a primary motive of conduct, adherence to political principles. The perpetuation of a party often appears more important than the ends for whose attainment the party itself originally was formed." This phenomenon has been observed by many students of politics, usually without an understanding of why it should occur.[2] It is familiar enough, both in European and in American experience, to suggest that in ordinary times principle must be regarded as an accidental rather than as a fundamental attribute of party, as a convenient weapon to employ in the struggle for power.

But to the critics a party that has no distinctive policies seems a monstrous vagary, a shameful deviation from type; its behavior is not simply eccentric, but positively immoral.[3] As to the Democrats and Republicans Bryce wrote in the *American Commonwealth:*[4] "Neither party has any clear-cut principles, any distinctive tenets. Both have traditions. Both claim to have tendencies. Both have certainly war cries, organizations, interests enlisted in their support. But those interests are in the main interests of getting or keeping the patronage of the government. . . . The American parties now continue to exist because they have existed. The mill has been constructed, and its machinery goes on turning, even when there is no grist to grind. . . . An eminent journalist remarked to me in 1908 that the two great parties were like two bottles. Each bore a label denoting the kind of liquor it contained, but each was empty." Referring to the elections of that

And are condemned on this account

[1] *Politics and Administration* (1900), p. 150.

[2] For example W. R. Thayer, in his *Theodore Roosevelt* (1919), p. 341, says: "There comes a time in every sect, party, or institution when it stops growing, its arteries harden, its young men see no visions, its old men dream no dreams; it lives on the past and desperately tries to perpetuate the past. In politics when this process of petrifaction is reached we call it Bourbonism and the sure sign of the Bourbon is that, being unconscious that he is the victim of sclerosis, he sees no reason for seeking a cure. Unable to adjust himself to change and new conditions he falls back into the past as an old man drops into his worn-out arm-chair."

[3] "The major party leaders, if their critics are to be believed, are largely occupied in evading the issues over which the various groups of voters are most deeply concerned and in denying to the rank and file of the electorate the opportunity to pass judgment upon them. The bipartisan system, its critics say, results in a series of sham battles between two rival sets of politicians, in which those who cast the bulk of the ballots have little to gain beyond the satisfaction of participating on the winning side." Holcombe, *op. cit.*, p. 313.

[4] Edition of 1910, Vol. II, pp. 21, 24, 29.

same year, J. N. Larned observed:[1] "It was manifest that they existed no longer as organizations of opposing opinion; but had degenerated into competing syndicates for the capture of political power." The late Frank A. Munsey recently proposed that, since there was no substantial difference between the two major parties, they should combine.[2] "There are no longer any big outstanding issues between them that have any place in our politics. There are, to be sure, many small points on which the Republican and Democratic parties disagree to-day. It is their business to differ, to create differences, to work up issues without which they would cease to of a political parties." Or we have the pessimistic conclusion of a political expert, Mark Sullivan:[1] "Name and form is pretty nearly all that remains of them."

But some justification can be found

In the face of such an indictment it may be well to inquire whether any adequate defence can be offered. It is possible, if not to exonerate our major parties completely, at least to win a Scotch verdict of "not proven." In the first place they are capitalist parties in the sense that they adhere to the existing social régime and resolutely oppose the collectivist or communist solution. That they reflect in this the overwhelming preponderance of opinion among the voters is demonstrated by the weakness of the Socialist party. Under the circumstances, though disgruntled minorities may complain, neither Republicans nor Democrats can be expected to borrow planks from the Socialist platform.[4] In the second place,

[1] "A Criticism of Two-party Politics," *Atlantic Monthly*, CVII (1911), p. 295.

[2] New York *Times*, Oct. 5, 1922.

[3] "New Parties for Old," *World's Work*, Vol. XLIV (1922), pp. 641-645. H. E. Barnes (*op. cit.*, p. 118) says: "In other words real representative party government in the country has for the time being been suspended. . . . To the organization or machine elements the party has become an end in itself, and the income which it receives from the spoils and favors granted to it by the protected 'vested interests' has made it worth conserving, and at the same time has made the party-ring an interest-group of the most persistent and invidious sort."

[4] Of course the fact that the parties accept the capitalist régime does not imply that they should prostrate themselves before the capitalists. Their subservience to the "interests" has been vigorously denounced. The late Senator La Follette wrote in *LaFollette's Magazine* (July, 1920): "The Republican and Democratic conventions just concluded demonstrate that both these parties are completely controlled through political bosses by the great special interests, and that the election of either of their candidates means a dictatorship of plutocracy and political and industrial servitude for the great mass of the people. . . . Having no other purpose than to protect the

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assuming that the parties entertain hopes of more or less immediate success at the polls, they must propose only what has, according to reasonable expectation, some chance of acceptance by the majority of the voters. Platforms are manufactured in order to be sold; the character of the product depends upon the condition of the market. If the parties offer shoddy goods, the fault lies not with them, but with the electorate. In the business of mass-production, which the democratic scheme of government entails, practical politicians cannot afford to make artistic masterpieces for the few; and if, in offering a particular article (like free silver), the result shows that they have mistaken the popular taste, they must, in the face of severe competition, stop making it or go into bankruptcy. In Great Britain the Unionist party under Stanley Baldwin brought forward a protective tariff as the chief issue in the campaign of 1923, but suddenly abandoned it when the voters expressed their unequivocal preference for free trade. The tariff issue, as the election demonstrated, stood outside the domain of practical politics. Advocates of protection acquiesced in the abandonment of their cherished project because they saw that persistence would be merely quixotic and likely to ruin the party that held the gates against the assaults of collectivism. It is almost as true of the politician as of the manufacturer that he gives the people what they want; and if in America the platforms of the major parties are sometimes very much alike, the explanation is that on most political questions no party could take a different line without abandoning its expectations of victory.

Platforms must appeal to doubtful states

Platforms are put together with the double purpose of satisfying those who already support the party and of winning proselytes among the doubtful voters. Each party can count upon millions of adherents who vote its ticket habitually and who are to a large extent concentrated in certain areas of the country. In a presidential election the Democrats can rely absolutely upon the ten states of the Solid South and, with less assurance, upon some of the border states; the Republicans dominate New England and Pennsylvania, the eight North Central and West Central states (though agrarian discontent has led to revolts in the Middle West),

monopoly powers of the great financial interests which are their masters, they have joined in permitting the merciless exploitation of the people and are rapidly converting the freest and most beneficent government of the world into a tyrannical despotism.''

and the three Pacific states.[1] Campaign managers see little advantage to be gained by an invasion of such hostile territory. Their attention is focussed upon those doubtful areas where, having a strong nucleus to work from, they may hope to influence wavering voters and gain the ascendancy; and it is not by accident that so many candidates for president and vice-president have been taken from Ohio and New York or that policies have been so often shaped with an eye to their effect upon the economic interests of the Central and Mountain states, New York, and New Jersey. The major parties, then, are based each upon certain sections of the country whose economic interests, while diverse, are to some extent complementary or at least capable of being harmonized by adjustments and compromises in the platform; but the competition for power necessarily carries them into neutral territory where, bidding against each other for the same votes, they must resort to further compromises and drain still more red blood corpuscles from platforms that are already anemic. There is a great deal of hedging and evasion, it is true, but throughout the complicated transaction the politicians have been dealing with a concrete problem and trying to find a common ground upon which great masses of men can be induced to coöperate.

The platforms resemble each other as much in what they leave out as in what they contain. They were silent on the highly controversial subjects of prohibition and woman suffrage.[2] That such

[1] For a careful analysis of party strength in states and Congressional districts see Holcombe, Chap. IV, "The Sectional Basis of National Parties." Professor E. E. Robinson in *The Evolution of American Political Parties* (1924) observes (p. 6): "It is as true, though not as apparent at first glance, that the entire nation has been regular in its voting in Presidential elections. In spite of the steady increase in the voting population, indeed keeping in close touch with that increase, each of the two parties has during this period [since 1896] polled at each election nearly forty per cent. of the vote cast, and what is of greater significance, the distribution of the vote by counties makes it evident that a great part of it must have been an unchanging vote. At a maximum, twenty per cent. of the popular vote showed itself subject to change or interested in the lesser parties, and in some states that change has been less than five per cent. in the course of a half dozen campaigns."

[2] For a time (1876-1884 and 1892) the Democrats opposed prohibition and the Republicans expressed a mild sympathy with temperance reform; but, as the movement gathered strength and aroused corresponding hostility, both parties, for fear of imperilling their solidarity, relapsed into silence. Prohibition was henceforth treated as a local issue, as was woman suffrage when the platforms at last recognized it in 1916. Nor was the Seventeenth Amendment,

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And avoid issues that divide the party

momentous changes as were embodied in the Eighteenth and Nineteenth Amendments should have taken place without the intervention of the major parties has aroused much critical comment. What was the reason for this singular silence? The reason was that both issues "cut across party lines"; that in neither party did there exist a sufficient preponderance of opinion—having regard to its supporters in the doubtful states as well as in those sections of the country which it dominated—to justify a specific declaration. From the standpoint of the politicians there was too much at stake. The parties are elaborate organizations, spreading over half a continent and serving a vast population. They embrace heterogeneous elements which have been brought into some kind of accord with infinite difficulty. Politicians are not fond of rash adventure; their conduct is shaped by practical considerations; and before sanctioning a course that is likely to disrupt existing combinations of sectional interest-groups in the party, they must see how a new combination can be made and how it is going to affect their fortunes.[1] Their behavior is perfectly intelligible and, in view of the activity of minor parties and other organized groups in promoting the neglected issues, less inimical to the public interest than would be the wrecking of the major parties. As long as these parties perform in other ways services of vital importance to the state, they may, perhaps, be forgiven for evad-

providing for the popular election of senators, a party issue. The Democratic platform of 1908 demanded it; and, while the Republican platform had nothing to say, the presidential candidate gave it his support in his speech of acceptance.

[1] Of course, the politicians are sometimes not in a position to determine their own course of action. While they managed to sidestep the money question for over a quarter of a century, the controversy over free silver aroused such strong sectional feeling in the early nineties that it became an issue in the campaign of 1896. Traditional party lines were broken. In the East Gold Democrats deserted to the Republicans; in the West Silver Republicans deserted to the Democrats. This issue, says Professor Holcombe (*op. cit.*, p. 236), "broke down the old alignment in national politics. In each party new combinations of sectional interests prevailed over the old, which had given the parties their existing form, and the national leaders on both sides found themselves engaged in a more critical contest than any which had taken place since the Civil War." On the other hand, the Interstate Commerce Act of 1887, regulating the railroads, and the Sherman Act of 1890, regulating the trusts, did not express a party cleavage; for the measures were of such a character that they seemed neither so dangerous to the dominant interests in some sections nor so inadequate to the dominant interests in other sections as to justify a new party alignment.

ing issues which, if faced boldly, would shake their very foundations. CHAP. VI

Peculiar Importance of American Parties

For in America the parties do, by reason of their elaborate organization, sometimes by reason of qualities that are most condemned, contribute profoundly to the political and social well-being of the nation. "Nowhere else in the world, at any period," says Professor Henry Jones Ford,[1] "has party organization had to cope with such enormous tasks as in this country, and its efficiency in dealing with them is the true glory of our political system." What, then, are these burdens that the parties have had to assume; what are the services that they perform? In the first place they give coherence to the very complicated mechanism of government established under the federal and state constitutions. To some extent they mitigate the disadvantages of the federal system, harmonizing the policy of state and nation in those cases where political action, to be effective, must take place simultaneously in both quarters. But far more important is their service in neutralizing the effect of the check-and-balance system which, as Woodrow Wilson said,[2] was intended by the framers of the constitution "to keep government at a sort of mechanical equipoise by means of a standing amicable contest among its several organic parts" and particularly "to prevent the will of the people as a whole from having at any moment an unobstructed sweep and ascendancy." Such an arrangement is hardly compatible with the democratic spirit of to-day; and since the constitution provides no means of combining the dispersed and disconnected organs of government, the parties, in seeking to control them all and bind them to a common purpose, discharge an essential function.[3] In the state governments, where so many executive officers are elected and thus made independent of each other, where, as Bryce said, the system seems to be the negation of system and more akin to

Parties serviceable in (1) harmonizing the organs of government

[1] *The Rise and Growth of American Politics* (1900), p. 310.

[2] *Constitutional Government in the United States* (1908), p. 203.

[3] It must be observed, however, that the check-and-balance system often prevails against the efforts of party to neutralize it and that its evils are actually emphasized when the presidency is controlled by one party, let us say, and both houses of Congress by the other. In the period 1841-1861 the Democrats controlled simultaneously all the political branches of the government almost half the time, the Whigs for two years (1841-1843); in the period 1861-1925, the Republicans for 36 years, the Democrats for eight (1893-1895 and 1913-1919).

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chaos, this unifying influence is still more essential. A party, once put in command of the various agencies of government, will make them respond to a common impulse and work in harmony. Such power carries with it responsibility; and the voters can in some measure enforce that responsibility by transferring power to the rival party. In the second place the national party organizations alone make it possible for the enormous electorate to function at all effectively. Without them our national politics would take the form of a conflict between innumerable competing groups, a conflict so confused, so obscure and unintelligible that public opinion, vague enough as we have it now, could not be ascertained at all.

(2) Enabling the electorate to function

Finally, the parties have been instrumental in developing and maintaining a sense of national unity.[1] The American people are not homogeneous. There are diversities of religion, of nationalistic origin, and of economic interest which, if allowed free play, might entail disastrous consequences. Whatever its defects may be, the party system is, in the language of Bryce,[2] "the best instrument for the suppression of dissident minorities that democracy has yet devised." In its efforts to command a majority in the elections, especially presidential elections, it produces a platform which, because of successive dilutions through compromise, may suit no single interest-group entirely, but which suits a considerable number of interest-groups well enough to enlist their support. The process of making a platform, of finding a common denominator, for so many divergent groups and for such a multitude of individuals softens asperities, tones down extravagances, and attenuates the eccentricities of the "lunatic fringe." Disruptive forces are held in check.

(3) Emphasizing national unity

Parties check religious intolerance

The parties give no countenance to religious intolerance which, though less active in this country than in sections of Canada and continental Europe, occasionally manifests itself in aggressive and organized form. In its hostility to Catholics the Ku Klux Klan of to-day is reminiscent of the Know-Nothings of seventy years ago. Politically it holds a commanding position in several states. Yet in 1924 the Republican platform ignored it and the Democratic platform denounced it (though not by name), deploring and condemning "any effort to arouse religious or racial dissension." The Democrats were forced to take this position because,

[1] Ford, *op. cit.*, pp. 306-310; Allen Johnson, "The Nationalizing Influence of Party," *Yale Review*, 1907, pp. 283 *et seq.*

[2] *Modern Democracies*, Vol. II, p. 44.

while the South is predominantly Protestant, their strength in certain doubtful states of the North is to a large degree Catholic.

They tend to assimilate foreign elements

A second latent danger to national solidarity lies in the presence of large foreign elements in the American population. The great tide of immigration which set in towards the middle of the nineteenth century resembled the movement of the barbarians into the Roman Empire, that continuous penetration which eventually wrecked the Empire and laid upon its ruins the foundations of the modern national states. More than 35,000,000 aliens have been admitted to the United States. According to the census of 1920 the persons of foreign white stock (that is, foreign-born or having one or both parents foreign-born) numbered 36,398,958, or considerably more than a third of the whole population.[1] Segregated on the basis of the country of origin, they might be regarded as forming nationalistic groups of enormous potential strength [2] and potential danger too. Happily the United States has shown a remarkable capacity to assimilate these heterogeneous elements; and one of the chief agencies in the process of assimilation is the party organization. It is the melting pot. "In coördinating the various elements of the population for political purposes," says Professor Ford,[3] "party organization at the same time tends to fuse them into one mass of citizenship, pervaded by a common order of ideas and sentiments, and actuated by the same class of motives. This is probably the secret of the powerful solvent influence which American civilization exerts upon the enormous deposits of alien population thrown upon the country by the torrent of emigration. Racial and religious antipathies, which present the most threatening problems in countries governed upon parliamentary principles, melt with amazing rapidity in the warm flow of a party spirit which is constantly demanding, and is able to reward, the subordination of local and particular interests to national purposes. The extent to which the accidents of foreign nativity or extraction are made use of, to constitute what is known in politics as 'a vote,' is generally regarded as the great weakness

[1] Of these nearly fourteen millions were foreign born.

[2]

Germany	7,259,997	Austria	3,129,796
Ireland	4,136,395	Canada	2,603,828
Russia	3,871,123	Sweden	1,457,382
Italy	3,336,945	Hungary	1,110,905
Great Britain	3,268,731	Norway	1,023,225

[3] *Op. cit.*, pp. 306-307.

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of American politics, but it is really a stage in the process of fusion. In order that 'the Irish vote,' 'the German vote,' 'the Italian vote,' etc., shall be recognized as such, they must display a spirit of mutual accommodation and enter into amicable relations."

They soften the clash of economic interests

Nor can those economic forces which tend to divide the people into classes and the nation into sections find full expression through the great national parties. Their direction is deflected, their momentum slowed. While the Nonpartisan League could capture the Republican organization in North Dakota and the Democratic organization in Montana, it could not dictate to the national organization of either party. The discontent of organized wage-earners or organized farmers will receive recognition in the platform, but only to the extent that their interests are consonant with the other interests which the party must placate. Although the politicians may seem subservient to big business, they need votes as well as dollars; and over and over again they have promoted reforms, falling short of radical expectation perhaps, but at any rate correcting manifest abuses. The fact that party modifies the force of economic cleavages, not permitting them to develop in full vigor and work out to a logical conclusion, may be illustrated in another way. In a country of such vast extent diversities of material environment create certain large divisions which possess a peculiar economic life of their own. There is a tendency towards sectionalism. This tendency showed itself most impressively in the events which culminated in the Civil War. One by one the ties that bound North and South together gave way, snapped under the strain. The churches, which by reason of their doctrine of Christian brotherhood might have been expected to preserve their unity at least until the storm had fully broken, split along sectional lines—the Methodists in 1844 and the Baptists in 1845. It was the parties, Whig and Democratic, that held together longest,[1] hoping to avert the catastrophe; and the "Union-savers," though reviled by abolitionists, were justified by the conduct of Lincoln, who declared that he would save the Union with or without slavery as circumstances might dictate. Not only was party organization the last bond of union to give way, but after the war it was the first bond of union to be restored.

The nationalizing influence of party, like its influence in effecting a synthesis of the executive and legislative organs of govern-

[1] The Whigs till 1852, the Democrats till 1860.

ment, cannot be ignored in any attempt to measure the merits and defects of the American party system. Aside from these considerations, however, the politicians can make a fairly adequate rejoinder to those who condemn their platforms as colorless and represent them as fighting sham battles for the mere sake of power. What good would a program be without the power to enact it? Since it is the business of the party to control the government, only those proposals can be submitted to the people that are at least as likely to be answered by a "yes" as by a "no." In quiet times such proposals may be of no startling significance; the alternative between the two parties, between the "yes" and the "no," may mean nothing but a little more or a little less of the same thing. In political affairs it is indeed as desirable as it is natural that the major parties should stand close together in the solutions they propose in important matters; that the swing of the pendulum, bringing now the Republicans, now the Democrats to power, should involve no sudden convulsion.[1] Periodically, of course, some issue of profound consequence reaches a point of controversy where the nation is fairly divided upon it and where the major parties must take opposite sides or give place to minor parties. But this situation is exceptional. As a rule the chief problems of government are not political but administrative; and it may quite well be that

Similarity of platforms an advantage

[1] In his *Public Opinion in War and Peace* (p. 162) President Lowell says: "In democratic countries, under ordinary conditions, the efforts of men who advocate a change of policy are directed to securing the favor of a popular majority, or of a majority in the body that purports to represent the people. For that purpose they must seek to win the assent of persons of moderate views, those people who stand in the middle of the road, and who could easily be thrown into the ranks of the opposition by proposals which are too drastic. . . . In popular governments, therefore, the normal tendency is to have the alternatives, whether presented by rival political parties or otherwise, different enough to make an issue, but not so far apart that the men who do not go to extremes will be alienated by either alternative. Both sides keep fairly near to the national traditions; a condition that sometimes causes men of advanced radical views to declare that both of the old parties are hopelessly conservative." Holcombe (*op. cit.*, p. 344) expresses much the same idea. "The responsible party leaders are much more concerned with the adjustment of conflicts between the various interests which make up their respective party combinations than with the creation of clearly defined controversies between the two parties themselves. If the resulting state of national politics is more productive of compromises and evasions, of insincerity and 'bunk', than of sharply contrasted 'issues', it also must often be more conducive to domestic tranquillity and impartial justice than bitter partisan struggles over clashing interests which can only result in the unrestrained triumph of one section over another."

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a change in party control, though involving no departure in policy, may bring about a more honest and more efficient administration. At any rate the very persistence of the major parties, the failure of successive efforts to displace them suggests that they have given satisfaction. Since the election of Lincoln minor parties have only three times (1892, 1912, and 1924) managed to carry any of the states for a presidential candidate or to poll as much as ten per cent of the popular vote.[1] Usually the combined vote of all the minor parties has fallen below five per cent. The electorate seems to feel that a conflict between candidates, without any decided conflict between platforms, is sufficient; there is at least the joy of combat beneath the party banner and in the service of the party leader.

Maine's Explanation of Party

Combative instincts as a cause of party

Sir Henry Sumner Maine, in his *Popular Government* (1885), developed a theory of party in which principles and policies did not figure at all. "Party," he contended,[2] "is probably nothing more than a survival and a consequence of the primitive combativeness of mankind. It is war without the city transmuted into war within the city, but mitigated in the process. The best historical justification which can be offered for it is that it has often enabled portions of the nation, who would otherwise be armed enemies, to be only factions." Or in another passage:[3] "Party feeling is probably far more a survival of the primitive combativeness of mankind than a consequence of intellectual differences between man and man. It is essentially the same sentiment which in certain states of society leads to civil, intertribal, or international war; and it is as universal as humanity. It is better studied in its more irrational manifestations than in those to which we are accustomed. It is said that Australian savages will travel half over the Australian continent to take in a fight the side of combatants who wear the same totem as themselves. Two Irish factions who broke one another's heads over the whole island are said to have originated in a quarrel about the color of a cow. In Southern India, a series of dangerous riots are constantly arising through the rivalry

[1] The popular vote in 1892 was below ten per cent. In 1924, though newspapers referred to "the third-party movement" and to "the Progressive party," Senator La Follette came forward as an independent candidate. The formation of a new party was to depend upon the extent of popular support in the election.

[2] P. 101 (edition of 1886). [3] P. 31.

of parties who know no more of one another than that some of them belong to the party of the right hand and others to that of the left hand. Once a year large numbers of English ladies and gentlemen, who have no serious reason for preferring one university to the other, wear dark or light blue colors to signify good wishes for the success of Oxford or Cambridge in a cricket-match or boat race. Party differences, properly so called, are supposed to indicate intellectual, or moral, or historical preferences; but these go a very little way down into the population, and by the bulk of partisans they are hardly understood and soon forgotten."[1]

They may at least explain its persistence

Maine's theory, while accounting for the disposition to form and maintain parties, scarcely explains how they actually come to be formed. Even though men may long to indulge their combative instincts, they must have something to fight about; there must be a controversy of some kind to divide them into contending camps. The facts seem to show that the origin of parties lies in a sharp difference of opinion over political questions. The value of Maine's theory is that it helps to explain the persistence of partisan spirit and of the organization through which that spirit finds expression long after the original grounds of contention have been abandoned. That it is more than a fanciful hypothesis is shown by the fact that so many military terms are employed in party

[1] Among those who have accepted Maine's theory is Professor A. F. Pollard (*History of England*, pp. 127-128): "Party is in the main an organ for the expression of combative instincts, and the metaphors of party warfare are still of a military character. Englishmen's combative instincts were formerly curbed by the Crown; but since the decline of monarchy they have either been vented against other nations, or expressed in party conflicts. The instinct does not commonly require two forms of expression at once, and party strife subsides during a national war. Its methods of expression, too, have been slowly and partially civilized, and even a general election is more humane than a civil war."

Bryce, in his *Modern Democracies* (Vol. I, p. 112) says of party that "even if intellectual conviction had much to do with its creation, emotion has more to do with its vitality and continued power. Men enjoy combat for its own sake, loving to outstrip others and carry their flag to victory. . . . Nothing holds men so close together as the presence of antagonists strong enough to be worth defeating, and not so strong as to be invulnerable. This is why party can retain its continuity while forgetting or changing its doctrine and seeing its old leaders disappear."

The view developed by Hugh Taylor in his *Government by Natural Selection* and his *Origin of Government*, while consistent with that of Maine, lays emphasis on the struggle for ascendancy between rival leaders.

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politics and that when actual warfare gives full play to combative inclinations the sophisticated warfare between the parties stops. Thus, after the outbreak of the world war, the three British parties formed a coalition[1] and all the French parties, including the monarchist Right, joined hands in the Sacred Union. No elections were held during the war. Party strife was stilled. In the United States, it is true, while there was a notable subsidence of partisan controversy, no coalition was effected. President Wilson repelled every proposal to form a coalition cabinet.[2] But, after all, the situation was less critical here than abroad; and under our rigid constitutional arrangements elections had to occur at stated intervals as in times of peace, thus encouraging the perpetuation of party conflict.

Environment also exerts a strong influence in the perpetuation of party spirit.[3] Membership in a party, as in a church, is less a matter of decision by the individual on points of doctrine than of pressure by the group to which he belongs. The family group is usually a potent factor. The young man joins the Republican party because his father belongs to it and, unless powerful contrary influences come into play, remains there through habit and inertia. Party allegiance, like property, is often transmitted from generation to generation. Of course, what appears to be family tradition may really be a continuing motive of self-interest; and self-interest becomes the dominant motive when a man's politics is determined by his desire to stand well with his business asso-

The influence of environment

[1] That the Irish remained aloof from the party truce was not unnatural in view of the disturbed condition of Ireland.

[2] J. P. Tumulty, *Woodrow Wilson as I Know Him* (1921), pp. 204-205.

[3] Of the election of 1860 Professor Holcombe says (*op. cit.*, p. 173): "Analysis of the returns shows that inherited political associations or acquired habits of voting played a part in the result scarcely less important than rational conviction. The interest of the farmers and laborers of the North in keeping the public lands of the West open for settlement, whatever might be thought of the institution of slavery, would seem to have been the same, whether they lived in Vermont or New Hampshire, on the shores of the Great Lakes or on the banks of the Ohio. But Vermont had formerly been the strongest Whig state in the Union, and New Hampshire had been the strongest Democratic state in the North. The effects of these long-established partisan affiliations are reflected in the greater strength of the Republican party in the former state than in the latter. The regions adjoining the Great Lakes were settled largely by New Englanders and Western New Yorkers, among whom Whiggism had been relatively strong, whereas the regions adjoining the Ohio were settled more largely by immigrants from Pennsylvania and the Upper South, among whom Democracy tended to predominate."

ciates or his social acquaintance, that is, with groups that tend to supplant the family in importance as the young man goes out into the world and makes his own career. Here environment and economic interest usually coincide. Or the impulse may come from a still more extended group. The predominance of one party over a particular section of the country may be so overwhelming, especially among certain classes, that dissent would require strong conviction as well as courage. In many parts of the Solid South to-day a white man belongs to the Democratic party as a matter of course. Ohio in the early eighties of the last century was a Republican stronghold. "In such an atmosphere as that in the Ohio of those days," says Brand Whitlock,[1] "it was natural to be a Republican; it was more than that, it was inevitable that one should be a Republican; it was not a matter of intellectual choice, it was a process of biological selection. The Republican party was not a faction, not a group, not a wing, it was an institution like those Emerson speaks of in his essay on Politics, rooted like oak trees in the center around which men group themselves as best they can. It was a fundamental and self-evident thing, like life, and liberty, and the pursuit of happiness, or like the flag or the federal judiciary. It was elemental like gravity, the sun, the stars, the ocean. It was merely a synonym for patriotism, another name for the nation. One became, in Urbana and in Ohio for many years, a Republican just as the Eskimo dons fur clothes. It was inconceivable that any self-respecting man should be a Democrat. There were, perhaps, Democrats in Lighttown; but then there were rebels in Alabama, and in the Kuklux Klan, about which we read in the evening, in the Cincinnati *Gazette*."

[1] *Forty Years of It* (1914), p. 27.

CHAPTER VII

FURTHER OBSERVATIONS ON PARTY

PARTY, in its rudimentary forms, is as old as politics; for even among primitive peoples differences of opinion and personal rivalries occur in respect to what may be termed public business. But two characteristics which we now associate with party—that of being recognized as a useful, perhaps a necessary, instrument of the state and that of being equipped with an elaborate organization ramifying through the whole community—mark much later stages of political development. Even under so-called free institutions, extending political rights to a considerable portion of the people, although parties are always found, they are by no means always accepted gladly. At the close of the eighteenth century political philosophers still adopted a tone of condemnation. As they read history, as they pondered over the civil disturbances in the ancient city-states, in the republics of renaissance Italy, and in the English monarchy of the seventeenth century, party (or faction, as they preferred to call it) appeared as an unwholesome and malignant growth, neither desirable nor necessary, and subversive of good order and the public welfare. They had, says President Lowell,[1] no vision of party government as it exists to-day, "enfolding the whole surface of public life in its constant ebb and flow. . . . It was not unnatural that with such examples before their eyes they should have regarded parties as fatal to the prosperity of the state. To them the idea of a party opposed to the government was associated with a band of selfish intriguers, or a movement that endangered the public peace and the security of political institutions."

Parties formerly condemned

This opinion was as commonly held in America as in England. James Madison, in the tenth number of the *Federalist*, speaks of "the unsteadiness and injustice with which a factious spirit has tainted our public administrations." He attributed to faction the chief, if not the whole, responsibility "for many of our heaviest

Views of Madison and Washington

[1] *Government of England* (1909), Vol. I, p. 436.

misfortunes and, particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other." He then proceeds to discuss the ways in which the new constitution would restrain the play of faction and minimize its evil results. Washington deliberately ignored the growth of party antagonisms. He retained Hamilton and Jefferson side by side in the cabinet long after they had become political enemies and were, as the latter expressed it, pitted against each other like two game-cocks. Eventually he had to abandon the idea of reconciling partisan differences. In his second term, after the negotiation of the Jay treaty, Republican newspapers attacked him with a violence that would not be tolerated to-day, styling him the stepfather of his country, accusing him of incompetence in the late war and malversation of the public funds as president. It is not strange that in his Farewell Address he should have warned the people "in the most solemn manner against the baneful effects of the spirit of party generally."

Washington's farewell address

He admitted, though with regret, that this spirit is deeply rooted in human nature and that it exists under all governments. But, he said, "in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy. The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this despotism to the purposes of his own elevation, on the ruins of public liberty. The common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it. It seems always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosities of one part against another, foments occasionally riots and insurrection. It opens the doors to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions."

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Parties now considered necessary

Language of this kind sounds strange enough to us. Parties have come to be regarded as a useful and wholesome feature of democratic politics. They may be compared to the attorneys for the prosecution and defence who present the case to the jury; and it will hardly be disputed nowadays that the parties, in marshaling their arguments and contending for a favorable verdict, facilitate the formation of an intelligent public opinion. The opposition party is no more an enemy of the state than the attorney defending a man who has been indicted for felony is an enemy of society. If the opposition party attacks the party in power, it does so, ostensibly at least, in the public interest; for the one is not less the servant of the state than the other. Such a conception of partisanship developed slowly in England and the United States as it became clear that the community could be united upon the fundamentals of the political system and at the same time, without danger to the state, be divided upon questions of less moment. That conception was expressed significantly by Sir John Hobhouse when, almost a century ago, he coined the phrase now so commonly used in England: "His Majesty's Opposition." It is regarded by President Lowell as embodying "the greatest contribution of the nineteenth century to the art of government."[1] How completely it has come to prevail may be gathered from the Canadian practice of paying the leader of the Opposition the same salary that the ministers receive.[2]

Their essential function in a democratic state

Indeed, parties are recognized as being not only useful, but also, under the régime of universal suffrage, inevitable, like the tides of the ocean.[3] As long as the suffrage was narrowly restricted—that is, till the era of Andrew Jackson—politics was the peculiar pre-occupation of the propertied and professional classes. The candidates and issues laid before the limited electorate could have been determined upon, even though no parties existed, through informal consultation among the leaders. But when great masses of men have to be set in motion, millions of minds brought

[1] *Government of England,* Vol. II, p. 437.

[2] The salary has been paid since 1905. W. R. Riddell in *The Constitution of Canada* (1917), p. 107, observes: "This affords a very remote analogy with the *advocatus diaboli* in courts which are to pass upon the proposed canonization of a saint—and to the employment and payment by the state of counsel for an accused upon his trial."

[3] Lowell, *Public Opinion in War and Peace,* p. 175. The same view is expressed by Bryce (*Modern Democracies,* Vol. II, pp. 27-30 and 119-120) and by Elihu Root (*The Citizen's Part in Government,* 1907, p. 40).

to the acceptance of a common basis of action, complicated adjustments must be made in advance of the election. "Thus the chief work of popular government," says Elihu Root,[1] "is to be found in the process which results in the vote." It is the parties that develop some semblance of order out of the chaos of a multitude of voters and that make the modern scheme of democratic government workable. "Their essential function in any democracy," says Lowell,[2] "and the true reason for their existence, is bringing public opinion to a focus and framing issues for the popular verdict." Observing conditions in England and America, where popular government has had so long a history, "we are justified in saying that the existence of parties is not mainly due to differences of temperament, to conflicting interests, or to the basic forces that create variations of opinion and emotion in mankind, but that they are rather agencies whereby public attention is brought to a focus on certain questions that must be decided. They have become instruments for carrying on popular government by concentrating opinion. Their function is to make the candidates and issues known to the public and to draw people together in large masses, so that they can speak with a united voice, instead of uttering an unintelligible babel of discordant cries. In short, their service in politics is largely advertisement and brokerage."[3]

It necessitates organization

Now, in the performance of this business of brokerage the first requisite is organization.[4] How else can vast numbers be regimented and set in motion upon a fixed route? God aids the big battalions, but only when they are subject to a severe discipline and a unified command. Nor, in view of the size of the electorate and the difficulty of harmonizing divergent sectional interests, can the sort of organization that is required be improvised in the

[1] *Op. cit.*, p. 40.

[2] *Public Opinion and Popular Government*, p. 70. See also *Public Opinion in War and Peace*, pp. 175-178.

[3] *Ibid.*, p. 66.

[4] "Manifestly, there must be organization; there must be some means by which the vast number of questions which arise in relation to government in our complicated modern life shall be simplified; by which the questions that are vital shall be separated from the comparatively unimportant questions and the people who tend to think alike upon the vital questions may have an opportunity to make their votes effective by voting alike; by which, from the vast number of men who are available for selection to administer the powers of government, some may be indicated as the probable choice of a sufficient number of voters to give some chance of success in voting for them." Elihu Root, *The Citizen's Part in Government* (1907), p. 40.

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face of an approaching election. The work of the parties in rousing and educating and directing the voters, while it becomes far more intense at certain junctures, proceeds continuously. Organization must be permanent. How the American parties are organized will be explained later. Here the point to be emphasized is that party organization has its origin in democratic government—which, indeed, requires it—and that its force and perfection tend to increase in direct ratio with the size of the electorate.

Why organization came later in England than in America

It has justly been observed that American politics in the modern sense began with Jackson.[1] It was in his period that manhood suffrage became general and that the hierarchical system of party conventions and committees took shape. In the earlier years of the century organization began to develop, it is true, but slowly, keeping pace with the democratic trend and attracting little attention. In fact there is no reference to it in De Tocqueville's *Democracy in America*, which appeared towards the close of Jackson's second administration. Yet it was soon to become the most impressive feature of American politics, contrasting strongly with English practice as it stood in the middle of the nineteenth century. Those who make a comparative study of parties must be struck by the fact that organization—and by this is meant organization as an external authority outside the government—came much later in England than in America, and even now is less elaborate and less sharply defined.[2] The usual explanation of this

[1] Claude Bowers, *Party Battles of the Jackson Period* (1922), p. 67.

[2] At the close of the last century Henry Jones Ford (in *The Rise and Growth of American Politics*, p. 295) said that "of party as an external authority, expressing its determinations through its own peculiar organs, the United States offers to the world the only distinct example, although tendencies in that direction are showing themselves in England." This statement, however, attributed to the English party organizations less force than they actually possessed at that time. It would have been more accurate if applied to the situation twenty years earlier. Woodrow Wilson in 1908 (*Constitutional Government in the United States*, pp. 211-212) was still more oblivious to the developments which had taken place in European party politics. "Only in the United States," he said, "is party thus a distinct authority outside the formal government, expressing its purposes through its own separate and peculiar organs and permitted to dictate what Congress shall undertake and the national administration address itself to." Elsewhere party is, "in a sense, indistinguishable from the organs of government itself. Party finds its organic lodgment in the national legislature and executive themselves. The several active parts of the government are closely united in organization for a common purpose, because they are under a common direction and themselves constitute the machinery of party control. Parties do not have to supply

difference is specious, but unsatisfactory. It is true that from the beginning English parties were organized inside Parliament and that the leaders there, both of the government and of the opposition forces, were accepted as leaders in the country, formulating the policies and directing the campaigns. It is true that this circumstance made an extra-parliamentary organization less necessary and, when it actually appeared, less powerful. But in this argument an essential point—quite apart from the fact that American parties in the early days had their congressional and legislative caucuses—is overlooked. American democracy antedates English democracy. Parliament did not extend the suffrage to the city proletariat until 1867 or to the agricultural laborers until 1884. It was the electoral reform of 1867—"the leap in the dark"—that led to the founding of the National Union of Conservative and Constitutional Clubs;[1] and it was the sweeping Conservative victory of 1874, apparently demonstrating the value of organization, that three years later brought into being the National Liberal Federation. Henceforward national party conferences—delegate conventions, we should call them—met every year to discuss party problems, though not to name the party leaders. In each constituency, too, the rank and file of party members took on a more active rôle. Bryce remarks that in 1880 many ("I think most") Liberal candidates in the boroughs, where manhood suffrage prevailed, and *some* in the counties, where the suffrage was still restricted, were nominated by the local party associations, but in 1885—just after the extension of manhood suffrage to the rural

themselves with separate organs of their own outside the government and intended to dictate its policy, because such separate organs are unnecessary." Party organization developed in the other European countries later than in England. President Lowell, in his *Governments and Parties in Continental Europe* (1896), does not mention it except for noting its absence in France. "The inability to organize readily in politics," he says (Vol. I, p. 107), "has this striking result, that vehement as some of the groups are, and passionate as is their attachment to their creeds, they make little effort to realize their aims, by associating together their supporters in all parts of the country for concerted action. In fact, there may be said to be no national party organizations in France." But the French parties are well organized outside Parliament now, as they have been, indeed, for fifteen or twenty years. That such organization did not come immediately in the wake of manhood suffrage, as in England and America, must be attributed chiefly to the shorter experience of France with popular institutions and to the centralized administrative system which curtails local self-government.

[1] Monypenny and Buckle, *Life of Benjamin Disraeli*, Vol. V (1920), pp. 184-186.

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districts—"all or nearly all new Liberal candidates were so chosen, and a man offering himself against the nominee of the association was denounced as an interloper and a traitor to the party."[1] Phenomena which had long been familiar to America were now, with modifications of form, becoming equally familiar to England. In the light of the converging experience of these two countries, reinforced by the more recent experience of continental European countries, extra-governmental party organization must be regarded as a necessary consequence of universal suffrage.

Statutory Regulation of Parties

American parties no longer voluntary associations

No longer is partisan machinery outside of the legal machinery of the state, parallelling it unit by unit and providing its motive force, peculiar to America. But here, in the last generation, a development has taken place which finds an analogy nowhere else. American parties have ceased to be voluntary associations like the trade unions or the good government clubs or the churches. They have lost the right freely to determine how candidates shall be nominated and platforms framed, even who shall belong to the party and who shall lead it. The state legislatures have regulated their structure and functions in great detail.

The theory underlying regulation

The question arises as to whether this momentous change should be ascribed to the exceptional conditions of American political life or whether it simply marks a stage of evolution which European politics has not reached. On the one hand, the argument usually employed to justify regulation in America has more than a local significance. According to this argument it is just as important for the state to control the process of nomination as to control the process of election. While in theory any number of qualified persons may be nominated, in practice the choice lies between the candidates of the parties, and the election takes the form of a conflict between rival party tickets. If, then, the party organizations, instead of being responsive to the will of the rank and file, tend to fall under the domination of an oligarchy, the election itself, upon which the character of the government depends, is vitiated. Democracy is poisoned at its source; and the logic of the situation forces the state to intervene.[2] On the other hand,

[1] *American Commonwealth* (ed. 1910), Vol. II, note, pp. 80-81.

[2] The evolution of political parties in the United States may well be taken as foreshadowing in some measure the course which will be followed in Europe; for American democracy is older and more highly developed. European parties

it was not theory, but concrete abuses that led to this intervention. CHAP. VII

In the previous chapter it was remarked that, because of the complicated structure of our government and the heterogeneous character of our country and its population, American parties are faced with formidable responsibilities. This circumstance has increased their power and emphasized the need of strong organization. In the period of Andrew Jackson they built up, for the purpose of controlling the government, a representative system of their own, alongside of the government and yet quite distinct from it. The system of delegate conventions operated from the first under adverse conditions; for, through the multiplication of elective offices and the shortening of terms, the newly-enfranchised masses were asked to perform impossible tasks and, through acceptance of the doctrine that "to the victor belong the spoils," the public welfare was obscured by the abuse of patronage. Later the enormous influx of immigrants, unfamiliar with American institutions and democratic ideals, increased the power of unscrupulous politicians. Indeed, the people as a whole abandoned politics to the politicians, their energies being absorbed in the supreme task of conquering the continent, laying hold of its natural resources. The immediate cause

have latterly shown a disposition to set up elaborate machinery very much as the American parties did in the period of Andrew Jackson. This is particularly true of the Socialists and of the other parties of the Left, which are free from all aristocratic tradition. It is not unreasonable to assume that, as organization becomes more complete, government will undertake to regulate the parties and deprive them of their character of private associations. Bryce remarked in the *American Commonwealth* (Vol. II, pp. 77-79) that to the American party the selection of candidates, "the choice of those members of the party whom the party is to reward, and who are to strengthen it by the winning of the offices, becomes a main end of its being," but that the process of nomination "has been little regarded in Europe." This striking difference he ascribes to the greater maturity of popular government in America. "The theory of popular sovereignty requires that the ruling majority must name its own standard-bearers and servants, the candidates, must define its own platform, must in every way express its own mind and will. Were it to leave these matters to the initiative of candidates offering themselves, or candidates put forward by an unauthorized clique, it would subject itself to them, would be passive instead of active, would cease to be worshipped as the source of power. A system of selecting candidates is therefore not a mere contrivance for preventing party divisions, but an essential feature of matured democracy. It was not however till democracy came to maturity that the system was perfected." The increasing importance which European parties attach to the process of nomination has, in the light of these observations, a very real significance.

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The American, as Walter Weyl has expressed it,[1] "with his own business to attend to, had neither leisure nor inclination for the drudgery of running the government. Consequently, the making of nominations, the control of elections, the divisions of spoils, and other profitable labor came to be the work of a despised ruler, the professional politician. The government of the nation passed from legislative halls and executive chambers to the unknown meeting places of party bosses. The election became subordinate to the party primary; the voter, to the ward heeler. The party became supreme."[2] As the country developed, spoils far more valuable than official patronage came within the reach of the successful politician—profits from the sale of franchises, profits from the awarding of contracts for public works. Fortunes could be made through the control of municipal councils and state legislatures. Now, since the voters were practically limited in their choice to the candidates named by the party conventions and since the party primaries determined the membership of those conventions, the key to corrupt profits lay in the manipulation of the primaries. The professional politician put the key in his pocket; and so glaring did the abuses become, so shameless were the methods employed, that, in default of voluntary reform from within the parties, the state imposed mandatory reform from without.

Ballot laws open the way to regulation

The necessary impulse towards thoroughgoing primary reform came from a change in the methods of election. In state after state, begining with Massachusetts in 1888, the secret Australian ballot, printed by public authority and distributed within the polling place, was adopted. The laws introducing the new type of ballot (in America, though not in Australia or England) recognized the nominations made by political parties. As a distinction was made between party candidates and other candidates (the latter having to secure the signatures of a prescribed number of voters), for the first time a legal definition of party had to be given. In most states party was defined as a political organization casting a certain proportion of the aggregate vote cast at the

[1] *The New Democracy* (1912), p. 56.

[2] "When after 1828 the old-time aristocrats went out," Weyl continues, "the position of politician—of caretaker of American liberties—was offered to whomsoever would accept. Polities was business, but in America it was low-grade business, like saloon-keeping. Not offering the boundless possibilities of other enterprises, it attracted a poorer quality of men. In De Tocqueville's day an American was not ordinarily intrusted with public business until he had signally failed in his private business."

preceding election.[1] The parties thus ceased to be mere voluntary groups unknown to the law. The first step had been taken in the process by which they were to be reintegrated with the government and openly acknowledged as public agencies; and, once having begun to regulate party affairs, the law found itself moving by successive steps, the inevitable consequence of the first step, towards complete regulation. Now that the parties had been conceded a privileged status, now that the names of their candidates were entitled to appear on the official ballot, what more natural than to prescribe the methods by which those candidates should be chosen? In the process of choosing party candidates abuses had appeared that called for correction; and even before the adoption of the Australian ballot the first statutory palliatives had been applied.[2] The movement gathered rapid headway in the nineties; in the first decade of this century it attained such momentum as to carry it through the whole field of party operations and to establish as firmly as law can do so the principle that the political party, like the state itself, should be governed by its members.

Present extent of state control

The completeness of this statutory regulation, outside of the Solid South, is very striking. In the first place, (1) the state defines party, not according to its essential character or function, it is true, but arbitrarily according to size—the number of votes cast in the preceding election.[3] In the second place, (2) the state deprives the party of control over its own membership, prescribing tests for admission to the primaries on which the whole party structure is based. Such tests vary greatly in rigor; they may involve a declaration that the voter supported the party generally in the last election and intends to vote for a majority of its candidates in the next election, or, as in California, a mere statement of intention to affiliate with the party. In Wisconsin, Montana, and Colorado, where there is no membership test of any kind, the voter can choose and change his party at will and secretly. (3) In the third place,

[1] The proportion ranged from 1 per cent to 10 per cent. F. W. Dallinger, *Nominations for Elective Office in the United States* (1897), pp. 174-176.

[2] The course of legislation is sketched by C. E. Merriam in *Primary Elections* (1908).

[3] There are various reasons for this: the desire of the major parties to limit the number of candidates and discourage minor parties; still more, perhaps, motives of economy, because usually the primaries of parties which have received official recognition are conducted at public expense. In New York the required number of votes is 25,000. In most states it is a percentage of the total vote, ranging from one in Maine to ten in Idaho, and even twenty-five in Alabama and Virginia.

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having determined what a party is and who may belong to it, the law proceeds to regulate all its fundamental concerns. The old representative system of delegate conventions has been all but swept away. It has not entirely disappeared, but where it still persists, sometimes to nominate candidates for state-wide offices, more often to frame the party platform, its procedure as well as its composition must conform to detailed legal requirements; and even the national convention, though escaping federal control, has been affected by state legislation under which delegates are chosen directly at the primaries and pledged to support particular candidates. The primary, now that its functions have been expanded to include the election of party committees as described in the law and the nomination of candidates for almost all public offices, has become known as the "direct primary." It has been assimilated to the general election. The whole procedure is surrounded, as in the general election, by elaborate safeguards against corruption. The officials are appointed and the ballots printed by public authority. The direct primary takes the form of a preliminary election, an elimination contest among aspirants to office, which, though held separately for each party, is conducted under the auspices of the state; and the party, shorn of its former independence and standardized to comply with government specifications, survives as an agency which the state finds it convenient to use and which, indeed, it cannot do without.

Effect of statutory regulation

Opinion will differ upon the wisdom of this mechanical reorganization of party as an official instrument of the state. The flagrant abuses which had deflected party from the ideal of public service and brought it under the dominion of private interest may have justified so bold a departure. Whatever the cause, there has been a marked improvement in the tone of party politics. A corrupt machine cannot easily be maintained to-day in defiance of public opinion. Now, it is quite possible that the degradation of parties in the period following the Civil War merely reflected, while perhaps exaggerating, the selfish materialistic standards which prevailed in the business community and that no mechanical change by statute would suffice to raise those standards. But the American spirit is impatient of delay; the passion for change runs strong. What Chesterton said of Christianity—that it was not tried and found wanting, but found hard and not tried—may have some application to our old voluntary party system. Did

its sickness mark a constitutional weakness or was it the familiar malady that, becoming epidemic, had infected in some degree the whole of American society? Was the remedy to be found in a surgical operation performed by the legislature or in the slow process of building up the resistance-power of the patient and administering in liberal doses the tonic of public opinion? No one can say how much the surgical operation contributed to the cure (so far as there has been a cure), but it seems to have left the patient in a state of debility, perhaps of chronic invalidism. Herbert Croly, in the course of his diagnosis, says[1] that "by popularizing the mechanism of partisan government the state has thrust a sword into the vitals of its former master. . . . A party is essentially a voluntary association for the promotion of certain common objects. It presupposes a substantial agreement of opinion and interest among members of the party, and a sufficient amount of mutual confidence. If they differ vitally in interest and opinion, and have little or no confidence in one another, the association should not be regulated; it should to that extent be dissolved. By regulating it and by forcing it to select its leaders in a certain way, the state is sacrificing the valuable substance of partisan loyalty to the mere mechanism of party association. Direct primaries will necessarily undermine partisan discipline and loyalty. They will make it more necessary for every voter to belong to either one of the two dominant parties; but the increasing importance of a formal allegiance will be accompanied by diminished community of spirit and purpose. Such is the absurd and contradictory result of legalizing and regularizing a system of partisan government."

The Two-party System

Contrast of European and American party systems

The American party system is unique in the fact that it has been overlaid by statutory prescriptions and mechanically articulated with the government. In another respect it offers a marked contrast to the system that prevails in the countries of continental Europe. There the parties are numerous; and no one of them can hope to develop anything like the strength needed to control the legislature. In the election of 1924 the Social Democrats, most powerful of the eight parties in Germany, won little more than a fourth of the seats; and in France, where there were ten parties,

[1] *Progressive Democracy* (1914), pp. 342-343.

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the Radical-Socialists won little more than a fifth.[1] As in these countries the cabinet is responsible to the legislature, the government majority, which has not been created by the popular vote, must be evolved through the temporary combination of several party groups. In the United States, on the other hand, national elections have taken the simpler form of a contest between two great parties: first between Federalists and Republicans, later between Whigs and Democrats, and from 1856 between Republicans and Democrats. Other parties have appeared; during the last half-century two or three have appealed for popular support in every presidential election; but so slight an impression have they made upon the electorate—their proportion of the aggregate vote usually falling below five per cent—that it is customary to describe American politics as being based upon the two-party system. This difference in practice is very important as well as very striking. In the United States the people decide at the elections between two candidates for governor or president, assemblyman or representative in Congress, and between two platforms which will presumably bind the men who are elected to office. But in France, let us say, the accommodations and compromises which occur within each of the great American parties in advance of the election are made between the party groups in the Chamber of Deputies after the election; and, because of the shifting alliances of these groups, the same chamber, in the course of its four-year term, may give its support successively to half a dozen different cabinets and half a dozen different declarations of policy.

Why the contrast?

The question as to why there should be two dominant parties in the United States and a multiplicity of parties in continental Europe has proved rather baffling to students of politics. Various explanations have been offered. It is natural that those whose interest is absorbed in examining the institutions of a particular country should lay great emphasis upon purely local causes.[2] According to Professor Holcombe, for instance, certain features of American government interpose effective obstacles to the multiplication of parties in national politics. He instances, first, the fact that

[1] In the Italian election of 1919 the Socialists, strongest of half a dozen competing parties, won thirty per cent of the seats in the chamber. Five years later, however, under the abnormal condition of Mussolini's dictatorship, the Fascists secured a two-thirds majority.

[2] This is the attitude taken by Lowell in explaining the multiplicity of parties in France (*Governments and Parties*, Vol. I, pp. 101 *et seq.*) and in Germany (*ibid.*, Vol. II, pp. 46-48).

many issues which engage the attention of party leaders in other countries—religious and racial, social and economic problems—are, under our constitutional arrangements, excluded from federal jurisdiction; and, second, the fact that, if the contests for the presidency were not confined substantially to two parties, the requisite majority in the electoral college could not be obtained.[1] These circumstances, and especially the latter, must be given some weight; as contributing factors they may at least have strengthened a disposition already formed. But any ultimate explanation of the two-party system must apply with equal force to Great Britain, where the system originated and still persists[2] and where the circumstances just alluded to are completely wanting. The two-party system has also prevailed in Canada, notwithstanding the existence of a pronounced religious and racial cleavage there, and it tends to prevail in the other British Dominions.[3] It might, therefore, be regarded as a characteristic feature of Anglo-Saxon polity, whether it has become such through historical accident or through a racial aptitude for practical politics or through the longer experience of the English-speaking peoples with popular self-government.

Explanations must apply to England and America alike

The two-party system developed first in England, originating in the seventeenth-century struggle between King and Parliament and assuming more definite form in the eighteenth century. It was not an artificial contrivance, the outcome of a conscious plan, of a belief in its superiority. Like other English institutions, it grew spontaneously under the play of circumstances and was transmitted to the colonies as a part of their political heritage. As the system matured, with the two parties contending for mastery and appealing for public support in a continuous debate, its virtues came to be appreciated. A philosophy was devised to ex-

Evolution of English parties

[1] *The Political Parties of To-day*, pp. 315-317. Holcombe shows, further, that the development of the direct primary has hampered minor parties.

[2] For more than a generation the Irish Nationalists formed a third party which in several parliaments held the balance of power. It has disappeared with the erection of the Irish Free State. The rise of the Labor party introduced a fresh complication; but there are abundant signs that the Liberal party is falling apart and that its adherents are passing to the Unionist party on the right or to the Labor party on the left.

[3] In the self-governing Dominions, as in the United States and Great Britain, the present era seems to be one of political unrest and transition. There is no good reason to suppose that the rise of labor parties in Australia, New Zealand, and South Africa portends a permanent breach in the two-party system rather than a redistribution of political forces.

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plain and justify it. After all, government is a practical art; and while the varieties of interest and opinion which are found in all communities would seem to require numerous parties for their adequate expression, a choice between two alternatives is more likely to reflect the average point of view.[1] Electoral procedure is simplified, made more intelligible to the masses, who would be bewildered in the presence of half a dozen possible solutions, but who, like the jury in a criminal court or the audience at a public debate, can readily decide between two conflicting arguments. It is a practical method, one that gives stability and coherence to politics; and possibly it illustrates the practical bent of the Anglo-Saxon mind.

Does the two-party system reflect political maturity, or racial qualities?

Of course, racial qualities are sometimes discovered where they do not exist and more often exaggerated where they do exist. It is clearly hazardous to interpret phenomena which occur among several peoples in terms of the idiosyncracies of each one. There is room for scepticism when the number of German parties is attributed solely to an intense individualistic spirit and a love of abstract thinking,[2] or the number of French parties, which is about the same, mainly to a theoretical disposition and an incapacity to organize in politics.[3] But it will be conceded that, to a considerable degree, the English-speaking peoples are less doctrinaire in politics, less inclined to sacrifice the attainable to the ideal,

[1] When there are three or more candidates, for example, the one that receives a plurality of the votes may quite well stand furthest from the average opinion. See Lowell, *Public Opinion in War and Peace*, p. 148.

[2] Fritz-Konrad Krüger, *Government and Politics of the German Empire* (1915), p. 9. Cf. Lowell, *Governments and Parties*, Vol. II, pp. 46 and 48, where he says that the German people are "too little homogeneous, and their traditions of thought are too diverse, to allow any large part of the people to work together for a common end" and that "the German has a strong love of intellectual independence, and dislikes the idea of subordinating his opinion to that of another man, or of being supposed to take his views wholesale from some one else." The late war demonstrated something entirely different.

[3] Lowell, *op. cit.*, Vol. I, pp. 105-106. The author admits that this incapacity is curious "because in military matters they organize more readily than any other people in the world." In reality the Unified Socialists and Radical-Socialists have very effective organizations. In Italy there have been latterly numerous parties. Yet in the same work (Vol. I, p. 214) Lowell characterizes the Italians as "very different from the French. They are not attached to the same extent to abstract theories, and hence they do not form a number of parties or groups, each clinging obstinately to an ideal form of government, and striving to bring about an ideal organization of society."

less ready to adhere to hopeless causes and use their ballots in a mere gesture of discontent. Marxian Socialism becomes Fabian Socialism in England; the monarchy is adjusted to meet the needs of a republican age; and the rivalry of religious sects is ignored because of the inconvenience of recognizing it. In the United States, as in Europe, there are cross-lines of political cleavage which give rise to numerous parties: Socialist, Socialist Labor, Workers', Prohibition, Commonwealth Land (which superseded the Single Tax party in 1924). It is nevertheless correct to speak of a two-party system, because, though the minor parties are many, their supporters are few; and the chief reason why they command so few votes is that, from practical considerations, perhaps from a mere sense of the futility of wasting votes on hopeless causes, Americans concentrate in the two major parties. This practical bent may not be rooted in the character of the race. It may proceed, as already suggested, from a prolonged experience with popular government. Indeed, Elihu Root, in sketching the evolution of self-government, maintains that the two-party system represents a later stage of development and a higher type than the multi-party system of continental Europe.[1]

Minor Parties

Minor parties before the Civil War

The minor parties have at certain junctures exerted a powerful influence; and it seems appropriate here, anticipating the brief historical sketch of parties in the next chapter, to indicate the extent of that influence.[2] In the thirty years preceding the Civil War half a dozen minor parties made their appearance. Two of them passed away without modifying the course of American politics. The Anti-Masonic party, inspired at the outset by a momentary popular antagonism to secret societies in general and to

The Anti-Masonic party

[1] *The Citizen's Part in Government*, pp. 70-78. The tendency in continental parliaments to form *blocs*—that is, more or less durable alliances between certain groups—for the purpose of securing a constant majority for the government may foreshadow a more or less permanent consolidation of parties. The triumph of Fascismo in Italy reflects popular discontent with the chaos of politics and the consequent weakness of the executive.

[2] For brief descriptions of the minor parties see *Cyclopedia of American Government* (3 vols., 1914); J. A. Woodburn, *Political Parties and Party Problems in the U. S.* (2d ed., 1914), Chaps. V-X; and Edward Stanwood, *A History of the Presidency* (1898) and a second volume with the same title covering the years 1897-1909. The party platforms appear in Stanwood and also in Kirk H. Porter, *National Party Platforms* (1924).

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the Freemasons in particular, soon sacrificed principle to political exigencies and entered its sole presidential campaign (1832) with a member of the Masonic fraternity, William Wirt, as its standard-bearer. Wirt received only seven of the 286 electoral votes. This party, which was soon afterwards absorbed by the Whigs, is remembered chiefly by the fact that it originated the national nominating convention and introduced to public life several men who later achieved eminence—Thaddeus Stevens, Thurlow Weed, William H. Seward. As the tide of immigration rose in the forties, secret societies, which had been so roundly denounced by the Anti-Masons, were organized in New York and neighboring states to combat the political influence of foreigners and Catholics. They upset the calculations of party managers by secretly endorsing native-born candidates, whether Whig or Democrat. At last in 1854 they came into the open and established the American or "Know-Nothing" party [1] which carried Massachusetts and Delaware that year. In the South the disorganized Whigs, refusing to countenance the Republican party, joined in large numbers; and in 1856, endorsed by the remnant of the Whig party, the American presidential candidate, Millard Fillmore, received twenty-two per cent of the popular vote and the eight electoral votes of Maryland. Four years later the Americans and Southern Whigs joined hands in the Constitutional Union party which ignored the slavery issue and recognized "no political principle other than the constitution of the country, the union of the states, and the enforcement of the laws." Polling over ten per cent of the popular vote, they carried Virginia, Tennessee, and Kentucky. In that campaign the Democrats were split into a Northern faction under Douglas and a Southern faction under Breckenridge.

The Know-Nothing party

The Constitutional Union party

Much greater significance attaches to the Liberty and Free Soil parties. They were the precursors of the Republican party, which was organized in 1854 to resist the extension of slavery; and, like it, they were sectional parties in the sense that their stand

Parties based on the slavery issue

[1] This name was popularly given to the party because members of the secret societies, when questioned, professed to know nothing even of their existence. Although the American party dates from 1854, a convention of Native Americans had in September, 1847, nominated a candidate for vice-president and "recommended" Zachary Taylor for president. Nativism has had some influence in politics at other times: notably in 1888 when a second American party appeared with a platform like that of the Know-Nothings of 1856; and after the World War when the Ku Klux Klan dominated the politics of several states.

on the slavery question was incompatible with Southern interests. In 1839, when the movement for the annexation of Texas had gathered some headway, a schism occurred in the abolitionist ranks; those who had become impatient with Garrison's policy of moral suasion and non-political direct action formed the Liberty party. They demanded "the absolute and unqualified divorce of the general government from slavery, and also the restoration of equality of rights among men, in every state where the party exists or may exist." They declared that "all attempts to hold men as property within the limits of exclusive national jurisdiction ought to be prohibited by law," and that as abolitionists they would treat the interstate rendition clause of the constitution, "whenever applied to the case of a fugitive slave, as utterly null and void, and consequently as forming no part of the constitution." The popular response was disappointing. James G. Birney, the presidential candidate, received less than three-tenths of one per cent of the popular vote in 1840; and in 1844 only two per cent. The two per cent, however, proved a decisive factor; in the exceedingly close contest between Polk and Clay the abolitionists drew enough votes from the latter in New York to determine the result of the election. During Polk's administration, when Texas was annexed and vast territories acquired from Mexico, the slavery question passed into a more acute phase. Northerners who would not listen to the moral arguments of abolitionists were much concerned over the possibility of a great increase in both the domain and the political power of the slave-holders. The immediate practical problem had to do with the restriction, not the abolition, of slavery. The Free Soil party, which now took the place of the Liberty party, was composed of abolitionists, "Conscience Whigs," and disgruntled Democrats in New York. The platform, less radical than that of the Liberty party, did not propose any interference with slavery in the states, but announced the principle that there should be "no more slave states and no more slave territory." Martin Van Buren, who had been tricked out of the Democratic nomination in 1844 and who had subsequently broken with the Polk administration, became the presidential candidate.[1] He polled over ten per cent of the popular vote and, developing great strength in his native state of New York, brought about the defeat of the Democratic candidate, Lewis Cass. It has been said of this campaign

The Liberty party

The Free Soil party

[1] He had already been nominated by the "Barnburners" or anti-administration Democrats of New York.

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that "Van Buren's name was in it, but not his head or his heart" and that he and his New York followers had used the Free Soil movement to satisfy a grudge. Four years later, when John P. Hale was the standard-bearer and the Van Buren Democrats had returned to their old allegiance, the party's vote was almost cut in half; in New York it fell from 120,000 to 25,000. As yet few Northern Whigs were ready to identify themselves with a sectional party. Until the stirring events of 1854, the passage of the Kansas-Nebraska act and the repeal of the Missouri Compromise, which called the Republican party into being, it seemed possible to keep the slavery question outside of practical politics.

Minor parties since the Civil War

Minor parties have been numerous since the Civil War. Four made their appearance in 1872, and four or more in most subsequent campaigns.[1] It will be convenient, for the purposes of a summary description, to group them in several categories. In the first place three of them have persisted over so considerable a period that they may fairly be classified as permanent organizations: the Prohibition, Socialist Labor, and Socialist parties. The Prohibition party, which has been active for more than half a century, has already been described.[2] Its highest vote was cast in 1892—271,000, or little more than two per cent of the total popular vote. The Socialist Labor party had been the dominant factor in American Socialism for fifteen years when it first put forward a presidential candidate in 1892.[3] Though calling itself a party, it abstained from political activity during the early period and relied upon agitation and propaganda among the working class, a policy of slow permeation.[4] By 1890, however, the party had fallen under the control of Daniel De Leon, a clever but visionary man whose writings have helped to give a syndicalist tendency to Scotch and Welsh Socialism. Under his direction the anti-political bias disappeared and at the same time an attempt was made, by the tactics of boring from within, to fasten Socialism upon the Knights of Labor and the American Federation of Labor. De-

I. Permanent parties:

1. Prohibition

2. Socialist Labor

[1] In 1876 and 1880 only two; in 1892 three.

[2] See Chap. V.

[3] Jessie W. Hughan, *American Socialism of the Present Day* (1911), Chap. III; Selig Perlman, *A History of Trade Unionism in the United States* (1922), Chap. IX.

[4] "The sections of this party and all workingmen generally are earnestly requested for the time to abstain from all political movements, and to turn their backs upon the ballot box." Yet local candidates were sometimes named. Hughan, *op. cit.*, p. 37.

feated in both organizations,[1] De Leon now tried to supplant them by founding the Socialist Trade and Labor Alliance as an appendage of the party. This "hammering from without" failed as completely as the boring from within; and the effect of De Leon's successive manœuvres, so grotesquely miscalculating the temper of the trade union movement, was to create in the ranks of organized labor a profound distrust of Socialism. Schism rent the Socialist Labor party in 1899. Many of its members passed over to the Social Democratic or (to use the name adopted in 1901) Socialist party. Notwithstanding the enfranchisement of women, its popular vote in a presidential election has never since reached the high-water mark of 35,454 in 1896, this being a quarter of one per cent of the total vote. The grandiose visions of De Leon have faded away. So far as the doctrines of Karl Marx have found a lodgment on American soil, their interpreter has been the Socialist and not the Socialist Labor party. The Socialist party vote rose from less than 100,000 in 1900 to more than 400,000 in 1904 and 1908; and to nearly 900,000 (or six per cent of the total vote) in 1912. Thereafter a decline set in;[1] and in 1924, when, with greatly depleted forces, the party endorsed the independent candidacy of Senator La Follette, there seemed to be some prospect that it would sacrifice its revolutionary myth to the realities of American economic life and (like the Independent Labor party in its relation to the Labor party of Great Britain) accept a place on the left wing of a farmer-labor movement.

3. Socialist

Indeed, the Socialist party may be said to differ from the Socialist Labor party in the fact that it has been less doctrinaire, less dogmatic, less rigid in adherence to the principles of Karl Marx. Thus the platforms have said nothing about the inevitable collapse of the capitalistic régime, a fundamental doctrine with Marx; and they have, in putting forward a long list of "immediate demands," indicated a belief in the gradual building-up of the Socialist commonwealth by conscious human effort. The party, as judged by its platforms, has tended to be opportunist rather than revolutionary. A further difference is seen in its attitude towards organized labor. That attitude was defined a quarter of a

Distinction between Socialist and Socialist Labor parties

[1] He did win momentary successes by securing the election of a Socialist as Master Workman of the Knights of Labor in 1893 and the defeat of Samuel Gompers for reëlection as president of the A. F. of L. in 1895.

[1] The vote was 585,113 in 1916 and 919,799 in 1920. But in the latter year, women having the vote in all states, the aggregate vote of all parties was forty-five per cent above that of 1916

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century ago, in language that excluded any rash adventures of the De Leon variety. "We recognize," declared a resolution of 1901, "that trade unions are by historical necessity organized on neutral grounds as far as political affiliation is concerned." On the other hand, the Socialist Labor party has insisted in recent years that the craft union, which is based on the tool used, should give way to the industrial union, which is based on the product,[1] and that industrial plants, though owned by the state, should be managed by the workers themselves.[2] This plan approaches the proposals of the Guild Socialists in England. In 1905 De Leon helped to found the Industrial Workers of the World, which was designed to fight capitalism on parallel lines of industrial organization; and three years later, by insisting upon political as well as direct economic action, he precipitated a schism.[3] One faction, known first

[1] Thus all those employed by the railroads in any capacity should form a single union, since all bear a part in furnishing transportation. The platform of 1912 says: "The 'autonomous craft union,' one time the palladium of the workers, has become a harmless scarecrow upon which the capitalist birds roost at ease, while the Industrial Unions cast ahead of them the constituencies of the government of the future, and, jointly, point to the Industrial State." The 1916 platform favors the "one-big-union" idea, saying that the workers should "organize themselves likewise upon the industrial field into a revolutionary industrial union in keeping with their political aims."

[2] The platforms of 1920 and 1924 say: The party "aims to substitute system of social ownership of the means of production, individually administered by the workers, who assume control and direction as well as operation of their industrial affairs."

[3] See P. F. Brissenden, *The I.W.W.: a Study in American Syndicalism* (1919); Vincent St. John, *The I.W.W.: History, Structure, and Methods* (1917); and J. G. Brooks, *American Syndicalism: the I.W.W.* (1913). The schism occurred over the so-called political clause which was dropped in 1908: "Between these two classes [workers and employers] a struggle must go on until all the toilers come together *on the political, as well as on the industrial field,* and take and hold that which they produce by their labor, through an economic organization of the working class without affiliation with any political party." The I.W.W., to quote its declaration of 1908, condemns craft unions as fostering "a state of affairs which allows one set of workers to be pitted against another set of workers in the same industry, thereby helping to defeat each other in wage wars"; and it seeks to organize the working class in such a way that "all its members in any one industry, or in all industries if necessary, cease work whenever a strike or lockout is on in any department thereof, thus making an injury to one an injury to all." The ultimate aim is the capture of the industrial machine and the installation of democratic control—self-government transferred from the field of politics to the field of industry. In the warfare upon capitalism only economic weapons will be used, for all convinced syndicalists, as distinguished from Socialists,

as the "Detroit I.W.W." and after 1915 as the Workers International Industrial Union, opposes the violent methods that are associated with the more important group. It should be noted that the Socialist party has also become convinced of the inadequacy of craft unions. According to a declaration of May, 1920: "The Socialist party does not intend to interfere in the internal affairs of labor unions, but will support them in their economic struggle. In order, however, that such struggle might attain the maximum of efficiency and success, the Socialists favor the organization of workers along the lines of industrial unionism, in closest organic coöperation, as an organized working class body."

II. Parties based on revolt from major parties

Those minor parties which spring from sharp cleavages of opinion and open revolt in the major parties may be regarded as forming a second class. Of course, the rebels may go no farther in expressing their discontent than to bolt the ticket, as the "Mugwumps" did in 1884.[1] But circumstances have sometimes warranted a more complete severance of partisan ties; and in 1872, 1896, 1912, and 1924 secession took an organized form. (1) The Liberal Republican movement of 1872, which was sponsored by some of the most eminent men in the Republican party, such as Charles Sumner and Horace Greeley, Carl Schurz and Charles Francis Adams, reflected the conviction that President Grant and his advisers had been "guilty of wanton disregard of the laws of the land and of usurping powers not granted by the constitution," that they had "kept notoriously corrupt and unworthy men in places of power and responsibility" and "used the public service of the government as a machinery of corruption and personal influence," and that they had "kept alive passions and resentments of the late civil war, to use them for their own advantage." There was agreement on these points, but not in respect to the tariff. The platform, candidly recognizing the inclination

1. Liberal Republicans

eschew political methods. Unrestrained by law and morality—these being regarded as rules laid down by the capitalists for the protection of their own interests, they are ready to employ any form of violence that recommends itself as expedient and effective. But the normal weapons are the strike, which should be sharp and unexpected; and sabotage, which harasses the employer and jeopardizes his profits. The importance of the I.W.W. lies in the daring and recklessness of its leaders, not in numbers. At high tide, after the Lawrence strike of 1912, it claimed a membership of only 18,000.

[1] The Mugwumps were Republicans who, objecting to the nomination of James G. Blaine, voted for the Democratic candidate, Cleveland, or the Prohibition candidate, St. John.

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of some toward protection and of others toward free trade, remitted the discussion of the subject "to the people in their congressional districts." Horace Greeley, a high protectionist, was nominated for the presidency. When the Democratic convention accepted both the platform and the ticket of the Liberal Republicans, a dissident minority of "Straight-out" Democrats, asserting that they had been betrayed "into a false creed and a false leadership," nominated Charles O'Conor who was already in the field as candidate of the Labor Reform party. Grant was reelected by a larger majority than he had received four years earlier; and the Liberal Republican party fell to pieces, some of its adherents passing over to the Democrats. (2) Again in 1896, when the Republicans declared themselves "unreservedly for sound money" and the Democrats demanded the free and unlimited coinage of both gold and silver, party lines were broken. The "Silver Republicans," styling themselves the National Silver party, endorsed the Democratic national ticket; the "Gold Democrats," under the name of the National Democratic party, nominated John M. Palmer for president. Palmer received 131,529 popular votes, or ten thousand less than the Prohibition candidate.

2 Secessionists of 1896

3. Progressives of 1912

(3) Far more importance attaches to the disruption of the Republican party in 1912, because this was certainly responsible for the election of Woodrow Wilson that year and probably responsible for his reëlection in 1916. There were, when the Republican national convention met in 1912, as there had been for years past, two warring elements in the party, one conservative and the other radical; and the methods employed by the former in securing the nomination of President Taft led to the secession of Theodore Roosevelt's followers and the organization of the Progressive party. The Progressives, with a platform that called for social reform and more democratic political machinery, proved much stronger than the Republicans in the election;[1] and, although the family quarrel was quickly healed by a common antagonism to the Wilson administration, its effects were still apparent in 1916. There was no Progressive ticket in the election;[2] but a good many Progressives who had not yet come to the point of complete for-

[1] The popular vote was 4,126,020 for Roosevelt and Johnson (88 electoral votes) and 3,483,922 for Taft and Butler (8 electoral votes).

[2] Roosevelt declined the Progressive nomination for president and supported Hughes; John M. Parker, who as candidate for vice-president received about 42,000 votes, seems to have supported Wilson.

giveness, voted for Woodrow Wilson and thus encompassed the defeat of the Republican candidate, Charles Evans Hughes, in a very close election. (4) While the Republican party was formally reunited, the radical element, particularly in the Middle Western states where the Nonpartisan League was active, showed little respect for party discipline and coöperated, in the country and in Congress, with Democrats who responded to the same pressure of sectional interests. Progressivism, in its continuing development, cut across party lines. In 1924 Senator Robert M. La Follette of Wisconsin, one of the earliest Republican Progressives, announced himself as an independent candidate for the presidency and chose Burton K. Wheeler, Democratic senator from Montana, as his running mate. Condemning both the major parties as having "fallen under the domination and control of corrupt wealth" and as having failed "to purge themselves of the influences which have caused their administrations repeatedly to betray the American people," he appealed for the support of all Progressives. The ticket was endorsed by two minor parties (Socialist and Farmer-Labor), by numerous trade unions, and by the executive council of the American Federation of Labor. A peculiar feature of the movement was that, while organized, it did not take the form of a party. "If the hour is at hand for the birth of a new political party," said La Follette,[1] "the American people next November will register their will and their united purpose by a vote of such magnitude that a new political party will be inevitable." The vote of less than 4,700,000 can scarcely be regarded as of that magnitude, for it constituted less than 16 per cent of the aggregate popular vote as against Roosevelt's twenty-seven per cent in 1912 and yielded only thirteen electoral votes as against Roosevelt's 88.[2]

4. La Follette Progressives of 1924

A third class of minor parties includes those which have appealed particularly to wage-earners and farmers. Labor has shown little disposition to form or support parties that are pre-occupied with its distinctive interests alone. Being well organized in the economic field, it has more to gain by economic than by political pressure; though very strong in certain localities, it could not hope,

III. Farmer-Labor parties

[1] *La Follette-Wheeler Campaign Text-book*, p. 38.

[2] La Follette's vote was, however, more than four times the combined vote of the Socialist and Farmer-Labor parties in 1920. In twelve states it exceeded the Democratic vote, and in Wisconsin exceeded the combined vote of the major parties by 74,000.

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like the farmers, to dominate politically whole sections of the country. Socialism has attracted a mere fraction of the proletariat. From whichever side, proletarian or agrarian, the impulse to political action has come, the platform of the minor party has almost always sought to harmonize the interests of both elements.[1] The truth of this observation is demonstrated in the politics of the last half-century. The collapse of the high prices that had ruled during the Civil War and the prolonged agricultural depression that followed the panic of 1873 brought the money question into prominence. The Farmers attributed their misfortunes both to the extortions of the railroads and to the financial policy of the government in contracting the currency and placing the monetary system on a specie basis. With an abundant supply of paper money, they contended, prices would rise and the burden of mortgages and taxes be reduced. Their program of inflation, which neither Republicans nor Democrats would accept, became the animating motive of a succession of minor parties.

1. Labor Reform party

The Labor Reform party of 1872, besides demanding equitable freight rates, modification of the tariff, and the free granting of public lands "to landless settlers only," declared that the government should provide "a purely national circulating medium based on the faith and resources of the nation, issued directly to the people without the intervention of any system of banking corporations, which money shall be a legal tender for the payment of all debts, public and private, and interchangeable, at the option of the holder, for government bonds bearing a rate of interest not to exceed 3.75 per cent, subject to future legislation by Congress."[2] While there were, to be sure, a few planks that touched the interests of the proletariat alone, the Labor Reformers voiced adequately the grievances of the agricultural West.

2. Greenback party

Their place was taken in 1876 by the Independent or Greenback party, which lasted till 1888. Its first platform dealt, very much in the language of the Labor Reformers, with the money question alone. Its candidate, Peter Cooper, received 81,000 votes, mainly in the farming communities of the West. Four years later, when industrial dis-

[1] The Socialist party, in its efforts to win the farmers, declared in 1920 that the principle of collective ownership would not be applied to land that was used and cultivated by the occupier.

[2] Under this arrangement the supply of paper money would vary with the demand: those finding themselves with more money than their business required would convert the surplus into bonds; and the government would be relieved of the payment of a high rate of interest.

putes had emphasized the class-consciousness of the wage-earners, the platform was expanded to include such matters as the importation of "Chinese serfs," the sanitary condition of workshops, the eight-hour day for government employees, and child labor; and it further demanded a graduated income tax, the regulation of interstate commerce, and the curbing of gigantic corporations and monopolies. The vote rose to 307,306 in 1880, and declined to 175,370 in 1884.[1] The Greenbackers apparently passed into the Union Labor party, which polled a vote of 146,897 in 1888. Its platform was more comprehensive and more radical. "General discontent prevails on the part of the wealth-producer," the preamble states. "Farmers are suffering from a poverty which has forced most of them to mortgage their estates, and the prices of products are so low as to offer no relief except through bankruptcy. Laborers are sinking into greater dependence. Strikes are resorted to without bringing relief . . . , while more and more are driven into the streets." The party advocated not only paper money "loaned to citizens upon land security at a low rate of interest," but also the free coinage of silver, postal savings banks, government ownership of the means of communication and transportation, direct election of senators, and woman suffrage.

3. Union Labor Party

1887

Agrarian discontent, growing more and more intense in the South as well as the North, had already found expression in the Farmers' Alliances; and these bodies, reinforced by labor organizations, established in 1890 the People's party ("Populists"). The new party, which vigorously attacked special privilege and the money power, made much more rapid progress than its predecessors. Not content with its conquests in the West, it swept across the Mason and Dixon line and penetrated the Solid South. In some states the Democratic organization was captured or else forced to compromise with Populist principles; in others, and particularly North Carolina, Populists and Republicans, joining forces, threatened Democratic ascendancy and revived the race question in politics. The platform of 1892 condemned the major parties as existing for "power and plunder" and described the existing situation of the country as having "no precedent in the history of the world." It demanded that railroads, telegraphs, and telephones should be owned and operated by the government, that all land held by the railroads and other corporations in excess of their actual needs should be reclaimed by the government and

4. Populists

[1] In 1884 an Anti-Monopoly party endorsed the Greenback ticket.

held for actual settlers only, that the amount of paper money should be increased to $50 per capita, and that there should be free and unlimited coinage of silver and gold at the ratio of 16 to 1.[1] James Weaver, the presidential candidate, received 1,027,329 popular and twenty-two electoral votes. He carried four Western states (Colorado, Idaho, Kansas, and Nevada) and in each of two other states received one electoral vote. It seemed that Populism was in a fair way to absorb the Democratic party in the West and even to take its place in the country at large as the chief rival of the Republican party. Nothing of the kind happened, for the Democratic convention of 1896 stole the Populist thunder by declaring for free silver and making the money question the paramount issue of the campaign. The Populists endorsed the Democratic nominee, William Jennings Bryan, as they did again in 1900. But that year a "middle-of-the-road" faction, objecting to fusion, named a ticket of its own which received something over 50,000 votes. The platform is interesting because it refers to paper money as "the best currency that can be devised" and to free silver as a mere temporary expedient; because it would extend government ownership to other public utilities besides railroads and telegraphs; and because, with the aim of bringing government nearer to the people, it advocates not only the direct election of the president, federal judges, and United States senators, but also the initiative, referendum, and recall. The two wings of the party reunited in 1904, polling nearly 115,000 votes. In 1908, the last Populist campaign, the vote fell to 28,134, this being due mainly to the competition of William Randolph Hearst's Independence party which, with a similar but less radical platform, polled 83,562 votes. Populism was first crippled by the defection of many adherents to the Democratic party and then destroyed by the unexampled prosperity which farmers enjoyed during the first two decades of the century. Their interests, like those of the wage-earners, received marked attention in 1912 from the Progressives who also perpetuated the Populist tradition by insisting upon a currency free from Wall Street influences and upon the rule of the people through direct primaries and direct legislation.

After the war, and with the recurrence of agricultural depres-

[1] Supplementary resolutions, expressing the opinion of the party, but not incorporated in the platform, favored, among other things, the direct election of senators and the initiative and referendum. Stanwood, *History of the Presidency*, pp. 512-513.

sion in 1920, the movement once more got under way. The Farmer-Labor party, inspired "by a spontaneous and irresistible impulse to do righteous battle for democracy against its despoilers," drew confidence, as well as some of its ideas, from the British Labor party which was now meeting with marked success. The platform declared that the power of government had been stolen by the financial barons and that the people had been reduced to economic and industrial servitude. More significant than its elaborate proposals in the interest of farmers and laborers was the declaration in favor of public ownership, which was to be applied not only to railroads, but to mines, stockyards, grain elevators, coal storage, water power, etc.; and in favor of industrial democracy, which would give the employee a share in the management of industry.[1] This was Socialism without the name. Although Perley P. Christensen, the presidential candidate, received only one per cent of the total popular vote, circumstances seemed to favor the perpetuation of the party. Agriculture in the wheat-growing regions was still prostrated; powerful elements in the ranks of organized labor, including the railroad brotherhoods, were favorable to independent political action; the Socialists, rent by factional disputes and greatly reduced in numbers, showed a readiness to cooperate; and the major parties did not seem disposed to conciliate radical discontent. But the Farmer-Labor party assumed too extreme a position to attract a large following. This had already been true in 1920 when, for that reason, Senator La Follette had refused to become its candidate. In 1924 the communists—who had organized the Workers' party three years earlier and now saw an opportunity to direct a more impressive class movement—got control. At least they were strong enough in the St. Paul convention (June) to determine the tone of the platform. This boring from within served only to discredit the convention, however. Some three weeks later the presidential and vice-presidential candidates withdrew; and the Workers' party, nominating W. Z. Foster and Benjamin Gitlow, resumed its independent status. Under these circumstances a new movement of protest was launched. The National Conference of Progressive Political Action, which had been formed two years earlier and which represented various organizations (such as trade unions, the Nonpartisan League, the Socialist

5. Farmer-Labor party

6. Workers' party

[1] Other planks demanded the restoration of civil liberty (free speech, free press, etc.); election of federal judges for four-year terms, subject to the recall; and abolition of the judicial power to declare statutes unconstitutional.

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party, and the moribund Farmer-Labor party), held a convention in Cleveland in July. It formed no new party, but endorsed Senator La Follette as an independent candidate and accepted a platform of his own making. La Follette recommended tax-reduction through the curtailment of expenditures on armaments and through the recovery of the vast sums stolen from the Treasury by fraudulent war contracts and corrupt leases of public lands; public ownership of the railroads under safeguards against bureaucratic control; abolition of the judicial veto by permitting Congress to reënact statutes declared unconstitutional; election of federal judges for terms not to exceed ten years; direct nomination and election of the president; extension of the initiative and referendum to the federal government; and the decision between war and peace by referendum except in case of actual invasion. The result of La Follette's campaign has already been indicated.

La Follette Progressives

Importance of minor parties:

A review of the history of minor parties emphasizes the predominance of the major parties in our politics. Only three times before the Civil War and three times after it have minor parties polled as much as ten per cent of the popular vote[1] or received any electoral votes whatever.[2] Their importance depends, however, not so much upon the size of the popular vote as upon its distribution. When the vote is drawn chiefly from one of the major parties and concentrated in certain states, it may disturb that party's combination of sectional interests and even affect the result of a presidential election. Thus Polk won New York and the presidency in 1844 because the insignificant Liberty party drew votes from Henry Clay; and Taylor likewise in 1848 because the Free Soil party drew votes from Lewis Cass. It is possible that Cleveland won New York and the presidency in 1884 because the Prohibition party drew votes from James G. Blaine.[3]

(1) Voting strength

[1] Free Soil (1848), 10 per cent; American (1856), 22 per cent; Constitutional Union, 10 per cent, and Breckenridge Democrats, 18 per cent (both in 1860); Populists (1892), 9 per cent; Progressives (1912), 27 per cent; La-Follette (1924), 15 per cent.

[2] Anti-Masons (1832), seven votes; American (1856), eight votes; Constitutional Union, thirty-nine, and Breckenridge Democrats, seventy-two (both in 1860); Populists (1892), twenty-two; Progressives (1912), eighty-eight; and La Follette (1924), thirteen.

[3] Cleveland had a plurality of 1149 in a total vote of 1,200,000. Stanwood (*op. cit.*, p. 449) attributes Blaine's misfortune "almost without a doubt" to Burchard's "Rum, Romanism, and Rebellion" speech, which alienated the Irish Catholics. But "Mugwump" or independent Republican support of Cleveland was another element in the situation. Finally, the Republican party

The Democratic cleavage of 1860 had no effect upon the election; Lincoln would have won against the combined strength of his three opponents. But the Republican cleavage of 1912 brought Woodrow Wilson to the White House; and the support of the Progressives who had not yet returned to their old allegiance probably kept him there in 1916.[1] In 1892, as again in 1924, many believed that the contest would be very close and that the "third party" might make such inroads upon Republican strength as to throw the election into the House of Representatives. The Democrats, looking favorably upon such an outcome in 1892, fused with the Populists in five Western states; and in 1924, while there was no such formal arrangement, Western Democrats supported the La Follette ticket for the same reason. Yet in neither case did the third party prove a decisive factor.

(2) Platforms

It is often said that the true function of minor parties is to bring forward new policies. "If the new policies prove popular," observes Professor Holcombe,[2] "they will eventually be taken up by one or both of the existing major parties, or a realignment of the major parties will ensue. There are convincing illustrations of each of these effects." He instances the realignment of parties that followed the failure of the major parties to accept the Free Soil position on slavery; the adoption of the Populist inflation policy by the Democrats; the enactment of national prohibition by consent of both parties. But this point may easily be over-emphasized. The policy of opposition to the extension of slavery made no very obvious progress while the Free Soil party lasted.[3] It was the Kansas-Nebraska act and not the Free Soilers that brought the Republican party into existence. Likewise it was the Anti-Saloon League and not the Prohibition party that mobilized public opinion in favor of the Eighteenth Amendment. That the minor parties have promoted many policies—such as interstate commerce regulation, Chinese exclusion, postal savings banks, the federal income tax, the direct election of senators, woman suffrage—which have

in New York was split by a factional fight between the "Half-Breeds" and Conkling's "Stalwarts"; Conkling refused to make even one speech in favor of Blaine, remarking that he was not engaged in criminal practice. It was not the Prohibition party alone, therefore, that complicated the situation.

[1] The electoral vote was: Wilson, 277; Hughes, 254. The latter would have won with the thirteen votes of California.

[2] *Op. cit.*, p. 342.

[3] While the Free Soil party polled 10 per cent of the popular vote in 1848, the percentage fell to five in 1852.

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subsequently been enacted into law cannot be taken to imply that their influence was decisive or even that it had any appreciable effect. Organized non-party groups have usually been a more potent force. Nevertheless, minor parties have at certain junctures profoundly stirred opinion and illuminated the murky atmosphere of politics with a flash of idealism. The Populists, animated by a high purpose of restoring government to the people, brushed aside the artificial issues that politicians had kept alive since the war and attempted to propound the real issues that had come in the train of the industrial revolution; and the Democratic party was thereby driven into a new course. The Progressives, singing "Onward Christian Soldiers" at their convention of 1912, dedicated themselves to a crusade against social injustice; and their revolt, momentarily at least, softened the hearts of the Pharaohs in the Republican party. No one will dispute the potential usefulness of minor parties. They are in a position to think more of principles than of power. Through them sectional interests that cannot be reconciled with the existing combination of interests in the major parties may find expression politically; and from the standpoint of the electorate this is bound to have some educative value.

Criticism of the Party System

Ostrogorski's substitute for existing parties

While the peculiar functions of party have now come to be understood and generally accepted as essential to the successful working of democracy on a large scale, criticism still continues. Indeed, the volume of complaint and condemnation has increased in recent years.[1] There has been, as already noticed, a disposition to regard party programs as hollow and insincere, as calculated hypocrisies indicating a thirst for power for the sake of power and a partisan rivalry devoid of principle. Most of the critics do not dispute the necessity of parties. They level their attacks against defects of form and method. The late Goldwin Smith, while admitting that there must be party divisions "as often as differences of opinion on vital questions arise," persistently denounced those excesses under which "government becomes stand-

[1] For a summary of the chief grounds of criticism see Bryce, *Modern Democracies*, Vol. I, p. 117.

ing machinery for the demoralization of the people."[1] Ostrogorski, in his elaborate treatise on the party system of Great Britain and the United States, develops much the same point of view. He admits that parties are indispensable.[2] But he insists, in the first place, that a voter who agrees with a single point in the platform should not be compelled, in order to get that point carried, to accept all the other points and, in the second place, that parties, when once the questions which divided them have been settled, can have no excuse for prolonging their existence. He therefore advocates numerous parties, each devoted to a single purpose, organized to promote a single issue—"combinations forming and re-forming spontaneously, according to the changing problems of life and the play of opinion brought about thereby. Citizens who part company on one question would join forces on another. . . . Organized *ad hoc*, party will no longer be able to produce by way of title a sort of apostolic succession or to hang out an old sign which has the power of attracting customers. . . . Instead of giving a wholesale and anticipatory adhesion to a single organization and to the direction which it will impart to all the political problems that may arise, the citizen will be enabled and obliged to make up his mind on each of the great questions that will divide public opinion. By joining one of the parties which will be formed on this occasion, he will know exactly what he wants, what is the issue, to what he gives his adhesion, where he is going, and how far he will go. . . . With whatever combination he connects himself, he will always be able to differ from his associates on all points other than those which have brought them together."[3] CHAP. VII

This ingenious proposal has, as its originator states the case, much to recommend it. Party would be based solely on principle. The voter would select what he regarded as the outstanding issue of the campaign and join the organization which reflected his opinion. But such a scheme, however attractive in theory, could not easily be accommodated to the requirements of practical politics. Would it be possible in an enormous country like the United States, as each new issue arose, to improvise national parties with Its defects

[1] *Canadian Magazine*, Vol. XXIX (Aug., 1907), pp. 299 *et seq.*, and *North American Review*, Vol. CLXXXVIII (Nov., 1908), pp. 641-649. See also J. N. Larned, "A Criticism of Two-party Politics," *Atlantic Monthly*, Vol. CVII (March, 1911), pp. 289-300.

[2] *Democracy and the Organization of Political Parties* (1902), Vol. II, p. 652.

[3] *Ibid.*, pp. 658, 659, 661.

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the complicated organization needed for purposes of propaganda? Would the voter be contented to register his opinion on one issue alone? Apparently he would not be so restricted; for, we are told, the candidate may "give his adhesion to more than one political movement" and "offer himself to several organizations."[1] In that case the voter, faced by the program of a candidate, would be little better off than he is now, faced by the program of a party; and, making this concession, Ostrogorski seems to sacrifice a great part of what his plan of *ad hoc* parties is intended to achieve. In the end every advantage over the present arrangements seems to disappear. Not only must the candidate, in order to secure the support of the majority, declare himself on most of the important issues (and not simply upon the single issue presented by one of the numerous parties), but, entering Congress, he must make compromises and concessions when he identifies himself with one or other of the two major groups which almost inevitably would take form there. As a matter of fact, Ostrogorski's numerous single-issue parties look very much like the non-party organized groups with whose propaganda we are so familiar to-day. These groups perform a valuable service; but there remains a still more valuable, an essential, service which they cannot perform. The business of brokerage, of bringing vast numbers of men together on a common ground of political action justifies the persistence of parties as we have them.

Proposals of Herbert Croly and Frank Crane

Other critics push their objections so far as to demand the scrapping of party altogether. According to Herbert Croly,[2] the parties "seek to accomplish for a democratic electorate certain purposes which such an electorate ought to accomplish for itself. The system results in the organization of an artificial majority and an artificial minority, bound together by partisan traditions, personal loyalties, community of interest, and to a minor extent by common ideas of public policy. The individual citizen can be politically effective only in so far as he becomes a member of one or other of these parties; and as a member of one or other of these parties he is committed to the sacrifice of his personal and of his class convictions for the sake of partisan harmony. In this respect the system costs too much." Croly proceeds to insist[3] that the destruction of the party system is "an indispensable condition of

[1] *Democracy and the Organization of Political Parties*, Vol. II, pp. 668-669.
[2] *Progressive Democracy* (1914), p. 311.
[3] *Ibid.*, pp. 348-349.

the success of progressive democracy. . . . Party government has interfered with genuine popular government both by a mischievous, artificial and irresponsible method of representation, and by an enfeeblement of the administration in the interest of party subsistence." Dr. Frank Crane has expressed an equally sweeping condemnation.[1] Parties exist, he says, because of indifference and lack of civic consciousness among the people; they are as senseless as religious sects, "dead skin which ought to be sloughed off"; and they are "a prey to the debauching influence of criminal wealth-units." He would substitute "the organization of all the people in each local district in order to get what public things they want, and the federation of these districts into larger groups and into a nation, for the same purpose." This is the view set forth so persuasively by Miss M. P. Follett in *The New State* (1918).[2]

This organization of the entire body of citizens, "without regard to varying opinions, in order to get those public goods which the majority want," is, of course, fanciful. How would the majority express its desires and the minority express its opposition except through the familiar arrangements of party? And if parties exist because of the indifference of the people, it is hardly clear that the people, being indifferent, would fare better without them. Indeed, the shortcomings of our party system, like the shortcomings of the press, reflect popular standards. The criticism of party is in large measure criticism of the democracy which party seeks to serve.

Objections to national parties in local elections

It is, however, from the standpoint of the obtrusion of national parties and national issues in local elections that criticism has been most insistent and most effective. The parties are, as Professor Macy observed,[3] the most thoroughly centralized of American institutions. Their tentacles reach into every corner of the land. "To-day," says Professor McLaughlin,[4] "the domination of the

[1] "Party Government a Failure," *Forum*, Vol. XLIX (June, 1913), pp. 698-702.

[2] "Neighborhood groups join with other neighborhood groups to form the city—then only shall we understand what it is to be the city; neighborhood groups join with other neighborhood groups to form the state—then only shall we understand what it is to be the state. We do not begin with a unified state which delegates authority; we begin with the neighborhood group and create the state ourselves. *Thus the state is built up through the intimate intertwining of all.*"

[3] *Party Organization and Machinery* (1904), p. 9.

[4] *The Courts, the Constitution, and Parties* (1912), p. 136.

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national party is nearly complete. . . . In every step taken in ward or township, in every nomination made for local office, there is deference to the interests of the great national organization; local interests are nearly submerged; they are regarded occasionally only as the interests of the wider organization allow them to be. When this system is complete, it means nothing more than the disappearance of local self-government; it means the surrender of the local will and the local interest to a wider and stronger power without." Brand Whitlock, when mayor of Toledo, contended that "the whole trouble with the American city is that it is not free; it is distracted and bedevilled constantly by outside influences among which, most prominently, are the state legislature and the national political party. In other words, nearly everybody seems to have something to say about how the city should be run except the people in it. I should say that the first step toward municipal reform—real reform—is the exclusion of national politics from municipal politics."[1] Robert S. Binkerd declares that the municipal struggle during the last generation has been a struggle for liberating the mind of the American voter.[2] "You ask, liberation from what? I reply, liberation from the slavish, cattle-like following of partisan leadership, which enabled our national political parties to make our cities, with their contracts, and their treasuries, and their administrative machinery, the great feeding troughs of their organized political appetite. Just so far as we have been able, in any city, to increase the proportion of the independent electorate, just so far have we been able to better conditions and to redeem our parties by compelling them to compete in some degree of public service."

Argument for non-partisan elections

Among those engaged in municipal reform this complaint against the national parties is constantly heard. What bearing, they ask, has the tariff, ship-subsidies, or farm loans upon city government? Municipal problems are quite different from national problems; and to many people, as individuals, they are much more important. "It is likely," says Professor Jeremiah W. Jenks,[3] "to make much more difference to me individually who is the next school-teacher that has charge of my children than who is the next President." And, after all, municipal government is not so much

[1] "The Evil Influence of National Parties and Issues on Municipal Elections," *Providence Conference for Good City Government* (1907), p. 194.

[2] *Nat. Mun. Rev.*, Vol. VI (1917), p. 233.

[3] *Principles of Politics* (1909), p. 73.

a matter of policy—we are all agreed that clean streets and pure water are desirable—as of business. The thing the city needs most is honest and efficient administration.[1]

But if it is desirable to counteract the local influence of national parties, how shall the thing be done? Two methods have been tried: first, the separation of local and national elections according to the European plan; and, second, a recourse to non-partisan elections, in which names go on the ballot by petition and no party designations are allowed. According to Robert S. Binkerd[2] a non-partisan system "will reduce the lines of national party affiliation to their irreducible minimum in city elections. This conclusion is logical in theory and demonstrated in fact. We know that partisan considerations had their greatest effect, and that our cities were most scandalously betrayed, during the period when municipal offices were filled at the same elections in which state and national officers were elected. We know that the holding of municipal elections at a different time of the year from other elections, or in off-years between other elections, has automatically acted to increase the consideration given to municipal candidates and affairs. . . . We know, moreover, that the abolition of the party column ballot has had the same effect."

Why partisanship persists

But can it be said that experience with these two devices of separate and non-partisan elections has demonstrated their efficacy? Professor Beard maintains[3] that "non-partisanship has not worked, does not work, and will not work in any major city in the United States." Mortimer Denison Hull, reviewing the experience of Boston, Chicago, and New York, comes to the conclusion that, if something more than good purposes and defeated efforts is to be achieved, party organization is needed and that, "if national parties are a bane in other than national elections, the difficulty is more or less inherent in the situation."[4] The activity

[1] For a fair and measured view see H. C. Emery, *Politicians, Party, and People* (1913), pp. 64 *et seq.*

[2] *Op. cit.*, pp. 233-244.

[3] "Politics and City Government," *Nat. Mun. Rev.*, Vol. VI (1917), p. 205. Beard insists (p. 202) that local problems cannot be isolated from national problems. "I cannot be too emphatic when I say that not a single one of our really serious municipal questions—poverty, high cost of living, overcrowding, unemployment, low standards of life, physical degeneracy—can be solved, can even be approached by municipalities without the coöperation of state and national parties."

[4] "The Non-partisan Ballot in Municipal Elections," *Nat. Mun. Rev.*, Vol. VI (1917), p. 222.

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of national parties in local elections is not accidental. It proceeds, as Woodrow Wilson said,[1] from the fact that these parties must "get their coherence and prestige, their rootage and solidity, their mastery over men and events from their command of detail, their control of the little tides that eventually flood the great channels of national action. . . . We have made many efforts to separate local and national elections in time in order to separate them in spirit. Many local questions upon which the voters of particular cities or counties or states are called upon to vote have no connection whatsoever, either in principle or in object, with the national questions upon which the choice of Congressmen and of presidential electors should turn. It is ideally desirable that the voter should be left free to choose the candidates of one party in local elections and the candidates of the other party in national elections. . . . We have hopefully made a score of efforts to obtain 'non-partisan' local action. But such efforts always in the long run fail. Local parties cannot be one thing for one purpose and another for another without losing form and discipline altogether and becoming hopelessly fluid. Neither can parties form and reform, now for this purpose or again for that, or be for one election one thing and for another another. Unless they can have local training and constant rehearsal of their parts, they will fail of coherent organization when they address themselves to the business of national elections. . . . Whatever their faults and abuses, party machines are absolutely necessary under our existing electoral arrangements, and are necessary chiefly for keeping the several segments of parties together. No party manager could piece local majorities together and make up a national majority, if local majorities were mustered upon non-partisan grounds."

[1] *Constitutional Government in the United States* (1908), pp. 207-208.

CHAPTER VIII

THE EVOLUTION OF AMERICAN PARTIES

Historical continuity of party alignments

IT is not altogether fanciful to trace the lineage of the existing major parties back to the time of the Fathers. In the course of one hundred and forty years, it is true, much has changed besides party names. With the growth of population and territory the economic life of the country has passed through successive modifications and assumed new and diversified forms. As the two-party system is based upon combinations of economic groups, or—to describe the phenomena more accurately from the standpoint of American experience—upon combinations of sectional economic interests, the political alignment of one epoch can never be identical with the political alignment of the epoch that precedes or follows it. The composition and therefore the character of parties must vary with the shifting economic forces. Nevertheless, the Republican party of McKinley and Coolidge does bear some family resemblance to the Whig party of Webster and Clay and to the Federalist party of Hamilton; and the Democratic party of Bryan and Wilson does bear some family resemblance to the Democratic party of Jackson and the Republican party of Jefferson. There are, as the following historical sketch will show, elements of continuity in the evolution of our parties.

Their evolution epitomized

That evolution falls, however, into certain fairly distinct periods. (1) The rivalry of Federalists and Republicans (or Democratic-Republicans) may be said to have closed with the election of Monroe in 1816. The Federalists then disappeared as a national party, although their influence still persisted in Delaware and in parts of New York and New England. (2) A period of transition ensued. The personal rivalry of politicians within the Republican party took shape, by slow degrees, in a new distribution of political forces. One faction, led by Jackson, emerged as the Democratic party; another, led by Adams and Clay, adopted the name of National Republicans. These parties may be discerned in vague outline by 1828; they have assumed a definite, organized form by 1832. Two years later the National Republicans, allying themselves

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with other groups, established the Whig party. (3) The Whig combination, though formed of somewhat incongruous elements, held together for twenty years. It was shattered in 1854 by the storm that broke over the reopening of the slavery question and that brought the present Republican party into existence. (4) The rivalry of Democrats and Republicans has continued down to our own day. This period of seventy-odd years may be divided into half a dozen minor periods.[1] In the first of these the Republicans organized a formidable opposition to the dominant Democratic party. In the second (1861-1875) they gained a complete ascendancy, that is, control over all political branches of the national government. Between 1875 and 1897, on the other hand, the two parties contended on fairly equal terms. Neither held undisputed sway for any considerable length of time. Throughout his first administration President Cleveland faced a hostile Senate, and in the last two years of his second administration he had both House and Senate against him. Similarly, Republican presidents were hampered by a Democratic House for ten years out of fourteen. The Republican party, after renewing its supremacy in the fourth period (1897-1911), fell upon evil days. First, through internal dissensions, it lost control of the House; then (1912), through actual schism, it lost control of the presidency and Senate as well. Its victory in the Congressional elections of 1918, however, enabled it to put an effective check upon the policies of Woodrow Wilson; and the Republican landslide of 1920 marked the beginning of the sixth period, with the party once more in full command of the executive and legislative power.

Federalists and Republicans

Partisan cleavage over the Constitution

The Constitution was, in the language of Professor Beard,[2] the product of one of the sharpest partisan contests in our history. That contest took place, not "over abstract political ideals such as state's rights and centralization, but over concrete economic issues, and the political division which accompanied it was substantially along the lines of the interests affected—the financiers, public creditors, traders, commercial men, manufacturers, and allied groups, centering mainly in the larger seaboard towns, being chief among the advocates of the Constitution, and the farmers,

[1] Arthur N. Holcombe, *The Political Parties of To-day* (1924), pp. 89-92.
[2] *Economic Origins of Jeffersonian Democracy* (1915), p. 3.

particularly in the inland regions, and the debtors being chief among its opponents." On the one side were ranged the capitalistic interests under the name of Federalists; on the other, the agrarian interests under the name of Anti-Federalists. When the new government was organized in the spring of 1789, the Federalists controlled it. Only ten Anti-Federalists sat in the House, only two in the Senate.[1] All four members of Washington's cabinet had favored ratification of the Constitution.[2]

Hamilton's fiscal measures

Alexander Hamilton, as Secretary of the Treasury, carried through Congress a legislative program that was designed to array property on the side of the government very much as the English Whigs had done after the Revolution of 1688.[3] He funded the national debt—accrued interest as well as principal—at face value. He assumed, and funded at face value, the debts which the states had contracted during the Revolutionary War. He established a national bank. He imposed import duties for the avowed purpose of encouraging and protecting manufactures. There can be no doubt that among the substantial classes such measures inspired confidence in the new régime and ensured its future stability. They might even be represented as advancing the prosperity of the farmers, who constituted ninety per cent of the population; indeed, in his Report on Public Credit, Hamilton sought to show that the augmentation of capital would enhance the value of land. He did win the support of many large-scale tobacco planters in Virginia and rice planters in South Carolina. But the immediate beneficiaries were the commercial classes, especially those who had speculated in almost worthless public securities and now found themselves possessed of an abundant fluid capital. They exercised, under the restricted suffrage then prevailing, a political influence disproportionate to their numbers.

The fiscal measures of Hamilton precipitated party divisions.

[1] E. E. Robinson, *The Evolution of American Political Parties* (1924), p. 59.

[2] Jefferson had, however, insisted upon the necessity of incorporating a bill of rights in the Constitution. Beard, *op. cit.*, p. 65. He declared in 1789 that, though not of the Federalist party, he was much further from being of the Anti-Federalist party. *Ibid.*, p. 83.

[3] "Hamilton's measures were primarily capitalistic in character as opposed to agrarian and . . . constituted a distinct bid to financial, commercial, and manufacturing classes to give their confidence and support to the government in return for a policy well calculated to advance their interests." *Ibid.*, p. 131. Cf. H. C. Lodge, *Alexander Hamilton* (1889), pp. 90-91.

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Formation of the Republican party

Jefferson in the cabinet and Madison in the House took alarm as they saw the government handed over to the service of a compact minority of capitalists and traders. Jefferson possessed remarkable gifts of leadership and organization. No other politician but Roosevelt has had such a large personal acquaintance throughout the country or such an intimate knowledge of local situations everywhere. On the Federalist side he saw an imposing representation of wealth, intellect, and social prestige—groups that were conscious of a solidarity of interest and that had been welded together in the earlier struggle over the Constitution. His task was to revive the Anti-Federalist party of 1787-1788,[1] to organize the back country grain-growers, from Maine to Georgia, into an effective opposition, and to combine with them the mechanics and small tradesmen of the seaboard towns, so far as these had been admitted to the suffrage. Jefferson acted with vigor and dispatch. The Republican party—sometimes styled Democratic-Republican, or even Democratic—entered upon its first campaign in 1792. While acquiescing in the reëlection of Washington as president, it did oppose John Adams for the vice-presidency and managed to secure the electoral vote of five of the fifteen states.

Constitutional interpretation not the basis of cleavage

The partisan cleavage, we are sometimes told, must be attributed to the controversy over the powers of the national government. Federalists and Republicans held sharply antagonistic views as to how the language of the Constitution should be interpreted. The former believed in broad or loose construction; the latter believed in strict or narrow construction and clung to the literal meaning of each clause in their anxiety to preserve the rights of the states. Did the Constitution anywhere authorize Congress to assume state debts, establish a national bank, or protect domestic manufactures? That question was most certainly asked. But those who denounced Hamilton's measures as unconstitutional were not

[1] The parties of 1792 were substantially the same as the parties of 1787, that is, they reflected in both cases the antagonism between the capitalistic and the agrarian interests. Beard, *op. cit.*, p. 75. For the most part Anti-Federalists became Republicans, and friends of the Constitution supported Hamilton's program. There were notable exceptions, however. Patrick Henry, Richard Henry Lee, and Samuel Chase joined the Federalist party; Madison, Dickinson, Charles Pinckney, and Randolph joined the Republican party. These cases may be variously explained—Randolph's, for example, on the ground that he was forced to retire from Washington's cabinet in 1795. Sometimes a politician's affiliations in state politics, his friendships and enmities, determined his stand in national politics. But Jefferson and Madison appear to have been influenced chiefly by Hamilton's fiscal measures.

actuated by an abstract or doctrinaire philosophy. They were defending their economic interests; and because the constitutional argument lay so conveniently at hand and seemed to raise their cause above the plane of mere self-interest, they made effective use of it. How else shall we explain the notorious shift that occurred after 1800? The Republicans, with no more constitutional warrant than Hamilton could find for his bank, purchased Louisiana, undertook the building of a national highway from Maryland to Ohio, and imposed the Embargo. Later on, when the business class had abandoned the moribund Federalist party, they chartered a second national bank and adopted a high protective tariff. In a word, broad or strict construction was not at that time or at any subsequent time the issue underlying party cleavages. All through our history constitutional exegesis has been the instrument of political strategy.

Influence of the French Revolution

Jefferson would have found it hard to mobilize the backwoods farmers if he had been forced to rely only upon their reactions to the financial schemes of Hamilton. The struggle over the ratification of the Constitution had roused relatively few of them from political apathy;[1] and now, when the mercantile class was reaping its harvest, they did not at once perceive the true inwardness of the situation. The French Revolution, however, as it entered upon a more dramatic phase, struck their imagination and awakened something like a class-consciousness. They watched the common people of France enrolling under the banner of "Liberty, Equality, Fraternity," assaulting the citadels of privilege, emancipating themselves from their exploiters. They caught the democratic enthusiasm of the *sans culottes* and became Jacobins over night. On the other hand, the Federalists looked upon the Revolution with hostile eyes. "Here was a challenging of privilege," says Claude G. Bowers,[2] "and they honestly believed in privilege; here was democracy, and they hated it." In the war between England and France, which threatened to embroil the United States, they sympathized with the former, not only because they wished to see the monster of Revolution laid low, but also because the great merchants operated on English credit and because a war with England would destroy American commerce. In their anxiety to preserve peace they negotiated the Jay treaty. Its terms, becoming known in the spring of 1795, were denounced by the Republicans

[1] Beard, *op. cit.*, p. 465.

[2] *Jefferson and Hamilton* (1925), p. 208.

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as a betrayal of American rights. A considerable number of large planters in the South emphasized their discontent by passing over to the party of Jefferson.[1] Republican prospects were greatly improved. In the presidential election of 1796 Jefferson obtained 68 electoral votes as against 71 for Adams. He carried Pennsylvania and all the Southern states.[2]

1800 Republican supremacy

Four years later the Federalists were driven from power. They had been weakened, no doubt, by the unpopularity of Adams, by the rift between him and Hamilton, and by the extravagance of certain measures, such as the Alien and Sedition Acts. But the true explanation of their defeat lies in the fact that, though compact and aggressive, they had always been a minority and could not hope to prevail at the polls when once the grain-growers and their allies had been effectually organized and stimulated to action. The future gave no promise of better fortune. Federalism, in fact, steadily declined. "The party was destroyed," as Stanwood expresses it,[3] "by the success of its own principles in the hands of its opponents." Jefferson took pains to reassure the financiers and business men and to make it clear that they had nothing to apprehend from Republican policies. In his first inaugural he promised to encourage commerce and maintain the public credit.[4] In his first message to Congress he described agriculture, manufacture, commerce, and navigation as "the four pillars of our prosperity," expressing at the same time "an anxious solicitude for the difficulties under which our carrying trade will soon be placed."[5] Somewhat later he wrote Gallatin that he favored "making all the banks Republican by sharing deposits among them in proportion to the dispositions they show. . . . It is material to the safety of Republicanism to detach the mercantile interests from its enemies."[6] This policy succeeded; and the Federalist party, gradually deserted by the mercantile element and discredited by its tactics during the War of 1812, ceased to be a factor in national politics after the election of 1816.

[1] Beard, *op. cit.*, pp. 268 and 282. The planters had wished to evade the payment of debts long owing to British merchants and, on the other hand, to secure compensation for slaves that had been carried off by the British forces during the Revolution.

[2] Maryland gave seven votes to Adams and four to Jefferson.

[3] *A History of the Presidency* (1898), p. 107.

[4] Beard, *op. cit.*, p. 441.

[5] *Ibid.*, p. 443.

[6] *Ibid.*, pp. 447-448.

Whigs and Democrats

The era of good feeling

The Federalists did not oppose the reëlection of President Monroe in 1820;[1] and his second administration has been styled the Era of Good Feeling. The title is appropriate in so far as it emphasizes the recognition of Republican supremacy and the subsidence of partisanship. There were, however, jealousies and cliques, personal bickerings and conflicts of ambition; four Republicans—Crawford, Clay, J. Q. Adams, and Jackson—entered a spirited contest for the presidency in 1824. Indeed, the politicians were already occupied in the search for some magnetic formula that would attract the loosely-cohering political fragments and amalgamate them in a new combination. Even without conscious planning it was inevitable that discordant interests would break through the shell of the Republican party in their pursuit of political advantage. Changes of immense significance had taken place in the country and opened the way to a renewal of partisan rivalries.

Economic and political changes

The United States was in process of being transformed into a democracy. No longer could the rich and the well-born dominate politics as they had done in the time of Washington and Jefferson. With few exceptions, the seaboard states had abolished the property qualification for the suffrage.[2] In the Northeast the growth of manufactures—artificially stimulated by the War of 1812, maintained by the post-war protective tariff, and carried to notable dimensions in the late twenties—had created on the one hand a special interest that depended upon legislative favors and on the other hand a wage-earning class upon which shrewd city politicians brought their organizing genius to bear. In the new Western states the conditions of pioneer life were reflected in political equality. There the democratic faith expressed itself aggressively, through a somewhat extravagant and dogmatic creed; and it bred a profound distrust both of the old landed aristocracy—the patroons of New York, the planters of Virginia—and of the Eastern bankers who took toll from the mortgaged farms. In the South "cotton was king." The almost unlimited demand for cot-

[1] In Massachusetts eight Federalist electors (including John Adams) voted for him. A solitary elector, in New Hampshire, distrusting Monroe, deprived him of the honor of a unanimous vote. Stanwood, *op. cit.*, p. 118.

[2] The exceptions were: Rhode Island, New Jersey, Virginia, and North Carolina. See Chap. I.

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ton, coming in the wake of mechanical inventions, had led to the establishment of great plantations worked by slave labor and had persuaded the South that slavery was essential to its prosperity. Southerners no longer condoned their "domestic institution"; they resented any criticism of it. Reaching out for more slave territory, they came into collision with the free farmers of the West. After the Missouri Compromise of 1820 they sought to safeguard the future, first, by maintaining a balance of slave and free states in the Senate and, second, by insisting upon a strict construction of the powers of Congress. But the South, though united in the defence of slavery, did not present otherwise an unbroken front in national politics. Equalitarian doctrines, which the small farmers found attractive, had no place in the philosophy of the capitalist slave-owners.

Jackson and the new Democratic party

In this period of democratic ferment the masses found a leader in Andrew Jackson of Tennessee. This striking figure, inflexible in will, positive and sincere in opinion, loyal and sympathetic in his relations with friends, had won renown as a military commander and yet retained all the simplicity of his humble origin. He became the idol of the common people, to whom his very faults, his domineering and combative disposition, seemed only to endear him. On his side Jackson identified himself fully with the popular cause. When the House of Representatives chose John Quincy Adams president in 1825, the electoral vote having been inconclusive, he felt that the people as well as himself had been defrauded. The election of Adams thus created a lasting schism in the Republican ranks. Jackson's adjutants organized the Democratic party that carried him to the White House in 1829 and again in 1833. The organization was of the type with which we are familiar to-day: the old order of aristocratic leadership had passed; professional politicians displaced the amateurs of independent fortune and depended for their reward upon the spoils of public office. Jackson visualized the party conflict as arraying "the democracy of numbers" against "the monied aristocracy of the few"; and there is a measure of truth in his observation. He "had succeeded in repeating Jefferson's achievement," says Professor Holcombe,[1] "by attracting the majority of the grain growers into a combination of interests in which they, under Jackson as in the time of Jefferson, formed the principal ingredient." In the South, where the small planters as well as the farmers of the

[1] *The Political Parties of To-day*, p. 84.

backhill country enlisted under Jackson, the Democratic party found its steadiest support. Kentucky (except in 1832) and Tennessee, however, lay outside the Democratic orbit.

The National Republican party

Meanwhile an opposition party had been forming. The supporters of Adams and Clay took the name of National Republicans[1] and, gathering strength as the character of the Democratic administration revealed itself, nominated Clay for the presidency in 1832. Sure of his ground as a tribune of the people, Jackson had proved an autocratic president; he had made war upon the bank, quarrelled with the Senate, ignored the decisions of the Supreme Court, and delivered the civil service over to the spoilsmen. The platform of the National Republicans condemned these proceedings and also announced its advocacy of "an adequate protection of American industry" and "a uniform system of internal improvements."[2] Clay's popular vote was more than three-fourths as large as Jackson's, but his electoral vote only 49 to 219. It is significant that, aside from his home state of Kentucky, he won his victories in the old Federalist strongholds—Massachusetts, Rhode Island, Connecticut, and Delaware.[3] He lost New Jersey by only 463 popular votes. The remnants of the old Federalist party had gathered under the National Republican banner.[4]

The Whig party

In the spring of 1834 the National Republicans combined with other elements to form the Whig party. The new Whigs, like their English and colonial prototypes, banded together against what Clay described as "an alarming extension of executive power and prerogative." Jackson's conduct in vetoing the bank bill before the election and in withdrawing the government deposits a year later had confirmed the monied interests in their opposition. His vigorous reply to nullification in South Carolina had provoked a bitter resentment; and it was on that issue that the capitalist slaveowners, the great tobacco and cotton planters of the South, entered the Whig party.[5] At the same time the position of the party was

[1] The earliest mention of the party name by the newspapers occurred in 1829. D. R. Fox, *The Decline of Aristocracy in the Politics of New York* (1919), p. 360.

[2] Stanwood, *op. cit.*, p. 158.

[3] Maryland was divided, as it had been in the Federalist period and in the elections of 1824 and 1828.

[4] As to the survival of Federalism through the Era of Good Feeling see Fox, *op. cit.*, p. 329, and G. D. Luetscher, *Early Political Machinery in the United States* (1903), p. 150.

[5] Holcombe, *op. cit.*, p. 149; also pp. 145-146.

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strengthened in the Northeast by the adhesion of many Anti-Masons,[1] among them being small farmers in New York and Vermont who might otherwise have been Democratic. The Whigs dominated the New England States except Maine and New Hampshire, the Middle States of New Jersey and Delaware, and the border states of Maryland, Kentucky, and Tennessee. In what is now called the Solid South they carried four states for their presidential candidate in 1840 and 1848, one in 1836 and 1844, and none in 1852.[2] With regard to the grain-growers Professor Holcombe expresses the opinion that "the greater confidence of the Western pioneers and of the settlers in the back country from Maine to Texas in the policy of Jacksonian Democracy was justified by the conditions of the time. . . . The policies of the Democrats, especially their land policies, were undoubtedly better suited to the needs of the small farmers in most sections of the country than those of the Whigs."[3] Nevertheless, the agrarian class was not altogether certain on which side its economic interests lay. The Whig party represented itself as offering better credit facilities through the bank and better market facilities through the development of domestic manufactures and through the building of roads and canals. In 1840, with the log-cabin candidate, W. H. Harrison, they managed to carry the frontier states of Indiana, Ohio, and Michigan.

Whig and Democratic policies

The Whig party took shape as a combination of sectional interests. In that it resembled all the other major parties in our history. But the Whig combination had less coherence, less organic unity than the Democratic. The various elements—Northern, Southern, and Western—had drawn together on no more definite ground than opposition to the Democrats. In particular, the great planters of the South, though by no means attracted toward an alliance with Jackson's pioneers and artisans, looked askance at the policies of protection and internal improvements, which the

[1] See Chap. VII.

[2] In 1836, Georgia; in 1840, North Carolina, Georgia, Mississippi, Louisiana; in 1844, North Carolina; in 1848, North Carolina, Georgia, Louisiana, Florida.

[3] *Op. cit.*, p. 152. The Democrats advocated cash payment for land, which reduced unhealthy speculation; aggressive westward expansion, which tended to keep down the price of land and facilitate settlement; and a revenue tariff, which stimulated the demand for agricultural produce more directly than the development of hot-housed manufactures could have done. Opposition to internal improvements stood in the way of higher taxes and a higher cost of living. *Ibid.*, p. 153.

Northern Whigs favored. The party found it difficult to pledge its somewhat discordant following to a positive program. Only once did it nominate a presidential candidate (Henry Clay in 1844) who had won recognition as a party leader and whose stand on public questions was known. Harrison (1840), Taylor (1848), and Scott (1852), were "military heroes" standing outside politics.[1] The Whigs managed to elect the first two of these, after campaigns which enveloped political issues in obscurity.[2] Only twice did they venture to formulate a platform—in 1844 and 1852.[3] They abandoned their advocacy of a national bank after Tyler—succeeding to the presidency on the death of Harrison—had twice thwarted them with his veto. They became vague and cautious on the subject of a protective tariff after Tyler had vetoed the bill of 1842. They ignored internal improvements in the platform of 1844 and contented themselves with indefinite, guarded phrases in the platform of 1852. Turning now to the Democratic party, we find its creed almost entirely negative. In successive platforms it declared that justice and sound policy condemned a protective tariff and that Congress had no power to set up a national bank or to undertake internal improvements. It insisted that the powers of the federal government should be strictly construed, this attitude squaring with the interests of the slave-holding South and, less conclusively, with the interests of the pioneer West. On the positive side it advocated the sub-treasury system as an alternative to the bank and also territorial expansion—"the re-occupation of Oregon and the re-annexation of Texas." On the subject of slavery it maintained, from 1840, an unequivocal position.

Slavery: the Compromise of 1850

The Missouri Compromise of 1820 had, for the time being, taken the slavery question out of politics. In the thirties, however, Northern abolitionists organized the American Anti-Slavery Society and began to assail the "peculiar institution" of the South with the zeal of fanatics. In 1839 the Liberty

[1] In 1836 the party made no nomination, but ran local favorites, in the vain hope that the Democrats would be prevented from getting a majority in the electoral college and that the election would thus rest with the House of Representatives.

[2] They fared badly in Congress, controlling the House for only six of twenty years (1841-3 and 1847-51) and the Senate for only four (1841-5).

[3] The so-called platform of 1848 merely eulogized the candidate (Taylor) and insisted that, if he had voted in 1844, he would have voted the Whig ticket. See Kirk H. Porter, *National Party Platforms* (1924), pp. 15, 25, and 36.

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party was formed.[1] This agitation, which the South met with bitter resentment, threatened to array one section of the country against the other. The Whigs ignored it. The Democrats, more sensitive to Southern opinion because more strongly entrenched below the Mason and Dixon line, adopted in 1840 and repeated in successive platforms a declaration that Congress had no power to interfere with the domestic institutions of the several states and that abolitionist propaganda endangered the stability and permanence of the Union. The Democrats also precipitated the war with Mexico. That war, revealing as it did the aggressive spirit of the Southern planters and their determination to extend the area of slavery as a means of increasing their political power, brought new recruits to the anti-slavery ranks. Over the future status—slave or free—of the territory ceded by Mexico a heated controversy arose. Sectional interests clashed, and came near to a disastrous rupture. It was the national parties that averted catastrophe. The slavery question cut across party lines. As Whigs and Democrats alike could take no extreme position without losing the support of their Northern or Southern wing, as the case might be, they sought a solution in compromise. The Compromise of 1850 was intended to drive the slavery question out of politics for good and all. In the platforms of 1852 both parties endorsed it and deprecated any future attempt to reopen the controversy. The Whig candidate was defeated by 254 electoral votes to 42; but he lost New York and several other states by a slender margin [2] and received 1,386,000 popular votes as against 1,601,000 for his Democratic opponent.

Republicans and Democrats [3]

The Kansas-Nebraska Bill

The Whig party was not destroyed by the election of 1852. Nor is there any ground for believing that a clear-cut declaration against slavery would have been to its advantage. Such a declaration would have alienated its whole following in the South and, as the small Free Soil vote in 1852 seems to demonstrate, brought no corresponding increase of support in the North. Public opinion accepted the settlement of 1850. What wrecked the Whig party

[1] See Chap. VII.

[2] Delaware by 25 votes, North Carolina by 700, and Connecticut by 900.

[3] The only serious study of this period is Arthur N. Holcombe's *The Political Parties of To-day* (1924).

and led to the forming of new political combinations was the sudden repudiation of that settlement in 1854, the passage of the Kansas-Nebraska bill, which repealed the Missouri Compromise, obliterated the line 36′ 30″ as a bar to the advance of slavery northwards in the Louisiana purchase, and led to a fierce and sanguinary struggle between the free-soilers and the slave-power for the possession of Kansas. The Pierce administration, though deserted by half the Democratic representatives from the North, carried the bill through Congress with the help of the Southern Whigs. There was consternation in the North. The small farmers were influenced by something more tangible than resentment over the violation of a solemn pledge. "They knew that free labor and slave labor did not flourish side by side," says Professor Holcombe.[1] "They knew that the dedication of the Northwestern territories, or any part of them, to slavery meant so much less land for themselves. Douglas' measure seemed to them nothing short of an attempt to deprive them of a portion of their birthright."

Formation of the Republican party

It was among the farmers of the Northwest that popular conventions, held during the summer of 1854, brought the Republican party into being. The new party had from the outset a marked agrarian bias. North of the Ohio and the Mason and Dixon line it detached a majority of the small farmers from their Democratic allegiance.[2] Into the Republican combination, as a second strong element, came most of the Northern Whigs. They grafted on the agrarian sympathies of the party a benevolent attitude towards the rising corporate interests and made the old Whig policies a prominent feature of Republican platforms. The combination also included Free Soilers and abolitionists. The former gave the party its doctrine of free homesteads and resistance to the extension of slavery; the latter gave it moral earnestness and a radical spirit. The first Republican platform—that of 1856—denied "the authority of Congress, of a territorial legislature, of any individual, or association of individuals to give legal existence to slavery in

[1] *Ibid.*, p. 158.

[2] Inherited political associations did not give way easily, however. For example, emigrants from the South who had settled in Illinois and Indiana had a different point of view from settlers of New England origin; with them the old ties prevailed. Moreover, the Republican party, having taken a position hostile to the dominant interests of the South, could not carry its platform, as Douglas said, across the Ohio River. Even in the border states it won no recruits before the outbreak of the Civil War.

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any territory" and at the same time declared that Congress was imperatively bound "to prohibit in the territories those twin relics of barbarism—Polygamy and Slavery." It also advocated the improvement of rivers and harbors and the building, with federal aid, of a transcontinental railroad. Two other important planks were added four years later, one advocating a homestead law, the other (in ambiguous language) a protective tariff. In an expressive phrase, having in mind the alliance between Western farmers and Eastern capitalists, Professor Beard has described the Republican party as "a homestead and protective tariff party, standing for the exclusion of slavery from the territories."[1]

Election of Lincoln

In the presidential election of 1856 the Democratic candidate, Buchanan, received 174 electoral votes; the Republican candidate, Frémont, 114. While the Democrats carried five of the sixteen free states, the Republicans developed no strength whatever south of the Mason and Dixon line. Their aggregate popular vote in that region fell below 1,200 and showed conclusively the sectional character of the party. Such was the preponderance of the free states in the electoral college, however, that in 1860 Lincoln, losing only New Jersey in the North,[2] secured a majority of fifty-seven over the combined electoral vote of his three opponents. The secession of eleven Southern states followed. It was not the election of Lincoln that dictated their course; as both houses of Congress were under Democratic control, the administration could make no effective move against slavery. The danger of the South lay in the fact that the Democratic party, which in 1860 had split into sectional factions, could no longer be relied upon as the instrument of the slave-holding interests.[3] The Northern wing held to a middle position; neither pro-slavery nor anti-slavery, it faced the crisis in a spirit of compromise.

First period of Republican supremacy

The secession of the South gave the Republicans a majority in both houses of Congress. Now began a period of Republican supremacy that lasted fourteen years, the period of Civil War and Reconstruction. Driven by the force of circumstances, the party extended federal powers to a point never contemplated by Federalists or Whigs. It raised armies by conscription, suspended the

[1] *American Government and Politics* (4th ed., 1924), p. 139.

[2] Even in that state the "scratching" of candidates on the fusion Democratic ticket gave him four of the seven electors. Lincoln's popular vote fell behind the aggregate for his three opponents by one million. He had, however, a clear majority in fifteen free states and a plurality in two others.

[3] Holcombe, pp. 177-178.

writ of habeas corpus, emancipated the slaves. Its strength lay not only in the fervent patriotism that the war engendered, but also in the interested support of capitalists, who fattened on army contracts, on the high protective tariff, and on enterprises undertaken or subsidized by the government. If the party had adhered to the policy that Lincoln formulated in the first year of the war, if it had subordinated the slavery issue to the saving of the Union, the Democratic opposition might have melted away. But the party did in fact become abolitionist; the platform of 1864 demanded the complete extirpation of slavery from the soil of the Republic. Under the circumstances, believing as they did that the Union could be saved by a policy of compromise, the Democrats kept their lines intact and, as advocates of an immediate cessation of hostilities, polled in 1864 a little more than forty-four per cent of the popular vote. With the whole force of war patriotism against them, they won three states and came close to winning others. It was not unreasonable to assume the likelihood of their return to power when once the reaction of peace-time had set in and the seceding states had been restored to the Union. The Republican party read the portents. By fastening negro suffrage upon the South it sought to perpetuate its supremacy. The election of 1872, which, by means of negro votes, gave the party eight of the eleven recovered states, seemed to justify Republican expectations and reduce the Democrats to a position of hopeless inferiority.

Democratic victory of 1874

Two years later, however, an overwhelming defeat in the congressional elections brought the period of Republican supremacy to a close. The next period, lasting from 1875 to 1897, is marked by a balance of political forces. As the Republicans held the Senate for eighteen years and the Democrats held the House for sixteen, each could as a rule exercise a legislative veto. The Democrats only for one brief interval (1893-5) and the Republicans only for two (1881-83, 1889-91) established that simultaneous control of the presidency and both houses of Congress which is essential to positive party achievement. The presidential elections were closely contested. Four out of five times the Democrats obtained a majority or a plurality of the popular vote.[1] They elected Grover Cleveland in 1884 and 1892 and may have been justified in believing that a fraudulent count of electoral votes defeated Samuel J. Tilden in 1876. Such demonstrations of strength, extending

[1] The Republican plurality in 1880 was only 9,500.

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through two decades, make it clear that a new and persistent factor had entered the political situation.

Creation of the Solid South

That factor was the Solid South. In ten of the eleven states that had formed the Southern confederacy[1] the whites reëstablished their ascendancy and nullified the Fifteenth Amendment. The negro gradually faded out of Southern politics. His elimination was completed by the withdrawal of the last federal troops in 1877. From that time the white element, closing their ranks in the face of a great social menace, identified themselves almost exclusively with the Democratic party[2] and, irrespective of candidates or platform, delivered a solid block of Democratic electoral votes in every presidential year. The very fact that their support could be counted on tended to deprive them of anything more than a negative influence, a veto power, in shaping the party policies and selecting its candidates. On the other hand, whenever the party controlled Congress, the South was in the saddle; long service gave its members the posts of vantage, such as the committee chairmanships, and therefore responsibility for carrying out the pledges of the platform. Along with the Solid South came the border states, influenced largely by sentiment and tradition. Down to 1896 all five border states were Democratic in presidential elections. Thus, taking the electoral college as it was in 1880, when 185 votes constituted a majority, the Democrats started with 83 from the South and 52 from the border states. They needed fifty more. These could most readily be obtained in two regions: either in the Central States (Ohio, Illinois, and Indiana), the Southern parts of which had been settled by emigrants from the slave states; or in the Middle States, barring the Republican stronghold of Pennsylvania. The Democrats were stronger in the latter region, carrying Delaware and New Jersey in every presidential election down to 1896 and New York in 1876, 1884, and 1892.[3] For that reason they preferred a New Yorker as their candidate and became

[1] For reasons given in a note on page 30 Tennessee is not included in the Solid South. It is a "border state."

[2] Except during the Populist epidemic of the nineties. From time to time a solitary Republican congressman has been elected in Virginia or North Carolina, where the Republican party has developed some strength. Latterly one Texas district has gone Republican. In 1924 Coolidge carried 13 of 123 counties in Virginia, 21 of 100 in North Carolina. See Professor A. W. Macmahon's table, *Political Science Quarterly*, Vol. XL (March, 1925), p. 54.

[3] As to the Central States, Illinois went Democratic in 1892; Indiana, in 1876, 1884, and 1892. Ohio remained steadfastly Republican.

more responsive to financial interests than the party had been before the Civil War. The Republican party, though predominantly agrarian, depended upon the business community of the Northeast to compensate it for the loss of the rural South. For both parties it required some ingenuity to devise policies that would satisfy one element in the combination of interests without offending another.

Party issues, 1875-1897: (1) railroad and trust regulation

The chief questions upon which the parties had to define their attitude concerned the railroads, the trusts, the tariff, and the currency. Each of these questions was bound up with economic changes of far-reaching consequence. The frontier had been pushed steadily westwards until there ceased to be a frontier; the homestead lands had been occupied, the natural resources of the country appropriated to private use. In difficult times, when agricultural prices fell and the burden of debt became oppressive, Western farmers complained loudly of their subjection to the Eastern money-power. In the East commercial and industrial enterprises were being transformed by consolidation into larger and larger units. The more powerful among them stifled competition by ruthless warfare or secret agreements. Hampered by few statutory restrictions and always prepared to buy political immunity, they imposed arbitrary charges upon the consumer; and at last the consumer's exasperation found vent in the protests of organized agrarian groups and of minor parties.[1] But the problem of the railroads and the trusts was mainly a sectional problem. It marshalled the agrarian interests of the West and South against the business interests of the Northeast; and neither of the great parties could make war upon those business interests without disrupting the combination upon which its hopes of victory rested. The politicians resorted, therefore, to compromise. Republican and Democratic votes carried through Congress the Interstate Commerce Act of 1887 and the Sherman Anti-trust Act of 1890, which conceded enough to soothe the malcontents and withheld enough to quiet the apprehensions of big business.

(2) The tariff

The tariff also presented difficulties. Down to 1887, when President Cleveland forced it to the front as the paramount issue, the parties had defined their views with circumspection. The Democratic party qualified its advocacy of a revenue tariff, in 1884, with a reference to the lower costs of production abroad and the necessity of protecting American labor; in the same year the

[1] For the Greenback and Populist parties see Chap. VII.

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Republican party, which had carried the rates to an unprecedented level during the Civil War, promised to reduce them, a pledge that was worded so ingeniously, however, that James G. Blaine, the presidential candidate, could boldly stress protection as the campaign issue. The question was a complicated one. In its major aspect the tariff taxed the consumer for the advantage of the manufacturer. The Republicans, anxious to win New York and to maintain their predominance in New England and Pennsylvania, naturally favored the manufacturing interests. At the same time they took the greatest pains to convince factory workers, whose viewpoint might have been influenced by high prices rather than by high wages, that the tariff was designed for their particular benefit. But if capitalist and proletarian both gained by the arrangement, the burden must fall upon the farmer. Doubtless it did; no farm product could be affected favorably by import duties unless, like wool and sugar, it was insufficient in amount to meet the American demand and had to face competition from abroad. Republican politicians, therefore, like the Whig politicians before them, took refuge in the argument that protection created a domestic market for agricultural products of all kinds. It was Cleveland's vigorous attack upon the protective system as "vicious, illegal, and inequitable" that made the Republicans "uncompromisingly" its champions in 1888. The Democratic party, hitherto restrained by the fear of severing its connections with the business world in the metropolitan areas of New York and New Jersey, now reëchoed the words of its leader. In 1892 it not only denounced Republican protection as a fraud and a robbery, but also declared that "the federal government has no constitutional power to impose and collect tariff duties, except for the purposes of revenue only." The issue was now joined. The Republicans, coming into full control of the government, raised duties still higher by the McKinley Act of 1890; four years later the Democrats reduced them by the Wilson Act;[1] and at the close of the period, as the momentous campaign of 1896 got under way, these divergent positions were reaffirmed. It was not the tariff, however,

[1] The Wilson bill as it passed the House conformed more or less with the party pledges. But in the Senate it was transformed into a mildly protective measure; for example, duties were imposed on raw sugar for the benefit of the Louisiana planters and on refined sugar for the benefit of the sugar trust. Cleveland, denouncing this sacrifice of principle as party perfidy and party dishonor, allowed the measure to become law without his signature.

but the money question that set new political forces in motion and drove the Democratic party into the wilderness.

(3) The money question

The money question, in varying aspects, agitated the country for a generation after the close of the Civil War. In the seventies the farmers of the West and South, impoverished by the fall in prices that followed the panic of 1873, demanded an increase in the supply of paper money. Inflation, they knew, would have the effect of reducing the burden of mortgages and relieving them of tribute to the Eastern financiers. The issue between sound money and paper money, therefore, was sectional in character. The major parties, whose chief concern was to reconcile rather than emphasize sectional cleavages, resorted to evasion and kept the issue in abeyance. In the nineties the inflationists demanded the free coinage of silver. Accepting the propaganda of the mining interests in the Mountain States, they maintained that the single gold standard was the instrument of the rich for the robbery of debtors and the exploitation of the toiling masses. Once more the major parties hedged. Agrarian discontent found expression through the Populist party, which in 1892 carried five Western states[2] and made inroads upon the Democratic preserves in the Solid South. Populism made converts far more readily among Democrats than among Republicans. For a time the Democratic party, though threatened with annihilation in the West and challenged for the first time in the Solid South, hesitated to declare for free silver; its financial and commercial supporters in New York city revered the gold standard. Then came the panic of 1893, accentuating agricultural grievances. A political avalanche blotted out the Democratic majority in both houses of Congress. Indeed, the Democratic party retained control of hardly a dozen Congressional districts outside of the South. It seemed, in the face of this crushing defeat, that the party must shift its ground and discover some more reliable combination of sectional interests. The party became in 1896 a farmer-labor party.

Its effect on the Democrat party

The Democratic convention of 1896 was controlled by Southern and Western influences. There was a free-silver majority of three hundred. When William Jennings Bryan reached the close of his eloquent plea for bimetallism, identifying an economic crusade with "the cause of humanity," vibrant class feeling broke loose in scenes of unrestrained enthusiasm. "Having behind us the pro-

[2] Kansas, North Dakota, Colorado, Idaho, and Nevada.

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ducing masses of this nation and the world, the laboring interests, and the toilers everywhere," Bryan exclaimed, "we will answer their demand for a gold standard by saying to them: You shall not press down upon the brow of labor this crown of thorns—you shall not crucify mankind upon a cross of gold!" The phrases are significant; they carry the tone that was imparted to the whole Democratic platform; they reflect a solicitude for the exploited classes everywhere, for the men of the factory as well as the men of the farm. The platform denounced the income-tax decision of the Supreme Court, which relieved the rich from bearing their due proportion of the public burdens; the interference of the federal government in the Pullman strike; and the McKinley tariff, which had proved "a prolific breeder of trusts and monopolies" and "enriched the few at the expense of the many." It insisted that labor, which "creates the wealth of the country," should be protected in all its rights. There was no trace of hesitation or ambiguity or compromise. The Democratic party had emerged in a new character, isolating itself from the commercial and financial interests of New York and looking for compensation among the Western farmers and the proletariat of the East.

The new alignment of 1896

"Against the people in this campaign," said the chairman of the Democratic national committee, "are arrayed the consolidated forces of wealth and corporate power. The classes which have grown fat by reason of federal legislation and the single gold standard have combined to fasten their fetters still more firmly upon the people." With its policies of sound money and protection the Republican party seemed to range itself on the side of vested property interests.

Its effects: Democratic disintegration

The disastrous failure of the new Democratic strategy was not so apparent in 1896 as it became later on. Bryan won ten states that Cleveland had lost and lost ten states that Cleveland had won. He made substantial gains for his party in the West. He carried three of the four West Central States, all six of the Mountain States, and Washington on the Pacific coast. But the attempt to consolidate the agrarian interests, as Jefferson and Jackson had done, met with no success in the Central and North Central States. In the East the appeal to the urban wage-earners failed utterly. Delaware and New Jersey, which had been Democratic in presidential years throughout the previous period, now attached themselves permanently to the Republican combination;

so did New York, which hitherto had been doubtful territory.[1] Still more serious as a symptom of impending collapse was the desertion of three border states—Maryland, West Virginia, and Kentucky. As the frontier West relapsed to Republicanism in later campaigns, it seemed that the Democratic party was destined to be driven back upon the Solid South. In 1900 free silver, though politely mentioned in the platform was subordinated to "Imperialism" as the paramount issue. Bryan's vote, both popular and electoral, declined; and although he regained Kentucky, he lost all his Western conquests but Colorado, Idaho, Montana, and Nevada. After this second defeat the Gold Democrats of the East once more made their influence felt in the party organization and, nominating a conservative New Yorker in 1904, sought to restore the political alignment that Bryan and free silver had wrecked. The undertaking failed. Judge Parker received only 140 of the 476 electoral votes and, aside from the Solid South, carried only Maryland, Kentucky, and Tennessee. In his final campaign of 1908 Bryan found no very convincing issue. The platform took an explicit position regarding the tariff, the trusts, and the railroads; but its fling at "favor-seeking corporations" and its denunciation of the Republican party as "the party of privilege and private monopoly" seemed no more than a pale echo of the shibboleths of 1896. Bryan's vote fell below the figure of that year—his popular vote by 100,000 and his electoral vote by 14. He carried only three Western states—Nebraska, Colorado, and Nevada.

Composition of the Democratic party

The outlook for the future might well seem gloomy. The Democratic combination was evidently far inferior to the Republican in voting power and presented serious obstacles to harmony. It consisted of three chief elements: (1) the Solid South, dominantly agrarian, which might hope to draw a part of the now doubtful border region into its orbit; (2) certain metropolitan areas, such as New York City, Jersey City, and Chicago, where the political machine responded to the direction of business interests; (3) and an indefinite and diminishing part of the rural West, which differed from the South not only in tradition, but—because the staple crops set the tone of economic thought—in political outlook as well.[2] It was not easy to hit on a formula that would reconcile

[1] Except for the election of 1912, when the Republican forces were split by schism and the Democrats won all three states by a mere plurality.

[2] Compare the views that Senator Copeland of New York expressed at a later time (New York *Times*, June 25, 1925): "We have no national Demo-

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these divergent groups. The party rested its hopes on opportunism. Its national campaigns, still more notably than in the eighties and nineties, "assumed the character of political forays and electioneering raids."[1] Although the Populist inheritance still persisted, the necessity of wresting the Middle and Central States from Republican control modified radical enthusiasm and gave the financial magnates of New York a considerable influence in party councils.

Second period of Republican supremacy

Meanwhile, for a period of fourteen years, the Republican party was again supreme in national politics. It controlled the presidency and both houses of Congress. But within the party, now that the center of gravity had shifted from the agrarian interests of the West to the capitalistic interests of the East, the premonitory rumblings of a sectional storm of protest soon became audible. Big business, having fastened itself upon the federal government, had set its face resolutely against radical agitation and had applauded the advice of Mark Hanna that the party should "stand pat" and "let well enough alone." The Western farmers, on the other hand, were making war on big business.

Rise of Western insurgency

They were intent upon driving it out of state politics and breaking its corrupt alliance with local party machines. At the same time they demanded more effective federal regulation of railroads and trusts. They began to complain of tariff rates that raised the cost of agricultural implements and other farm supplies. Discontent and restlessness increased as the party leaders at Washington clung to the stand-pat policy. As long as Roosevelt remained at the White House, however, there was no open rupture between the Western insurgents and the Old Guard. Roosevelt, with his diatribes against "malefactors of great wealth," his vigorous championship of conservation, his prosecution of trusts, and the laws affecting railroad rates, pure foods, and employers' liability which he pushed through Congress, reassured the farmers and wage-earners. Perhaps the "big stick" brought them no very tangible advantages, but it did at least allay the fear of an arbitrary and uncontrollable domination of the party by capitalism.

During the first years of the Taft administration that fear

cratic party. We have a Southern Democratic party, a Western Democratic party, and an Eastern Democratic party. We have an urban and a rural Democracy and a Protestant and a Catholic wing, all working at cross-purposes and clashing where there is a point of contact. We not only must beat the enemy, but we must conquer ourselves."

[1] Holcombe, 196.

Revolt and schism

was reawakened and intensified. Into the details it is not necessary to enter. A series of developments seemed to show that the stand-pat business wing of the party was determined to go its own way without making any concessions to the agrarian wing. The Payne-Aldrich tariff act of 1909 was especially significant. In spite of an "unequivocal" promise in the Republican platform the so-called revision left the high rates practically unchanged and did nothing to satisfy Western grievances. The West showed its exasperation. In the congressional elections of 1910 the Democrats won a majority in the House of Representatives; and the period of Republican supremacy was brought to an end. If the administration had understood better the meaning of this rebuke and shaped its economic policy with a view to conciliating the insurgents, the schism of 1912 could have been averted. Unfortunately, President Taft, with the help of Democratic votes in Congress,[1] proceeded with his plan of reciprocity, a plan that gave manufacturers a freer access to Canadian markets and at the same time exposed the farmers along the entire frontier to Canadian competition. This was a singular, one-sided method of revising the tariff. The insurgents, satisfied that the time for negotiation had passed, took up arms. After all, the prevalent criticism of the major parties as mere traditional groups, distinguished by no opposition of principle or policy and surviving only because of popular inertia, seemed to favor a redistribution of sectional interests.

Character of the Progressive party

The new Progressive party set itself to this task in 1912. It was predominantly an agrarian party, drawing its original impulse from the grain-growers and dairymen of the West and North. It even entertained vague hopes—as the nomination of John M. Parker of Louisiana for the vice-presidency shows—of penetrating the Solid South. But so little immediate advantage did an adventure in that direction offer that the Progressive leaders were forced to seek an alliance outside the range of agricultural interests. They made a bid for the support of the industrial wage-earners. The platform, capitalizing the spirit of revolt that had spread to the factories and mines, advocated a system of social insurance, safety and health standards, workingman's compensation, a minimum wage for women, and various other reforms. It was, in fact, a farmer-labor platform. Roosevelt's crusade differed from

[1] Of course, the agrarian interests of the South had nothing to fear from Canadian competition.

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Bryan's, however, in the consideration that was shown to big business in the tariff and trust planks. It was also a less hopeful enterprise, because Roosevelt could not expect to pick up Democratic states in the South as Bryan had picked up Republican states in the West, and because, aside from the Socialists, he faced two enemies instead of one. In the election Taft, who had been renominated by the Republicans, carried two states (Vermont and Utah); Roosevelt, six (Pennsylvania, Michigan, Minnesota, South Dakota, California, and Washington). The Progressives made their best showing among the grain-growers and dairymen near the Canadian border. On the other hand, like the Democrats of 1896, "they did not secure the expected support among the wage-earners of the Eastern cities. This was the most ominous feature of the election from the standpoint of Progressive leaders. . . . Their failure to capture the industrial centers of the East made the future of their party exceedingly precarious."[1] The effect of the Progressive revolt was merely to divide the Republicans into two camps. Taft and Roosevelt together polled 50.5 per cent of the popular vote (as compared with 51.6 per cent for Taft in 1908); Wilson 41.8 per cent, his total falling below the Bryan vote of 1908 by 120,000. It was the Republican schism that made Woodrow Wilson President and gave him a Democratic Congress throughout his first administration.

Election of Woodrow Wilson

Success of the Democratic administration

President Wilson assumed from the outset, and in a most definite fashion, the rôle of party leader. In circumstances of great difficulty he held his congressional forces together and guided them along a strategic route that satisfied agrarian grievances without exasperating the industrial and commercial interests. One after another the pledges of the platform were fulfilled. The country had never experienced such a steady flow of constructive legislation. It was inevitable, of course, that a program of such scope and importance would, in some of its aspects, provoke antagonism. But on the whole President Wilson carried moderate opinion with him. "The farmer and wage-earner," says Professor Holcombe,[2] "might not have obtained all that they desired, but they obtained enough to satisfy their more urgent wants. . . . Business men might have been aggrieved by the failure to heed their wishes as much as they would have liked, but the settlement, at least for a time, of the tariff, currency, and trust problems gave them relief from political agitation. . . ." The im-

[1] Holcombe, pp. 277-278.

[2] *Op. cit.*, p. 287.

pressive achievements of the Democratic party hurried Progressives and Republicans towards reconciliation and in great measure restored the unity of the Republican combination by the opening of the 1916 campaign. In that campaign attention centered upon the foreign rather than upon the domestic policy of the administration. Here too, faced by the embarrassing problems of the World War, the President had pursued a middle course that suited the country as a whole and made it difficult for the Republican managers to devise an effective attack. Wilson had kept the country out of war. Of what the Republicans would do the uncertain tone of the Hughes campaign gave no indication.

The election of 1916

Wilson was reëlected by an electoral vote of 277 to 254;[1] he had a popular plurality of 600,000 over Hughes. The election was exceedingly close; and if the Progressive element in California had been treated with more consideration, Hughes would have won by three electoral votes. "In general," says Professor Ogg,[2] "Hughes carried the East and Middle West; Wilson the South and far West. . . . Broadly speaking, the alignment was town against country, agriculture against industry; and the Democrats were saved from complete defeat only by their inroads upon Republican strength among the farming population of the newer states." Wilson was supported by many Progressives who still harbored the sore feelings of 1912. His victory was a personal victory, reflecting popular admiration of his leadership. The Democratic party did not fare well in the congressional elections, its majority in the House of Representatives being swept away and the balance of power passing to half a dozen independents. The majority in the Senate was reduced from sixteen to ten.

Republican revival and supremacy

The Republican recovery was still further emphasized in the congressional elections of 1918. The political truce, which had begun when the United States entered the war, came to an end with the collapse of the Central Powers. President Wilson made a direct appeal for the election of a Democratic majority to both houses. High as his popularity stood at that time, however, it did not influence the judgment of the electorate. The Republicans obtained a working majority in the Senate and 238 of 435 seats

[1] Wilson carried the Solid South, all the border states but West Virginia, all the West Central States but South Dakota, all the Mountain States, all the Pacific States but Oregon; and also New Hampshire and Ohio. The Middle and North Central States were solidly Republican.

[2] *National Progress, 1907-1917*, p. 381.

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in the House. "The sectional distribution of members belonging to the two major parties," Professor Holcombe observes,[1] "was almost identical with that which had existed ten years earlier, when the Republicans had not yet been divided by internal dissensions. The only effect of the renewal of partisanship had been to consolidate the two parties upon substantially the same lines as before the Progressive movement began. . . . The sectional interests which constituted the Republican party remained true to the party, notwithstanding the admiration which many individuals must have felt for the unparalleled achievements of Woodrow Wilson." The Republican Senate refused to ratify the Covenant of the League of Nations; and the issue thus created held a principal place in the campaign of 1920. Warren G. Harding, the Republican candidate, received more than sixty per cent of the popular vote and 404 electoral votes as against 127 for the Democratic candidate. The victory was unprecedented. Beyond the confines of the Solid South the Democrats carried, by the smallest of pluralities, the single state of Kentucky. Four years later they lost Kentucky and regained Tennessee and Oklahoma. In spite of the third party movement of 1924, President Coolidge received 54.1 per cent of the popular vote and 382 electoral votes.[2] His party retained control of the Senate by a majority of 14 and of the House by a majority of 59.

Agrarian discontent

With the inauguration of President Harding in 1920 began a third period of Republican supremacy. It soon became apparent that, as in the time of McKinley and Hanna, the direction of the Republican party lay with the business interests. Through the rapid expansion of manufacture, those interests now held a still more favorable position. According to the review of basic industries in the census of 1920 manufactures predominated in seventeen states; in Massachusetts, Rhode Island, Connecticut, and New Jersey less than ten per cent of the people were engaged in agricultural pursuits.[3] Under the circumstances the Republican combination gave ominous signs of incoherence. Discontent flamed once more on the Western prairies, where the collapse of war prices had left the farmers prostrate. In Congress the appearance of the Farm Bloc recalled the sinister course of insurgency in

[1] *Op. cit.*, pp. 299-300.

[2] For an analysis of the election of 1924 see A. W. Macmahon in the *Political Science Quarterly*, Vol. XL (March, 1925), pp. 51-59.

[3] See Holcombe, Chap. III, "The Economic Basis of National Politics."

the previous decade; and Senator La Follette's independent campaign for the presidency in 1924 made the apprehension of schism a reality. Although La Follette's progressive or farmer-labor movement did not survive the election, the dissatisfaction of which it was symptomatic showed little decline. Many farmers and wage-earners cast Democratic ballots in 1926. The Republican majority in the House declined to 36; in the Senate it disappeared. Nominally, the Republicans, retaining exactly half the ninety-six seats, could control the Senate through the casting vote of the vice-president. Actually, the half-dozen insurgent Republicans held the balance of power.

PART III. PARTY ORGANIZATION

CHAPTER IX

DEVELOPMENT OF ORGANIZATION: CAUCUS AND CONVENTION

American parties highly organized

"ORGANIZATION," Bryce observes in his *Modern Democracies*,[1] "is essential for the accomplishment of any purpose, and organization means that each must have his special function or duty, and that all who discharge their several functions must be so guided as to work together. . . . To attempt to govern a country by the votes of the masses left without control would be like attempting to manage a railroad by the votes of uninformed shareholders, or to lay the course of a sailing ship by the votes of the passengers. In a large country especially, the great and increasing complexity of government makes division, subordination, co-ordination, and the concentration of directing power more essential to efficiency than ever before." Political parties seek to mobilize and regiment the vast electorate; they must therefore have their cadres, their hierarchies of commissioned and non-commissioned officers. By a common impulse, whether in England or France or America, they have been forced to devise methods of discipline and set up machinery appropriate to their tasks. Indeed, Americans have displayed in politics, as in business or athletics, a peculiar genius, perhaps an excessive genius, for organization. They have given a logical completeness to their partisan machinery. The somewhat informal conduct of party affairs that marked the period of the Virginia dynasty has given place to an impressive elaboration, with more or less fixed methods and standardized types.

Their organization now regulated by law

The evolution of this machinery forms, as Professor Beard has remarked, one of the most interesting studies in all the history of political institutions. Party activities had, even in their earlier stages of development, essentially a public character, because they were directed toward the control of the personnel and policy of the government. These activities began with the nomination of candidates for public office; they continued with systematic efforts to secure the success of those candidates at the polls; and they

[1] Vol. II, pp. 546-547.

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culminated in a demonstration of party force within the organs of government. With the function of government they had an obvious and intimate relationship. Till late in the nineteenth century, nevertheless, parties were viewed in much the same light as other forms of voluntary private association. They were left outside the domain of law. In time they developed a remarkable power—parallelling the structure of government, entrenching themselves in each political unit from election precinct to nation, seizing upon the legal institutions and determining their tone and tendency. This power, as already pointed out, was abused. Although party organization rested ostensibly upon the will of the rank and file, irresponsible and often corrupt oligarchies established themselves in control; and when the mass of citizens had been roused to a clear understanding of the situation, since the abuses were flagrant, reform took a correspondingly drastic shape. A movement began which in the end, though less completely in the South than in other sections of the country, subjected party practice to legal regulation. To-day, therefore, we must look in large measure to the statute law of the states for a description of the framework of the party machine.

But a knowledge of its historical development useful

The present is seen imperfectly, however, without the light shed upon it by the past; political phenomena as they now stand would be thrown out of perspective if viewed apart from their biological antecedents; and for that reason it is advisable to approach the contemporary arrangements of party organization with some knowledge of the long evolution that lies behind them. One aspect of that evolution, and a very important one, lies outside the scope of the present volume and will not be dealt with at all—party leadership and discipline in legislative bodies. Here attention is directed to the conduct of party affairs relating to nominations and elections.

The Era of the Caucus

Patriotic clubs before the Revolution

Before the advent of democracy there was no highly specialized party organization. The need for it did not exist. Under normal circumstances direction lay in the hands of men whose social position and character gave them a natural ascendancy in a period of restricted voting privileges. But when momentous issues divided the electorate and political passion ran high, the impulse towards concerted action expressed itself in more effective methods

of coöperation. Some years before the Revolution, as the conflict over colonial policy grew more acute, party organization developed. The patriots or Whigs, in combating the Tory supporters of the royal governor, naturally endeavored to lay hold of all elective offices; and, since the first requisite was a concentration of voting strength, the patriotic clubs assumed the function of deciding in advance of the election who the candidates should be.[1] The most famous of these clubs was the North End Caucus of Boston. It was under the influence of Samuel Adams, a prominent member of the Caucus, that, late in 1772, the Boston town-meeting elected a committee of correspondence. This committee became the prototype of similar bodies that spread through the colonies with astonishing rapidity and gave the patriotic party a formidable organization.

Committees of correspondence

The committees of correspondence not only looked after the local party interests and maintained a vigorous propaganda through newspapers and pamphlets, but also, as the name implies, kept in communication with each other, coördinating the party effort by exchange of views and information. Organization became colony-wide. In New Jersey unity of purpose was secured by erecting a hierarchy of committees for townships, counties, and province, as well articulated as the system of committees and delegate conventions that was perfected by Whigs and Democrats three-quarters of a century later. Generally the colonies followed the example of Virginia, where the legislature appointed a committee to observe the course of English colonial policy and correspond with the sister colonies. In the course of the year 1773 the party had established an effective organization in practically all of the thirteen colonies. There was, says Tyler,[2] "a well-constructed and powerful machine set up in each colony, in each county, in each town, and operated with as much skill and will and unscrupulousness as go into the operation of such machines in our own time." But to express common aims and secure common action a central authority was still needed. First the Sons of Liberty in New York, then the legislature of Massachusetts recommended action for which the situation was now ripe. In all the colonies but Georgia delegates were elected to attend a Continental Con-

[1] F. W. Dallinger, *Nominations for Elective Office in the United States* (1897), pp. 7 *et seq.*

[2] M. C. Tyler, "Party of the Loyalists," *Am. Hist. Rev.*, Vol. I (1901), p. 28.

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gress. That Congress, which met in September, 1774, may be regarded as the national convention of the patriotic party; and, carrying out the analogy to present-day politics, the Declaration of Independence constituted the party platform.[1]

Leadership of the rich and well-born

The committees of correspondence, brought into being at a time when opinion was sharply divided and political feeling ran high, disappeared shortly after the outbreak of war. The Continental Congress became the national government; state constitutions were framed; and, now that the patriots controlled the organs of government, partisan rivalry gave place to armed conflict. For two decades or more no party organization existed. There were no parties. It was only in the closing years of the century that the cleavage between Federalists and Republicans, which first manifested itself in Congress, took definite shape among the voters of the country.[2] In the meantime candidates were self-announced or, more usually, brought forward by a group of influential persons after some sort of "parlor caucus"; and even when mass-meetings were called for the purpose of making local nominations, they, like the Frankish warriors of Charlemagne, probably did no more than ratify the proposals that were laid before them. The voters, themselves a very limited body according to our present democratic notions, accepted as a matter of course the leadership assumed by men of wealth and social prominence, the landed proprietors and members of the learned professions. The Livingstons and Clintons and Schuylers governed New York, as the wealthy planters governed Virginia; and John Adams declared that a few rich merchants could carry any election in Massachusetts.[3] When President Washington, in 1794, denounced the short-lived Democratic Societies, which recalled the committees of correspondence by reason of their spontaneous

[1] "It was a statement of general principles. Its sponsors did not at the time conceive of it as a description of the reality of their situation; it has been in subsequent days that this document has been made to fit a rôle for which it was not intended. The difficulties which have attended attempts to realize some of its pronouncements remind one of the difficulties that frequently attend the transference of campaign pledges into statute law." Edgar E. Robinson, *The Evolution of American Political Parties* (1924), p. 37.

[2] "It is not until the election of 1800 that an alignment of parties among the voters, as among the leaders, became distinct. . . . There were in the twelve years of Federalist government no popular political parties." *Ibid.*, p. 69. This is, however, an overstatement. There most certainly was a "popular" Republican party at least four years earlier.

[3] Henry Jones Ford, *The Rise and Growth of American Politics*, p. 10.

rise as an expression of popular partisanship,[1] his use of the term "self-created" in describing them had a fundamental significance. It implied that the political initiative belonged rightly to the best men, the natural leaders, in particular those who had been elevated to offices of trust.[2] The rich and the well-born looked upon politics as their exclusive preserve; and when formal machinery for the making of nominations was devised, it took color from the circumstances of the time.

Appearance of the legislative caucus

The new machinery bore the name of caucus, a name commonly applied in New England to party meetings which discussed tactics and selected candidates.[3] Its appearance marks the growth of party divisions in the electorate and a recognition of the consequent importance of a preliminary agreement as to candidates. For the outstanding office of governor the nomination must proceed from some central body which possessed the confidence of the voters. The difficulties attending travel at this period discouraged the idea of a special meeting of leaders from different sections of the state. It seemed appropriate that the party members of the legislature, drawn as they were from the dominant political class and already invested with a representative character, should undertake this extra-legal function. The legislative caucus, as the meeting of legislators belonging to each party was called, became a recognized institution in most of the states be-

[1] The Democratic Societies (1793-1794) shared Jefferson's faith in the French Revolution and attacked Washington's foreign policy with great violence. They struck at the existing political order at home by contending for a wider suffrage.

[2] In this sense note the language of the Rutland *Herald* (Oct. 17, 1796): "If a man of New York, Philadelphia, or Paris thinks anything wrong in the government, he either calls a promiscuous mob of people to decide on it by passing resolutions without debate or else he sets about opposing government by secret intrigues, clubs, and cabal. If the Eastern people think anything wrong, they consult their magistrates and old wise men." Quoted by George D. Luetscher, *Early Political Machinery in the United States* (1903), p. 69.

[3] For the derivation of the word "caucus" see M. Ostrogorski, *Democracy and the Organization of Political Parties* (1902), Vol. I, p. 120; and Dallinger, *op. cit.*, note, pp. 7-8. Dallinger observes that "in this country the word, at least in the legislative sense, is in common use everywhere, but as applied to primary meetings of the party voters its use is confined chiefly to New England and those parts of the West dominated by New England influence; elsewhere the institution of the caucus is commonly known by the terms 'primary' or 'primary election.'" In English usage "caucus" refers to the extra-parliamentary organization of parties which made its appearance after the extension of the suffrage in 1867.

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fore the close of the eighteenth century.[1] The caucus selected the candidates for the offices of governor and lieutenant-governor (presidential electors also, unless these were chosen by districts), communicated its choice to the voters in a proclamation which the individual members signed, and made use of corresponding committees to ensure the success of the ticket. In the national field a similar solution was found. There, because of the peculiar method which the constitution prescribed for the election of the president and vice-president and because of the possible inclination of the electors in each state to prefer politicians from their own section of the country, the parties were faced with a serious danger of scattered voting. As the time for Washington's retirement approached, Federalists and Republicans prepared for a contest. In 1796 there seems to have been some previous understanding within each party, perhaps through the medium of a caucus.[2] Certainly in 1800 the Federalist members of House and Senate met in profound secrecy and agreed upon a ticket; and the Republicans, having learned of the meeting and denounced it, themselves held a caucus to select Jefferson's running-mate.

and congressional caucus

During the next quarter of a century the Republicans continued to use the congressional caucus, though without the earlier element of secrecy.[3] The Federalists, after the shattering defeat of 1800, abandoned it and left the selection of tickets in the next three elections to meetings of party leaders.[4] The Republican caucus was careful to disclaim any official authority. It declared in 1808, and made a similar declaration on each subsequent occasion, "that, in making the foregoing recommendation, the members of this meeting have acted only in their individual character as citizens; that they have been induced to adopt this measure from the necessity of the case; from a deep conviction of the

[1] Ostrogorski, *op. cit.*, Vol. II, pp. 10-11. In some states the legislative caucus did not appear till the early years of the nineteenth century (Connecticut, New Hampshire, North Carolina); in Delaware and New Jersey it never gained a foothold. Luetscher, *op. cit.*, p. 107.

[2] Dallinger, *op. cit.*, pp. 13-14; Edward Stanwood, *A History of the Presidency* (1898), p. 44.

[3] No caucus was held in 1820. In 1812, by way of promoting the success of the ticket, the caucus appointed a corresponding committee upon which each state had representation. Ostrogorski, *op. cit.*, Vol. II, p. 15.

[4] Eight states were represented in the meeting of 1808 (Robinson, *op. cit.*, p. 84) and eleven in 1812 (Stanwood, *op. cit.*, p. 101). As to 1812 see J. S. Murdock, "The First National Nominating Convention," *Am. Hist. Rev.*, Vol. I (1901), p. 680.

importance of union to Republicans in all parts of the United States . . .; and as being the most practicable mode of consulting and respecting the interests and wishes of all. . . ." Whatever force the caucus wielded sprang, not from any formal investiture by the voters of the party, but from the character of the men who composed it. "They represented in the capital of the Union," Ostrogorski says,[1] "the same social and political element, and in a still higher degree, which the members of the legislative caucus represented in the States, that is, the leadership of the natural chiefs, whose authority was still admitted and tacitly acknowledged. . . . [The people] still took its orders from the men who impressed it by their superiority and who naturally formed a somewhat exclusive and intimate circle." The same condition existed in English politics till near the close of the last century.

Merits of the caucus

The caucus, legislative and congressional, possessed solid merits and was, from almost every standpoint, superior to the delegate convention that superseded it.[2] Its members, familiar with the business of government, were much better equipped than the voters to appreciate the qualifications that high executive office demanded; they had, as a senator contended in 1824,[3] "better opportunities of knowing the character and talents of the several candidates than those who have never seen them and acted with them"; and, holding public office, they could not, like delegates to a party convention that dissolves as soon as its work is accomplished, escape responsibility for their decision. In this and other respects the caucus was, as Calhoun admitted twenty years after he had borne a hand in overthrowing it, "all that could be de-

[1] *Op. cit.*, Vol. II, pp. 17-18.

[2] In 1844 Calhoun wrote (*Works*, Vol. VI, p. 249): "Objectionable as I think a congressional caucus for nominating a President, it is in my opinion far less so than a convention constituted as is proposed. The former had indeed many things to recommend it. Its members . . . were the immediate organs of the State Legislatures or the people; were responsible to them, respectively, and were for the most part of high character, standing, or talents. They voted *per capita;* and, what is very important, they represented fairly the relative strength of the party in their respective states. In all these important particulars it was all that could be desired of a nominating body . . . I, acting with General Jackson and most of the leaders of the party at that time, contributed to put it down, because we believed it to be liable to be acted upon and influenced by the patronage of government—an objection far more applicable to a convention . . ."

[3] Quoted by Ostrogorski, Vol. II, p. 33.

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sired for a nominating body." Not least among the advantages of the system was its tendency to confine the nominations to men of ripe political experience and of known opinion on public questions, men, furthermore, whose acquaintance with the temper and methods of the legislature would encourage harmonious relations between the two coördinate branches of the government.

The Convention System

Appearance of county delegate convention

But even while the caucus flourished, the instrument that eventually supplanted it was being forged in the Middle States. This was the delegate convention. It began to take shape, in the opening years of the nineteenth century, for the purposes of county nominations (delegates being elected in the party primaries of each township). The development occurred mainly in the Middle States, not only because there the county was the unit of legislative elections[1] and the parties came into sharp conflict, but also because in the South the township-county system—so favorable to the new machinery—did not exist and because in New England the county had no specific electoral function outside of Massachusetts. The new principle, once firmly established in the counties, spread to larger areas. In New Jersey and Delaware, where the legislative caucus had never been introduced, the state convention appeared much earlier than in other states, by 1804 in New Jersey and perhaps at about the same time in Delaware. It was the Republicans who fathered the new scheme of party organization. Seeing the advantage which their opponents drew from the possession of office and patronage as well as from the control of the chief newspapers of the country, they found an offset to this preponderance by regimenting the voters and advancing to the attack in mass formation. The Federalists still relied upon the guidance of the rich and the well-born; they condemned the new electoral tactics. "Combinations of men for several years past have governed the elections in New Jersey," a party organ observed in 1806.[2] "They have organized bodies in different counties, have constitutions, and meet at appointed times fixed by

and, in two middle states, of the state convention

Federalists oppose the new machinery

[1] For both houses in New Jersey and Delaware. Moreover, county officers were chosen by the people except in New York where, perhaps for that reason, county conventions were of rare occurrence in the first decade of the nineteenth century. Luetscher, *op. cit.*, p. 4.

[2] *Ibid.*, p. 142.

themselves, and vote for people to be put in nomination, as if they, and they alone, had a right of deciding who should and who should not be voted for by the people. . . . It is time to discountenance such proceedings." The only state convention that the Federalists held in New Jersey met in 1814, not to make nominations, but to devise means "to rid us of this unnecessary and ruinous war." In Delaware, on the other hand, where the parties were of nearly equal strength, the Federalist organization duplicated that of the Republicans; and it is highly significant that in that state alone the party lines were kept intact until the rise of the National Republicans.[1] The collapse of the party outside of Delaware has been attributed in part to its disinclination or inability to organize the electorate. Hamilton, after the defeat of 1800, wondered "whether it be possible for us to succeed without in some degree employing the weapons which have been employed against us." He proceeded to formulate a plan of councils and societies, clubs and academies (with professors to instruct artisans in the principles of mechanics and the elements of chemistry), but a plan so fantastic that its failure to evoke enthusiasm among aristocratic leaders, who looked askance at popular organization of any kind, need occasion no surprise.

But democratic impulse favors it

The course of events justified Hamilton's forebodings, however. The democratic ferment of the twenties—expressed not only in the region of ideas, but also in the abolition of suffrage tests and in the collapse of aristocratic leadership, gave a vigorous impulse to organization. The Middle States had already provided a model in their county nominating machinery. The new race of politicians that appeared on the crest of the rising democratic tide, the dexterous managers of local politics, pressed forward to attack the legislative caucus, which still bore an aristocratic taint and which they could not easily control. They condemned it not only as aristocratic, but as corrupted by the fraud and chicanery of the interests that sought to manipulate it. In some states the caucus was first "diluted." The fact that, though speaking for the whole party, the caucus left without representation the districts in which the opposite party predominated gave offence to

[1] *Ibid.*, p. 150. The Delaware *Gazette* of August 25, 1823, said: "As ours is the only state in which a contest can now be made on the old party grounds, we may be expected to be viewed with intense interest by the citizens in other states."

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sensitive democratic minds; and so the "mixed caucus" appeared, delegates being elected *ad hoc* to fill the gaps. This occurred as early as 1807 in Rhode Island and 1808 in Pennsylvania. "Mixed conventions" sometimes marked a further stage in the gradual transition; in this case—Pennsylvania affords an example in 1817—members of the legislature were permitted to act only in the absence of special delegates from their districts. The "pure" state convention, though long familiar in New Jersey and Delaware, was not permanently established till 1824 in New York, Pennsylvania, and Rhode Island; 1829 in Vermont; and 1832 in Massachusetts and New Hampshire. During the time of Jackson's first administration the convention system had made little headway in the states of the frontier West and still less in the states of the South.[1] The social and economic conditions of the South, where a few thousand rich plantation-owners, drawing the smaller planters and professional men into their orbit, monopolized power, did not encourage party discipline. "The need, therefore, of a party election machinery," says Ostrogorski,[2] "did not make itself felt here to the same extent as in the North and West, and the convention system did not acquire the same importance in the South. There was little of the same formal regularity in it, the lower grades of local conventions, those of counties and of districts, hardly existed at all in practice; . . . the State conventions [when they finally appeared] were more gatherings of leading men, who were brilliant speakers as well, than the product of successive delegations formed according to rule." It was only in the border states of Kentucky and Tennessee that organization reached a full development.

State convention generally established

The delegate convention, regarded as an instrument of democratic control, displaced not only the legislative caucus, but the congressional caucus as well; and the meaning of this momentous change cannot be grasped without some consideration of the underlying causes. During the first quarter of the nineteenth century political conditions had been transformed. That period brought a vast increase in territory, the Louisiana purchase having carried the frontier to the Rockies; a vast increase in popula-

Conditions also favor national organization

[1] Ostrogorski, Vol. II, pp. 53-54 and 115. In Illinois, for instance, the Democrats adopted the convention in a gradual fashion after 1832; and the Whigs, following suit in 1843, felt it necessary to issue a manifesto justifying the departure in practice.

[2] *Op. cit.*, Vol. II, p. 118.

tion, which more than doubled itself; and a vast increase in the electorate, as new states entered the Union with manhood suffrage and old states, one after the other, abolished property qualifications. In the absence of railroads the means of communication between the different sections of this great empire were crude and expensive; newspapers had little circulation beyond the immediate neighborhood; and consequently national opinion was slow in forming. Sectionalism, which found in such circumstances a soil favorable to its growth, received a further impulse as the enfranchised masses chose leaders of their own and thrust aside the compact class that had hitherto directed national politics. Confusion reigned for the moment. But in the course of a few years the country was delivered from the menace of political chaos by the rise of national parties and by the development of party machinery which laid the greatest emphasis upon national unity. The very size of the country and of the electorate required a solution of this kind. It was the improved means of communication—the steamboats, commonly employed upon the rivers and along the coast by 1820, and the railroads, already under construction ten years later—that made possible the firm establishment of national party organization.

Collapse of congressional caucus

The way was cleared for it by the overthrow of the congressional caucus. Criticism of the caucus, which had been heard from the very beginning and which gradually accumulated force, reached a climax before the election of 1824. Andrew Jackson of Tennessee, a fairly typical representative of clamorous young democracy, stood out as the leader, one might say, of the insurgent left wing of the Democratic-Republican party. The shrewd politicians who had identified themselves with his fortunes proceeded to undermine the prestige of the caucus, which the Old Guard of that day dominated, and to destroy its power. As early as 1822 the legislative caucus of Tennessee nominated Jackson for the presidency; and the legislature itself adopted resolutions vehemently condemning the congressional caucus. All over the country popular meetings swelled the volume of disapproval. "The time has now arrived," the citizens of an Ohio county proclaimed,[1] "when the machinations of the *few* to dictate to the *many,* however indirectly applied, will be met with becoming firmness by a people jealous of their rights. . . . The only unexceptional source from which nominations can proceed is the peo-

[1] Ostrogorski, II, note, p. 29.

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ple themselves. To them belongs the right of choosing; and they alone can with propriety take any previous steps." When the congressional caucus met, less than a third of those entitled to take part put in an appearance. Under such circumstances the nomination of William H. Crawford, weakest of the four aspirants to the presidential office, provoked only ridicule or indignation. A month later, during a prolonged and acrimonious debate in the Senate, it became manifest that the caucus had breathed its last. "King Caucus" was dead. What was to be substituted? No one dreamed of leaving the electoral college, as the Constitution intended, free and untrammelled in its choice. For the moment legislatures and legislative caucuses, conventions and mass-meetings promoted the cause of one or another candidate. These irregular proceedings recurred in 1828, with state conventions playing a rather more prominent rôle. But before the next presidential campaign the interregnum was brought to an end. The national convention, tentatively at least, had seized upon the succession.

National convention established

By this time a new party alignment was taking shape in the country. The National Republicans, soon to be merged in the Whig party, confronted the Democrats in a struggle for control of the government at Washington; and these national parties, looking to concerted and disciplined action, required some sort of national machinery. The chaotic methods employed for the nominations of 1824 and 1828, if appropriate to a period of mere personal and factional rivalry, could not meet the needs of parties that sought to consolidate the diverse sectional interests of a great territory and population. Even before the debacle of 1824 it had been proposed, on more than one occasion, to substitute a delegate convention for the congressional caucus. The appearance of the state convention, first in Delaware and New Jersey, then, after a long interval, in New York, Pennsylvania, and other states, gave strength to this idea and recommended it to the political opposition in their assault upon the entrenched Democrats. In 1831 the Anti-Masonic party held a convention at Baltimore, which nominated national candidates and issued an address to the people. Three months later the National Republicans followed suit, meeting in the same city on the call of the Maryland legislative caucus. The methods of procedure, borrowed from state conventions, closely resembled those with which we are familiar to-day. Committees were appointed to examine the credentials of delegates, nominate the permanent officers of the convention, draft an ad-

dress to the people, and notify the presidential and vice-presidential candidates. The national committee, which nowadays directs the campaign, issues the call for the next convention, makes up the temporary roll of delegates, and generally conducts the affairs of the party, did not, however, originate at this time. It dates from 1848.[1] For the purposes of the campaign the convention appointed a central corresponding committee in each state (if one did not already exist) and recommended that subordinate committees should be organized in each county and town. The party platform—such a term could scarcely be applied to the diffuse "address to the people" which denounced the abuses of Jackson's administration—was formulated by a "convention of young men" held at Washington in May, 1832.[2] In the same month the Democrats met at Baltimore. This convention was called by the Democratic legislative caucus of New Hampshire, but through the clever manipulation of Jackson's "kitchen cabinet" and with the object of securing the vice-presidency for Van Buren.[3]

Its advantages

The manifest advantages of such a national party assembly were stated by the chairman of the Democratic convention in his opening address. "The object of the representatives of the people of New Hampshire, who called this convention," he said, "was, not to impose on the people, as candidates for either of the two first offices in this government, any local favorite; but to concentrate the opinions of all the states. They believed that the great body of the people, having but one common interest, can and will unite in the support of important principles; that the operation of the machinery of government confined within its legitimate sphere is the same in the north, south, east and west; that although designing men, ever since the adoption of the constitution, have never ceased in their exertions to excite sectional

[1] In that year the Democratic convention at Baltimore appointed one member from each state to take charge of the campaign. Stanwood, *A History of the Presidency*, p. 232.

[2] This was the first national party platform. In 1840 the Democrats issued a platform; in 1844 both Whigs and Democrats. From that time there has been no interruption in the practice. But the Whig "platform" of 1848 scarcely deserves the name.

[3] Van Buren was the candidate of Jackson rather than of the party. The movement in his favor is described by Ostrogorski (Vol. II, p. 63) as "the first example of great manifestations of opinion, apparently spontaneous, but in reality produced by a machinery with popular forms which screened the doings of the wire-pullers."

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feeling, and to array one portion of the country against another, the great and essential interests of all are the same. They believed that the coming together of representatives of the people from the extremity of the union would have a tendency to soothe, if not to unite the jarring interests, which sometimes come into conflict, from the different sections of the country. . . . They believed that the example of this convention would operate favorably in future elections; that the people would be disposed, after seeing the good effects of this convention in conciliating the different and distant sections of the country, to continue this mode of nomination."

Disproportionate state representation at first

Without adequate railway communications "the coming together of representatives of the people from the extremity of the union" involved some difficulty. Shortly before the collapse of the congressional caucus a political meeting in Lancaster county, Pennsylvania, declared that, while the holding of a national convention would be the "best and most unexceptional method," this was "entirely impracticable from the immense extent of our country, and from the great expense incident to an attendance from the extreme parts of the United States."[1] In the case of all three conventions of 1831-2 the states were invited to send delegates equal in numbers to the presidential electors of the state. Only ten of the twenty-four states responded to the Anti-Masonic call, and these fell below their full quota of delegates by thirty per cent. One hundred and fifty-six delegates, representing eighteen states and the District of Columbia, sat in the National Republican convention. The sole delegate appointed in Illinois did not attend. "The states were very unequally represented," says Ostrogorski,[2]; "thus Tennessee had only one delegate, Louisiana and Indiana two, while the District of Columbia, adjoining Baltimore, had five. Evidently in the remote states there were not, owing to the difficulties of travelling, enough persons ready to accept the mission; for the same reason sixty-five delegates did not answer the roll-call, twelve of whom, however, arrived before the close of the convention." As to the Democrats, being established in power, they made a better showing; every state but Missouri was represented—some of them, in fact, very much overrepresented, since there were 326 delegates instead of the 282 to which the states were entitled. Four years later the same irregularity prevailed. The Whigs, planning to run local favor-

[1] Stanwood, *op. cit.*, p. 130. [2] *Op. cit.*, Vol. II, p. 61.

ites and so keep their opponents from getting a majority of the electoral vote, held no convention; various candidates were put forward by state conventions and legislative caucuses. The Democratic convention at Baltimore was attended by 626 delegates, of whom more than two-thirds came from Maryland, Virginia, New Jersey, and Pennsylvania. This preponderance of the near-by communities was neutralized, however, by the rule that each delegation, irrespective of its size, was to cast the number of votes to which its state was entitled in the electoral college. Thus the fifteen votes of Tennessee were cast by Edward Rucker who "happened to be in Baltimore at the time."[1]

Anomalies corrected by middle of century

While the national convention was firmly established in 1840 and used by all parties from that time, its composition long remained irregular. There was no fixed principle of representation. Although each state cast in the convention the number of votes to which it was entitled in the electoral college, the size of its delegation was not determined thereby. Thus Virginia, with seventeen votes, had seventy delegates in the Democratic convention of 1848; South Carolina, with nine votes, had only one delegate, and that one appointed by a local gathering of eight or ten persons.[2] Nor was there a uniform method of choosing the delegates. In some cases legislative caucuses or even small coteries of politicians assumed authority, in other cases district conventions or state conventions; and as late as 1864 some of the Republican delegates were chosen by legislative caucus. Under the circumstances controversies that arose between rival delegations could not be settled in accordance with any fixed rule. The majority decided in its own interest. By the middle of the century, however, these anomalies were being corrected. The representation of each state was based definitely upon its electoral vote—that is, upon the number of senators and representatives in Congress;[3]

[1] "I happened to be in Baltimore at the time, and after the delegates from the different states had their credentials examined by the committee appointed for that purpose, there appeared to be no one present representing Tennessee. This circumstance seemed to be deeply regretted by many, and its being mentioned that I was there and a Tennessean, it was suggested by some that I might vote, which I accordingly did." *Niles Register*, quoted by Dallinger, note, p. 39. Rucker, it should be observed, belonged to the Van Buren faction, which controlled the convention.

[2] Stanwood, *op. cit.*, pp. 172 and 232.

[3] In 1848 the Democratic convention provided that each state should have the same number of delegates as it had presidential electors; in 1852 the number was doubled, each delegate having half a vote. Twenty years later

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and the national committee, which issued the call for the convention,[1] enforced this apportionment in passing provisionally upon the credentials of the delegates and making up the temporary roll. When rival delegations appeared, it became necessary to examine the rules which governed their election. The state party organization, therefore, in order to give their delegates a clear title, was driven not only to formulate those rules more precisely, but also to regulate in more detail the composition and procedure of the bodies that chose the delegates.

National and local organization integrated

Thus the national machinery of the parties pressed down upon the local machinery, forcing it everywhere into something like a common mould and articulating the whole system of nominations, from the primary or caucus through the ascending series of conventions and committees. "Each set of conventions serving as a support to the higher one," says Ostrogorski,[2] "the county convention to that of the State, the State convention to the national convention, each had to pave the way for the next, to subordinate its acts to the preoccupations of its superior. Terminating, by an unbroken series of links, in the national convention, which had to provide for the chief magistracies of the Union, the convention system inevitably made its nominations to every public office, down to those of the township, dependent on the considerations which determined the choice of the president and vice-president. To ensure the success of a certain candidate for the presidency, it was necessary to have a national convention favorable to it; this could only be attained if the State conventions, from which the latter emanated, were composed of members ready to choose their delegates from that point of view, and so on. In this way national politics, that is, relating to the presidential election, became the axis of the whole convention system, making all the elections, even the strictly local, purely municipal ones, contests of political parties waging war for the possession of the White House."[3]

the Democrats adopted the Republican practice under which the delegates, twice as numerous as electors, had one vote each.

[1] The Democratic party had a national committee from 1848, the Republican party from 1856.

[2] *Op. cit.*, Vol. II, p. 58.

[3] Ostrogorski further observes (p. 69): "The number of elective offices, and consequently of elections to be conducted, having become very large, the custom arose, at the instigation of the politicians, of holding them all at

Hierarchy of conventions and committees

The parties had now perfected a remarkable organization. It stood outside the constitutional fabric of the government, no longer, as in the days of the caucus, "nestling under the wing of the legislatures and composed of their very elements." Its vast ramifications, the precision of its methods, the fervent partisan spirit that animated it carry us back to the time when the church confronted the state in medieval Europe, or suggest an analogy to the position of organized labor in Great Britain today, rivaling the power of the state and disputing its ascendancy. The hierarchy of conventions and committees rested upon the party voters, who were supposed to exercise their power in the primaries. Each territorial area in which public officers were elected had its special delegate convention. There were, for example, aldermanic district conventions, assembly district conventions, county conventions, senatorial district conventions, congressional district conventions, judicial district conventions, city conventions, state conventions. In the lower ranges the delegates were chosen directly by the rank and file of the party; but the state convention was composed of delegates from the assembly district or county conventions, which might themselves be two degrees removed from the primaries. Since the state convention chose all, or at any rate a part of, the delegates to the national convention, Calhoun had just grounds for the complaint that "the delegates to the Baltimore convention [of 1844] will be the delegates of delegates; and of course removed, in all cases, at least three, if not four, degrees from the people."[1] Except in the case of the national convention, delegates were usually apportioned among the units of representation according to the party vote polled in the last election. The conventions, brought together for the performance of a specific and temporary function, dissolved as soon as that function had been discharged. The committees, one for each important electoral area, provided a continuing organization for the party. Their members were chosen for each subdivision of the area either by the conventions or by the party voters, the latter method being employed only in the small units

once, for the offices of the city, of the county, of the State, and of the Union, and on a single list. This list, since known as the 'slip ticket,' was the material embodiment and the confirmation of the confusion of the politics of the Union with the business of the State and local affairs, introduced by the system of conventions."

[1] *Works*, Vol. VI, p. 240.

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such as towns and wards.[1] These committees made the arrangements for the holding of primaries and conventions, managed election campaigns, and in general, maintaining contact with committees above and below them in the hierarchy, looked after the interests of the party. They applied and enforced the party rules, which were framed sometimes by the conventions, more often by the committees themselves.[2]

Supposedly democratic, but controlled by professional politicians

All this machinery, all this pyramid of organization, which was broadly based on the mass of party adherents and which raised its solid popular masonry, layer by layer, to the national convention at the peak, reflected the democratic aspirations of the time. It was the offspring of Jacksonian democracy. It objectified the voice of the sovereign people who, now that the aristocratic leaders had been dispossessed, asserted the right to decide everything and do everything for themselves. But however attractive the theory might be, the people were not well-equipped for their self-appointed task. They were too spasmodic in political interest, too deficient in political information, and too much engrossed in their private affairs. The functions they were supposed to perform passed into the hands of a specialized class of politicians.[3] These men, proficient in the arts of management and scientific in their modes of action, took the place of the landed proprietors who had governed in the time of Hamilton and Jefferson. They disguised the essentially oligarchic character of their régime by flattering, while they shrewdly manipulated, the voters, and showed, as Bryce expresses it in his *Modern Democracies*,[4] how a system, "professing to be democratic, can become tyrannical under democratic forms."

The absorption of power by small cliques is, indeed, a phenomenon that may be observed in all periods of history and among

[1] Dallinger, pp. 59-61 and 64; Ostrogorski, II, p. 211. Thus the members of the state central committee were elected by the state convention, each county or assembly district delegation naming one member.

[2] Dallinger, pp. 154-155.

[3] Niles observed their rise and described them in 1823 as "persons who have little if any regard for the welfare of the republic unless as immediately connected with or dependent on their own private pursuits. . . . They are the opposite of statesmen. . . . There are little knots of these politicians everywhere, and at least two out of three of each gang are either office-holders or office-seekers, and each gives or takes the influence that he himself or his fellows may possess to advance particular views or keep honest and honorable men in the background." Quoted by Ostrogorski, Vol. II, p. 44.

[4] Vol. II, p. 32.

Oligarchy a universal phenomenon

all peoples. A Swiss writer, Robert Michels, has formulated what he calls the iron law of oligarchy.[1] "It is only a minority which participates in party decisions," he says,[2] "and sometimes that minority is ludicrously small. The most important resolutions taken by the most democratic of all parties, the Socialist party, always emanate from a handful of members. In all countries the number of this inner circle is comparatively small. The majority of the members are as indifferent to the organization as the majority of the electors are to parliament. . . . Leadership is a necessary phenomenon in every form of social life. Consequently it is not the task of science to inquire whether this phenomenon is good or evil, or predominantly the one or the other. But there is a great scientific value in the demonstration that every system of leadership is incompatible with the essential postulates of democracy. We are now aware that the law of the historic necessity of oligarchy is primarily based upon a series of facts of experience. Reduced to its most concise expression, the fundamental sociological law of political parties . . . may be formulated in the following terms: 'It is organization which gives birth to the dominion of the elected over the elector, of the mandataries over the mandators, of the delegates over the delegators. Who says organization, says oligarchy.'" It is well to observe that Lord Bryce, in the last of his great works, accepted this view. "This sort of oligarchy," he observes,[3] "is the natural and inevitable form of government," because "the propensity to obey is at least as strong as the sense of indifference, and much more generally diffused."

The Decline of the Convention System

Oligarchic control facilitated by: 1. Overburdening of electorate

The convention system, heralded as an instrument of democratic control, did not fulfill anticipations. It is sometimes assumed that the malpractices which discredited the system and brought about its ruin developed comparatively late. This fond view of a virtuous youth and a corrupted old age is, however, in the celebrated phrase of a Missouri politician, "an iridescent dream." The wire-pullers and manipulators were always there. While the most flagrant scandals occurred in the decades following the Civil War, when the rapid growth of cities and "big business" afforded op-

[1] *Political Parties* (1915). [2] *Ibid.*, pp. 50-51, 400-401.
[3] *Modern Democracies*, Vol. II, p. 548.

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portunities and temptations on a magnificent scale, from the outset conditions had been favorable to the enterprise of professional politicians. In America democracy took a somewhat exaggerated and distorted form. Those who think they have discovered a basis of good government, Aristotle remarked, are inclined to push their new-found principle too far; they forget that in such matters disproportion is fatal.[1] Jacksonian democracy set no limits to the competence of the voter. He possessed, in the idealized portrait, a strength of character, a soundness of judgment, and a devotion to civic duty that could not always be detected in the flesh-and-blood original. The conviction prevailed that the more frequently and directly the voter intervened in government the better the results would be. Popular control over public officers, administrative as well as political, was to be secured by substituting election for appointment, by shortening the terms as a check to irresponsibility, and by changing the personnel at each election (rotation in office) in order to prevent the growth of official arrogance. Citizens wandered in confusion through a labyrinth of elections and lost themselves in the added complications of the elaborate nominating machinery which the parties had set up. They needed guidance. The situation provided a career to the professional politicians, who undertook to manage primaries and conventions, campaigns and elections, and who exacted for their services no fixed charge, but gratuities in the shape of the spoils of office. Thus came into being the party Machine, as the Organization in its material aspect, bending its efforts to self-aggrandizement rather than the public interest, has been styled.

2. Indifference of substantial citizens

But it was not the complexity of political arrangements alone that enabled an oligarchy to get control of the party organization. Another important factor contributed to the degradation of politics. At the very time that the democratic gospel was being preached so ardently—above all by the politicians who exploited it—the better classes in the community, the professional and business men, showed a tendency to evade the performance of their civic duties.[2] They did not abdicate entirely. They voted the party ticket on election day; they subscribed to the party

[1] Montesquieu expresses the same idea. Governments decline and fall, he says, as often by carrying their principles to excess as by neglecting them altogether.

[2] See Bryce, *Modern Democracies*, Vol. II, pp. 36-40; Ostrogorski, Vol. II, pp. 66 *et seq.* and 269; and Walter Weyl, *The New Democracy*.

funds; they made, in a word, appropriate gestures to indicate a serious concern with politics. But absorbed as they were in their own affairs, dominated by the great impulse of American life towards material achievement, towards the conquest of the natural resources of the continent and the erection of commercial and manufacturing enterprises, they gave little time or attention to those party activities which determined the whole character of the government. The vital point in the scheme of party organization was the primary; and this they abandoned to the politicians. "The real danger at the caucus [i. e., primary] is not from the minority of scoundrels who attend," a Massachusetts jurist declared in 1881,[1] "but from the majority of inert though well intentioned men who stay away and thus practically notify the rascals that they will meet with no effective opposition." Thus the less desirable elements in the community, mobilized by the efficient staff work of the machine, came to exercise a disproportionate influence in politics. The machine likewise laid hold of the foreign immigrants, who were entering the country in enormous numbers by the middle of the century, and through kindly attentions won their gratitude and the tangible expression of that gratitude in political fidelity.

3. Manipulation of the primary

The caucus or primary, being the foundation upon which the superstructure of conventions and committees rested, determined in the end the quality of party leaders and of the candidates for public office. If weeds struck root there, they spread in every direction. In New England and in a few of the Middle and Western states the primary resembled a town meeting; the members of the party discussed the nominations before proceeding to a vote. Elsewhere it was simply an election in which the polls remained open for a few hours and the voters appeared individually to cast their ballots. The local committee issued the call for the primary,[2] settled the rules of procedure, and named the presiding officials. In principle all party members could attend. But usually some formal evidence of membership was required.[3] With-

[1] Dallinger, p. 152.

[2] Sometimes, in order to circumvent an opposing faction, the primary would be summoned unexpectedly, upon short notice or without any notice at all (except to the initiated), or at inconvenient times and places. This was the "snap primary." Dallinger, pp. 121-125; Ostrogorski, Vol. II, pp. 213-214.

[3] The qualifications for voting in the primaries were fixed by the county committee as a rule. This committee, as Ostrogorski describes it at the close of the last century (Vol. II, p. 212) "rules over the local Organization with

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out such a test of affiliation—except in rural areas, where common acquaintance among the voters acted as a bar to fraud—the primary might be invaded and captured by the opposing party. In its simplest form the test was applied at the primary, where the voter might be challenged and his claim to membership decided thereupon by the town or ward committee. More frequently the committee made up beforehand a list of enrolled members. Thus under the Boston Republican rules the committee compiled the list in September of each year; and any voter whose name did not appear could have it inscribed only if, at least two days before the caucus, three enrolled members supported his written claim and the committee decided in his favor.[1] In New York the Republican rules were far more stringent. In order to be enrolled the voter must (1) declare that he had supported the party ticket in the last election or intended to support it in the next election and that he would not attend the caucus of any other party during the year; and (2) be admitted to membership at a meeting of the club or association in his assembly district.[2] Whatever the nature of the test, whether simple and easily complied with or elaborate and exacting, it was administered by the local committee and might, at the hands of unscrupulous satellites of the machine, be arbitrarily and unfairly applied. In New York city the district clubs became close corporations of interested politicians. "Probably nine-tenths of the Republican voters were excluded from membership in the district associations," according to Dallinger,[3] "and hence, for all nomination purposes, were completely disfranchised." Either through the operation of the party rules or through the indifference of the voters—an indifference confirmed by the obstacles which the rules put in the way of participating in the primary—the machine encountered little serious and persistent opposition. Occasionally the so-called respectable citizens were awakened to feverish activity by the ex-

powers which are sometimes despotic. Generally, it frames its own rules and by-laws, and makes, at its good will and pleasure, those of the Organization over which it presides. . . . The county committee decides, without appeal, all contests which arise in the Organization. It wields disciplinary powers: it can suspend, or even turn out, the officers of the associations or of the local committees. Nay, more, it can dissolve a whole local Organization, when it encounters opposition in it, or refuse to recognize it as the 'regular' Organization."

[1] These are the rules of 1894. Dallinger, pp. 157, 159.

[2] *Ibid.*, pp. 105, 156-159, 161.

[3] *Op. cit.*, p. 106.

posure of some outrageous abuse. They organized, launched a reform movement; and then slipped back into their accustomed apathy.

Corrupt methods of controlling the primary

Opponents of the machine, indeed, had little chance in the primaries. The dice were loaded against them. The enrolled list of party members often contained the names of men who had died or who had moved from the district or who had never existed at all. In the Republican primaries of New York city, according to a statement made in 1879,[1] "the rolls are deceptive; in one district half the names of those on the rolls are not known in the district. These bogus names afford a convenient means of fraudulent voting. . . . The rolls of many of the districts are full of names of men not Republicans, and are used by the managers to perpetuate their control." In this way the machine provided itself with reserve voting power that would be equal to any emergency. As a further safeguard against "accident" the ballot box might be stuffed or the count at the close of the poll falsified—all of this with the connivance of the presiding officials whom the committee had selected with care. "The inspector of the ward primaries," says Matthew P. Breen,[2] "were appointed by the General Committee of Tammany Hall on the nomination of the leaders of the wards. The local boss printed a list of delegates; to be 'elected' at the primaries, which he called the 'regular ticket.' He had several hundred of these printed. He gave half a dozen of the printed tickets, or more if necessary, to each of his chosen followers, who were first at the polls where the votes were received and deposited in a box, under the supervision and control of his inspector, who readily permitted these early voters to stuff the box with any number of 'regular tickets' they chose to put in them. Besides, if there were any real danger, the close followers, or as they were termed the 'heelers,' of the local leader, would keep possession of the main entrance to the place where the primary was being held, on pretence of having not yet voted, and as there was generally only one hour for voting, those hostile to the organization were deprived of any chance to cast their ballots. There was no use of attempting to force an entrance, as was sometimes done, because the police were under the control of the Tammany leaders and would permit no 'disturbance' at the polls." Under normal circumstances the machine could control

[1] Quoted by Ostrogorski, Vol. II, note, p. 208.

[2] *Thirty Years of New York Politics* (1899), p. 43.

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and the convention

the primaries and name the convention delegates who were chosen there.

Any failure in the primaries involved a struggle for control of the convention. For weeks in advance of the convention the delegates would be subjected to pressure of various kinds. They would be pestered on all sides, says Ostrogorski,[1] approached with flattery, with civility, with promises of places, or of money, or of favors; every argument would be brought to bear. When such tactics failed, the recalcitrant delegates were, by means of sham contests which disputed their right to certificates of election, excluded from the convention. In this transaction the recognized forms of procedure were not violated. The party committee, which was charged with examining credentials and making up the temporary roll of delegates, simply decided all contests in favor of the machine; when the convention itself finally disposed of the contests, the sham delegates, having been temporarily seated, voted in their own favor. "Against such influences, what can the honest and unorganized public do?" asked a citizen of Philadelphia in 1881.[2] "If they select delegates not desired by the politicians, certificates are given to those not elected; or if that is imprudent, the certificates are thrown out by the convention to which they are directed." The Tammany rules even envisaged the possibility that the convention as well as the primaries might escape control. The executive committee, "whenever the honor, preservation, and integrity of this organization shall require such action," might set aside the nominations and substitute candidates of its own.[3] This was a quite legitimate provision. Tammany Hall was a voluntary association, free to make its own rules and protect its leaders. It had no monopoly in the making of nominations. If it put forward candidates of a corrupt and inferior type, the great mass of Democratic voters had the remedy in their hands. They could nominate and support their own candidates and, persisting in that course year after year, smash the Tammany organization. They had only to will it, to will it not for the day alone, not merely in a passing mood of resentment, but continuously. It was precisely in the lack of sustained civic interest that they failed. The "County Democracy," which took the field against Tammany in 1881 and adopted the most liberal rules for participation in the primaries, soon fell under the sway of a cor-

[1] *Op. cit.*, Vol. II, p. 235.
[2] *Ibid.*, pp. 102-103.
[3] Quoted by Dallinger, p. 111.

rupt oligarchy. What the citizen of New York needed was a change of heart rather than a mere change in the rules.

Abuses more glaring after Civil War

That a drastic change of some kind was necessary became manifest in the decades following the Civil War. In its earlier manifestations the machine had subsisted on the immediate spoils of office. Its adherents, once elected to posts of vantage, utilized all the patronage at their disposal to reward party services, and did not hesitate to cashier every office-holder belonging to the opposite party. The politicians of New York, Senator Marcy said in 1832, "see nothing wrong in the rule that to the victor belong the spoils of the enemy." Acting on that rule, the parties, or at least the professional politicians who managed them, lived off the country like a conquering army. But after the Civil War the "spoils of office" began to acquire a new significance. New factors came into play. The rapid growth of cities afforded—in the letting of public contracts, in the granting of franchises for public utilities, and even in the exploitation of vice—opportunities of pillage on a colossal scale. The salaries attached to public office appeared insignificant in comparison with the illicit profits which the abuse of official power could produce. The spectacular operations of Tweed in New York and M'Manes in Philadelphia [1] reflected conditions that prevailed widely and in rural as well as urban communities. The most interesting phase of machine politics is seen in the relationship established between the politicians and big business—the great railway corporations and the monopolized industries or trusts which took their rise in the seventies and eighties. In this era of unprecedented economic expansion and concentration of capital, business interests pushed forward ruthlessly towards their objectives, crushing weak competitors, flouting the public welfare, and, by lavish corruption, procuring from the government concessions in the shape of privileges and property, as well as connivance in their strong-arm methods. They had no political bias, but dealt in each case with the dominant machine. "In a Republican district I was a Republican," said Jay Gould, who controlled the Erie Railroad; "in a Democratic district I was a Democrat; in a doubtful district I was doubtful; but I was always Erie." When the parties were evenly balanced, both alike received contributions to their funds. City councils and state legislatures, acting on instructions from the boss of the ma-

[1] For the Tammany and Philadelphia Gas Rings see Bryce, *American Commonwealth*, Vol. II, pp. 379-425; Ostrogorski, Vol. II, pp. 151-177.

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chine, voted the franchises that had been paid for or killed pending measures that the public interest demanded and the corporations condemned. If such practices did not occur everywhere, they were at least widespread enough to be characteristic of the period.

State Regulation of the Convention System

The first legislative reforms:

As these abuses became more general and more pronounced, the volume of complaint increased; and at last complaint ripened into action. In the West the farmers, exasperated by the exactions of the railroads and the Eastern financiers, broke free from the categorical imperative of party and launched successively the Greenback and Populist movements. Everywhere public-spirited citizens, irrespective of party, began to prepare for an assault upon machine politics, the evil effects of which they saw clearly enough, even though the causes were sometimes but dimly apprehended. Unfortunately they gave no thought to the capital defects in American political practice, the dispersion of authority among numerous coördinate officers and the absurd multiplication of elective offices, which required the voter on a single day to select the incumbents of twenty or thirty offices; which, as it set upon him a task greater than he could perform, reduced him to impotence; and which caused the rise of the expert politician as keeper of the Sibylline books and guardian of the occult business of nominations and elections. They seem to have had no thought that the seat of the trouble lay there. Nevertheless, two important reforms were effected. The first applied the merit system, with its competitive examinations and security of tenure, to the federal civil service and to the civil service in a few states. Enthusiasts believed that this blow at the spoils system would break the machine, that the mercenary politicians, deprived of subsistence, would die of inanition. Nothing of the sort happened, partly because the reform did not proceed far enough and partly because the politicians had discovered other sources of income, but chiefly because the fundamental causes of machine politics had not been touched. The second reform introduced the secret Australian ballot. It was first adopted in Kentucky and Massachusetts (1888). Once more the machine would suffer. Votes would no longer be controlled by intimidation or purchase, because the voter marked his ballot in the privacy of the polling-booth; independent candidates would

1. The merit system in the civil service

2. The Australian ballot

no longer be discouraged by the prospect of large expenses, because the printing and distribution of the ballots was now undertaken by the state. But while the Australian ballot corrected some manifest and serious abuses, it did not appreciably weaken the party organizations. These, when unable to prevent its adoption, usually managed to give it a form which facilitated the voting of a straight party ticket; and so great was the spell of the party name and the party emblem, so helpless the voter in marking the long ballot unless he allowed the spell to work freely upon him, that under the new dispensation independent candidates got very little support.

Reform of the party primaries follows

In practice the issue of an election lay between the candidates of the two major parties. If within these two parties corrupt, or at any rate self-interested, oligarchies really dictated the nominations, the proceedings on election day could hardly yield satisfactory results. It was therefore natural that public opinion, having sought to check the machine first, after the election, by curtailing the spoils, then, at the election, by guaranteeing a free vote, should turn finally to the regulation of party activities before the election. The primary came to be regarded as the key-position, for in the primary the enrolled voters of each party chose the delegates and thus took a first step which determined the direction of every subsequent step. If the state interposed to ensure a fair contest between the parties in the election, the logic of the situation seemed to demand a like intervention in the preliminary contest within each party. Americans have rather a primitive faith in the efficacy of legislation; and in this case they evaded the real problem—the problem of developing a more general active interest in party affairs—and, since the parties showed little disposition to reform themselves from within, proceeded to impose (on paper, in the statute-books) reform from without. With the adoption of the Australian ballot, parties that polled a certain percentage of the aggregate vote had been given a legal status and a privileged position. They were entitled to have the names of their candidates inscribed on the ballot. Was it not reasonable that the state, having agreed to accept the nominations, should prescribe the rules under which they should be made? Thus the agitation for ballot reform gave new energy to the primary-reform movement, which, by 1890, had brought forth legislation of some kind in half the states.[1]

[1] C. E. Merriam, *Primary Elections* (1908), pp. 24-25.

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The first tentative steps

At first the state legislatures had abstained from serious interference with the private affairs of the parties. They had been content to suggest, rather than insist upon, better methods of procedure; to formulate a series of rules in an optional statute which would bind the parties only in the event of their electing to come under its provisions. California led the way in 1866. The statute provided that the call or notice of the primary should be given adequate publicity and that it should state the purpose, time, place, and procedure of the primary, the name of the presiding officer, and the qualifications required for voting. Penalties were imposed for certain offences, such as fraud and unfairness in the conduct of the primary, false statements by a prospective voter, and repeating (that is, voting more than once).[1] In the next quarter of a century eight or ten states, following the example of California, enacted optional laws. Mandatory laws, much more limited in scope, also made their appearance. Hitherto no legal penalties had attached to the corrupt conduct of the primaries. The crudest forms of fraud and oppression could be practised openly; votes could be bought and sold or ballot boxes stuffed without fear of punishment. In the case of such obvious scandals the propriety of legislative repression could not well be questioned. As early as 1866 a New York statute had defined bribery and intimidation, both in primaries and in conventions, as misdemeanors; and during the eighties a dozen states took similar action, somewhat extending the line of attack. Indeed, New York enacted in 1882 and 1887 mandatory laws of a new type, laws which, though less complete, resembled the optional law of California in regulating procedure, but differed from it in being applicable only to specified counties.[2] There is more than a superficial difference, more than a difference of degree, between providing for the punishment of bribery, as in 1866, and fixing the hours of the primary or the size of the polling-place, as in 1887. "The right of the electors to organize and associate themselves for the purpose of choosing public officers," said a New York judge,[3] "is as absolute and beyond legislative control as their right to associate for the purpose of business or

[1] Merriam, *op. cit.*, pp. 10-11. As amended in 1874 the law "outlined a scheme for the protection of nominations almost as complete as that then existing for the protection of the election." *Ibid.*, p. 16.

[2] As to the scope of the law of 1887 see *ibid.*, pp. 22-23.

[3] Dissenting opinion of Justice Cullen in People *v.* Democratic Committee (1900), cited by Merriam, *op. cit.*, p. 99.

social intercourse or recreation. The legislature may, doubtless, forbid fraud, corruption, intimidation, or other crimes in political organizations the same as in business associations, but beyond this it cannot go." This new type of mandatory reform, which in a few years found expression in five other states, was patently at variance with the conception of party as a private and voluntary association. By 1890, therefore, when the Australian ballot was making conquests in state after state, the legal regulation of the primary-convention system had already begun. In the closing years of the century it proceeded at a very rapid pace.[1]

Detailed regulation by mandatory law

When a state legislature had once accepted the principle of regulation and passed the first tentative statute, it could find no logical stopping-place short of complete occupation of the field. Statute followed statute, amendment followed amendment, each penetrating farther into the region of party self-government. Such at least was the general tendency, though the fever did not everywhere assume the same virulence [2] and affected the Solid South less than other sections of the country.[3] No longer was it deemed sufficient merely to require due public notice of the primary. The laws began to fix the date, usually the same date for all parties, and to give the primary in this way the character of a preliminary election in which most of the voters, being attached to one or other of the great parties, were expected to participate. The primary was, in fact, assimilated to the general election, having the same officials in charge, the same form or at least some

[1] The best sketch of this legislation will be found in Merriam, *op. cit.* Certain aspects are treated more fully by E. C. Meyer, *Nominating Systems* (1902) which describes, for instance, the Massachusetts act of 1894 and the New York act of 1899.

[2] Thus in New Jersey there was no extensive regulation of the primary until 1903. See R. S. Boots, *The Direct Primary in New Jersey* (1917), pp. 15-24.

[3] The Solid South, with its dominant social problem and its dominant party, remained more or less outside the general current of primary reform. Such laws as were passed did not go beyond requiring proper publication of the call, imposing on primary officials an oath for the faithful performance of their duties, and providing for the punishment of certain corrupt practices. The party committees were still permitted to fix the time, place, and procedure of the primary, as well as the qualifications for voting; and the party still bore all the expense, raising the money by means of assessments upon the candidates. Meyer, *op. cit.*, pp. 121-145. Under party rules, as will appear later, the South led the way in substituting the direct primary for the convention.

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form of the secret ballot, and the same procedure.[1] A party instrument of which the state took no official cognizance now became an instrument of the state through which the parties functioned in compliance with detailed prescriptions. All the expenses—for the hiring of polling-places, the printing of ballots, the payment of inspectors or supervisors—were, as in the election, a charge upon the public funds. In other words, the general body of citizens, including those who stood outside the recognized parties and drew no benefit from the official primary, footed the bill, very much as they would, whether orthodox or agnostic, contribute to the support of a religious establishment. The parties themselves ceased to be autonomous, lost control of the vital elements in their constitution. The law stepped in to prescribe the composition of their directing committees, how these should be chosen, and even, in a general fashion, what powers they should exercise. It also laid down the conditions of party membership. Thus in Minnesota (1899) the primary was open to those who declared that they had supported the party in the last election and intended to support it in the next election; and in Massachusetts (1897) no one could be excluded who, being challenged, swore that he had not participated in the primary of any other party within one year and that he intended to support the nominees of the caucus. In New York (1900), where enrolment for the September primary took place at the time of registration in October of the previous year, the applicant declared "that I am in general sympathy with the principles of the party . . .; that it is my intention to support generally at the next general election, state or national, the nominees of such party . . .; and that I have not enrolled with, or participated in any primary election or convention of any other party since the first day of last year." Important as other aspects of legislative intervention might be, provisions of this kind, robbing parties of the last vestige of control over their own destiny, disclosed the fundamental and revolutionary character of the changes that were taking place.

Perhaps in their practical application these changes proved to be less revolutionary than they appeared to the theorist. But,

[1] These are generalizations based upon the most advanced legislation. The development, depending entirely upon the action of forty-odd states, was not uniform through the country. Although Congress has power to regulate elections in which federal officers are chosen, it took no part in primary reform; indeed, there is some doubt whether the process of nomination falls within the scope of its constitutional authority (*Newberry v. U. S.*, 256 U. S., 232, 1921).

Its effect upon the character of parties

from the standpoint of theory at least, when the state asserted the power to set up a membership test, it extinguished the vital spark and left only the material shell of the party. What purported to be reform looked very much like assassination. Party, even if its activities were regulated, would still possess more than a mechanical existence as long as it could control its composition—as long as it retained the right not only of admitting to membership, but also of excluding and expelling. That right had disappeared. According to the new principle, any voter could belong to the party, whatever his motives, provided that he desired to belong and fulfilled certain formal requirements. The party defences were broken down.[1] For this reason a reform party in New York, the Citizens Union, found that the only way to escape contamination by invading spoilsmen was to cease being a party.[2] In the same city a few years later William Randolph Hearst's party, the Independence League, was invaded and captured by its enemies; and Mr. Hearst had to improvise a new organization for his followers, the Civic Alliance, which nominated candidates by petition.[3] "In Philadelphia," says Richard S. Childs,[4] "the state law governing primary procedure makes entrance to a party quick and easy. The reformers organize a reform party and nominate reform candidates. Immediately the grafters enroll in the new party, and the next time the party makes nominations the reformers find themselves outvoted by their new and unwelcome associates, and the reform party nominates grafters. Thereupon the true reformers hold an indignation meeting, adopt a new

[1] "The parties are governed, ultimately, by the rank and file—a topsy-turvy army in which the generals are elected by the captains and the captains by the privates. And the privates consist of anybody who wants to join. A political machine cannot resist contamination. . . . To place political power in such unguarded exposure is to make it certain that the power will sooner or later fall into the hands of corrupt men. The whole process is automatic and inevitable. The opportunity to cheat will attract the cheaters—and the cheaters must be welcomed. To say that the dominant political machine in every community is corrupt is no reflection on the community, or even on the machine—it is only another way of saying that the dominant machine is the one that gets corrupted. The moment it acquires power, the grafters begin to join it." Richard S. Childs, *Short Ballot Principles* (1911), p. 140.

[2] See Chap. V, p. 107.

[3] This occurred in 1909. The stolen League, being a party as defined by law, had its column on the election ballot; and although it brought forward no candidates and on the ballot the words "no nomination" appeared under the title of each office, 14,000 persons voted the blank ticket.

[4] *Op. cit.*, p. 142.

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name, establish a new party, leaving the previous one to an early death—and the procedure is repeated." We observe in rapid succession the City party (1905), William Penn party (1909), Keystone party (1911), and Washington party (1912). The phenomenon is by no means confined to the East. Attention has already been drawn to the fact that the Nonpartisan League forced its socialistic program and candidates upon whichever party happened to be dominant in a particular state.[1] The unfortunate results of the state-imposed party-membership test are not, then, merely theoretical or latent. They have manifested themselves all too frequently and in the most striking fashion. The situation would hardly be tolerated if the parties were the only organs of public opinion and political action. It is happily true that private associations of more limited scope, organized groups such as were described in Chapter V, have not been deprived of the means of self-protection.

Attitude of the courts

Primary legislation, in view of the gravity of the changes which it introduced, was frequently challenged in the courts.[2] Strong arguments could be advanced in attacking the validity of specific provisions: the discrimination between parties on the basis of voting strength (that is, the legal definition of party), the payment of primary expenses (though incurred on behalf of the privileged parties alone) out of public funds, and the imposition of a membership test which exposed the parties to invasion; and quite aside from detail, if only the principle of the statutes were considered, the question must arise as to the rights of private associations in the management of their own affairs. The judiciary might well have discovered a constitutional bar to reforms of this kind. As the guardian of personal and property rights it had often stood in the way of social reforms for which a much stronger case could be presented. No doubt such a check, though serviceable in encouraging second thoughts and modifications of view, would have been temporary; in California, when three successive primary acts (1895, 1897, and 1899) had been declared unconstitutional, the subject was placed beyond the reach of the courts by constitutional amendment.[3] As a matter of fact the legislation was

[1] See Chap. V.

[2] Merriam, *op. cit.*, Chap. VI, pp. 91-116.

[3] With regard to the act of 1897 the court condemned the party-membership test. "If such a power may be sustained under the constitution," it said, "then the life and death of political parties are held in the hollow of the hand by a state legislature." But, strangely enough, the act of 1899 was

usually sustained. "The decisions in the line of cases regarding registration and the Australian ballot," says Professor Merriam,[1] "naturally smoothed the way for favorable treatment of the acts regulating the conduct of primaries. With such precedents established, the courts have experienced little difficulty in finding grounds for the support of primary legislation. In a few instances acts have been declared unconstitutional, notably in California and Illinois,[2] but in these cases particular and relatively unessential features of the laws have been called in question rather than the general authority of the legislature to regulate the nominating process. . . . To the broad question, then, whether the legislature has the power to enact a primary law regulating the internal affairs of a political party the judiciary has generally returned a favorable answer. In principle such legislation is usually conceded to be constitutional."[3]

declared unconstitutional because it imposed no such test and, in the language of the court, permitted the control of parties to be "taken from the hands of its honest members and turned over to the venal and corrupt of other political parties or of none at all."

[1] *Op. cit.*, pp. 97 and 103.

[2] In Illinois four successive statutes (1905, 1906, 1908, 1910).

[3] It was held constitutional as an exercise of the police power or of the plenary power of the legislature in the absence of specific constitutional limitations; and also on the ground that the state, having conceded to party candidates a place on the election ballot, might attach reasonable conditions to the privilege.

CHAPTER X

DEVELOPMENT OF ORGANIZATION: THE DIRECT PRIMARY

At the opening of the twentieth century the convention system, having endured so long and having survived the worst period of political corruption in our history, might well have been regarded as a permanent feature of party organization. True, its character had changed. Through statutory regulation it had been transformed into a public agency; the convention, like the primary in which the delegates were elected, moved along a blazed trail of restrictive enactments.[1] But, after all, the purpose of the state in pushing forward these reforms was to restore the prestige of an institution whose persistence for three-quarters of a century seemed to establish its superiority.

Theoretical merits of the nominating convention

The convention, considered in the abstract, could lay claim to excellent qualities. It was the party council, a deliberative assembly in which, presumably, the best men sat as representatives of the rank and file. These representatives, drawn from all sections of the state or district, reflected the various shades of opinion in the party. Through personal contacts and exchange of views they were likely to reach an agreement in the common interest and pursue a line of conduct that would appease factional antagonisms and local grievances. They discussed and settled policies, chose the committees, nominated the candidates; and in doing these things a sense of responsibility inclined them towards compromise rather than towards the extreme views of a bare majority. In selecting candidates the spirit of compromise showed itself in a preference for men more or less acceptable to all factions and in a recognition

[1] The convention was not regulated with the same completeness as the primary. In the nature of things such a body must possess a considerable discretion. But in a number of states legislative remedies had been applied to the more flagrant abuses. There was a tendency to fix the date of the convention, lay down the principle on which delegates should be apportioned among the local areas, safeguard the rights of delegates in the granting of credentials, forbid the use of proxies, and require a roll-call in the election of convention officers and in the nomination of candidates.

of nationalistic groups, geographical regions, and economic interests.[1] In practice, however, these virtues were often obscured.

Its revealed defects

"The old conventions did not 'deliberate' on candidates," says Chester H. Rowell.[2] "They traded or obeyed and took the program. They did not represent the party, they misrepresented it. If they were 'responsible' to anything it was not to the party, and if they were responsible for anything it was not for their nominees. Their only use was to prevent the people from governing themselves." While men of eminence and integrity made their influence felt in national and state conventions, even in these, and more commonly in the less important bodies, there appeared in the convention too many office-holders,[3] too many office-seekers, too many mere tools of the machine. A considerable number, without any credentials of their own, made their way to the convention by procuring the proxies of regular delegates who did not care to attend. A Cook county convention of 1896—held, it may be well to remember, before the Illinois legislature had undertaken mandatory reform—indicates the appalling degradation that might be observed occasionally in the politics of that period. Among the 723 delegates 17 had been tried for homicide, 46 had served terms in the penitentiary for homicide or other felonies, 84 were identified by detectives as having criminal records. Considerably over a third of the delegates were saloon-keepers; two kept houses of ill-fame; several kept gambling resorts. There were eleven former pugilists and fifteen former policemen.[4] Although the personnel can rarely have approached this nadir of degradation, the delegates were as a rule mediocre in quality and dependent upon the boss. They took the orders of the boss, who, with his lieutenants, decided everything beforehand and, having made it his business to "get" the delegates at or after the primaries, could give what orders he chose. Even

[1] See on this point the view of Senator Hanna in Herbert Croly's *Marcus Alonzo Hanna* (1912), p. 356.

[2] "The Success of the Direct Primary," *Transactions of the Commonwealth Club of California*, Vol. XIX (Dec., 1924), p. 566.

[3] From the early days of the convention system office-holders were the mainspring of the machine. "The Organization in all its grades was full of office-holders," says Ostrogorski (Vol. II, p. 67); "they not only acted behind the scenes, but attended the various conventions in a body as delegates, and very often formed the great majority." According to Niles (1831) no less than 69 of 119 delegates in the New York state convention were office-holders. "It is thus in every state in the Union," he remarks.

[4] R. M. Easley, "The Sine-qua-non of Caucus Reform," *American Review of Reviews*, Vol. XVI (1897), pp. 322-324.

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had the convention been composed of better materials and left free to make its own decisions, so large a body, meeting for so short a time, could not have engaged in effective deliberation. The circumstances permitted little more than a "yes" or "no" to proposals that were formulated by a small coterie of party managers. Let it be understood, however, that the convention could have been reduced to manageable size; that, if the delegates betrayed a trust, a simple remedy lay in the election of men incapable of such baseness; and that, if the boss controlled the convention, the public knew it and could, but for fatal indifference, have enforced responsibility upon him.

The direct primary offered as a substitute

But though the convention was a good thing in principle and might have been made a tolerable thing in practice, a movement to supplant it had already begun. The same impulse that had brought about the regulation of the primary-convention system, gathering greater and greater momentum as official investigations and "muckraking" magazine articles piled up evidence of scandalous misconduct on the part of public servants, now refused to give time for a fair trial under the new conditions. The reformers were in no mood for temporizing. They felt that something still more drastic must be done to break the alliance between corrupt business and corrupt politics. This feeling manifested itself chiefly in the West. There, with a fervent if rather uncritical fundamentalism, the people (or some of them) demanded a reaffirmation of the old faith of the Jacksonian frontier. They would go back to the simple precepts of democracy, sweep away the pernicious ritual that clouded the truth, and restore government to the people. The insurgents or progressives, as they came to be styled, put together in their creed everything that democratic fundamentalism could ask: woman suffrage; direct election of United States senators; the recall, a sort of extension of the short-term doctrine, providing for the removal of elected officers by plebiscite; the referendum, under which the electorate could exercise a veto upon acts of the legislature; the initiative, under which the electorate could dispense with the legislature entirely in the making of laws; and the direct primary, which would do away with the nominating assembly or convention and make the party candidates the direct nominees of the party voters.

The emphasis, then, was upon direct, as opposed to representative government. The masses, who in Jackson's time had driven out the self-appointed aristocratic leaders and substituted leaders

Objections to the principle of the direct primary

of their own (in practice an oligarchy of professional politicians), now seemed to regard leadership as superfluous. Strong in the conviction of their own virtue and wisdom, they attributed the evils of misgovernment, not to any dereliction on their own part, but to the employment of intermediaries who, once in possession of a power of attorney, duped and exploited them. It was a splendid gesture. But on two grounds at least cynics might withhold their admiration. First, from the standpoint of experience: if the supposed failure of the convention system had been due to civic apathy, how could the voters be expected to assume the vastly increased burdens which the new schemes involved? And, second, from the standpoint of institutional development, was not the new departure reactionary, retrogressive? "It is the history of all evolutionary processes," President Butler has observed,[1] "that for particular purposes special organs are developed; for particular activities special instrumentalities are produced; and in developing any truly forward movement we proceed from the simple to the complex. In organic evolution the process is one away from the gelatinous and formless mass of the lower organisms to the exceedingly complex structure of the higher mammals. Obviously, then, it is at an earlier stage of evolution when one organism or instrumentality performs all functions, when one organism or instrumentality carries on government in all its forms, as well as those economic activities which result in providing clothing, shelter and food. As we develop, however, and as we progress, we differentiate; we throw out feelers, as it were; we develop special organisms and instrumentalities, social as well as individual; and these divide among themselves the economic, industrial and governmental functions of the social unit. In this way we get a division of labor; in this way we get a specialization of function. A really progressive movement, therefore, is a movement towards differentiation, towards complexity, towards specialization of structure and function. The movement towards the perfecting of representative government is progressive; a movement away from representative government, a movement that would shackle and

[1] *Why Should We Change Our Form of Government?* (1912), pp. 12-13. President Butler adds: "It would be just as appropriate to organize a movement, in the name of a progressive democracy, to cut our own clothes and make our own shoes, when tailors and shoe-makers are unsatisfactory, as to assume for the people as a whole the political duties which belong to representative bodies of officials, because these do not in every case do just what we should like."

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limit it, and that would appeal from representative institutions to direct democracy, is reactionary."

Political conditions favorable to its introduction

On broad philosophical grounds the direct primary, like direct legislation, might well be regarded as a dubious instrument to employ in a highly specialized society. But logic and philosophy are not controlling factors in politics. At this juncture a concrete problem pressed for solution. The demoralization of government, which had been driven home to the public by the most shameful disclosures, reflected demoralization within the parties. If the future was to promise something better than a succession of scandals, if preventive rather than punitive measures were to be taken, then party organization must be transformed. From the Atlantic to the Pacific this view found expression. In California, for example, the party machines, Republican and Democratic alike, acted as tools of the Southern Pacific Railroad, which threatened to absorb the entire life of the community. "No state in the Union," said Professor Jesse Macy,[1] "has had a more perfect party organization, radiating from one central office and ramifying in both parties to the smallest local areas. Gradually, as the hidden links in the chain have been revealed, the citizens have seen their actual relation to state and national business and to politics." In New York utter unscrupulousness seemed to mark the Democratic régime in the city and the Republican régime in the state. Charles Evans Hughes, forced upon the Republican machine as a candidate for governor after his successful conduct of the famous insurance investigation, urged the enactment of a direct primary law. His messages to the legislature present the views of a man of poise and judgment who was unlikely to be moved by doctrinaire considerations or emotional enthusiasm. Governor Hughes, while persuaded that the reform would bring about an improvement, was far from expecting miracles. He knew that human nature cannot be changed by statute. But the voter in the primaries, he thought, was more likely to be interested in the selection of candidates than in the selection of delegates. "The present system tends to discourage participation by the party voters in the affairs of the party," he

[1] *Party Organization and Machinery* (revised ed., 1912), p. 200. "It is the common belief that the railroad has dominated fully two-thirds of the newspapers of the state; that it has caused bankers everywhere to feel the danger of opposing the railroad program; that it has nominated, elected and controlled city and county officers and state legislatures; that it has named the members of the railroad commission and dictated their action, and that it has made the bench and the bar of the state tributary to its interests."

said.[1] "Entrenched power is so strong and the influence upon the choice of party candidates is so remote that it requires an unusual situation to call forth the activities of the party members to the extent desirable. . . . The ordinary party member, who cannot make politics a vocation, feels that he is practically helpless, a victim of a system of indirect, complicated, and pseudo-representative activities which favor control by a few and make party candidates to a great extent the virtual appointees of the party managers. Party members are largely out of sympathy with their party organization because they believe that its powers are abused and its purposes perverted." This was measured language. Other advocates of the new method of nomination expressed themselves in more glowing terms.

Its significance in the struggle between Progressives and Old Guard

The direct primary made its rapid conquests in the West as a phase, and perhaps the most important phase, of a democratic revival. Those who preached the gospel of a new heaven and a new earth kindled a popular emotion like that of the camp-meeting. Even in the East, where the new creed encountered a good deal of scepticism and won fewer and less ardent proselytes, men of high and disinterested motives gave their support to champions of the direct primary like Governor Hughes of New York and Governor Wilson of New Jersey. But almost everywhere insurgent politicians capitalized popular enthusiasm in their struggle for ascendancy in the party organizations. Their situation resembled that of the dexterous politicians who managed the campaigns of Andrew Jackson and overthrew the congressional caucus when they could not control it. The Old Guard, the Stalwarts, the Stand-patters had "dug in," entrenched themselves in the convention system; apparently they could not be dislodged by a frontal attack. Effective strategy called for some new device that would force the evacuation of the trenches and restore open warfare. The Jackson men made use of the delegate convention; the insurgents of the twentieth century turned to the direct primary. That institution

[1] Messages of 1909 and 1910. See Charles A. Beard, "The Direct Primary in New York," *Proceedings of the American Political Science Association*, Vol. VII (1910), pp. 187-198. "Favoritism in the departments of administration," Hughes declared, "the non-use or misuse of supervisory powers, the shaping or defeat of legislation to protect particular concerns or interests—in short the degree of success which has attended the efforts of those who have not been entrusted with governmental authority to dominate the action of public officers and keep in power those who will be amenable to their control—may be traced in large measure to the methods which have been in vogue in making party nominations."

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had already made its appearance in the states of the West and the South.

Its establishment by party rules (1) in Western states

The direct primary seems to have been employed first in Crawford county, Pennsylvania. There, shortly after the close of the Civil War (in 1868), the local rules of the Republican party did away with the delegate convention and provided that the candidates should be nominated at the primary.[1] In those early days the "Crawford County System"—not till the close of the century did the term "direct primary" come into common use—attracted some attention as an instrument of reform, without being regarded, however, as a serious rival to the convention system in any state outside of the Solid South. It gained a foothold in four other Pennsylvania counties[2] and moved westwards into Ohio (where the Republican voters of Cleveland, or rather Cuyahoga county, approved its introduction in 1887), Indiana (where it was adopted in a dozen counties), Iowa, South Dakota, Nebraska, Kansas,[3] Colorado, Wyoming, Utah, Nevada, and California.[4] Everywhere, as in the state of its origin, the experiment was sponsored by the local party organizations and confined to small areas in which the reform element had gained the upper hand. It indicated a healthy growth of dissatisfaction with machine politics, a movement within the parties, as yet too weak for more than sporadic expression, to undertake the house-cleaning that was soon to be exacted by public authority. The new methods of nomination did not escape regulation by the state legislature. The first direct

[1] C. E. Meyer, *Nominating Systems* (1902), pp. 146 *et seq.*

[2] Lancaster, Erie, and Beaver in the seventies; Lackawanna in 1898. Meyer, *op. cit.*, pp. 146-150.

[3] Here the direct primary, appearing first in Jackson county (1882), was known as the "representative vote system." The number of representative votes allotted to each precinct depended upon the vote cast in the preceding general election. "If, for example, one representative vote for every ten votes is the basis of apportionment, then a precinct having cast one hundred votes is entitled to ten representative votes. These representative votes are divided among the different candidates upon the basis of their share of the total vote cast in that precinct in the primary. The candidate securing the highest number of representative votes in all the precincts secures the nomination, and not the one receiving the greatest number of direct votes, although usually the latter is also true." *Index-Digest of Primary Laws* (1922), p. 22.

[4] Meyer, *op. cit.*, gives the best account of the early development of the direct primary. Further details are given in the unpublished *Index-Digest of Primary Laws* (1922), compiled by the Legislative Reference Division of the Ohio State Library, for whose courteous loan of the manuscript I wish to express thanks.

primary act appeared in 1871, an optional statute applying to Lancaster county, Pennsylvania. It provided that the primary election judges should be sworn to the faithful performance of their duties and that voters, being challenged, should be examined under oath. Similar statutes were enacted for Crawford, Erie, and Beaver counties. But in the states of the West and Middle-West, except Ohio, the statutes, though optional, were of general application, extending as a rule to all primaries, whether of the new direct pattern or otherwise;[1] and in Nevada (1883), Colorado (1887), and Iowa (1898) their very limited provisions were mandatory.

(2) in Southern states

It was in the South rather than in the West, however, that the widest development of direct primaries took place.[2] There the idea of reform had less influence than the peculiar conditions arising out of the race problem and the overwhelming predominance of the Democratic party. The elections attracted less interest than the primaries, because the Democratic ticket always prevailed; and direct primaries afforded an opportunity to hold within the party a real election as a preliminary to the formal election which merely ratified the decision of the party voters. In every one of the ten states of the Solid South the new system came into operation under party rules, tending to spread from county to county over the whole state and even to extend to the nomination of state officers, as in South Carolina. In 1888, when the direct primary had become fairly well established, legislative regulation began.[3] It usually took an optional form and left a very wide discretion with the party committees; but in South Carolina (1888) and Mississippi (1892) the statutes were mandatory in the sense that direct primaries, if held at all, must conform to the provisions laid down. In the states bordering upon the Solid South—Maryland, West Virginia, Kentucky, Tennessee, Missouri—the direct method of making nominations was employed in varying degree, most conspicuously in Kentucky, where an optional state-wide law was passed as early as 1880.[4]

[1] South Dakota had no primary law of any kind until 1905.

[2] Meyer, *op. cit.*, pp. 121-130.

[3] By 1900 North Carolina was the only state in the Solid South without a primary law.

[4] Tennessee was the only border state in which no primary law was passed before the end of the century. A Missouri statute of 1891 (amended 1893), applying to cities of 100,000 population, required parties polling one-fourth of the total vote to make their nominations by direct primary.

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Situation at close of the nineteenth century

Before the close of the nineteenth century, then, the direct primary had supplanted the convention in many Western counties and come into general use through the South. It existed by virtue of party rules; the laws that regulated it were almost invariably of an optional character; and in its widespread development these circumstances seemed to show that it possessed an inherent strength and had its rise, without artificial stimulation, deep in the realities of American political life. The insurgent politicians of the West, therefore, in urging the universal adoption of the direct primary at this time, proposed no hazardous experiment with a substance whose properties were unknown. The laboratory tests had been made. Just as the county convention, early in the nineteenth century, prepared the way for the overthrow of the legislative caucus, so now the direct nomination of county officers, making its appearance here and there and winning popular approval, foreshadowed the rapid collapse of the whole convention system in the West. The insurgents wished to abolish the convention utterly and to substitute the direct primary for the nomination of all elective officers, state and local alike. They demanded state-wide mandatory laws. The movement attracted great attention in 1901 when bills were introduced in the legislatures of nineteen states, all but six of them in the West or Middle-West.[1] The only substantial victory, however, occurred in Minnesota; and there the convention was retained for the nomination of state officers. It was not till 1904 that the first comprehensive state-wide mandatory laws were adopted in Wisconsin and Oregon.[2]

Demand for state-wide mandatory direct primary

La Follette's struggle with Wisconsin's Republican machine

In his autobiography the late Senator La Follette has told the story of his struggle with the Republican bosses of Wisconsin. Nowhere can a better understanding of the direct-primary movement be obtained than in the pages of this book. It is perhaps worthy of notice that the convention system, which La Follette afterwards denounced as an instrument of political robbery, offered no serious obstacle to his early advancement in public life. In the face of opposition from the boss of Dane county, he was nominated for the office of district attorney in the year of his admission to the bar.[3] The party gave him a second term in that office and

[1] Meyer, p. 94.

[2] The Mississippi law of 1902, while state-wide and mandatory, left the conduct of the primary for the most part in the hands of the party committees.

[3] Explaining his success against the machine, he says (p. 13): "I had gone behind all this organization and reached the voters themselves." This most certainly suggests that the convention was not uninfluenced by public

afterwards sent him to Congress for three terms. A Democratic landslide and not the artful devices of the machine brought about his defeat in 1890. Then came a dramatic break with the state boss, Philetus Sawyer, who, according to La Follette's public statement, had attempted to bribe him and through his influence secure a favorable decision in cases pending before his brother-in-law, Judge Siebecker. The newspapers refused to credit his version of the transaction. He found himself ostracized.[1] But La Follette, being a man of courage and belligerent disposition, did not give ground. "Out of this awful ordeal," he says,[2] "came understanding; and out of understanding came resolution. I determined that the power of this corrupt influence, which was undermining and destroying every semblance of representative government in Wisconsin, should be broken. . . . I did not underrate the power of the opposition. I had been made to feel its full force. I knew that Sawyer and those with him were allied with the railroads, the big business interests, the press. the leading politicians of every community. I knew the struggle would be a long one; that I would have to encounter defeat again and again. But my resolution never faltered." In 1894 La Follette began a ten-year fight against the machine. He failed to secure the gubernatorial nomination for Congressman Haugen in 1894 and for himself in 1896. On the latter occasion, although the primaries gave him, he says, a majority of the delegates, some of them deserted him in the convention. In a word, they were bought. The same thing happened again in 1898. "When the convention met," we are told,[3] "I should have been nominated on the first ballot, except for the use of money with delegates exactly as in 1896. Senator Stephenson, then a Scofield supporter and a power in the old organization, stated many times to my friends that the total amount of money required to handle the delegates the night before the balloting was $8,300."

His advocacy of the direct primary

It was the betrayal of 1896 that made La Follette the bitter enemy of the convention system. Shortly afterwards, in an address at the University of Chicago, he advocated the direct nomination

opinion; and abundant evidence of the same kind can be drawn from other states.

[3] "Besides a little group of personal friends, there was no one to raise his voice in my defence. Prominent politicians denounced me. I was shunned and avoided everywhere by men who feared or sought the favor of Senator Sawyer and his organization." *Autobiography*, p. 160.

[1] *Ibid.*, pp. 164-165.

[2] *Ibid.*, p. 220.

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of all elective officers by both parties on the same day and under the safeguards of the Australian ballot. "Conventions," he said,[1] "have been and will continue to be prostituted to the service of corrupt organization. They answer no purpose further than to give respectable form to political robbery. Abolish the caucus and convention. Go back to the first principles of democracy; go back to the people. Substitute for both caucus and convention a primary election—held under the sanction of laws which prevail at general elections—where the citizen may cast his vote directly to nominate the candidates of the party with which he affiliates and have it canvassed and returned just as he cast it. . . . Then every citizen will share equally in the nomination of the candidates of his party and attend primary elections as a privilege as well as a duty. It will no longer be necessary to create an artificial interest in the general election to induce voters to attend. Intelligent, well-considered judgment will be substituted for unthinking enthusiasm, the lamp of reason for the torchlight. . . . The nominations of the party will not be the result of 'compromise' or impulse, or evil design. . . ." In fact, the new conditions would approach very close to the ideal.

Wisconsin law of 1904

La Follette was elected governor in 1900, a rift in the party machine having facilitated his nomination. Not till near the close of his second term, however, did he prevail upon the legislature to enact the kind of direct primary law he desired; and even then provision was made for a referendum. The Wisconsin direct primary law, adopted by the people in 1904, swept away every vestige of delegate conventions. It provided that every candidate, from constable to governor, should be chosen by the party voters at the primary; that names should be placed on the primary ballot by petitions, these being signed by one per cent of the party voters in the case of a state office, two per cent in the case of congressman, and three per cent otherwise; that the expense should be borne by the state or subdivision of the state, as in general elections; that the county committees, elected at the primary, should choose the congressional district, senatorial district, and assembly district committees; and that the state committee should be chosen by the state platform convention, or party council, this to consist of the party candidates for state office and for the legislature, together

[1] *Autobiography*, p. 197.

with hold-over state senators. The primary was to be held for all parties at the same time and place.[1] The voter received the ballots of all parties and, in the privacy of the polling-booth, marked the one of his choice.

Rapid spread of the direct primary

The impulse given in Wisconsin and Oregon soon made itself felt throughout the West. In 1907 Iowa, Nebraska, North Dakota, and Washington fell in line; in 1908 Kansas and Illinois; in 1909 California, Idaho, Michigan, and Nevada. Nor was the movement confined to the western part of the country. Missouri and Texas in 1907, Oklahoma in 1908, Tennessee in 1909 enacted state-wide mandatory laws. The first Eastern state to accept the new gospel was New Hampshire (1909). The progressive or insurgent forces, gaining steadily in strength, added state after state to their conquests. To-day the convention system stands unshaken in only three states: Connecticut, New Mexico, and Rhode Island; and perhaps Utah may be classed with them as a fourth state, for there the direct primary has been applied only to cities of the first and second classes. "For better or for worse," says Chester H. Rowell,[2] "the convention system is dead forever. It committed suicide, and was rotten before it was buried! It now survives in only three states. . . . So far as universal usage can establish anything the direct primary is now the American system."

Its adoption in forty-four states

Variations in practice

But the system does not prevail everywhere to the same extent; among the forty-four direct primary states there are important deviations from the normal type of the state-wide mandatory law.[3] Thus: (1) in five states (Alabama, Arkansas, Delaware, Georgia, and Virginia) the direct primary, though commonly employed, is optional, the party committees being left free as to the choice of the direct or indirect method, but being bound in either case by

[1] Any political organization which received one per cent of the total vote at the last presidential election, in the state or a subdivision of the state, could participate in the primary. Other organizations could qualify for the state as a whole by presenting petitions signed by one-sixth of the voters in ten counties or for a subdivision by one-sixth of the voters therein.

[2] *Trans. of the Commonwealth Club of Calif.*, Vol. XIX (1924), p. 564.

[3] For convenient abstracts of the laws see the *Index-Digest* of the Ohio State Library, already referred to; and Dr. Charles Kettleborough's "Digest of Primary Election Laws," *Annals of Am. Acad.*, Vol. CVI (March, 1923), pp. 182-273. These are not altogether accurate, however; and numerous changes have occurred since their appearance. This year (1927) the National League of Women Voters will publish an authoritative and detailed study of the direct primary by Helen M. Rocca.

mandatory regulations.[1] (2) In Kentucky the direct primary is optional for the nomination of state officers and United States senator, but otherwise mandatory. (3) In several states the direct primary is optional in the case of certain local offices: county offices and members of the state assembly in thirty-two North Carolina counties; all municipal offices in Florida. In Massachusetts any city or town, in Michigan any city of less than 70,000, and in West Virginia any city or borough of less than 30,000 has freedom of choice. (4) In five states state officers and United States senators are nominated by a delegate convention: Idaho,[2] Indiana,[3] Maryland,[4] Michigan,[5] and New York.[6] (5) In Iowa whenever the vote of the highest primary candidate falls below thirty-five per cent of the total vote for the office the right of nominating the party candidate passes to the appropriate convention, state, district, or county. (6) There are, in addition to the six states just mentioned, fourteen others that provide for the holding of delegate conventions.[7] Only in Colorado and South Dakota are they even authorized to recommend candidates for nomination at the primaries;[8] in the remaining states—except Maine, Nevada, South Carolina, and Wyoming, where the law requires the convention to meet

[1] The Southern states prefer to give the party committees a wide discretion; even where the law is mandatory fewer restrictions are laid upon the party than is customary in the Northern states.

[2] Representatives in Congress also nominated by convention.

[3] But governor and U. S. senator are nominated by convention only when no candidate for those offices receives a majority of the preference vote in the primaries.

[4] County and legislative officers also nominated by convention in Howard county.

[5] Governor, Lieutenant-governor, and United States senator are nominated by direct primary.

[6] Judges of the supreme court are nominated by judicial district conventions.

[7] Colorado, Illinois, Maine, Minnesota, Mississippi, Nebraska, Nevada, Ohio (only in presidential years), South Carolina, South Dakota, Texas, West Virginia (presidential years), Washington, and Wyoming. In certain other states —Louisiana, Oregon, Pennsylvania—delegate conventions have met before the primaries, although the law makes no provision for them. See R. S. Boots, "Party Platforms in State Politics," *Annals*, Vol. CVI (1923), pp. 72-82; and Schuyler C. Wallace, "Pre-primary Conventions," *ibid.*, pp. 97-104. The latter omits Mississippi, Nebraska, South Carolina, and Texas.

[8] In Colorado the names of all those who receive at least ten per cent of the convention vote go on the primary ballot; in South Dakota the convention presents majority and minority slates, all other names being placed on the primary ballot by petition. The Minnesota law permitting party conventions to endorse candidates for nomination in the primary was repealed in 1923.

before the primary; Mississippi and Washington, where the state committee fixes the time of meeting—the conventions can have no influence over the nominations because they assemble after the primary has been held. Their main purpose is to formulate the party platform, although in most cases they also nominate presidential electors. Twelve states entrust the framing of the platform to a "party council" instead of a delegate convention.[1] This body consists of the party candidates for state office and for the legislature, sometimes with the candidate for national office and certain party committeemen added. Seven states make no provision with respect to the party platform.[2]

Survival of national convention

The national convention still survives. Twelve or fifteen years ago there was some ground for believing that it would share the fate of the state conventions or, like the electoral college, become atrophied and meet only to register the choice of the party voters. The delegates, directly elected in the primaries, would be bound to nominate the candidate in accordance with the presidential preference vote of their states; they would go through the form of electing national committeemen who had already been nominated in the primaries; even the platform would be framed to suit the ideas which the presidential candidate had popularized in his pre-convention campaign. Why not recognize frankly, it was asked, the inconvenience of preserving such a moribund institution? Why not extinguish its feeble spark of life and let the new democratic impulse have full play? President Wilson proposed to Congress in 1913 that a national direct primary should take the place of the convention. But Congress showed no disposition to act on this proposal. The most ingenious search of the Constitution failed to discover an implied power which could justify such legislation. Although our parties are national parties, their affairs are regulated almost entirely by state law. While the federal government has full power to regulate elections in which its officers are chosen, the decision in the Newberry case[3] seems to show that this power

[1] Arizona, California, Colorado, Kansas, Massachusetts, Missouri, Montana, New Hampshire, New Jersey, North Dakota (in this case the state committee makes the platform), Vermont, and Wisconsin. In Colorado the convention presents a platform before the primary and the party council presents one after the primary.

[2] Florida, Louisiana, North Carolina, Oklahoma, Oregon, Pennsylvania, and Tennessee.

[3] *Newberry v. U. S.*, 256 U. S. 232 (1921). For the details of this case see Chap. XX.

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does not extend behind the election to the process of nomination. Even if it did so extend, the electors, who choose the president, are not national officers; they are state officers, appointed in such manner as the legislature of each state may direct. Without a constitutional amendment Congress has no power to enact a national direct primary law or determine how the delegates to the national convention shall be chosen and how they shall vote. Nor are the state legislatures a satisfactory substitute for Congress. Not that the convention is likely to flout the will of a state expressed in law—or in any other way; the Republican party has modified its rules so as to recognize the right of a state to require the election of delegates on a general ticket and the election of national committeemen—a right denied at first by the convention of 1912. But forty-eight state legislatures cannot do what Congress could do if it had the power, and the will to exercise the power. Supposing they all made similar provision for the election and instruction of delegates, there would, nevertheless,—in view of the number of favorite sons and of the sharp contest that so often occurs between leading contestants,—rarely be a clear majority for any candidate on the first ballot; and it is hardly conceivable that the state laws could, by uniform provisions, limit the discretion of the delegates and confine their choice, say, to the two highest candidates. At any rate nothing of the kind has been attempted. The convention of 1912, like those held subsequently, showed the utter inadequacy of existing state laws to take from the convention its full liberty of action. With the decline of faith in the direct primary it seems unlikely that the states can be brought to enact uniform presidential primary laws or that an amendment to the constitution will permit Congress to take the matter in hand.[1]

Dissatisfaction with the direct primary

For faith in the direct primary has declined. In the second decade of the century the progressive movement passed its apogee. "He tires betimes who spurs too fast betimes." Enthusiasm cooled; the pace slowed down. In the ranks of the crusaders there was evidence of fatigue. Exhortation to free the holy places from the dominion of the infidel machine, words that once held a magic of inspiration, could no longer quicken faltering and reluctant foot-

[1] The national convention is the subject of Chaps. XVII and XVIII. On the points mentioned above see P. O. Ray, "Reform of Presidential Nominating Methods," *Annals of Am. Acad.*, Vol. CVI (1923), pp. 63-71; and particularly Louise Overacker, *The Presidential Primary* (1926).

steps. As men paused and looked upon the scene of their conquests with detachment, as they appraised their work in an atmosphere of reality and with an altered perspective, some at least felt a sense of disillusionment. The direct primary, like the initiative and referendum, has ceased to give the old emotional thrill; and those who unsuccessfully opposed it from the beginning have begun to find an audience for their criticisms. These criticisms will receive attention in another place. Here it is enough to say that, as presented by partisans of the convention system, they are not altogether convincing. Some rest on facts—for example the public expense involved in conducting the primary—which apply with equal force against the regulated primary-convention system; others on facts—for example, the lack of popular interest in the primary—which strike at the basic principle of democracy and might be used as an argument against elections of any kind; and still others with facts—for example, the lenient party test permitting invasion of the primary—which have to do with remediable and not inherent defects. The force of reaction, it is true, has been demonstrated in the reëstablishment of the state convention in Idaho (1919) and New York (1921); and in the repeal of the presidential primary laws of Iowa (1917), Minnesota (1917), Vermont (1921), and Montana (1924).[1] There is, however, little likelihood of a general reaction. "To agree that the direct primary has its faults is not to concede that it should be abandoned," says Chester H. Rowell.[2] "Least of all is it to conclude that we should go back to the old discredited, misrepresentative, irresponsible convention system. Whatever else may happen, we may be certain that no generation which remembers that system will ever revive it, and that no later generation, unhandicapped by tradition, would independently devise anything so crude." The experience of Nevada supports this view. There the direct primary, having been abandoned in 1915, was restored two years later; the conventions of 1916 seem to have fallen short of popular expectation. In 1919 the legislatures of Nebraska and Montana passed bills restoring the convention, but these, referred to the people, were defeated respectively by 133,000 votes to 49,000 and by 77,000 to 60,000; and

But little likelihood of a general return to the conventions

[1] Minnesota adopted in 1921 a plan under which the convention endorsed a ticket and the fact of such endorsement appeared on the primary ballot; but the law was repealed two years later.

[2] *Transactions of the Commonwealth Club of California*, as cited, p. 564.

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a similar South Dakota bill of 1920 was defeated by 82,000 to 65,000.[1] The Commonwealth Club of California found that almost two-thirds of those replying to its questionnaire opposed the repeal of the direct primary law in that state.[2]

Two fundamental advantages of the direct primary

Whatever may be the defects of the direct primary, the people are not inclined to turn back to a discarded nominating method which, even though its alleged virtues may not be altogether imaginary, has the appearance of being less democratic. There is a tremendous sentimental appeal in that word "democratic"; the direct primary is taken as a symbol of the capacity of the people to look after their own affairs without the help of intermediaries. Charles Evans Hughes, a most thoughtful and informed advocate of the system, has stated its advantages in this way:[3] "*First,* it places a weapon in the hands of the party voters which they can use with effect in case of need. They are no longer helpless. This fact puts party leaders on their best behavior. It is a safeguard to the astute and unselfish leader who is endeavoring to maintain good standards in line with public sentiment. It furnishes a disposition not to create situations which are likely to challenge a test. *Second:* The fact of this control gives to the voters a consciousness of power and responsibility. If things do not go right they know that the trouble lies with them. The importance of this assurance should not be overlooked in any discussion of the apathy of the electorate. The fact that the voters know that they are in control, that the machinery of nomination is not so contrived as to render them virtually powerless, but that they may assert this will immediately if they choose, is of the utmost importance in securing the foundations of a sound and stable democracy, with rational progress, and in protecting us against the assaults of those who would undermine all orderly government by fomenting bitterness of feeling by reason of the belief that our system favors government by a privileged class. . . . I regard a proper direct primary system as an essential complement of the short ballot."

This argument cannot be regarded lightly. In the circumstances of our political life to-day it is as cogent as were the claims made for the convention system when it displaced the legislative caucus a century ago. But the question must remain as to whether the

[1] R. S. Boots, "The Trend of the Direct Primary," *Am. Pol. Sci. Rev.*, Vol. XVI (1922), pp. 419-420.

[2] *Transactions*, as cited, pp. 580 *et seq.*

[3] "The Fate of the Direct Primary," *Nat. Mun. Rev.*, Vol. X (1921), p. 25.

Its inadequacy as a cure for machine politics and popular indifference

direct primary is the only means or the best means of giving the voter a weapon against machine politics and a sense of responsibility. Is all this intricacy and complication necessary?[1] If it is, if there must be a preliminary election in each party to select the candidates, logic would require a pre-primary election, again under public supervision, for each faction of the party. South Dakota has, in effect, taken this forward—or backward—step. Incredible as it may seem, preparations for the biennial election begin a whole year in advance and involve two sets of primaries, in November and March.[2] The South Dakota law recognizes the fact that a preliminary understanding is no less essential to factions within the party before the primary than to the party as a whole before the general election. From the standpoint of popular control the problem of the primary is identical with the problem of the election. There is bound to be concerted action of some kind before the primary. The machine at least will prepare its slate and marshal its supports. Those who believe that the direct primary has weakened the machine or banished corruption or elevated public life are taking a superficial view. If the standards of politics, like the standards of business, have noticeably improved, the causes of this improvement will be found in an awakened public conscience rather than in the mechanical devices of legislation. The direct primary may have served as a rallying-point in the fight against entrenched oligarchy. The faith that it inspired may have contributed powerfully towards raising the tone of political manners. But as a permanent remedy for popular indifference and for machine politics its efficacy is open to doubt. The worst feature of our election system is its complexity, the intolerable burden it

[1] Bryce, with his usual aversion to over-statement, was contented to observe (*Modern Democracies*, Vol. II, p. 130) that it "strikes Europeans as a surprising departure." An American tourist, calling upon a Scandinavian editor in 1914, found him deep in the pages of La Follette's autobiography and amazed at the fierce and prolonged conflict that turned on the system of nominations. In Europe nominations present hardly a problem of any sort.

[2] In November the party voters send delegates (proposal-men) to county conventions (proposal meetings), which in turn send delegates to the state convention. After the state convention has designated majority and minority candidates and programs, the county conventions meet again and perform a like function for the counties. In the March primary the voters have before them these proposals of men and measures, together with others put forward by petition (that is, supported by a given number of signatures). Some of the more grotesque features of the so-called Richards direct primary law were repealed in 1921.

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puts upon the voter; and that burden has been aggravated by the various contrivances of direct democracy. Effective reform must move towards simplification. The first requisite is to confine the process of election to policy-determining officers and, as in other countries, have all administrative officers appointed. With or without that reform, there is, of course, no reason to believe that the direct primary will stand as a final solution. The delegate convention, hailed as a perfect thing, lasted more than two generations and then passed away.

Possible future developments:

Whatever takes the place of the direct primary will probably come as the result of gradual adjustment and local experiment. Such was the case with the rise of the convention system and, afterwards, with the rise of the direct primary system. What are the tendencies? (1) To keep the primary as a weapon held in reserve, as a gun behind the door, party committees or conventions recommending candidates and the party voters accepting these when satisfactory, but always having the power to substitute others. This plan, strongly urged by Mr. Hughes,[1] would place responsibility upon the organization and greatly reduce the number of contests in the primary, making them the exception rather than the rule. The party committees would know that they must meet the wishes of the majority; they would be on their good behavior. Minnesota adopted a plan of this sort in 1921, only to abandon it two years later.[2] (2) To modify the character of the primary so that it would become a preliminary election in which parties would not be recognized at all and the weaker candidates would be eliminated. This is called the non-partisan primary.[3] Those receiving the highest and second-highest vote become candidates in the regular election; in some cases (under the California law, for example) the candidate is declared elected if he receives a clear majority of the vote in the non-partisan primary. The system resembles the one discarded after the war by France and Germany, where a second election was held if no candidate received a majority in the first.[4] It has developed widely in the West (as

(1.) Designating committees or conventions

(2.) Non-partisan primary

[1] See "The Fate of the Direct Primary," cited above.

[2] In Colorado the names of all those receiving 10 per cent or more of the convention vote appear on the primary ballot; in South Dakota the convention presents to the voters on primary day majority and minority slates.

[3] R. E. Cushman, "Non-partisan Nominations and Elections," *Annals*, Vol. CVI (1923), pp. 83-96.

[4] The same result—*i.e.*, election by majority instead of plurality—could be

the direct primary did thirty or forty years ago), being applied mainly to municipal, county, and judicial offices.[1] To call it a non-partisan primary is absurd. It is non-partisan only in the sense in which all English elections are; for in England, while the candidates are all known as party nominees, the party name does not appear on the ballot. The non-partisan primary is simply a first election held for the purpose of eliminating the weaker candidates and making sure of a majority choice in the second election; but the parties are left absolutely free to bring forward their candidates in any way they choose—as free as they were before the fever of legislative regulation of parties began. (3) To do away with primaries altogether—in name as well as fact—and have all candidates nominated by petition. This plan, which is being accomplished indirectly through the so-called non-partisan primary, has been put into direct operation in various cities, including Boston. It has the advantage of simplicity. There is no need to require, as in Boston, thousands of signatures to the nominating petition rather than the ten required in England or the hundred required in France. Any danger of a considerable number of candidates coming forward can be obviated by imposing a considerable fee, which would be returned after the election in the case of those polling a stated percentage of the total vote.[2]

(3.) Nomination by petition

Both nomination by petition and the non-partisan primary might be brought into general use. The former, if it proves satisfactory for municipal offices, must be an appropriate method of nomination for any offices. Its effect is to do away with primaries altogether; but before the election the parties would naturally select their standard-bearers, as any other voluntary associations might do, and place their names upon the ballot by petition. The non-partisan primary is also capable of indefinite extension; in

The restoration of parties as voluntary associations

obtained by doing away with the preliminary election or non-partisan primary and using a second-choice or alternative-vote ballot. Unfortunately experience has shown that in this country voters are not inclined to express a second choice.

[1] The eleven states in which it is used for judicial nominations are all in the West.

[2] The exaction of such a fee would discourage frivolous candidatures, but would handicap a poor man less than the present cost of campaigning under the direct primary. As a matter of fact half the states now require fees from candidates in the primary, these rising as high as $270 for state-wide offices in Maryland.

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Minnesota since 1913 it has been applied to legislative offices.[1] Its effect is to abolish the direct primary, because, notwithstanding its name, it is really a preliminary election in which the candidates of all parties appear without the party label; and the parties may proceed to nominate these candidates in any way they prefer, just as they did in the old days as voluntary associations. In a word, either of these systems would serve to nullify the whole mass of legislation regulating party affairs; it would liberate the parties, swing them around full circle to the position they occupied fifty years ago. What the ultimate development will be no one can foretell. The one certain thing is that the direct primary, as originally conceived, will not stand. Under easy tests of party affiliation members of the minority party tend to enter the primary of the majority party, where the real decision is reached. Thus in a good many Northern states where the Republican party is dominant, as in all the Southern states, the primary tends to take on the character of a preliminary election; and for this reason a drift to the non-partisan primary (so-called) is not an impossible eventuality.

[1] In 1923 a North Dakota statute extended the non-partisan system to state officers and members of the legislature. But this statute, having been referred to the people, was rejected by a vote of 66,621 to 55,914 in March, 1924.

CHAPTER XI

NATIONAL PARTY EXECUTIVES

Importance of party committees

THERE are two successive phases in the struggle for control of the government: the first has to do with the process within each party, culminating in primaries and conventions, by which some sort of agreement is reached in the selection of candidates; the second sees the parties arrayed against each other in the effort to secure a favorable verdict from the electorate. It is not the candidates alone, or even chiefly, who conduct the election campaign. That vital function rests with the committees. Party organization, therefore, may conveniently be viewed in two aspects. On the one hand we have the primaries and conventions, instruments which are employed only at intervals and have no continuous existence; and on the other hand, the party executives, the permanent committees, which, though most active in the campaigns, are constantly preoccupied with the affairs of the party. Now that the primary is regulated by law and assimilated to the general election the committees have, in theory at least, little to do with the making of nominations; but notwithstanding the polite doctrine that they should stand above faction and act in the common interest, their influence in the pre-primary campaign is sometimes decisive. From the standpoint of the law the committees are charged with the management of party affairs. Their power as a directing agency, however, is often more formal than real. The word of command may be spoken, not by the committee or even its chairman, but by some individual on the outside who has come to be recognized as the party leader.

Congressional and senatorial campaign committees

In the field of national politics Republicans and Democrats alike have three committees: congressional, senatorial, and national.[1] The national Republican congressional committee originated during the conflict between President Johnson and Congress.[2] Members of both houses, believing that the national committee was too much subject to executive influence and could not

[1] The Socialists have only a national executive committee.

[2] Jesse Macy, *Party Organization and Machinery* (1904), pp. 87-95.

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be relied upon to promote their interests in the elections of 1866, set up what appeared for the moment as a rival body. Then and for long afterwards it was chosen at a joint caucus of Republican senators and representatives.[1] Only with the appearance of a separate senatorial committee in 1916 [2]—this being established to meet the new situation brought about by the direct election of senators—did it become the instrument of the House caucus alone. The committee now consists of one member from each state which has Republican representation in the House, he being nominated by the state delegation and elected by the caucus for a term of two years. The same holds true of the Democratic committee as well; but in its case the chairman is empowered to appoint a woman member for each state and to fill all vacancies, that is, to appoint a member for any state which has no Democratic representation in the House. The congressional committees are concerned exclusively with the election of representatives. For forty years or more they possessed no effective organization; they awoke to activity only with the opening of the biennial campaign. Nowadays,[3] as soon as one election is over they are preparing for the next. They maintain, at their Washington headquarters,[4] a small permanent staff which is at all times closely in touch with party workers throughout the country. On the basis of the election returns and of tendencies that manifest themselves after election the committee classifies congressional districts into three categories: Republican, Democratic, and doubtful. Where one party or the other has an overwhelming preponderance intervention would be unnecessary or hopeless. It is upon the doubtful districts that the committee fixes its attention.[5] The Republican senatorial campaign

[1] The Democratic Congressional Committee, originating in the seventies, included nine senators chosen by the Senate caucus and a member for each state chosen by the House caucus.

[2] The Democratic Senatorial Committee was organized in 1918 on the initiative of the National Committee. *Proceedings* of the 1920 National Convention, p. 475.

[3] The reorganization of the Republican committee dates from 1913.

[4] The Republican committee has rooms in a Washington office-building; the Democratic committee makes use of the Minority room in the House of Representatives.

[5] "The committee does not remain inactive in the interval between the elections; it follows the fortunes of the party in the districts attentively; it analyzes the vote at each succeeding election by counties; and if it notes a fall in the number of votes polled by the candidate of the party, it makes an enquiry into the causes. Perhaps the fault lies with the factions which are

committee consists of seven members, the Democratic national senatorial committee of six, appointed for two years by the chairman of the caucus or conference.

Their relations with the national committee

The congressional and senatorial committees cannot be regarded, in any formal sense, as subordinate to the national committee. They are connected with it only by the bond of a common partisanship. Representing the legislative branch of the government, they might even feel at times, as in 1866, the impulse to take a quite independent line. There are, however, circumstances of a practical nature which ensure at least a close and cordial coöperation. These become apparent in presidential years when national issues are supreme and public interest concentrates upon the struggle for possession of the chief magistracy. Every other campaign—senatorial, congressional, gubernatorial—takes its tone from the presidential campaign; every other party candidate finds his fortunes involved with those of the presidential candidate. The national committee dominates the situation. Exhausting, in the collection of the large campaign fund, sources which in off years supply the other committees, it thereby becomes the object of general solicitude, for where the treasure is there shall the heart be also. The nature of this financial hegemony was shown by evidence before a Senate investigating committee in 1920.[1] "*The Chairman:* Loans to the senatorial campaign committee—what can you tell us about that? *Mr. Upham* [treasurer, Republican national committee]: I have had no conference with the senatorial committee, personally, with the exception of a talk with Senator Poindexter; and my understanding is that we are to loan the senatorial committee up to $200,000. *The Chairman:* By the way, how much are you to loan the congressional campaign committee? *Mr. Upham:* $500,000."[2] The Democratic arrangements were some-

devouring each other, or the candidate is not a popular one, or the policy of the party is creating discontent, or the rival party is employing too energetic and too persuasive methods of propaganda. The congressional committee interposes to smooth down these difficulties. It is in constant relations with all the county committees in the Union; the latter point out to it the special steps necessary to retrieve the fortunes of the party in their congressional district, and in general make the congressional committee the confidant of their troubles." Ostrogorski, *op. cit.*, Vol. II, p. 284.

[1] *Presidential Campaign Expenses: Hearing before a Sub-committee of the Committee on Privileges and Elections, United States Senate, 66th Congress* (1921).

[2] *Ibid.*, p. 1199.

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what less definite. "*The Chairman:* Do you coöperate with the national committee? *Mr. Flood* [chairman, congressional committee]: I do. *The Chairman:* And do they furnish any funds to your committee? *Mr. Flood:* My understanding is that they are to finance my committee. *The Chairman:* Do you go out and raise money separately? *Mr. Flood:* I hadn't done so, but I have received voluntary contributions for which I account to the national committee, and they are, as I understand it, to finance the committee. *The Chairman:* Have you any budget? *Mr. Flood:* We have not. *The Chairman:* Or any estimate of what you expect to raise and spend? *Mr. Flood:* We expect to spend a good deal in printing if the national committee will furnish us the money, and we expect the national committee to take care of any speakers' expenses that we have to incur. Of course, we do that by conference with them."[1] During the last decade the congressional and senatorial committees have established very intimate relations with the national committee. "Their work and ours," the Democratic national chairman declared in 1924,[2] "has been virtually merged now, with the most satisfactory results." Even in off years—that is, the even-numbered years between presidential elections—the chief burden of the campaign falls upon the staff of the national committee.

The national committee: how chosen

The national committee of both parties includes one man and one woman from each of the forty-eight states and from the District of Columbia, Alaska, Hawaii, the Philippines, Porto Rico, and, in the case of the Democratic party alone, from the Canal Zone.[3] The female element was added by the Democrats before the ratification of the Nineteenth Amendment[4] and by the Republicans

[1] *Hearings* as cited, pp. 1181-1182.

[2] *Proceedings* of the National Convention of 1924, p. 1092. For a time the secretary of the Democratic congressional committee received his salary from the national committee. That arrangement no longer exists. The two committees now function separately.

[3] The committee of the Socialist party, styled national executive committee, consists of seven members elected by the annual national convention, not more than two of whom shall be from the same state. The members may be recalled by the vote of the party members, the referendum being initiated by any "local" and seconded by locals with at least ten per cent of the total membership of the party, located in at least five different states. *National Constitution*, Article III, sections 1 and 2.

[4] *Proceedings* of the 1920 convention, pp. 88 and 93.

four years later.[1] From the time of its origin[2] the national committee was regarded as the instrument of the national convention, which elected its members and defined its powers. For a time, however, the rapid extension of the direct primary threatened to deprive the convention of all real freedom of choice. The states began to provide by law for the election of committeemen at the primary; and state laws came into conflict with the national party rules. In 1912, when the Republican party was rent by schism, a test case arose. When the national committee was settling contests and preparing the temporary roll of delegates for the convention, a Roosevelt adherent from the Middle West asserted his right, by virtue of election at the primary, to take his seat upon the committee and thus displace the member who had been elected by the convention of 1908. His claim was rejected. But to avoid serious future complications the convention of 1912 deemed it advisable to modify and restate its practice: "When state laws provide for the election of a National Committeeman, such election shall be considered a nomination to be carried into effect by the delegation from said state."[3] In 1916 there was added a provision to the effect that in the absence of a state law the delegation should be bound by any instructions of state or district conventions.[4] The convention, while it thus gave effect to the primary vote, vindicated its own final authority by adhering in form to the old procedure—under which the delegates from each state nominate their committeeman and the whole convention elects—and by providing further that the term of all committeemen should begin ten days after the adjournment of the convention. The rule stands in that form to-day. The Democrats were fully mastered by the progressive movement in 1912. They did not confine themselves to recognizing the force of state laws. In the platform of that year and in the call for the 1916 convention they

[1] *Proceedings* of the 1924 convention, pp. 93-94. The Republican convention of 1920 did authorize the addition of women to the executive committee of the national committee.

[2] In the Democratic party the establishment of the committee dates from 1848. Stanwood, *A History of the Presidency*, p. 232. The Republican party has had a committee from 1856. See G. S. P. Kleeberg, *The Formation of the Republican Party* (1911), pp. 191-223.

[3] *Proceedings* of the 1912 convention, p. 337. This rule does not, however, prevent the recurrence of the situation of 1912, when a holdover committee organized the convention in favor of a minority candidate.

[4] *Proceedings* of the 1916 convention, p. 69.

provided that, when state law did not otherwise direct, national committeemen should be elected at primaries conducted under party rules and that "the authority and service of committeemen, however chosen, shall begin immediately upon receipt of their credentials." This rule was never enforced.[1] Enthusiasm for primaries waned. The convention of 1916 adopted and succeeding conventions reaffirmed a more conservative practice.[2] Committeemen are now "selected in the manner prescribed by the laws of their respective states and territories; and where there be no statutory provision, that method of selection shall be pursued which conforms to the established party customs and precedents, or to the regularly adopted party rules and regulations. All such selections shall be acted upon by the Democratic National Convention, and the members of the Committee whose selection is ratified and confirmed shall hold office until the adjournment of the next succeeding National Convention or until their successors shall be chosen."

Similar arrangements in both parties

The practice of both parties, then, is very much the same. Both provide that the committeemen shall be nominated by the state delegations and elected by the convention; and that the delegations shall be bound by state law, where it exists, or by instructions from the local party organizations. Few states have concerned themselves with the matter. Only eight, according to a cursory survey of the statutes, require election at the primary.[3] Two others entrust the election to the state central committee.[4] Under the Republican rules of North Carolina and under the Democratic rules of Colorado and South Carolina the choice lies with the state convention. Both parties provide that the national committee shall fill any vacancy in its membership upon nomination by the appropriate state committee.[5] There is another question affecting the

[1] In December, 1915, the national committee refused to recognize, in place of the sitting member, a claimant from Oregon who had received from the governor his certificate of election in June of the preceding year. *Proceedings* of the 1916 convention, pp. 194 *et seq.*

[2] *Proceedings* of the 1916 convention, p. 148; *Proceedings* of the 1924 convention, p. 222.

[3] Florida, Indiana, Michigan, Nebraska, North Dakota, Oregon, Pennsylvania ("unless the rules of the national party otherwise provide"), and South Dakota; also the territory of Alaska.

[4] New Jersey and West Virginia.

[5] In practice a person nominated by the state committee begins to function as a member even before the national committee meets and ratifies the nomination.

membership of the committee that might assume importance in a time of bitter factional conflict within the party. A defeated faction might refuse to support the presidential candidate and the platform; and members of the national committee belonging to that faction might give aid and comfort to the enemy. In such a case, with or without specific authority, the committee would be justified in taking drastic action: self-preservation is a fundamental right. Thus, in 1896 the Democratic national committee expelled the members from Massachusetts and Pennsylvania, who were opposed to the presidential nominee, William Jennings Bryan. The party rules then, as now, conferred upon the committee no such disciplinary power.[1] A similar situation confronted the Republican party in 1912. In that case the national convention authorized the committee to remove any members who declined to support the candidates.[2] Subsequent conventions have maintained the rule.[3]

Functions of the committee

The national committee, as the history of its origin shows, was brought into being for the purpose of directing the presidential campaign.[4] Its chief rôle still is that of a general staff charged with the command of the party forces in the decisive quadrennial struggle. It meets shortly after the adjournment of the convention which appointed it, accepts as chairman a member selected by the presidential candidate, and gives the chairman blanket authority to complete the organization.[5] In its collective capacity the committee rarely takes effective action of any kind.[6] It is the

[1] J. A. Woodburn, *Political Parties and Party Problems* (2d ed., 1914), pp. 300-302.

[2] *Proceedings* of the 1912 convention, p. 337.

[3] *Proceedings* of the 1924 convention, p. 95.

[4] Kleeberg, *op. cit.*, p. 192.

[5] Thus after the election of chairman, vice-chairmen, secretary, treasurer, and other officers the Democratic committee in 1924 authorized the chairman "to appoint all officers and committees that are necessary to carry on the campaign." *Proceedings* of the 1924 convention, p. 1248.

[6] When the committee does actually meet, its decisions are prepared by a small group and accepted as a matter of course. Occasional protests are made. Thus Mr. Patrick Quinn, Democratic committeeman from Rhode Island: "On general principles we ought to be able here in this committee to go on and elect our officers. I say . . . that it is not complimentary to the men and women of this organization, many of whom have served many years upon the committee, to tell us that there are matters of concern that somehow or other have got to be shielded from us and that have got to be handed up to us in prepared form. I resent it, Mr. Chairman. Starting out now, I resent it. If the idea is to begin to hand in something to this committee by a sub-committee,

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chairman who, absorbing the powers of the committee, plans everything, decides everything, assumes all responsibility. Having met once and elected its officers, the committee may not meet again till within six or seven months of the close of its four-year term. In January of the presidential year, or in the preceding December, it discharges a secondary function with which the party rules have endowed it. At this time the "call" for the national convention is issued. As the number of delegates has been fixed in advance by the party rules[1] and as the approximate date of the convention has been settled by custom, the committee performs only a ministerial function. It is entirely free, however, in choosing the city in which the convention is to be held; and its decision, as will be shown later, may have some influence upon the fortunes of those who are contending for the presidential nomination. The committee meets once more shortly before the opening of the convention. It proceeds to examine the credentials of the delegates—these having beein mailed to the secretary some weeks in advance—[2] and to adjudicate upon all contests, that is, all cases in which rival delegations appear, each claiming to have been regularly elected. To-day, outside of the Solid South, state law usually prescribes the methods by which the delegates shall be chosen; a certificate of election from the proper state authority cannot be questioned.[3] Contests are relatively infrequent. In 1924, notwithstanding the keen competition for the Democratic nomination, not a single contest occurred. In the Republican party, because of its somewhat disreputable character in parts of the Solid South,[4] this power of making up the temporary roll of delegates, of determining who shall vote in the convention when the right to permanent membership is finally decided, may amount to actual control of the convention; but only, as in 1912, when fac-

and then to adjourn this committee never to meet again until after John W. Davis shall have been elected President of the United States, as has been the custom, I say it is wrong." *Proceedings* of the 1924 convention, p. 1213.

[2] The Democratic committee is permitted to determine the representation of the territories and insular possessions, however. *Proceedings* of the 1924 convention, pp. 92-93.

[3] Twenty days before the meeting of the convention, according to the Republican rules.

[3] This is expressly stated in the Republican rules. *Proceedings* of the 1924 convention, p. 94.

[4] In 1924 (*Proceedings*, p. 51) the contests affected delegations from five states of the Solid South, from the border state of Tennessee, and from the District of Columbia.

tional feeling runs so high that the most elementary principles of justice are overridden and when the change of a few votes will give one side or the other a majority.

Subordinate to the convention

The national convention is the supreme representative of the party, a constituent body formulating the principles of the party and declaring its will. The national committee possesses only subordinate and derived authority. It must be careful to respect both the rules which its superior lays down and the unwritten custom which has acquired a scarcely less potent force. Any usurpation, even in small matters, provokes resentment; the convention almost invariably reasserts its power.[1] Thus in 1904, when the Republican committee increased the number of Hawaiian delegates from two to six, the convention, while seating the delegates, ordered an observance of the rule in the future.[2] Sometimes the committee is faced with a situation that seems to require the exercise of original authority. Such a situation arose after the Republican catastrophe of 1912. It was imperative to change the basis of representation in the convention, to reduce the number of delegates coming from the "rotten boroughs" of the Solid South; without affronting progressive opinion and precipitating a further schism the reform could not be delayed. The committee, being obviously without power and yet unwilling to call a special national convention, hit upon the ingenious device of referring its plan to state conventions, the plan to become operative when ratified by states entitled to cast a majority of the votes in the electoral college.[3] Ratification was secured in that way. The South (including Tennessee) lost seventy-eight delegates. But the reform, though accepted by the convention of 1916,[4] did not go far enough. The convention of 1920 directed the national committee to adopt, within twelve months of the adjournment of the convention, "a just and equitable basis of representation."[5] The committee complied.[6] Once more the Southern states lost delegates. As the

[1] There seems to have been no complaint when in the call of 1864 the national committee substituted "Union" for "Republican" as the party designation; the circumstances of the time justified the change. In the call of 1868 the party name appears as "Union Republican," still without the authority of the convention.

[2] *Proceedings* of the 1904 convention, p. 128.

[3] New York *Times*, Dec. 18, 1913.

[4] *Proceedings* of the 1916 convention, pp. 73-74.

[5] *Proceedings*, 1920, p. 232.

[6] New York *Times*, June 8 and 9, 1921.

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presidential year approached, however, and the adherents of President Coolidge laid plans for his nomination, they began to feel that the hand-picked Southern delegates, always subject to control by the Administration, would be sorely missed. In December, 1923, notwithstanding the specific injunction that had been laid upon it, the committee rescinded its earlier decision.[1] Southern representation was actually increased over the figure for 1920, though Northern states gained at the same time. Curiously enough no word of complaint was uttered in the convention of 1924; without debate of any kind the new rule of apportionment was applied to future conventions;[2] and yet this was a clear case of usurpation. An interesting departure from precedent occurred in February, 1919, when the Democratic committee authorized the chairman to appoint one woman from each state as an "associate" member of the committee.[3] It already seemed probable that women would receive full suffrage rights, by federal amendment, before the election of 1920; and the act of the committee, if it did in any way transcend its formal powers, could be justified by its tactical advantage in circumstances that had not been foreseen.[4] The Republican committee proceeded in much the same fashion four years later. After a consultation between its chairman and President Harding a woman from each state was added as "advisory" member.[5] The Democratic convention of 1920 and the Republican convention of 1924 gave the women full membership on a footing of equality with the men.

Its activities continuous

In the interval between its meetings, though the committee may seem to be dormant, its work proceeds without interruption.[6]

[1] New York *Times*, Dec. 12 and 13, 1923. The ostensible reason for this change of front was that the resentment of Southern negroes would be shared by their brethren in the North, who, deserting the Republican party, might give the control of certain doubtful states to the Democrats.

[2] *Proceedings* of 1924, p. 90.

[3] *Proceedings* of the 1920 Democratic convention, pp. 498-506.

[4] Senator Jones of New Mexico expressed his views of the committee's powers as follows: "It so happens that between the national conventions very important questions arise affecting the welfare of the Democratic party, and it is in my judgment for this committee to take cognisance of questions of this character arising between conventions. There must of necessity be delegated to this body, which represents the party, the authority to deal with such questions." *Ibid.*, p. 507.

[5] New York *Times*, June 9, 1923.

[6] The activities of the Democratic committee are described in the reports of the chairman and bureau chiefs. See *Proceedings* of the 1920 convention, pp. 475-498, and of the 1924 convention, pp. 1090-1107. In the appendix to the

Each member is active within his own state. The chairman and his aides travel extensively, maintaining in this way a much closer contact with state and local committees than an exchange of letters would permit.[1] The Washington headquarters are never idle. It is now considered a vital necessity to employ the resources of the national committee on behalf of the party candidates for both houses of Congress and for the office of governor in off years.[2] The isolated campaigns are drawn together; they are given the character of a national party effort to retain and secure control over Congress and open the way to a presidential victory two years later. During the months that preceded the congressional elections of 1918 some 200,000 personal letters were despatched from the Democratic headquarters at Washington to local committeemen.[3] "We spent in that campaign," the treasurer reported,[4] "about twenty times as much as the congressional and senatorial committees have ever spent before in an off election. My information is that the greatest amount of money that has been spent by a congressional committee, including all expenditures, in any other off year, was a little less than $35,000. We spent last fall something over $665,000." In 1922 the Democratic committee prepared a campaign text-book which was furnished without charge to all members of the party organization, to all speakers listed at headquarters, and to all daily and weekly newspapers. "We kept in touch with conditions in the different states and congressional districts during the campaign," the executive secretary re-

Proceedings of each Democratic convention appears the stenographic report of the meetings of the national committee. For the Republican committee there is, unfortunately, no published record.

[1] Referring to a period of eleven months, the Democratic chairman reported in January, 1920, that he had "visited, on political missions, fifty-four of the principal cities in twenty-nine states. In order to accomplish this it has been necessary to travel about 24,000 miles, and various journeys have taken me into every section of the United States from coast to coast. . . . In most of these trips I have been accompanied by representatives of nearly all the active departments of our national organization." *Proceedings* of the 1920 convention, p. 531.

[2] Prior to the first Wilson administration the Democratic headquarters were not kept open in off years. *Proceedings*, 1924, p. 1091. "It was," said a member of the committee in 1919, "the custom of this body immediately after the presidential election had passed—and the custom seemed to prevail whether we succeeded, as we did in Cleveland's time, or lost—of going out of business in a week or two, just as soon as we could pay up the bills, and indeed sometimes we went out of business before we did that." *Proceedings*, 1920, p. 468.

[3] *Ibid.*, p. 477. [4] *Ibid.*, p. 489.

ports,[1] "aided our candidates by organization work, furnished literature and speakers, and assisted where we could in a financial way." The chief instrument of publicity is the press. Year in and year out the Democratic committee supplies a weekly news service to some 6500 weekly newspapers as well as to 1100 daily newspapers which have no correspondents at Washington; and also an editorial service to some 800 dailies and weeklies. The services rendered by the headquarters staff of both parties, while they have steadily extended in range and improved in efficiency during the past ten years, still fall short of the standard set by the national organization of the British parties.[2] No summary of the functions of the national committee would be adequate if it contemplated only the activities that are recorded in official reports and newspapers. The most important transactions in politics are accomplished in private and through personal influence. The members of the committee are almost always crack politicians, men whose acuteness of observation has been sharpened by experience and whose character gives them an ascendancy among state politicians;[3]

[1] *Proceedings* of the 1924 Democratic convention, p. 1099.

[2] These publish, for example, monthly magazines of a high type. The Unionist *Gleanings and Memoranda* covers the whole field of politics—including such matters as parliamentary debates and public finance, campaigns and elections, social and economic problems that engage the parties, and international relations; and though intended primarily for party workers, the magazine is to serious students of British politics a most useful guide to current events.—The nearest approach to a national party organ in the United States was the *National Republican*, a weekly paper published in Washington, D. C., from 1918 to 1924. Its connection with the party rested in the fact that the chief stockholders were members of the national committee, including John T. Adams, first vice-chairman and then chairman, and that the editor, George B. Lockwood, was during most of the period either secretary of the committee or its director of publicity. The circulation reached 420,000 in 1920. After the election of 1924 the magazine dropped the character of party spokesman, changed its name to *National Republic*, and appeared monthly instead of weekly. In its present form it opposes radicalism and internationalism in the party. In 1925 the Democratic national committee announced the plan of publishing an organ to be known as the *National Democrat*. It has not appeared.

[3] But Frank R. Kent is inaccurate in saying (*The Great Game of Politics*, pp. 149-150) that "close to a majority of the whole membership is composed of United States senators or ex-senators" and that "the bulk of the membership is composed of the state bosses themselves." The Republican and Democratic committees in 1925 had in each case only two senators and one representative upon their rolls; and only a small minority could be regarded as state bosses.

and in a quiet way they can do much to forward the national interests of the party. "A common cause of party weakness and failure," Professor Jesse Macy observes,[1] "is the rise of misunderstandings, division, and local faction within the party. The committee, representing, in theory, the whole party constituency of the country, is in a position to resist the development of faction and to exercise powerful influence in correcting misunderstandings and healing dissensions. Along such lines its practical usefulness may be almost unlimited, and much of its time during the years of comparative inaction may well be devoted to the labor of harmonizing elements possibly discordant."

Its chairman not the party leader

In all the manifold activities of the national committee, whether during the stress of the presidential and off year campaigns or during the quieter intervals, it is the chairman who directs operations.[2] He rarely consults the whole committee; he may, as Hanna did in 1900, "lay out the actual work of a campaign without taking any one into his confidence."[3] Under the circumstances it would not be unnatural to assume that he is the leader of the party. After all, the national convention, which is the supreme council of the party, confides the direction of party affairs to the national committee for the next four years; and the committee acquiesces in the absorption of its powers by the chairman. None the less the chairman has never, even in the case of Mark Hanna,[4] succeeded in establishing an effective and undisputed leadership. Indeed, few of the men who have held the office in the last generation have possessed the requisite qualities. The successful conduct of a national campaign, it is true, may be regarded as implying the possession of political acumen, of tact and judgment in the handling of all sorts and conditions of men, and of ability to meet complicated situations in which details must be mastered without loss of perspective. But the man who aspires to leadership in a great

[1] *Op. cit.*, p. 69.

[2] Besides the chairman each committee includes three vice-chairmen, a secretary, and a treasurer. The Democratic committee also appoints an executive secretary and a director of finance; the Republican committee, "such other officers" as are deemed necessary. Associated with the chairman is a small body styled by the Democrats "campaign committee" and by the Republicans "executive committee"; in neither case need the members have seats upon the national committee except for the provision that the Republican executive committee shall include the six officers named above.

[3] Herbert Croly, *Marcus Alonzo Hanna* (1912), p. 321.

[4] Republican chairman from 1896 to 1904.

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country like the United States must be something more than a dexterous politician. He must be able to impress his personality upon the masses and fire their imagination. Hanna alone was capable of doing this; and in his case the moral elevation that generates enthusiasm was lacking. Without that characteristic local politicians, starting with the control of a county or city, have by long and patient effort succeeded in dominating the party organization of a state. The national chairman, on the other hand, has no nucleus round which he can gather a personal following; and, since his tenure rarely extends beyond four years,[1] he passes from the scene before the slow accumulation of resources has given him a secure foothold.

He is appointed by the candidate

Nor does he reach his place by long service upon the committee or by acknowledged preëminence among its members. The committee formally elects him, but not because his character or accomplishments claim recognition or because he has, by dexterous management, pushed his way to the front. He is imposed upon the committee. Tradition has established the right of the presidential candidate to name the man who is to direct his campaign. No other arrangement could ensure the necessary confidence and intimacy in their relations. So fully is the prerogative conceded that in 1916 President Wilson selected Vance McCormick even before the national convention had appointed the committee, and in 1924 Clem L. Shaver took up the duties of Democratic chairman a month before his formal election. As a rule the candidate selects the man who has managed his primary campaign and been most active in securing him the nomination.[2] He chooses a friend, and the friend may be, like William McCombs, Wilson's chairman in 1912, a neophyte in politics. In 1904, notwithstanding vehement protests from Platt and other party bosses, Roosevelt chose George B. Cortelyou, who had served as secretary to the President before being admitted to the cabinet. Some believed that his inexperience would be fatal to the success of the campaign. "They did not

[1] Senator Jones of Arkansas managed Bryan's campaigns, as Hanna managed McKinley's, both in 1896 and 1900; but no similar case has occurred since then. McCombs (1912) retired soon after the election; Vance McCormick (1916) retired in February, 1919; George White (1920) retired in November, 1921. These three were Democrats; the Republican record is much the same.

[2] This was the case, for instance, in McKinley's selection of Hanna, Taft's selection of Hitchcock in 1908, Wilson's selection of McCombs in 1912, Coolidge's selection of Butler. Shaver (1924) was known as "the original Davis man."

know," says Arthur W. Dunn,[1] "that Cortelyou would simply be the mouthpiece of the nominee, who had developed into one of the shrewdest politicians that the country had produced."

The candidate is party leader

Party leadership, then, rests with the candidate. The convention, by the act of nominating him for the highest political office, has endowed him with it. The national chairman is his creature. If the candidate becomes president and proves himself a man of force and resolution, capable of employing effectively the resources of his office, he continues to be party leader. The chairman can never become strong enough to undermine his authority. Even Mark Hanna, whom the newspapers often represented as the Republican boss, felt his dependence. "Early in the spring of 1900," says Herbert Croly,[2] "Mr. Hanna began complaining to certain of his intimate associates that Mr. McKinley had said nothing to him about managing the coming campaign. Time passed and still nothing was said. Mr. Hanna became very much worried. The moment arrived when preparations ought to be made and when it was natural that the matter should be settled. The worry seems to have had a damaging effect upon his health. . . . If at that particular juncture Mr. Hanna had been superseded as chairman of the National Committee, one of the most essential supports of his personal prestige and power would have been removed. It would have meant that he no longer retained the friendship and confidence of the President." McKinley, it seems, was hesitating. "How serious the hesitation was, and upon precisely what grounds it was based, remains obscure; but unquestionably at this period a certain alteration was taking place in the relationship between the two men. . . . The new condition was Mr. Hanna's increasing personal power as a Congressional and popular leader. This power was assuming such formidable dimensions that the President might well begin to wonder how his own prestige was beginning to look by comparison." He had the means of protecting his position. That he felt himself secure from dangerous rivalry is shown by his retention of Hanna as chairman.

Defeat ends his leadership

But if the president is the leader of one party—the party in power, we are accustomed to call it, who shall be regarded as leading the opposition? Who led the Republicans during the Wilson administration? Who led the Democrats during the Harding

[1] *From Harrison to Harding* (1922), Vol. I, p. 395. See also J. B. Bishop, *Theodore Roosevelt and His Time* (1920), Vol. I, p. 316.

[2] *Op. cit.*, pp. 320-321.

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administration? The answer to such questions reveals a serious defect in our political arrangements. Under the British system leadership is developed in Parliament. Once having been chosen, the leader continues to hold his place whether the party is in power or in opposition. Thus Sir Wilfrid Laurier, elected by the Liberal members of the Canadian House of Commons in 1887, led the Liberals till his death thirty-two years later, being prime minister for less than half that period; Sir Robert Laird Borden, who succeeded to the Conservative leadership in 1901 and held it for twenty years, formed his first ministry in January, 1912. In other words both parties have leaders who serve continuously over long periods; and the leader of the opposition, like the premier, receives a public salary. The American system is very different. Continuity in leadership over any long period is impossible. When the term of the president closes, the party organization yields him no further allegiance unless he is a candidate for reëlection. He resembles one of those ancient ports on the South-east coast of England from which the sea has subsided.

Illustrations from the past

A defeated candidate, even if he has served a term as president, can seldom maintain an ascendancy over the politicians. It is true that Bryan's influence in the Democratic party, though momentarily obscured in 1904, survived three unsuccessful campaigns; even in 1912 he had strength enough to swing the Baltimore convention to Wilson. But Bryan's career was exceptional. Cleveland, defeated in 1888, lost control of his party. His public career seemed to have ended; prominent Democrats, like Governor Hill of New York and Senator Gorman of Maryland, spoke contemptuously of him to their intimates and believed that he had been eliminated from national politics.[1] "Cleveland in New York," Henry Watterson remarked at that time, "reminds one of a stone thrown into a river. There is a 'plunk,' a splash, and then silence." Hughes received the accolade from the Republican convention of 1916, Cox from the Democratic convention of 1920; presumably they commanded the enthusiastic support of their respective parties. But, although they remained after defeat in the presidential election as capable of leadership as they had been before it, both disappeared, more completely than Cleveland, with a faint 'plunk' and scarcely a ripple on the surface of the river.[2] They were not

[1] Harry Thurston Peck, *Twenty Years of the Republic* (1907), p. 252.

[2] The eclipse of Hughes was marked, in 1917, by the retirement of W. R. Willcox, the national chairman who had managed his campaign, and the elec-

even considered for the next presidential nomination. The party that is beaten in the presidential election, then, has no acknowledged leader. There may be centers of influence in the House, the Senate, the national committee; there may be a group of men who, by acting in concert and pooling their interests, can, as it were, exercise the royal prerogative during the interregnum; but a leader—essential as he would seem to be from the standpoint both of efficiency and of responsibility—will not emerge until the next national convention has appointed him.

Presidential leadership

The party in power has the president. He assumes the leadership because the people have come to expect it, because his constitutional powers and his position as the only officer elected by the whole country give him the necessary resources, and because the party, with its future dependent upon the record of his administration, cannot withhold obedience without stultifying itself. "He cannot escape being the leader of his party," says Woodrow Wilson,[1] "except by incapacity and lack of personal force, because he is at once the choice of the party and of the nation. He is the party nominee, and the only party nominee for whom the whole nation votes. Members of the House and Senate are representatives of localities, are voted for only by sections of voters, or by local bodies like the state legislatures. There is no national party choice except that of President. No one else represents the people as a whole, exercising a national choice; and inasmuch as his strictly executive duties are in fact subordinated, so far at any rate as all detail is concerned, the President represents not so much the party's governing efficiency as its controlling ideals and principles. He is not so much a part of its organization as its vital link of connection with the thinking nation. He can dominate his party by being spokesman for the real sentiment and purpose of the country, by giving direction to opinion, by giving the country at once the information and the statements of policy which will enable it to form its judgments alike of parties and of men."

The conception of the president as party leader is comparation of Will H. Hays as his successor. In like manner George White gave place to Cordell Hull as chairman of the Democratic committee in November, 1921. The supporters of McAdoo and other aspirants for the nomination in 1924 had engaged in a struggle for control of the committee (New York *Times*, Feb. 5, 7, 14, and 17); and Hull was selected as a neutral who would hold the balances even.

[1] *Constitutional Government in the United States* (1908), pp. 208-209.

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Unusual before Cleveland's time

tively recent.[1] It has taken shape in the popular mind through generalizations which may, after all, have an insecure basis. If Theodore Roosevelt and Woodrow Wilson dominated their parties, Taft and Harding did not; and there would be some hazard in assuming that the Roosevelts rather than the Hardings set the tone of the presidential office. Few men of commanding personality have reached the White House. Almost a century ago, when politics took on its familiar modern guise, with universal suffrage and the extra-governmental organization of parties, Jackson reached, as Professor Macy has said,[2] "the highest attainment in individual personal party leadership." He enjoyed a remarkable popularity. Through the clever politicians who surrounded him he mobilized public opinion,[3] at the same time that he used federal patronage, and other means that the presidential office provided, to consolidate his position. His imperious will was obeyed. But down to the time of Lincoln his successors were either incapable of sustaining such a rôle, being for the most part mediocre men, or restrained

[1] See Edward Stanwood, *A History of the Presidency from 1897 to 1909* (1913), Chap. IV; and Macy, *op. cit.*, Chap. III, on presidential leadership. "It would not be difficult," says Stanwood (p. 237), "to sustain the proposition that the extension of executive power and influence . . . was imported into Washington by those who had filled the executive chair at Albany. The country saw little or none of it before the time of Mr. Cleveland, and it did not see very much of it then." Roosevelt, like Cleveland, had been governor of New York; and it may be of significance that Woodrow Wilson had been governor of New Jersey.

[2] *Op. cit*, p. 27.

[3] Amos Kendall was the great manufacturer of "spontaneous" popular movements. "I was fortunate enough to catch a glimpse of the invincible Amos Kendall," Harriet Martineau wrote, "one of the most remarkable men in America. He is supposed to be the moving spirit of the Administration; the thinker, the planner, the doer; but it is all in the dark. Documents are issued, the excellence of which prevents them from being attributed to the persons that take the responsibility for them; a correspondence is kept up all over the country, for which no one seems answerable; work is done of goblin extent and with goblin speed, which makes men look about them with superstitious wonder; and the invincible Amos Kendall has the credit for it all. President Jackson's letters to his Cabinet are said to be Kendall's; the report on Sunday mails is attributed to Kendall; the letters sent from Washington to remote country newspapers, whence they are collected and published in the 'Globe' as demonstrations of public opinion, are pronounced to be written by Kendall; and it is some relief that he now, having the office of Postmaster-General, affords opportunity for open attack upon this twilight personage. He is undoubtedly a great genius." Quoted by Claude G. Bowers, *The Party Battles of the Jackson Period* (1922), p. 150.

by their strict interpretation of executive powers. Thus, in contrast with what Roosevelt described as "the Jackson-Lincoln school," James Buchanan took the "narrowly legalistic view that the President is the servant of Congress rather than of the people, and can do nothing, no matter how necessary it be to act, unless the Constitution explicitly commands the action."[1] After Lincoln, as after Jackson, reaction set in. Congress substituted its own policy of reconstruction for that of President Johnson, overrode his numerous vetoes, curtailed his appointing power through the Tenure of Office Act, and, distrusting the national committee, organized a Republican congressional committee to direct the election campaign. Grant lacked political experience. Under him the policy of the government was shaped by Conkling, Cameron, and other state bosses—the famous "senatorial group." The doctrine of "senatorial courtesy" in practice deprived the president of initiative in the appointment of office-holders.[2] The corruption that marked this eclipse of executive authority aroused public indignation. The Republican party, shaken by Democratic victories, promised reform; and in the platform of 1876 it declared that "senators and representatives . . . should not dictate appointments to office." President Hayes acted in accordance with this declaration (hence the abortive third-term movement in favor of Grant); and "senatorial courtesy" received a staggering blow when President Garfield made certain appointments without consulting Senators Conkling and Platt of New York and when these senators, resigning their seats by way of protest, failed to secure reëlection and vindication.[3] In this period there was at least a reassertion of executive rights, a reconquest of those constitutional prerogatives which the legislature had encroached upon; but the center of political gravity still rested in Congress rather than in the presidency.

[1] *Theodore Roosevelt: an Autobiography* (1914), p. 378.

[2] The president, before recommending an appointment in any state, was expected to get the approval of the senior senator of his party from that state; if he failed to do so, the members of the Senate would, in accordance with the rule of senatorial courtesy, refuse to confirm the nomination.

[3] The senators had reason to feel aggrieved; for Garfield had promised, prior to his election and in return for assistance in the campaign, that he would make no appointment in New York without their approval. At least this is the statement made by Platt (*Autobiography*, pp. 129-146), a statement that is too circumstantial and detailed to be lightly dismissed, though the authorized biographer of Garfield (T. C. Smith, *The Life and Letters of James Abram Garfield*, 2 vols., 1925) considers such a bargain "inconceivable."

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How the doctrine of presidential leadership developed

A marked change occurred between the beginning of Cleveland's administration and the close of Roosevelt's. Its extent may be gathered by comparing the views which Woodrow Wilson expressed in 1885, when he wrote *Congressional Government*, and in 1907, when he delivered the lectures which were published under the title of *Constitutional Government in the United States*. Cleveland knew how to use the tone of command. He had force of character and courage. Although the politicians deserted him, although his divided and distracted party could not be driven in harness and, after administering a series of rebuffs, disowned him utterly in the platform of 1896, he taught the people to focus their eyes upon the White House rather than upon the Capitol. McKinley, with a different method and a more united party, succeeded better. His tactful graciousness and urbane manner disarmed opposition; he employed arts like those of the contemporary Liberal leader in Canada, the "conciliation and sunny ways" which, combined with talents of a higher order than McKinley's, enabled Sir Wilfrid Laurier to hold office continuously for fifteen years. Roosevelt wielded the "big stick." He sent special messages to Congress; he threatened vetoes; he rewarded and punished members of Congress in the distribution of patronage; he used every weapon that came to his hand, above all the weapon of publicity, of popular appeal, which he handled with consummate mastery. He was an adept of the "Jackson-Lincoln school." According to Roosevelt, Taft took "the Buchanan view of the President's powers and duties."[1] Perhaps it would be more accurate to say

[1] "Perhaps the sharp difference between what may be called the Lincoln-Jackson and the Buchanan-Taft schools, in their view of the power and duties of the President, may be best illustrated by comparing the attitude of my successor toward his Secretary of the Interior, Mr. Ballinger, when the latter was accused of gross misconduct in office, with my attitude towards my chiefs of department and other subordinate officers. More than once while I was President my officials were attacked by Congress, generally because these officials did their duty well and fearlessly. In every such case I stood by the official and refused to recognize the right of Congress to interfere with me excepting by impeachment or in other constitutional manner. On the other hand, wherever I found the officer unfit for his position I promptly removed him, even although the most influential men in Congress fought for his retention. The Jackson-Lincoln view is that a President who is fit to do good work should be able to form his own judgment as to his subordinates, and, above all, of the subordinates standing highest and in closest and most intimate touch with him. My secretaries and their subordinates were responsible to me, and I accepted the responsibility for all their deeds. As long as they were satisfactory to me I stood by them against every critic or assailant, within or

that, though President Taft set out with the intention of leading the party,[1] the task was one which he found uncongenial and which, even to a man of more aggressive temper, would have presented almost insuperable difficulty, so sharp had grown the cleavage between stand-pat and progressive factions. Woodrow Wilson brought presidential leadership to its highest point.[2] During the six years in which the Democrats controlled both houses he dominated Congress and the party organization more completely than Roosevelt had done. Every first-class measure owed its enactment to the driving force of the President. "His personal activity," says Professor Ogg,[3] "became a principal factor in his administra-

without Congress; and as for getting Congress to make up my mind for me about them, the thought would have been inconceivable to me. My successor took the opposite or Buchanan view when he permitted and requested Congress to pass judgment on the charges against Mr. Ballinger as an executive officer. These charges were made to the President; the President had the facts before him and could get at them at any time, and he alone had power to act if the charges were true. However, he permitted and requested Congress to investigate Mr. Ballinger." *Theodore Roosevelt: an Autobiography*, pp. 379-380.

[1] Taft expressed his view of the presidency in his *Four Aspects of Civic Duty* (1911). "Under our system of politics," he said (p. 100), "the President is the head of the party which elected him, and cannot escape responsibility either for his own executive work or for the legislative policy of his party in both houses." His assertion of leadership as president might be illustrated in many ways, as in the drawing of administration measures like the Railroad bill and in the distribution of patronage. That he tried to starve the insurgents into submission was shown (in 1910) by the famous "Beverley letter" in which he promised no longer to withhold patronage from them. He exerted influence on behalf of Senator Lorimer whose selection by the Illinois legislature had been impugned; and the Senate, by resolution, rebuked him for interfering in a matter wholly within its own jurisdiction.

[2] President Wilson's view of the authority which party leadership gave him varied with occasion and circumstance. To a woman suffrage delegation he said on January 9, 1917: "I need not tell you by what circumscriptions I am bound as leader of a party. As the leader of a party my commands come from that party and not from private personal convictions. . . . It is so impossible for me, until the orders of my party are changed, to do anything other than I am doing as a party leader that I think nothing more is necessary to be said." Inez H. Irwin, *The Story of the Woman's Party*, p. 189. In spite of this statement he did change his attitude towards woman suffrage.— In the face of a specific declaration in the Democratic platform of 1912 he urged and carried through Congress the repeal of the law which exempted American coastwise vessels from the payment of tolls when passing through the Panama Canal. He became a candidate for reëlection, although the party, in the same platform, had declared in favor of "a single presidential term" and had pledged "the candidate of this convention to this principle."

[3] *National Progress 1907-1917*, p. 228.

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tion's imposing record of constructive and remedial legislation; and his conception and example of presidential leadership in legislation became his chief contribution to American political methods."

Harding averse to the rôle of leader

Indeed, when we are speaking of the president as the leader of his party, it is Roosevelt and Wilson we have in mind, not Taft and Harding. One of the factors that led to the nomination of Senator Harding was the belief that, as president, he would defer to the elder statesmen of the party in the Senate and—to use the campaign phrase of the Democratic candidate—be "the creature of a senatorial oligarchy." [1] President Harding did not allow himself to be used in that way. He was not of the "Jackson-Lincoln school," it is true; the assumption of vigorous leadership would have run counter to his temperament and his conception of the presidential office. But, if genial and accommodating, he had no intention of being driven by others. He was as ready to vindicate the independence of the executive department as to recognize the independence of the legislative department. Unfortunately the two coördinate departments did not see eye to eye. The House "defied the President on nearly every essential policy. It rewrote the White House tax bill; it threw the Administration's plan for refunding the foreign debts into the waste basket. It ignored the executive commands with respect to the bonus. It tore Dawes's budget into such tatters that the whole conception of an executive budget was destroyed." [2] When Harding advocated American membership in the Permanent Court of International Justice, there came an open breach with Congress and the party organization. The revolt spread to a quarter where the President might reasonably have counted upon loyal support. John T. Adams, chairman of the national committee, launched a most venemous attack upon the late allies of the United States. Through the publicity department of the committee he accused them of "downright dishonesty," "crooked deals," "direct violation of the terms of the armistice," and a disposition "to job the United States on every possible occasion." [3] While the World Court was not mentioned, evidently Adams intended to give aid and comfort to the

[1] Mark Sullivan, "Two Years of President Harding," *World's Work*, Vol. XLV (Nov., 1922), pp. 31 *et seq.*

[2] John Corbin in the New York *Times*, April 15, 1923.

[3] New York *Times*, May 25, 1923. Adams, who succeeded Hays as chairman in 1921, was the choice of President Harding. *Ibid.*, May 20, 1921.

faction opposing the President. After withdrawing the obnoxious pronouncement at the instance of the Secretary of State, he showed himself altogether unrepentant.[1] The chairmen of the congressional and senatorial committees attacked the President without qualification or disguise.[2] It was under these circumstances that Harding dropped his quiescent rôle and, in a tour of the country, late in the summer of 1923, appealed from the politicians to the people. His death in San Francisco left the issue undecided.

The methods of President Coolidge

His successor, a shrewd and adroit politician, soon showed himself master of the party organization. Through his friend, William M. Butler, who managed his primary campaign and later became national chairman, and through his secretary, Bascom Slemp, a Virginian who understood the technique of Republican politics in the Solid South, he first made sure of the 1924 nomination. At the same time, though quite apparently lacking the personal force of a Roosevelt or a Wilson, he impressed himself on the country. "He did it," says the New York *Times*,[3] "in an original fashion. It is still true that the world is ruled by imagination, and President Coolidge undoubtedly made a strong appeal to the imagination of the American people. But it was along novel lines. He never sought to set himself up as a hero or a romantic figure. Rather it was the dutiful doer of the day's work; the calm man of iron industry; the executive who labored for economy and order in government; the President who worked for a reduction in public expenditures, and also managed to stand before the eyes of his fellow-citizens as the man who was striving to save their money and to cut down their individual taxes; who illustrated the humdrum but indispensable virtues of efficient administration —in these guises Mr. Coolidge not only compelled recognition as the chief asset of the Republican party, but more and more won a hold upon the plain and steady-going masses of the people. His success is that of a new type in our national politics. He has shown that leadership may fulfill itself in many ways, some of them unexpected. Perhaps the strategic moment had come for such a victor. The nation had had a series of forceful and glittering personalities at the head of affairs. Possibly the time had come to play upon other strings of popular sentiment. Mr. Coolidge has certainly done it, and that without departing from the character in which he had been known for years." Nothing seemed

[1] See *ibid.*, May 30 and 31, 1923. [2] *Ibid.*, May 26, 1923.
[3] Editorial, Nov. 5, 1924.

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to shake his popularity. Investigations which revealed unfortunate conditions in the executive departments and might be taken as showing laxity on the part of the President—a disposition to let things alone until public opinion compelled action of some kind—left his reputation unimpaired. If he did at any time bring pressure to bear upon Congress, he did so unobtrusively, indirectly, and without appearing to overstep the bounds of a strict constitutionalism.[1] In the search for an analogy we are carried back to Mr. McKinley's administration.

[1] "Turning from the majority here, the gentleman then assailed the White House and complained that no 'thunderbolts' were coming from that source. There are none, it is true. We have progressed beyond the stone age; we have emerged from the jungle; we have arrived at a degree of appreciation of efficiency in self-government which recognizes the constitutional separation of the different branches of the government, the equality of the legislative, the judicial, and the executive, each independent of the other, and that the rights and prerogatives of this House, holding the purse strings of the people, are of equal importance and prominence with those of any other branch in the Constitution of our country. No, Mr. Chairman, there are no 'thunderbolts' coming from the White House; but in their stead is coming a settled conviction in the country that in the person of our present Chief Executive it has a fearless, courageous, and conscientious statesman, generally conceded throughout the Nation to be the right man in the right place at the right time and qualified better than any other to meet the executive needs of the country." Mr. Garber (Republican, Oklahoma), *Congressional Record*, Dec. 19, 1925, p. 767. See too the remarks in the Senate (Jan. 16, 1926, pp. 1812-1815) in which Coolidge is contrasted with Roosevelt with respect to his inaction during the coal strike.

CHAPTER XII

STATE AND LOCAL EXECUTIVES

Party organization regulated by law

THE committees which have been described—national, congressional, and senatorial—exist by virtue of party action and lie outside the domain of law. Congress has not attempted, and probably has no power, to regulate these bodies. In the case of party machinery within the several states the situation is very different; primary laws describe the composition of state and local committees, the way in which they shall be chosen, and, in general language, the functions which they shall perform. This tends to become a uniform practice. The chief exceptions are found in the four states which have adhered to the convention system (Connecticut, New Mexico, Rhode Island, and Utah [1]); in Delaware, which has an optional direct primary law; and in the border and Southern states, where the parties still possess much of their old character as voluntary associations.[2] The legal provisions of several other states (Maine, Minnesota, Nebraska, and Pennsylvania)

[1] Utah, as noted in a previous chapter, has adopted the direct primary only for cities of the first and second classes.

[2] Of the six border states, Kentucky, Maryland, Oklahoma, and Tennessee leave the matter to party rules, except that the state committee is described in the Tennessee law. In the Solid South Alabama, Arkansas, Georgia, Louisiana, North Carolina, and Virginia likewise leave the matter to party rules, except that the Louisiana law (1922) gives the composition of the state central committee, requires all committees to be chosen by direct primary, and provides that the state committee "shall direct and order the manner in which all subordinate or local committees shall be organized and constituted, fix their number, regulate their term of office, the time of their election, provided same shall not be for longer than four years." According to the Virginia law "each party shall have the power to make its own rules and regulations. . . . Nothing in this chapter shall be construed to limit or circumscribe the power of any political party to prescribe the rules and regulations for its own government."

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are rudimentary.[1] But fairly complete regulation prevails elsewhere.[2]

[1] *Maine:* the state convention to elect state, congressional district, and county committees; *Minnesota:* the candidates for state office, senators, and representatives to name state and congressional committees; *Nebraska:* the state convention to elect a state committee, county conventions to elect county committees; *Pennsylvania:* the state committee to consist of two members from each senatorial district elected at the primary, all other committees to be elected at the primary. The *New York* law describes the state and county committees which are to be elected by direct primary, all other committees to "be formed in the manner provided for by the rules of the party"; under an amendment of 1925 the state committee "shall consist of such number and its members shall be elected from such units of representation as the party shall provide by a rule adopted at the state convention" or, prior to June 1, 1926, by the state committee, but until the party makes some other provision the committee shall consist of one member from each assembly district.

[2] The Socialist party polls so small a vote that in most of the states it does not come within the legal definition of a party or the scope of the primary law. Such is the case in New Jersey. There (according to the state *Constitution and By-laws* of the party) local branches are chartered by the county committee or, if there is none, by the state committee; the county committee is composed of delegates from each branch; and the state committee is composed of one delegate from each county "local" and one additional delegate for each 200 members in good standing. The state committee has "general charge of the affairs of the party" and may investigate any "internal trouble" in a county, its findings being conclusive unless the referendum is invoked. The referendum is used to elect delegates to the national convention, nominate candidates for public office, amend the state constitution of the party, and instruct or override the state committee. Members of the party cease to be in good standing when delinquent for three months in the payment of their dues; they may be expelled by the county committee (appeal lying to the state committee) for violation of the rules or principles of the party. Membership is controlled by the national constitution. The applicant must sign a pledge expressing his belief in the class struggle, his opposition to fusing with organizations supporting the capitalist régime, and his willingness to be guided by the constitution and platform of the party. He must pay dues of twenty-five cents a month, of which half goes to the national organization, the payment being made monthly by means of stamps which are affixed to the proper spaces on the membership card.

In Missouri, on the other hand, the party has a "legal organization," conforming with the state election law, and a "dues department organization" which rests on a pledged dues-paying membership as opposed to the membership determined by the party affiliation test at the primary. The unit of the dues department organization is the local of five or more members, which must meet twice a month and make a monthly report to both state and county committee; its officers are a secretary, financial secretary, dues-collector, organizer, and literature agent. The county committee consists of one delegate from each local and one additional delegate for each ten members; also the "legal" committeemen, if they meet certain rigid requirements of party

Arrangements in Indiana

Indiana may be taken as an example. Every political party, the election law declares (sec. 400-401), "shall have the following committees and none other: a State Central Committee, a Congressional District Committee, a County Committee, a City Committee and a Precinct Committee, but any of the above named committees may elect or appoint such sub-committees as may be provided for [by] their own rules or the rules of the State Central Committee. The State Central Committee of each party shall be composed of the district chairmen from the several congressional districts to be elected as hereinafter provided. The Congressional District Committee shall be composed of the county chairmen of the several counties in the congressional district.[1] . . . The County Committee shall be composed of the precinct committeemen to be elected from the several precincts of each county as hereinafter provided. The City Committee shall be composed of the members of the County Committee representing precincts in whole or in part in such city. The Precinct Committee shall be composed of the precinct committeemen and such other persons as may be designated and appointed by the county chairman. The State Central Committee of each party coming under the provisions of this law is hereby declared to be the highest party authority and may, by proper rules, regulations or resolutions, provide for all matters of party government which are not controlled by this act or by other statutes of the State of Indiana. . . .[2] Upon the refusal of any member or officer of any political committee of such party to obey or conform to any such rule, regulation or resolution so adopted, such member or officer may be removed by said State

regularity. The state committee includes the "legal" state committeemen (elected at the primary), if they are in good standing with the dues department; and one delegate from each congressional district for each 100 members. The committee "shall have general management and control of the business, property, affairs and funds of the organization." It chooses an executive committee of seven from candidates nominated by locals within twenty-five miles of the headquarters city. There are provisions for the initiative, referendum, and recall. Socialist office-holders, "failing to obey instructions of the party organization, or failing to remain in good standing in the dues department," may be asked to resign. "In case they refuse to resign they shall stand expelled from the party."

[1] But if the district includes only one county, the whole county committee shall serve.

[2] Sec. 427 reads: "Said rules shall provide for the time and manner of the organization of all the other committees provided for such parties when provision therefor is not made herein."

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Central Committee after hearing upon reasonable notice. Said State Central Committee shall also have power in its own name to maintain suits in Mandamus to enforce obedience to its rules. . . . The various committees shall organize by electing a chairman, a secretary and a treasurer, and such other officers or subcommittees as they may deem necessary to perfect their organization. Each of such committees is hereby authorized to fill any vacancy that may occur from time to time by electing a qualified elector of such district or precinct to fill such unexpired term."[1] The precinct committeemen are to be elected at the primary.

How they actually work

Thus the Indiana law describes the framework of party organization. It gives the committees a hierarchical character, with the personnel resting upon the precinct primaries; it ensures proper discipline by endowing the state committee with supervisory powers; and the simplicity and coherence of the whole structure seem to provide the party voters with the means of absolute control. The formal arrangement could hardly be improved. It is a matter of common knowledge, however, that political institutions rarely conform with the plans of the legislator. "Popular control of party organization through the primary does not exist in Indiana," says Frederic H. Guild,[2] "has never existed, and, which is more important, has never even been attempted. The so-called democratization of party machinery . . . has been a total failure in Indiana. It is written into the law, but there it has remained—on paper only." Popular control of the state committee depends upon the election of several thousand precinct committeemen; and these committeemen are virtually appointed by the county chairmen, partly because there is no competition for the place—ninety per cent of the candidates being unopposed in the primary—and partly because "the average party voter in most instances has no idea that such a committeeman exists, and certainly has no interest in his selection." The direct primary has not banished machine politics from Indiana,[3] or from any other state; for politics

[1] Sec. 404 requires the committees to meet and organize within a certain period after the primary.

[2] "The Operation of the Direct Primary in Indiana," *Annals of Am. Acad.*, Vol. CVI (1923), p. 177.

[3] In 1922 the political machine which had dominated Marion County (Indianapolis) for eight years was vigorously attacked. "This contest did find its way into the primary, and many candidates for precinct committeeman were known as for or against the existing order. After the primary both factions claimed a majority in the county committee. But the assured support

takes its tone from men and not from laws. It is always more important to understand the living forces at work within an institution than to be familiar with its structural details; more important, and vastly more difficult. The following sketch of state party organization, which is based mainly on statutes and party rules, must be taken as presenting not so much the flesh and blood as the bare skeleton of the subject.

General features of organization: the precinct

Party organization begins with the precinct or election district, the smallest political division of the state. There, at a designated polling place, the voter casts his ballot on primary and election day. In New England each town or ward forms a precinct unless the selectmen or city officials divide it into smaller areas.[1] This holds true in several other states. Generally, however, the law requires the boundaries to be rearranged from time to time so that each precinct shall have approximately a stated number of voters.[2] In California the number is 200; in West Virginia, 200-250; in Indiana, 250; in Colorado, 300-500; in New York, 450; in Wisconsin and North Dakota, 500; in Illinois, 500-800; in New Jersey, 600. In determining the number consideration is given to the fact that the polling place must be accessible and that an arrangement which would suit larger cities would entail hardship upon the scattered population of the countryside. The number, if uniform, must be small; or a distinction must be made between country and city. Such a distinction is not infrequent. Ohio recognizes townships with only fifty voters as separate precincts and allows any township to be divided when a majority of the voters petition; a municipality, on the other hand, cannot be divided unless there

of each left some thirty doubtful committeemen holding the balance of power. It is a publicly acknowledged fact that these doubtful ones were bought by city patronage by the faction seeking to gain control." The mayor announced amid riotous applause and cheering from the crowd: "Of course, we had to give about thirty precinct committeemen jobs with the city." *Ibid.*, p. 178.

[1] In Connecticut the selectmen shall provide one polling place for each 150 or, in certain cases, 250 voters. In Massachusetts the town may direct the selectmen to provide "convenient" voting precincts, and city wards may be divided into precincts containing not more than 2,000 voters. In Maine city wards may be divided into "not more than three convenient polling places." In New Hampshire any town may vote to establish "additional" polling places, but all ballots must be assembled at the central polling place for the count.

[2] In Pennsylvania the size of the election district (precinct) is determined by the Court of Quarter Sessions. In Arizona there shall be a "convenient" number of precincts.

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are more than four hundred voters. Virginia fixes a maximum of 1,000 voters, Massachusetts a maximum of 2,000, for city precincts; but magisterial districts in Virginia and towns in Massachusetts may be divided as circumstances suggest. In New York, where the election district normally contains 450 voters, the number may be larger unless division appears "necessary" or smaller "where the convenience of the voters will be promoted thereby."[1] Wisconsin increases the number of voters from 500 to 800 in cities of the first class.

The precinct committeeman

There are probably more than 125,000 precincts in the United States. In most of them, but by no means in all, a party officer known as precinct committeeman is elected at the primary. Twenty-five states provide by law for his election (usually for two years) or for the election of two committeemen, a man and a woman, as in Colorado and New Jersey. In a number of other states—how many it would be difficult to ascertain—party rules make similar provision, occasionally substituting appointment by the ward or district leader in the place of election.[2] The term "committeeman" is used because in every case where law requires the election of precinct officers they constitute the county committee. Under party rules, it is true, a precinct committee sometimes takes the place of a single officer. Thus in Oklahoma the Democratic voters choose a chairman and vice-chairman of different sex, a secretary-treasurer, and two men and two women in addition. In Connecticut, under Democratic rules, and in North Carolina, under Republican rules, at least three committeemen are elected.[3] But normally there is only one committeeman; and in the party organization he holds a place which, if insignificant to the casual eye, often is of fundamental importance. Where the old-fashioned party machine has survived the changing, and perhaps transitional, conditions of our

[1] It is further provided that if a voting machine is used instead of paper ballots there may be 600 voters to each election district; 900 if two machines are used.

[2] The election district captain is appointed in New York city; also in Chicago, for the requirement of election in the Illinois law does not apply to cities of over 200,000. Election is the rule in Kentucky, Connecticut, North Carolina, Oklahoma. A complete list cannot be given because party rules are seldom obtainable in printed form.

[3] The law of Arizona requires the election of one additional committeeman for each 75 party voters. The law of Indiana, as quoted above, empowers the county chairman to associate "other persons" with the precinct committeeman; and the Republican rules of Oregon permit the committeeman and the county chairman to select ten or more "precinct helpers."

political life he may be, as Kent says,[1] "its bone and sinew, its foundation and the real source of its strength." For it is in his little bailiwick that the organization establishes intimate contact with the voters.

His importance

It is his most obvious duty to see that every adherent of his party meets all the requirements for voting—completing the process of naturalization, for example—and that he finally registers. In confidential instructions to county chairmen the Republican state chairman of Oregon emphasizes this point as well as the desirability of getting every Republican voter to the polls "before ten o'clock in the morning, if possible." But important as elections are, the party machine is likely to be still more concerned about the primaries. Strict propriety, no doubt, would require party officers to treat the Trojans and Tyrians of primary warfare without discrimination.[2] But the machine or organization has everything at stake in the primary. While it can, like the Republican machine of New York county, survive repeated defeats in the elections, defeat in the primaries, where the party officers are chosen, may mean extinction; and, unless it can control nominations, it cannot get possession of the coveted campaign funds. The precinct committeeman must deliver the primary vote to the organization. That is his supreme task. If he fails, he ceases to be committeeman; he sacrifices the prospect of political advancement; he loses in time his city or county job. To him failure may seem a catastrophe, for he is either beginning to build a political career—the most engrossing of all games having taken possession of him—or he is using politics to forward his career in some other field.

The methods he employs

Success is won by tireless effort. He gives almost his whole time to forming acquaintance among the voters of the party—getting to know them, their business, their tastes and inclinations, their vulnerable spots. He is precinct committeeman because he knows how to get votes.[3] He offers himself as a very present help

[1] *The Great Game of Politics*, p. 1.

[2] The New York election law (Sec. 19) does, indeed, prohibit all party committees from spending money "in aid of the designation or nomination of any person to be voted for at a primary election, either as a candidate for nomination for public office, or for any party position."

[3] The late Senator Plunkitt, for many years Tammany leader of the fifteenth assembly district in New York, has explained how vote-getting gave him his start in politics (William L. Riordon, *Plunkitt of Tammany Hall*, 1905, pp. 14-17). "After goin' through the apprenticeship of the business while a boy

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in time of trouble. Through him the man who has a grievance against some branch of the city administration, who has been oppressed by a building inspector or forced to pay tribute for his fruit-stand permit, finds a short cut to redress. The unfortunate get employment with the gas company, street railway company, or some other public utility which is dependent upon political favor; or small loans to tide them over an emergency; or, perhaps, shelter, fuel, and food. If a staunch party man has got into the clutches of the police, if he has been arrested for breach of the peace or carrying concealed weapons, a timely word to the desk sergeant may keep his name off the blotter. If intervention with

by workin' around the district headquarters and hustlin' about the polls on election day, I set out when I cast my first vote to win fame and money in New York city politics. Did I offer my services to the district leader as a stump-speaker? Not much. The woods are always full of speakers. Did I get up a book on municipal government and show it to the leader? I wasn't such a fool. What I did was to get some marketable goods before goin' to the leader. What do I mean by marketable goods? Let me tell you: I had a cousin, a young man who didn't take any particular interest in politics. I went to him and said: 'Tommy, I'm goin' to be a politician, and I want to get a followin'; can I count on you?' He said: 'Sure, George.' That is how I started in business. I got a marketable commodity—one vote. Then I went to the district leader and told him I could command two votes on election day, Tommy's and my own. He smiled on me and told me to go ahead. If I had offered him a speech or a bookful of learnin', he would have said, 'Oh, forget it!'

"That was beginnin' business in a small way, wasn't it? But that is the only way to become a real lastin' statesman. I soon branched out. Two young men in the flat next to mine were school friends. I went to them just as I went to Tommy, and they agreed to stand by me. Then I had a followin' of three voters and I began to get a bit chesty. Whenever I dropped into district headquarters, everybody shook hands with me, and the leader one day honored me by lightin' a match for my cigar. And so it went on like a snowball rollin' down hill. . . . Before long I had sixty men back of me, and formed the George Washington Plunkitt Association.

"What did the district leader say then when I called at headquarters? I didn't have to call at headquarters. He came after me and said: 'George, what do you want? If you don't see what you want, ask for it. Wouldn't you like to have a job or two in the departments for your friends?' I said: 'I'll think it over; I haven't yet decided what the George Washington Plunkitt Association will do in the next campaign.' You ought to have seen how I was courted and petted by the leaders of the rival organizations. I had marketable goods, and there was bids for them on all sides, and I was a risin' man in politics."

In time Plunkitt went to the state assembly, the board of aldermen, and state senate; became district leader; "and so on up and up till I became a statesman." At one time he held four offices and drew three salaries.

the police comes too late, there is a private interview with the magistrate; the case is dismissed, or a light fine imposed. The precinct committeeman is a tribune of the people. Especially in the great cities, where the complex mechanism of government, the intricacies of countless laws and ordinances, confuse and baffle men of the ordinary run, his help is continually being sought. He counsels the perplexed. He straightens out difficulties. He furnishes legal advice. When his own resources are insufficient, he applies to his immediate superior, the ward leader or the county chairman. He does not go away empty-handed, for every service that contributes to his hold over the precinct strengthens at the same time the position of the leader. In one way or another he wins the gratitude and good-will of numerous voters; he can often rely absolutely upon their readiness to vote according to instructions in the primary. Now, throughout the country, less than half the registered voters attend the primary;[1] and in a precinct where 200 Republicans register the committeeman can control the primary with fifty or sixty followers. He accumulates these in a methodical fashion. His mother and father, his brothers and sisters form the nucleus, perhaps. Patronage adds a few more; the two election judges and one ballot clerk, who are appointed on his recommendation, and the tenant of the small shop that is rented as a polling place, may be relied on, with their families, to furnish six or ten votes.[2] There may be in the precinct men who hold federal or state or county offices. These attend the primary and support the organization;[3] through family and other connections

[1] See, for example, *Annals of Am. Acad.*, Vol. CVI, p. 121 for California, p. 140 for Maine, p. 151 for Iowa, and p. 172 for Indiana.

[2] "In counties where the county court is Republican," say the confidential instructions of the state chairman of Oregon, "arrangements should be made to let each precinct committeeman recommend the judges and clerks of election to serve in his precinct, and this recommendation should be followed. In endorsing the candidacy of any person for an appointive office, such person should first receive the endorsement of the precinct committeemen most directly interested: the county chairman, secretary and state committeeman should then endorse, and with these endorsements the state chairman and the national committeeman will lend their endorsements and active assistance as a matter of course. A determined effort should be made to secure the active co-operation and participation of all office-holders of our party in our work. This is most important."

[3] "There are in the United States," says Kent (*op. cit.*, pp. 9-10), "more than two million political job-holders of one kind and another. They range all the way from President of the United States to the city street sweepers. Nearly all of these are strictly organization men. Practically all of them vote

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they command a considerable number of voters. But the greater part of the sixty votes that the committeeman needs come as a sort of return for services rendered, as an expression of gratitude and confidence from the people he has befriended. He has probably earned it. Politics is an exacting vocation. Wherever partisanship runs strong and emphasis is laid upon organization the job of the precinct committeeman is far from being a sinecure.

The county committee

He links the upper ranges of the organization with the individual voter. Above him are numerous committees corresponding with the more important elective offices—aldermanic district, perhaps, assembly district, county, senatorial district, judicial district, congressional district, and state. The really important committees are those of the county and the state. In the larger cities, where population is concentrated in a relatively small area, the ward or assembly district is interposed between the precinct and the county as a base of party operations. Occasionally a city committee takes the place of the county committee, being composed of the precinct committeemen within the city limits or the members of the ward committees. The precinct committeemen, under legal provisions in half the states, constitute the county committee, as they do in some of the thirteen states[1] that allow the matter to be determined by party rule. Elsewhere the members of the county committee are chosen as such (*i.e.*, distinct from precinct

strictly party tickets with unvarying regularity. Moreover, through family or other ties, every one of them is able to influence from two to ten votes besides his own. Some of them, of course, control a great many more. Five is the average. This means a powerful army. It is a lot of votes. They are divided between Republicans and Democrats, but the number is great enough to give each of them an exceedingly formidable force. They constitute the shock troops of the organization—the rank and file of the machines. The potent thing politically about these men is that they vote. That is the real secret of machine power. They do not talk politics and then fail to register. Nor do they register and then fail to vote. Nor do they, when they vote, spoil their ballots. Every election day, regardless of wind or weather, 'hell or high water,' they march to the polls, cast their straight organization ballots, and they are counted. As voters they are 100 per cent. effective. Besides, they see that the voters they are supposed to influence or control likewise go to the polls. Voting is a business matter with them and they attend to it. But the overwhelming big thing is that they are primary-election voters—not merely general election voters.''

[1] Alabama, Arkansas, Connecticut, Georgia, Kentucky, Minnesota, New Mexico, North Carolina, Pennsylvania, Rhode Island, Tennessee, Utah, and Virginia.

committeemen) by the voters at the primary,[1] by candidates for county offices,[2] by county conventions,[3] or by state conventions.[4] The term is usually two years; sometimes, as in New Jersey and New York, one year. In view of the large numbers of offices and contracts for public works of which the party may dispose the county chairman often becomes a dominant figure, holding his office over a long period and wielding the authority of a benevolent despot;[5] or he may be merely the henchman of the real county boss.

The state central committee

The state central committee, the personnel of which is renewed every two years,[6] crowns the edifice of state party organization. The unit of representation is usually the county or congressional district, sometimes the assembly or senatorial district.[7] The members are chosen in substantially an equal number of states by direct primary, by the committees or (rarely) conventions of the appropriate area, and by the state convention; they are chosen in Minnesota by the nominees for state offices, representatives, and senators. In a few states, either by law or party rule, the committee is empowered to expel disloyal members and fill their places.[8] Sometimes the committee is of unmanageable size; its business must necessarily be conducted by the chairman and executive committee. In California, where the party rules are limited only by the legal requirement that there must be at least three members from each congressional district, the Republican commit-

[1] For example, California (from assembly or supervisor district), Louisiana (as state convention directs), Nevada (from precincts), New York (two from each election district and such additional members, in proportion to the party vote, as the county committee may direct; in New York and Kings counties also a member at large from each assembly district).

[2] Michigan and Vermont.

[3] Arkansas, Connecticut, Mississippi, Nebraska, New Mexico, North Carolina, and Rhode Island.

[4] Maine and New Hampshire; in the latter state the nominees for county offices act with the convention delegates.

[5] He is a member of the congressional district committee in eight or ten states *ex officio;* and in several others he is likely to become a member through election by the county committee. In other cases the members of the congressional district committee are chosen by direct primary, by the state committee or convention, by county conventions, or by conventions of the district.

[6] In New Jersey every three and in West Virginia every four years.

[7] The senatorial district is the unit in Connecticut, Massachusetts, Pennsylvania, Texas, and West Virginia.

[8] See the New York election law, Sec. 16. In Pennsylvania the state committee may oust the national committeeman.

tee recently had 811 members, the Democratic 355. The Democratic rules fix a membership of 124 in New Mexico and 70 in Connecticut, both sexes being equally represented. In New York the Republican committee has 150, the Democratic (with equal representation of the sexes) 300. The committees in Massachusetts have 80 members, half women. At the other end of the scale are: New Hampshire, 10; Iowa, 11; Indiana and Kentucky (Democratic rules), 13; Nevada, 17; Kentucky (Republican rules), 21. Perhaps the average is in the neighborhood of forty. By statute or party rule approximately a third of the states give women equal representation.[1]

The state central committee is charged by law with the performance of certain duties with respect to conventions and primaries; and these duties, though generally of minor account, have a wide sweep and importance in the South. In Arkansas, Florida, Louisiana, and South Carolina, for example, they include the fixing of qualifications for primary voters. In Arkansas the primary is conducted by the party committees; and in Virginia, where there is an optional direct primary law, "each party shall have the power to provide in any way it sees fit for the nomination of its candidates." Everywhere the committee is empowered to fill vacancies caused by the withdrawal or death of party candidates for state office.[2] It is in the conduct of the election campaign, however, that the committee comes into greatest prominence. Factional struggles in the primary or convention have been brought to an issue; the candidates have been named, the platform adopted; and now the party once more closes its ranks to meet its rival at the polls. The state committee takes command. It collects and spends a good deal of money; settles, in consultation with the gubernatorial candidate, the tactics that shall be pursued; arranges for the holding of rallies, the distribution of literature, and the other activities that are devised to influence public opinion. The chairman directs operations; and with him is associated an executive committee.

The state committee maintains fairly close relations with the

[1] By statute, for example, Colorado, Iowa, Massachusetts, Missouri, New Hampshire, New Jersey, Vermont; by party rule Arkansas, Connecticut, New Mexico, New York, Oklahoma, Pennsylvania. In North Carolina the executive committee adds to the committee twenty members at large "as far as possible from women voters" (Republican rules).

[2] In the case of county and congressional district offices the power lies with the committees of those areas.

Its relation to other committees

national and local organs of the party. In a presidential year party resources are absorbed in the contest for the presidency, which overshadows local interests; for the time, at any rate in doubtful states, the national committee draws all lesser bodies into its orbit and, without being invested with any formal right of command, exercises a predominant influence. Nor is contact broken in the period between presidential elections. The Washington headquarters keep in communication with the various state headquarters; the national chairman, in his journeys through the country, strengthens the bonds of association through personal intercourse with state chairmen; and the national committeeman always stands close to the state committee, sometimes, indeed, being *ex officio* a member of that body. Within each state the different party authorities—in state, congressional district, county, and precinct—are seldom coördinated by law or party rules in such a way as to ensure smooth coöperation. It is true that the Indiana law (quoted above) describes the state committee as "the highest party authority" and authorizes it to formulate rules which the members of other committees must obey under pain of removal. Likewise in Colorado "the state central committee shall have power to make all rules for party government"; and in Louisiana it "shall direct and order the manner in which all subordinate or local committees shall be organized and constituted."[1] Such provisions must be regarded as exceptional, however. It is also true that in some ten states the committees are arranged in hierarchical order.[2] Thus in Indiana the precinct committeemen, elected by direct primary, form the county committee, the county chairmen form the congressional district committee, and the congressional district chairmen form the state committee.

But concatenation of this sort, which should minimize discord in party counsels,[3] is wanting in three-fourths of the states. Usually

[1] By party rules the state central committee of Oklahoma is declared "the supreme governing body of the Democratic organization"; in Kentucky it may order the reorganization of Republican county and precinct committees. In Pennsylvania the executive committee of the Republican state committee may examine the rules of the county committees and "suggest such changes in them as may be necessary or expedient."

[2] Arizona, Colorado, Indiana, Kansas, Missouri, Montana, Oregon, Washington, and Wyoming by law; Oklahoma and perhaps other states by party rule.

[3] Yet I am informed by a state chairman of Oregon that, in spite of the hierarchical relationship of the committees, "organization of sufficient influence to make itself felt" is impossible under the direct primary.

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the state central committee has an independent origin, being chosen by direct primary or by the state convention. In personnel it stands utterly apart from the local committees, although, from the standpoint of efficiency in party management, these should be subordinated or at least related to the state committee by the closest ties. The extent of its authority, therefore, and the degree to which it can bind county organizations to a common purpose and direction vary with circumstance. If the party is united and harmonious, if there is a considerable amount of patronage to distribute, and if some individual has attained a recognized position as state leader, the hegemony of the state committee is not likely to be questioned.

The chairman not the state leader

Without personal leadership of some kind the party cannot attain full combative vigor. Armies led by a council, Bryce says, seldom conquer. The state committee would be a poor instrument of command. It might be assumed that the chairman, absorbing the power of the committee, would establish himself as state leader. Sometimes he does. As state chairman James G. Blaine ruled the Republicans of Maine for twenty years. But Kent is right in saying[1] that "actually the state chairman, in 99 out of 100 cases, instead of being a real leader, is simply a figurehead, a politically dominated man, controlled by the real leader, whose influence made him chairman and who can as easily retire him. In every state the members of the state central committee are 'hand picked' and 'hard boiled.' They are absolutely controlled by the boss, who holds control of the machine just as long as and no longer than he holds control of the committee." It is not the state chairman but Brennan in Illinois and Taggart in Indiana who bosses the Democratic party. The passing of Platt's power in New York was marked by the forced retirement of the chairman. In 1904 Governor Odell, Platt says,[2] "formally made the demand for Colonel

[1] *Op. cit.*, p. 143.

[2] *Autobiography* (1910), pp. 446-447. Odell himself assumed the chairmanship, but, to soothe Platt's feelings, made the following written agreement: "At a conference . . . between Senator Platt, Governor Odell, Colonel Dunn and many other prominent Republicans, it was, after a full exchange of views, and after statements by both the Senator and the Governor, unanimously agreed that Senator Platt should remain, as he has been in the past, the active leader of the party. It was further agreed that the Governor should be elected as chairman of the State Committee to be chosen at the approaching State convention in April. It was further agreed that wherever there were local contests for leaderships, there should be no interference in favor of or against any one either by Platt or Odell."

Dunn's head. Dunn, wearied with hectoring and bickerings, despite my protests, declined to be a candidate for reëlection." In 1926, when Governor Smith was the acknowledged Democratic leader, it was understood that the committee merely ratified his choice in electing a new chairman;[1] and at the same time the state chairman and other Republican politicians made a pilgrimage to New York city to receive advice and instructions from the state leader, Senator James W. Wadsworth.[2]

Leadership may rest with governor or U. S. senator

If the leader is seldom the titular head of the party organization, where should we look for him? In the Australian states or the Canadian provinces the premier leads one party and the alternative premier, sitting on the opposition benches in the assembly, leads the other. Leadership functions within the organs of government. Here the governor sometimes gets control of his own party; for, like the president in the national field, he has extensive constitutional powers; he has patronage at his command; he has means of enlisting popular support. This is less likely to occur where the term of office is only two years, as in half the states. In New York neither Roosevelt (elected in 1898) nor Hughes (elected in 1906 and 1908) broke the grip of the Republican machine;[3] and in 1913 when William Sulzer, a man much their inferior in intellect and character, set out to be governor in fact as well as name, the Tammany machine had him impeached and removed from office.[4] Smith of New York and La Follette of

[1] The new chairman was the Democratic leader of Albany county. New York *Times*, Jan. 16, 1926.

[2] During his examination in the case of *Barnes v. Roosevelt* (1915) William Barnes, Jr., said that Timothy L. Woodruff, state chairman, was not the state leader in 1906. "The question of leadership," he said, "is determined at a state convention. The man whose will prevails there, the man with the most persuasive force, is accepted as leader." New York *Times*, May 14, 1915. Barnes himself, when state leader, served as chairman for a time.

[3] "The bosses were never overcome in a fair fight, when they made up their minds to fight, until the Saratoga convention in 1910 nominated Mr. Stimson for governor." *Theodore Roosevelt: an Autobiography* (1914), p. 286.

[4] He was found guilty of filing and swearing to a false statement of campaign expenses and of using campaign contributions for private speculations. One of the charges—strange enough as coming from Tammany—alleged that he had used his power as governor to influence the political action of certain public officers. "The proceeding was not merely an impeachment of New York's governor; it was an impeachment of its government. Every citizen knew that, if Sulzer had obeyed Murphy, his shortcomings would not have been his undoing." S. P. Orth, *The Boss and the Machine* (1919), p. 128.

Some of Sulzer's testimony was of a most interesting description. "Mr.

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Wisconsin, one holding the office of governor for four terms and the other for three, became the acknowledged leaders of their respective parties. The latter, as United States Senator, continued to be the dominant figure in Wisconsin politics until his death in 1925. The six-year term of a United States Senator and the federal patronage which he enjoys give him, notwithstanding long absences in Washington, an advantage over the governor in the conquest of political power. For seventy-five years the Republican machine of Pennsylvania has been ruled by Senators: Simon Cameron to 1877, his son Donald Cameron to 1887, Matthew Quay to 1904, and Boies Penrose to 1921, an unbroken succession. It seemed possible before the defeat of Senator Pepper in the primaries of 1926 that he had inherited the mantle of Penrose. Senator Conkling and Senator Platt successively dominated the Republican party in New York.

Or with some one holding no office

But the leader or boss may occupy no public office of any kind and no party office that is known to the law. This was the case with Roger Sullivan, Democratic boss of Chicago and Illinois; it is the case with George E. Brennan, who succeeded him in 1920.[1] Charles F. Murphy, Democratic boss of New York county and eventually of the state, was not even chairman of the executive committee of Tammany Hall or Grand Sachem of Tammany Society; he held, by virtue of his own prowess and the support of the district leaders, an unsalaried and unofficial post—he was simply "leader." Arthur C. Townley governed North Dakota from his vantage point as president of the Nonpartisan League; and William U'Ren, of the People's Power League, was said to carry the state of Oregon under his hat.

It must not be supposed that there is always an acknowledged state leader or an effective state boss. "There has been no such

Sulzer quoted Mr. Murphy as saying to him, 'Why did you send that telegram to the Canal Board? You have no right to butt in on things that don't concern you. I'm attending to that matter, and I want you to keep your hands off. If you are going to begin this way, I see now where you will end as governor. You do what you are told hereafter, and don't take any action on matters that don't concern you without conferring with me.' When Mr. Sulzer said he was going to be governor, Mr. Murphy (so Sulzer testified) replied: 'So that is the way you understand it? Well, if you go along that line I can see where you will end up damned quick. You are going to be governor? Like Hell you are!' '' Gustavus Myers, *The History of Tammany Hall* (ed. of 1917), p. 368.

[1] Brennan did, however, become Democratic candidate for the U. S. Senate in 1926.

undisputed prevalence of bossism as people commonly suppose," says Professor Munro.[1] "In many of [the states] no boss has ever attained a recognized mastery. Other states have been bossed periodically, with intervening eras of freedom. A few have been consistently subject to boss rule. For the most part these are states that contain large cities and great industrial populations. . . ." Professor Munro is writing of bosses, whom he sharply distinguishes from leaders; but, supposing the distinction to be well founded, his statement that the phenomenon is by no means universal applies with equal force to the latter, that is, to leaders that actually do lead. The state is a large area to be dominated by a single will under a system of government that discourages the development of leadership. The county lends itself more readily to centralized organization. It may safely be said that the existence of a county leader or boss, whether in rural or urban areas, is rather the rule than the exception; and the chairmanship of the county committee is not infrequently the seat of power.

[1] *Personality in Politics* (1924), p. 45. The three chapters of this little volume deal with the reformer, the boss, and the leader.

CHAPTER XIII

THE BOSS

Boss rule in New York

"WHAT is the government of this state?" Elihu Root asked in an address before the New York constitutional convention of 1915.[1] "What has it been during the forty years of my acquaintance with it? The government of the constitution? Oh, no; not half the time, nor half way. . . . From the days of Fenton, and Conkling, and Arthur, and Cornell, and Platt, from the days of David B. Hill, down to the present time, the government of the state has presented two different lines of activity, one of the constitution and the statutory offices of the state, and the other of the party leaders—they call them party bosses, they call the system—I do not coin the phrase, I adopt it because it carries its own meaning—they call the system 'invisible government.' For I do not remember how many years Mr. Conkling was the supreme ruler of this state. . . . Then Mr. Platt ruled the state; for nigh upon twenty years he ruled it. It was not the governor; it was not the legislature; it was not any elected officers; it was Mr. Platt. And the capital was not here [at Albany]; it was at 49 Broadway; with Mr. Platt and his lieutenants. It makes no difference what name you give, whether you call it Fenton or Cornell or Arthur or Platt, or by names of men now living. The ruler of the state during the greater part of the forty years of my acquaintance with the state government has not been any man authorized by the constitution or by the law; and, sir, there is throughout the length and breadth of this state a deep and sullen and long-continued resentment at being governed by men not of the people's choosing. The party leader is elected by no one, accountable to no one, removable by no one."

Is there a difference between "boss" and "leader"?

In this address Senator Root was advocating constitutional changes that would facilitate the growth of responsible leadership within the government. He wanted to "destroy autocracy and restore power, so far as may be, to the men elected by the people, accountable to the people, removable by the people." It will be

[1] *Addresses on Government and Citizenship* (1916), pp. 201-202.

observed, however, that, in referring to party autocrats like Platt and Hill, he employed the terms "boss" and "leader" as synonyms, or at least did not think it necessary to distinguish between them. Can such a distinction properly be made? The word "boss," originally applied to a person who employed a force of unskilled laborers, came into our political vocabulary in the days of the Tweed Ring.[1] In popular usage it carries a derogatory implication; as the late Senator Penrose once observed, men are apt to be leaders to their friends and bosses to their enemies.[2] But why should there be a sting of opprobrium in being called a boss? What are the special marks of a boss that are supposed to set him apart from the "leaders" and cover him with distrust and suspicion? It is not easy to answer the question; for a satisfactory answer could be found only by analyzing the characteristics of bosses—that is, of the men who, in the general estimation, have merited the title—and by determining which of these characteristics, being inconsistent with true leadership, are peculiar to the boss.

No precision in use of the terms

The problem is complicated by the fact that no more exact meaning attaches to "leader" than to "boss." In contrasting the two terms we usually have in mind as to the former the ideal, the exemplar, rather than the average type. The boss, after all, is frequently a leader of sorts. He is, according to President Goodnow,[3] "the kind of political leader which the American party system has developed"; according to Elihu Root, an irresponsible autocrat, but still a leader. Roosevelt, giving testimony in court, referred to Platt as "leader or boss of the party, leader or boss of

[1] Matthew P. Breen, *Thirty Years of New York Politics* (1899), p. 31; Ostrogorski, *Democracy and the Organization of Political Parties*, Vol. II, p. 191.

[2] "Such words as 'boss' and 'machine' now imply evil," says Theodore Roosevelt (*Autobiography*, p. 152), "but both the implication the words carry and the definition of the words themselves are somewhat vague. A leader is necessary; but his opponents always call him a boss. An organization is necessary; but the men in opposition always call it a machine. Nevertheless, there is a real distinction between the leader and the boss, between organizations and machines." In the case of *Barnes v. Roosevelt*, when asked if Murray Crane, who had supported him while President, was a boss, Roosevelt said: "I don't think so. I don't think that Massachusetts has bosses in the New York sense. I think he was the head of the Republican machine. . . . The term 'boss' in one locality connotated totally different activities and methods of work from what would be connotated by the term in another locality or in another state." New York *Times*, April 24, 1915.

[3] *Politics and Administration* (1900), p. 173.

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the organization."[1] It would be absurd to maintain that Richard Croker and Charles F. Murphy were not leaders. These men came to the front and won the support of their fellow-politicians because in the struggle for supremacy they had demonstrated their personal force, their strength of will, their sound judgment of men, their reliability—in fact, those natural qualities which are sufficient in themselves without any formal grant of authority. "It was the fighting quality that made Croker what he was," T. P. O'Connor has said.[3] "He radiated courage and aggressiveness. The leonine head, the mighty jaw, the penetrating eye, the deep chest, and the commanding voice all bespoke power. . . . (He) was a strong man, a man of courage and deeds and of wonderful capacity to make men love and fear him. The others yielded to the combination most necessary in an organization in which, as in the animal kingdom, the fittest survive." Townley, of the Nonpartisan League, quite generally described as a boss, was at the same time, in the most definite fashion, a leader: the farmers of North Dakota willingly paid their subscriptions of eighteen dollars for the privilege of following him. On the other hand La Follette, whom the people of Wisconsin elected governor three times and United States senator four times, did not escape denunciation as an autocrat. "There never has been a more absolute boss than La Follette," said the New York *Times*,[3] "or a more masterful machinist."

Roosevelt's description of the boss

With his unrivalled knowledge of politics, Theodore Roosevelt understood the danger of generalizations in matters of this kind. He approached the subject with caution. In his *Autobiography*[4] he was careful to have most of his characterizations apply "sometimes" and to "some bosses." The boss, he says, "is a man who does not gain his power by open means, but by secret means, and usually by corrupt means. Some of the worst and most powerful bosses in our political history either held no public office or else some unimportant public office. They made no appeal either to intellect or conscience. Their work was done behind closed doors and consisted chiefly in the use of that kind of greed which gives in order that in return it may get. A boss of this kind can pull wires in conventions, can manipulate members of the legislature,

[1] New York *Times*, April 27, 1915.
[3] Quoted in the *Literary Digest*, May 20, 1922.
[3] Editorial, Dec. 2, 1923.
[4] Edition of 1914, pp. 152-153.

can control the giving or withholding of office, and serves as the intermediary for bringing together corrupt politics and corrupt business. If he is at one end of the social scale, he may through his agents traffic in the most brutal forms of vice and give protection to the purveyors of shame and sin in return for money bribes. If at the other end of the scale, he may be the means of securing favors from high public officials, legislative and executive, to great industrial interests; the transaction being sometimes a naked matter of bargain and sale, and sometimes being carried on in such a manner that both parties thereto can more or less successfully disguise it to their consciences as in the public interest. . . . Sometimes the boss is a man who cares for political power purely for its own sake, as he might care for any other hobby; more often he has in view some definitely selfish object such as political or financial advancement." To this may be added the views that Roosevelt expressed during the heat of his struggle with the Old Guard in 1912:[1] "The true party leader is the man who tries to lead and not drive the voters and to put into effect their deliberate judgment. He has the right and the duty to go before the voters and try to persuade them, but he has no right, by trickery and violence, to try to impose his own will upon them against theirs. The man who tries to impose his will upon the voters, who tries to do things against the will of the voters, is not a leader—he is a boss."

Stanwood's description

Edward Stanwood, also a competent observer, expresses in his biography of James G. Blaine somewhat similar views.[2] Blaine was chairman of the Republican state committee of Maine from 1859 until his appointment as Secretary of State in 1881. "During more than twenty years he was usually the prevailing force in the state conventions. He dictated platforms; the candidates were, with some exceptions, those whom he favored. He conducted the annual canvass almost autocratically." He controlled the patronage. Altogether he seemed to conduct the same kind of operations as the contemporary Republican boss of New York, Roscoe Conkling. "There is, nevertheless," says Stanwood, "a radical difference between a true political leader and a boss. The essential characteristic of the boss is self-seeking. He may desire to use his political power to enrich himself; or he may appropriate to himself the best offices in the gift of the party; or he may exercise the

[1] "The Rank and File," *Outlook*, Vol. CI (June, 1912), p. 248.

[2] *James Gillespie Blaine* (1905), pp. 49-51.

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influence he has obtained simply for the pleasure of exercising it, defend it by striking down all who dispute his supremacy, and let the party go to defeat whenever for the moment he loses control. No one ever suspected or intimated that Mr. Blaine used his ascendancy in the Republican party of Maine for purposes of pecuniary profit. He sought no office which that party could give him, save his seat in Congress, and for that he was indebted to the people of his district only. Moreover, he never had a competitor for it. Undeniably he enjoyed leadership, as every true leader does. But he neither obtained his position nor kept it by the use of terror or threats, the chief weapons of the boss."

The two compared: their similarity

These observations of Roosevelt and Stanwood, when compared, show a substantial agreement. (1) Both refer to the methods by which the boss acquires power—by secret or corrupt means, says Roosevelt; by terror or threats, says Stanwood. (2) Both give prominence to his methods of exercising power—he drives, imposes his will by trickery or violence, says the one; he employs terror or threats, says the other. (3) Both attribute low motives to the boss—he has definitely selfish objects of political or financial advancement or uses power for its own sake; he enriches himself, takes the best offices, or uses power for the pleasure of doing so. Mr. Roosevelt discovers another characteristic: (4) the boss makes no intellectual or moral appeal to the people; he does not fight openly for principle and keep his position by stirring the consciences and convincing the intellects of his followers.

How the boss acquires power

Now, if these four points were to be examined carefully in the light of known facts, they could scarcely stand as absolute criteria. It could certainly be established that the boss does not always possess such characteristics and that the leader sometimes does.[1]

[1] Any one can recall at random cases in which leaders have exhibited the supposed qualities of bosses. Blaine's name brings to mind the "Mulligan letters"; Roosevelt, though condemning the strong-arm methods of the boss, did not despise the "big stick"; more than one president and governor has secured his nomination by means that would not bear too close a scrutiny; Lincoln, with patronage, bought congressional votes for the admission of Nevada, the new state being necessary to the ratification of the Thirteenth Amendment. McKinley, whose debts were paid by wealthy friends, was criticized as governor of Ohio for being, partly on that account, unduly lenient to great corporations. " 'There are different kinds of honesty,' quoth Morrison, once of the Ways and Means. 'There is this man McKinley; he's honest. There was Randall; he was honest. And, for myself, I reckon I'm honest. But there is this difference. If I were to fall into bankruptcy, no rich men would pay my debts. If I were to die, no rich men would present my widow

The boss, for example, even the Tammany boss, does not always reach his place or keep it by secret or corrupt means. Charles F. Murphy was elected, not by the Democratic voters of New York county, it is true, but by the executive committee of Tammany Hall, the district leaders, who had themselves been chosen at the primary. Bringing the Croker régime to an end in May, 1902, the committee first established a triumvirate (Murphy, McMahon, and Haffen) and then, four months later, made Murphy sole leader.[1] The experiment, they said, had "proved the desirability of individual responsibility in leadership." When Murphy died in 1924, there was a period of uncertainty and indecision. It was only after James A. Foley, having been elected, had declined the honor that the choice of the committee fell on Judge Olvany. "The leader in politics," says Professor Munro,[2] "occupies a position that is recognized by the rules and customs of the party organization, and sometimes by the law of the land. He is chosen in a prescribed way and is vested with certain definite responsibilities. But the boss creates his own position; he alone determines its powers, its duties, and its obligations." Were not Murphy and Olvany, bosses of Tammany Hall, chosen in a prescribed way, according to the rules and customs of the party organization? Governor Smith, Democratic leader of the state, was invested with party leadership—with the right to control the state committee and the state convention as well as public officers popularly elected like himself—by no such formal proceeding. He assumed the position, which Governor Whitman (1915-1918) had left in the hands of William Barnes and which Governors Dix and Glynn (1911-1914) had left in the hands of Charles F. Murphy. Perhaps his popular vote in 1924, exceeding that of the Democratic presidential candidate by three-fourths of a million, may be said to constitute a title to leadership. Penrose, boss of Pennsylvania, had as good a title. He was elected in 1920 to serve a fifth term in the United States senate by the unprecedented plurality of 583,000.

Again, the boss is accused of self-aggrandizement; of loving power for its own sake, of appropriating the most lucrative offices,

with one hundred thousand dollars. I'll tell you why. My sort of honesty never did that sort of fellow any good.' " A. H. Lewis, *Richard Croker* (1901), p. 347.

[1] Gustavus Myers, *The History of Tammany Hall* (ed. of 1917), p. 298.

[2] *Personality in Politics* (1924), p. 79.

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Is he necessarily corrupt?

and of accumulating a private fortune by corruption. Power may not be the highest object of ambition, but it is the commonest; and if such ambition is to be regarded as inconsistent with leadership, the catalogue of bosses must be greatly enlarged. It cannot be said that the bosses have been, on the whole, notorious office-seekers. Abe Ruef of San Francisco never held public office except by illegal appointment as district attorney; back in the nineties George E. Brennan of Chicago had his only taste of office as a clerk in one of the state departments; Charles F. Murphy always looked back with pride to his appointment as dock commissioner in the time of Croker and liked to have his friends address him as "Commissioner."[1] There have been many corrupt bosses, bosses who used politics to advance their material interests. Abe Ruef accepted retainers of $1,000 and more a month from public service corporations; he received $14,000 for his part in packing the state convention in the interests of the Southern Pacific Railroad.[2] Senator Quay of Pennsylvania, indicted for the misuse of state funds, escaped trial through the statute of limitations.[3] Richard Croker, who amassed a large fortune, admitted before the Mazet Committee in 1899 that he "was working for his own pocket all the time."[4] Roger Sullivan of Illinois made millions out of a public service corporation which throve on political influence.[5] Joseph Cassidy, who served four years as borough president of Queen's county, New York city, must have been a man of extraordinary financial genius. During those four years, though his salary was only $5,000, he invested half a million dollars in real estate

[1] Croker was elected alderman twice and coroner twice; appointed fire commissioner (1883) and city chamberlain (1889). Olvany was elected alderman twice, appointed deputy fire commissioner (1910), counsel to the sheriff's office (1913, 1917, 1921), and finally judge of general sessions shortly before his election as leader.

[2] Frank Hichborn, *The System* (1915), pp. 13 and 15.

[3] S. P. Orth, *The Boss and the Machine* (1919), pp. 130-131.

[4] "Croker's examination before the Fassett Committee in 1890," says Breen (*op. cit.*, p. 757), "disclosed the fact that, although only a short time before in straightened financial circumstances, he was then in the enjoyment of considerable wealth. This sudden jump from indigence to affluence aroused the curiosity of the Committee, and Fassett, who was an up-country statesman, made laudable efforts to unravel the mystery. It was shown clearly that Croker suddenly burst forth into wealth like another Monte Cristo; that he had no business, not even 'private business'; it was certain that he had no mint of his own; and how on earth he 'got it' was a puzzle to the bucolic innocence of Fassett and his Committee. Of course, they had suspicions."

[5] *Literary Digest*, Vol. LXV (1920), pp. 87-94.

and at the same time managed to live in princely style. In 1914 he was convicted of selling a Democratic judicial nomination for $30,000.[1] But common as the various forms of graft may be, it is by no means true that all bosses seek material profit. George E. Brennan, reputed to be a millionaire, takes his profit in other ways, regarding politics as a great adventure.[2] Penrose never made a dollar out of politics.[3] According to Roosevelt,[4] "Senator Platt did not use his political position to advance his private fortunes—therein differing from many other political bosses. He lived in hotels and had few extravagant tastes. Indeed, I could not find that he had any tastes at all except for politics, and on rare occasions for a very dry theology wholly divorced from moral implications." Nevertheless, both Platt and Penrose were corrupt in the sense that they tolerated corruption around them and made use of it in the furtherance of their ambitions.

Some characteristics of the boss

Bosses are, in fact, of varying types. Not all of them acquire power and use it in dubious ways. Not all of them regard principle and policy as things of little moment, which may be used at times to cloak ulterior designs and outmanœuver the opposition. At the same time, allowing for the exceptions, bosses taken in the mass may be said to approximate the character that Roosevelt and Stanwood attributed to them. In the popular mind, vaguely and uncertainly formulated, there is the feeling that the ethical aspect is the vital one, and that the preoccupations of the boss are mainly selfish, looking to the advantage, not of the community, but of the machine, of the boss himself and of the coterie of henchmen who surround and serve him. There is also the feeling that the boss is irresponsible. He seldom holds an elective office which the

[1] New York *Times*, Nov. 22, 1920.

[2] "I get nothing out of politics," he has said (New York *Times*, April 22, 1923), "and there is a lot of hard work and unpleasantness about it. But I play it for the fun and the thrill I get out of it. It is a great adventure." Brennan started as a coal miner. He made his money as the head of a bonding company; perhaps politics helped him there. Charles F. Murphy left an estate of $2,000,000. He always denied having any connection with his brother's rather notorious contracting company. (Myers, *op. cit.*, pp. 309-314.) At the time he became boss he was supposed to have made something like $400,000 out of his saloons. A man of his sagacity, with so many opportunities, might well have multiplied that sum five times in twenty-odd years without recourse to corruption.

[3] Talcott Williams, "Bosses in Pennsylvania: Boies Penrose," *Century Magazine*, Vol. CV (1922), pp. 49-55.

[4] *Autobiography*, p. 284.

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people, having given, can take away. Even though his position may theoretically depend upon the support of the party voters in the primary, he may have entrenched himself so firmly through the unscrupulous use of power that revolt becomes hopeless.[1] But if the boss is often unprincipled and irresponsible, emphasis upon that point should not exclude other considerations. He is almost always a man of exceptional gifts, gifts which, notwithstanding all his deficiencies, give him a natural ascendancy over other men.[2] Nor should the boss be looked upon as an inexplicable vagary in our political life. Leadership is necessary; and since it does not readily develop within the framework of our government, the boss provides it, in a crude and irresponsible form, from the outside.

The Causes of Bossism

Bryce's explanation of bossism

Bryce, in his *American Commonwealth*,[3] attributed the rise of bosses to four "accidental" conditions of American democracy:

[1] Samuel S. Koenig has for many years been Republican chairman of New York county. Mrs. J. R. Parsons thus expressed the difficulty of any movement to depose him (New York *Times*, Jan. 21, 1926): "Any man now offering himself as a candidate against Mr. Koenig and his powerful backers . . . would arouse the bitter opposition not only of the present entrenched office-holding and office-seeking organization but also of all the other secret aspirants to the position. . . . Immediately following the last election . . . spontaneous uprisings were observed and popular movements were started for the purpose of removing the inefficient leaders and also their important but for the moment amazingly inconspicuous backers. But, as usual, powerful influences were brought to bear to silence the insurgents, while the natural indolence of the many, who have little at stake and see no easy way to victory, caused them to lapse once more into innocuous desuetude." Mrs. Parsons suggested boycotting all candidates put forward by the county machine and asking President Coolidge to withhold federal patronage.

[2] "Croker, among nearly four millions of people defended by their ballots and with Albany in the hands of his enemies, has conquered to himself a coign of absolute autocracy. And all without pedigree or pocketbook, or any kindred influence so potent in this town's abjection, wherewith to make his way. Rome in the time of Cæsar was a hamlet to New York, Paris in Napoleon's day a village. By their very slanders his foes force Croker's name upon the roster of the world's conquerors, and make him great before his friends have moved. Nor do they solve defeat by epithet. To say that Croker is corrupt, or dishonest, or ignorant, or of inferior and little girth in mentality or morals, is to call him weak five times. None of these is an element of strength; one and all they make for downfall, not success. And as a proposal it seems clear that, once one concedes one's own conquest, whatever of a vile weakness one may charge upon one's conqueror, one but makes one's self both viler and weaker still." Alfred Henry Lewis, *op. cit.*, p. 18.

[3] Vol. II, p. 124.

the existence of the spoils system; the opportunities for illicit gains arising out of the possession of office; the presence of a mass of ignorant and pliable voters; and the insufficient participation in politics of "good citizens." All four conditions, he said, "are most fully present in great cities. Some of the offices are highly paid; many give facilities for lucrative jobbing; and the unpaid officers are sometimes the most apt to abuse these facilities. The voters are so numerous that a strong and active organization is needed to drill them; the majority so ignorant as to be easily led. The best citizens are engrossed in business and cannot give to political work the continuous attention it demands." These dangerous conditions were reduced to a minimum in rural districts, he believed; the boss could have no occupation in such places; his talents would be wasted there. In other words, observing particularly the city boss, Bryce put forward a hypothesis, based on local conditions, to explain him; and, since rural conditions appeared to be quite different, he fell into the not uncommon error of supposing that bossism flourishes in the cities and languishes in the pure, pastoral countryside. The phenomenon is more spectacular in great centers of population like New York and Chicago; it receives advertisement from enterprising newspapers, which burrow into political scandals and social scandals with equal zest; but well-informed persons have come to understand that the rural county is sometimes the darkest region of American politics. Although he moves more in the shadow and employs somewhat different methods, the rural boss is no more rare a species than the city boss.

Criticism of his views

The impression that rural politics occupies a higher plane than city politics can hardly be supported by the facts. The attitude of many rural voters is conveyed well enough by the remark of a Kansas farmer, when a newspaper correspondent asked him about the probable result of an election. He said: "We'll win sure—if they don't buy us." Some fifteen years ago twenty-five per cent of all the voters in Adams county, Ohio, were convicted of selling their votes, prosperous farmers and even clergymen among them; and it was then said that the situation in neighboring counties was very much the same.[1] In New York up-state farmers will not vote the Democratic ticket; neither will they vote the Republican ticket without the customary encouragement. The county

[1] A. Z. Blair, "Seventeen Hundred Rural Vote-sellers," *McClure's Magazine*, Nov., 1911, pp. 28-40; *Outlook*, Jan. 14, 1911.

boss spends more money at election time than the ward boss of the city, from four to eight times as much, according to one estimate.[1] According to Frank R. Kent, the county boss holds a higher place than the city boss in the social and business life of the community.[2] "Leadership comes to him, not because he has won his spurs as a machine politician, but because he is the dominant man in other ways in his county. Either he is the leader of the local bar or the president of the local bank, or the most influential merchant, or the representative of his county in the state senate. The big thing is that he does not make his living exclusively out of politics or a political job. . . . He is something more than merely a professional politician and jobholder."

The four conditions that Bryce formulated cannot be accepted as fundamental causes. They are rather contributory factors, incidents that enhance the power of the boss without being essential to his existence. Of late years there has been, growing out of the progressive movement perhaps, an increase of political interest among "good citizens." We are told that "the old boss system is in eclipse, temporarily at least,"[3] and that the country has entered upon a new era of political freedom. The qualifying words, "temporarily at least," are most advisable. It is not only the boss that has been struck down, but effective party organization as well. Such organization, which presumes leadership, is inevitable in the long run: democracy cannot exist without parties; parties cannot exist without organization; and organization cannot exist without leadership.[4] Unless a different form of leadership is provided somehow—leadership within the government or within the party, resting with recognized and responsible officers—the boss is certain to rise again from his ashes.

Bossism has sometimes been represented as the outcome of economic rather than political development. In this country there

[1] Frank R. Kent, *The Great Game of Politics* (1923), p. 67. He says that "'the 'floating' or purchasable vote in the counties is not only proportionately greater than in the cities, but it is a whole lot more expensive."

[2] *Ibid.*, p. 65.

[3] *World's Work*, Vol. XLIV (1922), p. 350.

[4] In a letter to Roosevelt (New York *Times*, April 22, 1915) William Barnes, Republican boss of New York, observed most truly that "the idea of getting rid of the boss is absurd, so long as you have party government"—only for the term "boss" he might have substituted the more inclusive term "leader."

Big business did not create the boss

is a contradiction between political power, which rests with the many, and economic power, which rests with the few. Between the two there is a perennial conflict. "Big business," developing fast in the closing decades of the nineteenth century and reaching out for public franchises and other concessions, burdened itself with no conscientious scruples. Where privilege or protection required the purchase of political power, big business bought it.[1] The boss was the man who negotiated with the corporations on behalf of the party machine and who delivered the goods—the votes in city council or state legislature—when the price had been paid. He became the broker, the indispensable intermediary. "Thus every 'Boss'," says Herbert Croly,[2] "even those whose influence did not extend beyond an election district, was more or less completely identified with the corporations who occupied within his bailiwick any important relation to the state." But it would be a capital mistake to conclude from these facts that big business created the boss. He is—to quote Croly again—[3] "an independent power who has his own special reasons for existence. He put in an embryonic appearance long before the large corporations had obtained anything like their existing power in American politics; and he will survive in some form their reduction to political insignificance. He has been a genuine and within limits a useful product of American democracy; and it would be fatal to undervalue or misunderstand him. . . . It so happened that the kind of power which each obtained was very useful to the other. A corporation which derived its profits from public franchises or from a business transacted in many different states found the purchase of a local or state machine well within its means and well according to its interests. The professional politicians, who had embarked in politics as a business and who were making what they could out of it for themselves and their followers, could not resist this unexpected and lucrative addition to their market. But it must be remembered that the alliance was founded on interest rather than association,

[1] The big business man, said Lincoln Steffens (*Shame of the Cities*, 1904, p. 5) "does not neglect, he is busy with politics; oh, very busy and very business-like. I found him buying boodlers in St. Louis, defending grafters in Minneapolis, originating corruption in Pittsburgh. . . . He is a self-righteous fraud, this big business man. He is the chief source of corruption, and it were a boon if he would neglect politics."

[2] *The Promise of American Life* (1909), p. 123.

[3] *Ibid.*, pp. 118 and 124.

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on mutual agreement rather than on any effective subordination one to another."[1]

His origin explained

The real cause of bossism is to be found in certain peculiarities of our political system.[2] These peculiarities are of such a kind as to discourage the growth of leadership within the government. The state constitutions still bear the impress of eighteenth-century Whig doctrine, doctrine which rests on a mechanical conception of government and, through checks and balances, seeks to prevent any concentration of power. Power, so it was contended, is dangerous to liberty; and therefore power has been spread so thin, so dispersed among various departments and officers, so divided and attenuated that, when the people demand positive action, no one has adequate authority to act. Moreover, within the circumscribed sphere allotted to them public officers have been further confined by specific and minute statutory directions. The law deprives them of all latitude and discretion in the discharge of their duties; it leaves no room for the exercise of individual judgment; in the fear of arbitrary conduct it has eliminated the personal equation.[3] Finally, the state constitutions reflect the extravagant notions of Jacksonian democracy. In Jackson's time, with manhood suffrage, the "plain people" came to their own and swept away the old governing class. They expressed the new principle of popular rule in the formula of elective office and short terms. Through frequent elections they proposed to keep the government in proper

[1] Cf. Ostrogorski, *op. cit.*, Vol. II, p. 196: "Capitalism has only raised the stature of the boss; it has enhanced his powers and his means of action, having found in him a highly perfect instrument."

[2] See Frank J. Goodnow, *op. cit.*, pp. 168-198; H. J. Ford, *The Rise and Growth of American Politics* (1898), pp. 301 *et seq.;* Herbert Croly as quoted below.

[3] "Thus," says Herbert Croly (*Progressive Democracy*, 1914, pp. 252 and 254), "the American state governments carried government by law as far as it was humanly possible to carry it. They abandoned themselves to legalism as completely as a sail-boat abandons itself to the wind. Yet when abandoned to the wind the boat did not sail free without a man at the helm—it only drifted around. In spite of the increasing web of legal precautions woven about the unfortunate human beings who were trying to run this legalistic mechanism, there was no satisfaction with the result. . . . Coincident with the system of legal prescription was built up a far more human system of partisan government, whose chief object soon became the circumvention of government by law. . . . The lawlessness of the extra-legal democracy was merely the counterpoise of the legalism of the official democracy. The lawyer having been permitted to subordinate democracy to the law, the Boss had to be called in to extricate the victim, which he did after a fashion and for a consideration."

subjection to its masters. The result, however, was quite different from the intention. Any crude formula, carried to extreme lengths, defeats its own objects. In the absurd multiplication of elective offices the people undertook to do more than they possibly could do. They created an opportunity for the political specialist. "The ordinary American," says Croly,[1] "could not pretend to give as much time to politics as the smooth operation of this complicated machine demanded; and little by little there emerged in different parts of the country a class of politicians who spent all their time in nominating and electing candidates to these numerous offices."[2] The professional experts, the bosses, did not hold their places for short terms, like the officers of the formal government. Penrose ruled in Pennsylvania for fifteen years, Murphy in New York city for twenty years, George B. Cox in Cincinnati for thirty years. Continuity in office is a first requisite of leadership: it is exemplified in our great industrial corporations, in the American Federation of Labor, which Gompers led for forty years, in the Nonpartisan League, or in the woman suffrage association, whose history has been described in an early chapter. The effect of the Jacksonian shibboleths—elective office, short terms, rotation—has been to transfer power from the responsible short-lived officers of the formal government to the Pericles or Medici or Augustus who knows how to manipulate the puppets.

It is not, of course, to Jacksonian democracy alone that we must attribute the boss.[3] The dispersion of official authority—to which

[1] *The Promise of American Life* (1909), p. 120.

[2] The bosses, says Roosevelt (*Autobiography*, p. 137), "attend to politics not once a year, not two or three times a year, like the average citizen, but every day in the year. It is the one thing that they talk of, for it is their bread and butter. They plan about it and they scheme about it. They do it because it is their business. . . . They know every little twist and turn, no matter how intricate, in the politics of their several wards, and when election day comes the ordinary citizen, who has merely the interest that all good men, all decent citizens, should have in political life, finds himself as helpless before these men as if he were a solitary volunteer in the presence of a band of drilled mercenaries on a field of battle."

[3] In his *Unpopular Government in the United States* (1914) Albert M. Kales lays the greatest possible emphasis upon this aspect, however. He represents the boss (pp. 54-61) as "merely the successful local adviser and director of the politically ignorant voter. . . . The political ignorance of the voter [faced with so many inconspicuous offices and candidates on the ballot] is one of the necessary conditions of his existence. The fact that most voters cannot make a show of voting intelligently without someone to help them provides the opportunity which calls him into being. The power of the successful ad-

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over-emphasis on the elective principle has greatly contributed—is the essential factor. "The city boss," says Professor Ford,[1] "is the nexus of municipal administration,—a center of control outside of the partitions of authority which public prejudice and traditional opinion insist upon in the formal constitution of the city government. The boss system is enormously expensive, but so great is the value of concentrated authority in business management that one may hear it said among practical men of affairs that a city needs a political boss in order to be progressive. The fact is well known that it was due to authority of that kind that the national capital was transformed from an area of swamps and mud-banks into the beautiful city it is now. The state boss is the natural complement of the situation produced by the dissolution of executive authority in the state government. The office restores outside of the formal constitution what is lost inside of it—efficient control. In the national government, no such dissolution having taken place, the case is different. There is no national boss but the President, and that is what the people put him there to be. If he does not boss the situation, he is a political failure, no matter what else he may be."

The chief factor: scattered political power

The boss, then, is the man who brings together the scattered powers of government. He was called in, says Croly, to extricate the victim from a web of legalism and to substitute for the defective official system an unofficial system better suited to actual popular needs. "The people wanted the government to do something for them, and the politicians made their living and served their

Function of the boss

viser and director of the voter is in direct ratio to the political ignorance of the electorate. . . . To the extent that the adviser and director of the politically ignorant voter can direct and advise the voter how to vote, he can fill the offices of the state and local governments with those who are loyal to him, and thus control some part of the power of government.

"Since the business of directing the politically ignorant voter how to vote has fallen into the hands of a professional class and since the prize to be won is the control of governmental power, it is not to be wondered at that the profession has become highly organized for the purpose of achieving its object; that men of extraordinary power and ability have arisen as its leaders; and that to a very great extent the object of the organization has been achieved. . . . Thus almost imperceptibly, but with astonishing rapidity, there have been developed state-wide feudal organizations for the purpose—in form at least—of advising the politically ignorant voter how to vote, but in reality of casting his vote for him, and thus securing the political power of the electorate."

[1] *Op. cit.*, pp. 301-302.

country by satisfying the want."[1] As a consequence actual political power has been divorced from official political responsibility. Although public officers are still responsible, in a technical sense, for the conduct of the government, "their actual power is even smaller than their official authority. They are almost completely controlled by the machine which secures their election or appointment. The leader or leaders of that machine are the rulers of the community, even though they occupy no offices and cannot be held in any way publicly responsible." It was in this fashion that William Marcy Tweed ruled through the Tammany machine. The realities of the situation may be illustrated by an incident which took place during the examination of candidates for admission to the bar. Judge Barnard asked a candidate how he would proceed if he had a claim of $50,000 against the city. The laconic answer was: "I'd see Bill Tweed."

Illustrations: (1) Walpole in England

The English counterpart of our boss is the prime minister, who rules the country without being known to the law. He is the party boss; but at the same time, notwithstanding his dubious origin in the eighteenth century, he has come to be invested with full public responsibility and is regarded as an indispensable officer of the government. Sir Robert Walpole, who ruled England, as Platt ruled New York, for a period of twenty years, is usually regarded as the first prime minister.[2] He built up his immense authority in a corrupt age and by corrupt methods. In the manner of our boss and in the face of the same opprobrium he gathered into his hands all the scattered fragments of power. He made the laws; he conducted the administration. "After his fall," says President

[1] Croly, *The Promise of American Life*, p. 125. "To be sure, the 'people' they benefited were a small minority of the whole population whose interests were far from being the public interest; but it was none the less natural that the people, whoever they were, should want the government to do more for them than to guarantee certain legal rights, and it was inevitable that they should select leaders who could satisfy their positive, if selfish, needs."

[2] Before the rise of the prime minister as boss there had been a period of confusion brought about by the decay of royal authority. A doctrine took shape which conceded executive power to the king and legislative power to Parliament and made the judiciary independent of both. This Whig doctrine of the separation of powers, of checks and balances, persisted long after executive and legislative power had been brought into the closest union.

In the eighteenth century, it should be remarked, the local boss was a familiar figure almost everywhere in England. The great landowners not only named the members of parliament, selling the seats when they chose, but they also held the whole field of local government.

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Goodnow,[1] "an attempt was made to get on without the office, but by the very force of circumstances the English had to acknowledge that Walpole's main idea was right, and set to work not to destroy the boss,—for that is what the Prime Minister is,—but to make him responsible. . . . It is no longer necessary in order to obtain the desired and necessary harmony to resort to these corrupt means, because the power of the Prime Minister is recognized. What in the time of Walpole had to be done by stealth and in an underhand manner may now be done in the open and through the exercise of acknowledged power."

(2) Platt in New York

Platt ruled New York state as an unacknowledged and irresponsible prime minister. In choosing his lieutenants and candidates, he says,[2] he insisted on a willingness to "stand when hitched"—that is, to obey orders; and he punished, "sometimes mercilessly," any dereliction of this duty "Only in this way," he observes, "can the discipline of any body of men be enforced." Roosevelt tells how, shortly after his election as governor, Platt invited him to attend a conference. He expressed some surprise when he found the boss drawing up a list of committee assignments; for the speaker, who was supposed to appoint the committees, had not yet been elected by the assembly. "Oh!" responded Platt, with a tolerant smile, "he has not been chosen yet, but of course whoever we choose as speaker will agree beforehand to make the appointments we wish." [3] Croker ruled New York city in the same fashion. "The one clear and distinct fact brought out by this investigation," the Mazet Committee of 1899 declared, "is that we have in this great city the most perfect instance of centralized party government yet known. We have had explained by the highest authority, the dictator himself, the system and theory of government, and by the highest officials the practice thereof. We see that government no longer responsible to the people, but to that dictator. We see the central power, not the man who sits in the Mayor's chair, but the man who stands behind it. . . . The real

[1] *Politics and Administration,* pp. 187-189.

[2] *Autobiography of Thomas Collier Platt,* p. 503. See also H. F. Gosnell, *Boss Platt and His New York Machine* (1923).

[3] *Theodore Roosevelt: an Autobiography,* p. 293. In the case of *Barnes v. Roosevelt* the latter testified that, when governor, he expressed to Barnes his surprise that the speaker had torn up his special message to the legislature. "Barnes said it would have been foolish for me to expect Speaker Nixon or Assembly Leader Allds to act on such matters until they had received their orders from the organization." New York *Times,* April 21, 1915.

ruler of the city is a private individual, holding no office, amenable to no law, bound by no oath, and yet exercising almost absolute control over most of the departments of the city government when he choose to exercise it."[1]

[1] Croker maintained an even stricter discipline than Platt. "There was an Albany crisis," says Alfred Henry Lewis (*Richard Croker*, p. 100); "the Democrats of the legislature behaved badly. One gray senator was peculiarly weighed in the balance of those events, and found wanting. It was a week later when he met Croker. The latter regarded the derelict with a brow both untoward and bleak. 'You did nicely,' observed Croker, in tones none the less indurated for being musically low; 'you did nicely up at Albany! The Republicans made you look like children. You would have done as well if you'd stayed at home.' 'What could I do?' asked the other appealingly, spreading his hands. 'Why, nothing, of course,' replied Croker. 'I didn't know that when you were sent there, but I know it now.' It was the death sentence; both understood it. That 'statesman' did not go back. Yet such is the crushing force of Tammany discipline that not a thought of rebellion, none of retort, rose in the breast of the disrated one. He now toils cheerfully in the party ranks, without office and without its hope; and he and Croker meet with no more of difference than they felt before."

CHAPTER XIV

THE MACHINE

The "machine" a perverted "organization"

"THE professional politicians, who filled the Organisation at all stages," says Ostrogorski,[1] "executed their movements, under the direction of managers and wire-pullers, with such uniformity and with such indifference or insensibility to right and wrong, and operated with such unerring certainty on the electorate that they evoked the idea of a piece of mechanism working automatically and blindly,—of a machine. The effect appeared so precisely identical that the term 'machine' was bestowed on the Organisation as a nickname." According to current usage the machine may be described as a perverted but highly efficient party organization, just as the boss is a perverted but highly efficient leader. In one sense the term "machine" is inappropriate and misleading. Walter Lippmann contends that the political machine is the very opposite of a machine, that Tammany (for example) is the effective government which has defeated mechanical foresight, and that the really rigid and mechanical thing is the city charter behind which Tammany works.[2] The point is well taken. Nevertheless, the term reflects, happily enough, the precision, the relentless rigor, the undeviating and unscrupulous concentration of purpose which mark the methods of the professional politician.

Supposed characteristics of the machine

The boss has his hand on the throttle. The machine responds to his touch. At least we are accustomed to think that, on the one hand, the leader, who works through the party organization or even without it, draws his strength from popular support and that, on the other hand, the boss, transforming the organization into a machine, pursues his selfish aims without regard to public

[1] *Democracy and the Organization of Political Parties,* Vol. II, p. 128.

[2] *Preface to Politics* (1913), pp. 17-18. "Tammany is not a freak, a strange and monstrous excrescence. Its structure and the laws of its life are, I believe, typical of all real sovereignties. You can find Tammany duplicated wherever there is a social group to be governed—in trade unions, in clubs, in boys' gangs, in the Four Hundred, in the Socialist Party. It is an accretion of power around a center of influence cemented by patronage, graft, favors, friendship, loyalties, habits,—a human grouping, a natural pyramid."

opinion. La Follette had, according to his autobiography,[1] no need of machine methods because he had the people behind him. He gained his victories, he said, with nothing more than a clerical force to send out literature, a manager to arrange speaking campaigns, and whatever money his devotees provided. He pictured the leader as fighting for principle; the boss as fighting for selfish mastery. It is true that the boss also depends upon popular support. He must control the primaries or abdicate. As with Napoleon, the true source of his power is not the "whiff of grape-shot," but the plebiscite. His critics will say, however, that, though the machine wins at the primaries, it wins by virtue of a mercenary following, by virtue of an appeal to motives of cupidity which put individual or group interests in the place of community interests or even party interests. The Republican and Democratic machines of the same state or the same city often coöperate in perfect harmony. "Why, again and again these very same machine politicians," says Roosevelt,[2] "take just as good care of the henchmen of the opposite party as of those of their own party. In the underworld of politics the closest ties are sometimes those which knit together the active professional workers of opposite political parties. A friend of mine in the New York Legislature . . . once remarked to me: 'When you have been in public life a little longer, Mr. Roosevelt, you will understand that there are no politics in politics.' In the politics to which he was referring this remark could be taken literally." Mr. Roosevelt declared in a speech at Oyster Bay[3] that "the interests of Mr. Barnes and Mr. Murphy are fundamentally identical, and when the issue between popular rights and corrupt machine-ruled government is clearly drawn the two bosses will always be found fighting on the same side, openly or covertly giving one another such support as can with safety be rendered." Any alliance between machines of opposite political faith is supposed to suggest anti-social aims. Some sinister bargain is suspected—as in 1911 when William Barnes refused to support an independent Democrat against the Tammany candidate for the United States senate.[4] Yet inter-party agreements occur quite often and, if bosses and machines are not concerned in them, pass

[1] Pp. 69-70.

[2] *Autobiography*, p. 145.

[3] New York *Times*, July 23, 1914. This speech was the basis of an unsuccessful libel action brought by Mr. Barnes and tried in 1915.

[4] See testimony in the *Barnes v. Roosevelt* case, New York *Times*, April 30, 1915.

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unchallenged. Coöperation in the accomplishment of some pious reform is positively applauded. Circumstances alter cases.

County and ward are the machine units

The machine may extend its dominion over a whole state, either through the ascendancy of a single boss or through the operations of a "ring" of local bosses who act in concert. The county is, however, the normal unit. Even Tammany in New York is confined to one of the five counties comprised in the metropolitan area; its control of the city administration is secured by a close understanding with the Democratic organizations in Kings (Brooklyn) and the Bronx. Within the same party and covering the same area there may be, as in San Francisco and Chicago, rival machines. In Philadelphia and Boston, where neither party has fallen under the sway of a single boss,[1] the ward has been the base of machine activities. Indeed, as already observed in a previous chapter, city organization differs from rural organization in the fact that, because of density of population, the ward serves as an important strategic position midway between the precinct and the county. Thus in Illinois, where the county committee is generally composed of the elected precinct committeemen, the law makes special disposition for cities of 200,000. The party voters in each of the thirty-five wards of Chicago elect a ward committeeman (that is, a leader or boss), who appoints the precinct executives; and the thirty-five ward committeemen form the city committee.[2] The arrangements in Boston are very much the same, except that the ward committee, consisting of one member for every 200 party voters, chooses the ward leader.[3] In Philadelphia and New York the ward committees are not elected at large, but by precincts; in the one case two members from each precinct, in the other a number proportioned to the party vote. In Philadelphia the forty-eight ward leaders, who constitute the city committee, are chosen

[1] W. B. Munro (*Personality in Politics*, p. 47) says of Boston that "not in a generation has any single boss dominated the city." As to Philadelphia, R. C. Brooks (*Political Parties and Electoral Problems*, 1923, p. 189) says that "since 1895 no single leader has been able to dominate the city and county as a whole."

[2] C. E. Merriam, *The American Party System* (1922), pp. 70-71. The vote of each member of the city committee is proportioned to the party vote in his ward.

[3] That is, the committee elects a chairman and usually appoints the same man to serve as its representative on the city committee. W. B. Munro, *Municipal Government and Administration* (1923), Vol. I, p. 302.

by their respective ward committees.[1] Under the Democratic rules of New York county the "executive members" or leaders (a man and a woman from each assembly district) are elected by the assembly district committees. They constitute the executive committee for the county; and this executive committee discharges all the functions of the general committee of the county which, being composed of the ten thousand or more members of the twenty-three assembly district committees, serves no other purpose than to confer a title upon party workers and exact monthly membership dues in return. The executive committee elects the Tammany boss.[2]

The ward boss or district leader

If one looked solely at the election law and party rules, the position of the ward leader as a cog in the city machine would be quite misunderstood. In New York county he is named, apparently, as the free and deliberate choice of the assembly district committee. In reality, instead of the committee's naming the leader, it is the leader who names the committee. In advance of the primary he makes up his slate; and, if the slate wins in most of the precincts, the new committee promptly reëlects him. The proceeding resembles the election of the president of the United States, in which we vote for pledged electors without even reading their names and know the result of the election two months before the electoral college meets. The ward boss receives from the committee a prize that he has already won. He holds his position, says Kent,[3] "because he has the strength to hold it and for no other reason. No one can give him his job. He has got to get it himself, and he can hold it just so long as he has the strength to hold it and no longer. Political machines do not believe in civil service reform in city or state governments, but they themselves are formed, built, and run on the merit system. Efficiency is the test from top to bottom." There is no incongruity in the ward boss' doing homage to the city boss and taking his orders. That feudal relationship is one of mutual advantage. The overlord fills a necessary rôle in coördinating the different parts of the machine and in opening up larger sources of patronage and, perhaps, of graft. Eager and anxious search for a successor followed the death of Charles F.

[1] Under the Republican rules the precinct committee, though elected, is subordinated to the ward committee. Brooks, *op. cit.*, pp. 187-189.

[2] For a full and accurate description of the Tammany organization see P. O. Ray, *An Introduction to Political Parties and Practical Politics* (3d. ed., 1924), pp. 363-375.

[3] *Op. cit.*, p. 34.

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Murphy; there was no heir apparent. The district leaders themselves felt the necessity of being led and, during the interregnum, did not find the committee of seven a satisfactory substitute for a boss.

Foley of Tammany Hall

The typical district leader of Tammany Hall is a man whose native capacity has been strengthened and disciplined by the stern realities of life. He began his career in politics with little education and no material resources. The late Thomas F. Foley (1852-1925) was driving a butcher's cart at the age of thirteen; he was learning the blacksmith's trade a little later. He became an election district captain at twenty-five and—after a spirited contest with Paddy Divver, who enjoyed the friendship of Croker and was believed to be impregnably entrenched—district leader at forty-nine. He remained district leader till his death, although the highest place in the organization, it is said, was within his reach in 1924.[1] Foley had, besides personal force and charm, other essential qualities of political leadership. He was true and loyal.

His loyalty

No thought of personal advantage could shake his loyalty, his steadfastness to the given word. When it was proposed to choose a new boss in the place of Croker, Foley promised "Big Tim" Sullivan, who had helped him in his fight against Divver, that he would vote for John F. Carroll; and he informed the latter of his decision. Later Sullivan switched to the support of Murphy and asked Foley to do the same. "I can't do that," Foley replied. "I promised John I would vote for him." He stood by a lost cause and incurred the resentment of Murphy. "The politicians who make a lastin' success in politics," said another district leader, George Washington Plunkitt,[2] "are the men who are always loyal

[1] New York *Times*, Jan. 16, 1925.

[2] W. L. Riordon, *Plunkitt of Tammany Hall* (1905), p. 66. Plunkitt continued: "The question has been asked: is a politician ever justified in goin' back on his district leader? I answer: 'No; as long as the leader hustles around and gets all the jobs possible for his constituents.' When the voters elect a man leader, they make a sort of contract with him. They say, although it ain't written out: 'We've put you there to look out for our interests. You want to see that this district gets all the jobs that's comin' to it. Be faithful to us, and we'll be faithful to you.' The district leader promises and makes a solemn contract. If he lives up to it, spends most of his time chasin' after places in the departments, picks up jobs from railroads and contractors for his followers, and shows himself in all ways a true statesman, then his followers are bound in honor to uphold him, just as they're bound to uphold the Constitution of the United States. But if he only looks after his own interests or shows no talent for scenting out jobs or ain't got the nerve to demand and

to their friends—even up to the gate of the state prison, if necessary; men who keep their promises and never lie. Richard Croker used to say that tellin' the truth and stickin' to his friends was the political leader's stock in trade. Nobody ever said anything truer and nobody lived up to it better than Croker. That is why he remained leader of Tammany Hall as long as he wanted to. Every man in the organization trusted him. Sometimes he made mistakes that hurt in campaigns, but they were always on the side of servin' his friends. It's the same with Charles F. Murphy. He has always stood by his friends, even when it looked like he would be downed for doin' so."

His knowledge of men

Foley, too, knew men. He knew them not in the mechanical fashion of the psychologists, who are helpless in the face of concrete situations, but through insight, through intuition, through an accumulated experience in his dealings with men. If the boss were responsible for nothing but wickedness, Roosevelt observed,[1] he would not last long in any community; the trouble is that "the boss does understand human nature" and fills a place which the reformer, without that understanding, cannot fill. To quote Plunkitt again:[2] "There's only one way to hold a district; you must study human nature and act accordin'. You can't study human nature in books. Books is a hindrance more than anything else. If you have been to college, so much the worse for you. You'll have to unlearn all you learned before you can get right down to human nature, and unlearnin' takes a lot of time. Some men never forget what they learned at college. Such men may get to be district leaders by a fluke, but they never last. To learn real human nature you have to go among the people, see them and be seen. I know every man, woman, and child in the Fifteenth District, except them that's been born this summer—and I know some of them, too. I know what they like and what they don't like, what they are strong at and what they are weak in, and I reach them by approachin' at the right side. For instance, here's how I gather in the young men. I hear of a young feller that's proud of his voice, thinks that he can sing fine. I ask him to come around to Washington Hall and join our Glee Club. He comes and sings,

get his share of the good things that are goin', his followers may be absolved from their allegiance and they may up and swat him without bein' put down as political ingrates."

[1] *Autobiography*, p. 152.

[2] *Op. cit.*, pp. 46-48.

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and he's a follower of Plunkitt for life. Another young feller gains a reputation as a base-ball player in a vacant lot. I bring him into our base-ball club. That fixes him. You'll find him workin' for my ticket at the polls next election day. Then there's the feller that likes rowin' on the river, the young feller that makes a name as a waltzer on his block, the young feller that's handy with his dukes—I rope them all in by giving them opportunities to show themselves off. I don't trouble them with political arguments. I just study human nature and act accordin'."[1]

His sympathy with the poor

Foley, having been poor himself, sympathized with poverty.[2] His benefactions were innumerable, we are told,[3] and almost anybody, whether deserving or not, could get money from him on any sort of pretext. He was, in himself, an eleemosynary institution. He came to the assistance of hundreds of unfortunate families. He would make any sacrifice to help his friends. In 1923, while giving testimony in the Fuller bankruptcy case, he said: "I've been a fool all my life. Money never meant anything to me in all this life, or I'd had a room full of it. I don't know the value of

[1] A. H. Lewis, *op. cit.*, p. 92, describes the penetration of Croker in this way: "And in their midst is Croker; smooth, silent, blindly ignorant of design on the part of anyone, and as though plot were preposterous as an idea; believing every lie, gulping every compliment like spring-water; the most fooled and cheated creature beneath the stars—apparently. But appearances waylay the fact. There isn't one about him whose measure for better or worse is not within the archives of his thought; no one he doesn't apprehend in his last true detail. Not one word does one utter that isn't instantly tried by the acid of what he knows; and this last is a term to cover the marvellous. In short it's a game—the game of politics; and Croker defeats these folk; and turns them, and twists them, and takes them in, and moves them about, and in all things does with them what one, expert, might do with children at a hand of cards. Croker knows these folk as he knows his way to bed; he knows what is in them as he knows the contents of his pocket; from beginning to end he uses them with the same cool, steady cunning wherewith a mechanic uses his tools."

[2] This is a real, not an assumed quality of most Tammany leaders. "'Yes,' said Croker, on a day when his habit of open-door to everybody had undergone a comment; 'yes, I see everybody. And particularly I haven't the heart to turn these poor people away. They squander my time, and often I can do them no good. But they don't know these things; and their small affairs are of as much interest to them as the business of any money monarch is to him. Were I driven to name what I regard as most to my credit, it would be that, during the sixteen years that I've been at the head of Tammany Hall, every man, rich or poor, small or great, who wanted to see me, did see me, and was listened to. And when I could I helped him. I wouldn't want a better epitaph.'" Lewis, *op. cit.*, p. 98.

[3] New York *Times*, Jan. 16, 1925.

money and I don't care anything about it. Whatever I have my friends are welcome to all the time. They know that and so do you, and so does everybody who knows me." Out of friendship for a partner in the Fuller brokerage firm he had borrowed and lent them more than $135,000 in the hope of averting failure. When asked if he had taken a note for the loan, he testified that he had told the brokers: "What the hell good is a note? If you pull out all right, give me back my money. If not, put it down as a bad bet."[1] Although large sums of money passed through Foley's hands and he was supposed to be a millionaire, he left an estate of only $15,000.[2] Benevolence, more often spontaneous than calculated, is a common trait of the ward boss. He "fulfills towards the people of his district in a rough and ready fashion," says Roosevelt,[3] "the position of friend and protector. He uses his influence to get jobs for young men who need them. He goes into court for a wild young fellow who has gotten into trouble. He helps out with cash or credit the widow who is in straits, or the breadwinner who is crippled or for some other cause temporarily out of work. . . . For some of his constituents he does proper favors, for others wholly improper favors; but he preserves human relations with all. He may be a very bad and very corrupt man, a man whose action in blackmailing and protecting vice is of far-reaching damage to his constituents. But these constituents are for the most part men and women who struggle hard against poverty and with whom the problem of living is very real and very close. They would prefer clean and honest government, if this clean and honest government is accompanied by human sympathy, human understanding. But an appeal made to them for virtue in the abstract, an appeal made by good men who do not really understand their needs, will often pass quite unheeded, if on the other side stands the boss, the friend and benefactor, who may have been guilty of much wrong-doing in things that they are hardly aware concern them, but who appeals to them, not only for the sake of favors to come, but in the name of gratitude and loyalty, and above all of understanding and fellow-feeling."[4]

[1] On one occasion he lent $2,000 to a man who wanted to buy a saloon, but who spent all the money on a prolonged debauch. Foley never mentioned the loan to him. He only smiled.

[2] *Ibid.*, Jan. 30, 1926.

[3] *Autobiography*, 153-154.

[4] "Tammany is a political organization one day in the year," says Alfred Henry Lewis (*op. cit.*, pp. 158-159); "it is a charitable-benevolent-fraternal

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The ward club

The ward boss usually maintains a club. It is not as universal an institution as in England, where it flourishes in quite small towns. Throughout the country, Kent estimates,[1] there are probably some two thousand clubs, confined to the larger cities; Republicans and Democrats alike have one in every ward of Baltimore. Although any party adherent may belong, the active membership is usually small. Office-holders and office-seekers, henchmen of one kind or another dependent upon the bounty of the machine, form the nucleus. The precinct captains introduce young men who show promise of being serviceable. The dues are small, perhaps fifty cents a month; and no one is dropped for being in arrears. The ward boss meets the chronic deficits out of his own pocket which, no doubt, he has occult methods of keeping filled. The club serves various purposes. There the boss confers with his precinct captains; there the assemblyman or state senator or congressman gives

organization three hundred and sixty-five. Does a brick-layer or a carpenter, or a laborer, or even such as a clerk or a bookkeeper find himself minus work, he goes to his 'leader.' One may meet from fifty to three hundred of these out-of-work folk waiting in front of every 'leader's' house each morning. And the 'leader,' and his 'election captains' under him, make utmost effort to find places for these applicants. The 'leaders' haunt contractors and builders, and they trade favors for places. This exchange extends to street railway companies, express companies, and scores of other enterprises. The man offered must be good and capable of his duties; that is what the company or the contractor demands. Satisfaction achieved in these directions, the 'leader' may send the candidate. . . .

"Again, go into one of the numberless police courts of the town. 'Ten dollars or twenty days on the Island,' mumbles the magistrate, and the poor wretch is shoved aside without two-bits in the present, and the workhouse filling the future dead ahead. Just as you feel your sympathies at work for the puny malefactor, who for want of ten dollars must serve in captivity for twenty days, a cool person, well clad and business-like, pushes up to the clerk. He doesn't give the prisoner a look; often he doesn't know him, save by word of his undercaptains. 'Figure up that man's fine and costs,' he observes to the clerk. It is done; it is then paid by the cool man, who walks away with no more of notice to the liberated one than mayhap a nod of short indifference. It is all cold and commonplace as a brief piece of political business. The cool person who pays feels no glow as one who does a charity, for he performs the ceremony, on an average, full two hundred times a month. Nor does the beneficiary of his interference boil with any turbulence of obligation. It is what he looked for. The 'leader' pays the fine with the thought that our soiled and broken gentleman, in present peril of the Island, will vote 'right' next time. And the soiled one does when the time arrives. And why should he not? It is the commonest, kindliest animalism to be a friend to one's friends."

[1] *Op. cit.*, p. 46.

an occasional talk; there the mercenary troops are kept under observation, schemes are hatched before the primary fight, and the interests of the machine brought to a focus. The atmosphere is one of good-fellowship and social relaxation. A card-room, pool tables, and magazines are provided; clam-bakes and chowder-parties, dances and picnics arranged. The annual picnic of the Thomas F. Foley Association, for which only a nominal charge was made, cost the leader thousands of dollars. The club is the center for the distribution of Christmas gifts—clothing, food, and fuel. "A couple of years ago, when the sugar shortage was at its height," says a writer in the New York *Times*,[1] "a Tammany leader in a downtown district gave away a thousand pounds of sugar in one-pound packages to poor families in the neighborhood. The distribution was made from the organization clubhouse. . . . Imagine trying to beat the Democratic party in that district by going down there a month before election and shouting that some one or other is looting the city of millions and millions of dollars."

Sustenance of the Machine: Spoils[2]

Patronage and graft

The machine governs and, like other governments, takes its toll. The boss himself and his retinue of servitors must have means of subsistence; his benefactions—the turkeys at Christmas, the police-court fines, the loans that are never repaid, all sorts of kindly attentions to the poor—entail large expenditures. Where does the money come from? The machine lives on public office and the spoils derived from office. The main sources of supply are patronage and graft. Plunkitt, for many years Tammany leader of the fifteenth assembly district, established the vital importance of patronage by what he called a "sillygism." It took this form:[3] "First, this great and glorious country was built up by political parties; second, parties can't hold together if their workers don't get the offices when they win; third, if the parties go to pieces, the government they built up must go to pieces, too; fourth, then there'll be h—— to pay. Could anything be clearer than that? Say, honest now; can you answer that argument? . . .

[1] April 23, 1922.

[2] In its historical aspects this subject is best treated by Ostrogorski, *op. cit.*, Vol. II, and *Democracy and the Party System* (1910), mainly an abridgement of the larger work. For a careful analysis of the spoils system as it now exists see C. E. Merriam, *The American Party System* (1922), pp. 102-200.

[3] Riordon, *op. cit.*, pp. 24-26.

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When parties can't get offices, they'll bust. They ain't far from the bustin' point now, with all this civil service business keepin' most of the good things from them. How are you goin' to keep up patriotism if this thing goes on? You can't do it. Let me tell you that patriotism has been dyin' out fast for the last twenty years. Before then when a party won, its workers got everything in sight. That was somethin' to make a man patriotic. Now, when a party wins and its men come forward and ask for their reward, the reply is, 'Nothin' doin', unless you can answer a list of questions about Egyptian mummies and how many years it will take for a bird to wear out a mass of iron as big as the earth by steppin' on it once in a century.' I have studied men and politics for forty-five years, and I see how things are driftin'. Sad indeed is the change that has come over the young men, even in my district, where I try to keep up the fire of patriotism by gettin' a lot of jobs for my constituents, whether Tammany is in or out. The boys and men don't get excited any more when they see a United States flag or hear the 'Star Spangled Banner'. They don't care no more for fire-crackers on the Fourth of July. And why should they? What is there in it for them? They know that, no matter how hard they work for their country in a campaign, the jobs will go to fellows who can tell about the mummies and the bird steppin' on the iron. Are you surprised then that the young men of the country are beginnin' to look coldly on the flag and don't care to put up a nickel for fire-crackers?"

Control of elective offices

The machine first of all disposes of the numerous elective offices. According to Jacksonian doctrine these are presumed to be in the gift of the people; in practice, as will be demonstrated in another place, the formula of popular election has been so extravagantly applied that the voter, asked to choose coroners and treasurers, sheriffs and engineers, state printers and veterinarians, abdicates his functions except in the case of the most conspicuous offices. He knows nothing about the duties of the offices, about the qualifications of competing candidates. He accepts the guidance of the machine; he votes the machine-made ticket; in 1910 and 1912 he elected (if the term may be used) and reëlected a state engineer who was described by a New York grand jury as unfit to hold any public office and a state treasurer who hanged himself after a grand-jury investigation. The boss appoints, the voter ratifies the appointment. The machine, therefore, may distribute the elective offices among its adherents as a reward for service

and as a means of livelihood, or sell them to pliable men under color of campaign contributions.

Control of appointive offices

The appointive offices are in the hands of the machine because the elective offices are. Richard Croker, during his examination before the Mazet Committee in 1899, maintained that Tammany was entitled to fill all offices because "that is what the people voted our ticket for."[1] Even a high-minded and public-spirited governor or mayor will concede patronage to the machine; he knows that otherwise he will be harassed and checked at every turn and held back from any positive achievement. There have been few governors like Hughes of New York (1907-1910), of whom it was said that the best way to secure his favor was to do nothing for him. "The fact that you have been campaigning so actively in my behalf," he told the late Job Hedges,[2] "precludes the possibility of my appointing you to any office. I cannot have it said that I distributed offices as a reward for support." In 1916 Roosevelt described Hughes as the kind of man who, in the election of that year, would vote for his opponent, Woodrow Wilson. Roosevelt himself, as governor, often deferred to Platt. "I consulted with Senator Platt," he testified in the Barnes-Roosevelt trial,[3] "because of his wide experience; I knew that the Senate was under his control and that to get at any good result, I would have to go to the controlling power. I did not want to disrupt the Republican party and I was willing to consult Mr. Platt—even to defer to Mr. Platt—because I was not satisfied with having a merely negative government. I could prevent wrong being done if I broke with the organization, but I could not get affirmative right done if I did." The Republican machine controlled the senate, and could block his nominations; it controlled the assembly, and could utterly ignore his proposals for legislation. "It was advisable for me," said Mr. Roosevelt, "to go where the real power was—to talk with Mr. Platt."[4]

[1] Myers, *op. cit.*, p. 287.

[2] Dunn, *From Harrison to Harding*, Vol. II, p. 323.

[3] New York *Times*, April 29, 1915. The libel action developed out of a public address in which Mr. Roosevelt had attacked Mr. Barnes as a boss.

[4] At the trial telegrams were produced to show the close association with Platt in the matter of patronage, one reading: "Alright. I will change the whole board of tax assessors." New York *Times*, April 27. But Roosevelt resolutely opposed the appointment or retention of unfit men. As to the case of the state superintendent of insurance see New York *Times*, April 21. Roosevelt describes and explains his attitude to bosses in his *Autobiography* (for example, pp. 290-292 of 1914 ed.).

Judge Lindsey's experience

The man elected to public office, if he has been picked by the boss, is expected to put his patronage at the command of the machine. Ben Lindsey of Denver discovered this when he became judge of the county court. "I forgot that I had been given the place as a 'political reward,'" he says.[1] "I was immediately reminded of it by the expectations of those political 'workers' whom the Board of County Commissioners wished me to appoint as officers in my court. They expected to succeed skilled clerks who had been in the service of the court for ten and fifteen years, and they had no qualifications for the places they wished to fill. They assured me that 'the Republicans did it,' that my party required it of me, and that if I looked to any future in the party I must be loyal now. When I refused to make a single clerk 'walk the plank,' their indignation was amazing. My friends the 'leaders' assured me that I need not expect a renomination for the bench; and the workers assured me that if I ever got a renomination they would 'knife' me at the polls. When I pointed out that the court had to be run efficiently, in the interests of the people, they replied: 'You'll find out, at the next convention, how much the people care.' Then Mr. Fred P. Watts, one of the county commissioners who had voted me into office, came to me with the proposal that I should discharge my obligations to him by appointing him administrator of whatever estates might be involved before the court; and when I refused this petition also, he promised me that he too would see that I had a proper reward for my ingratitude. . . . And finally, a lawyer-politician—an old friend whom I have not the heart to name—arrived with an incredible proposition that I should use my power as judge to have him appointed —wherever possible—guardian, administrator or referee, as the case might require, in the suits that might come before me; and he in return would divide his fees with me!"

Evil effects of spoils system

The doctrine that to the victor belong the spoils would meet with less objection if the machine filled the offices with a single eye to competency. In its own service it enforces a most rigorous discipline; it punishes mercilessly (Platt uses the word of himself) both disobedience and inefficiency. But it applies no such standards to the public service. A man is put into office, not because he has suitable qualifications, but because it is necessary to furnish him with a livelihood, to reward loyalty in the past and secure it for the future, and (as he is often assessed a percentage of his

[1] B. B. Lindsey and Harvey O'Higgins, *The Beast* (1910), p. 77.

salary) to enlarge the resources of the machine. Sinecures are provided for men who give all their time to politics;[1] and the rolls are padded to include men who do nothing whatever except draw their pay. The public pay-roll exerts a tremendous fascination upon the political worker. It is astonishing what menial tasks he will perform, how long he will devote himself to the interests of the machine, with little more remuneration than drafts on the future. When the drafts are honored, though the office may be insignificant and the tenure uncertain, he is filled with satisfaction. He does not see that the same amount of exertion in another calling would have yielded larger material rewards. He resembles the race-track gambler, who exults in an occasional killing and forgets his earlier losses. He belongs to a confiding race, sustained by hope and by love of the game. To an unscrupulous man, it is true, public office may offer far more than the mere salary. He has influence to sell; and, so far as the machine allows him to act on his own initiative, the means of increasing his income, perhaps of accumulating a small fortune, lie within his reach. "My job's worth only $1,500 salary," Judge Lindsey heard a convention delegate say,[2] "but I easily make $3,000 on the side." When a state senator was brought to trial for receiving bribes, Murphy, the Tammany boss, is said to have remarked: "How do you expect a senator to live on $1,500 a year? That is only chicken feed."[3] A state senator in New York has, indeed, been offered as much as $50,000 for his vote on a single measure.[4]

The main resource of the machine—the working capital of the business, as Henry Jones Ford expresses it—is graft. Graft assumes an infinite variety of forms. George Washington Plunkitt, in a moralizing mood, sought to show that in some forms it was perfectly legitimate. "Everybody is talkin' these days," he said,[5] "about Tammany men growin' rich on graft, but nobody thinks of drawin' the distinction between honest and dishonest graft. There's all the difference in the world between the two. Yes, many of our men have grown rich in politics. I have myself. I've made a big fortune out of the game, and I'm gettin' richer every day, but

Graft: "honest" and "dishonest"

[1] So in England the ministry includes a considerable number of well-paid sinecures: for example, the office of First Lord of the Treasury, held by the premier (boss) himself; of Parliamentary Secretary to the Treasury and Junior Lord of the Treasury, held by the Whips; of Lord Privy Seal; and of Lord President of the Council.

[2] *Op. cit.*, p. 58.

[3] Myers, *op. cit.*, p. 371.

[4] *Ibid.*, p. 350.

[5] Riordon, *op. cit.*, pp. 3-5.

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I've not gone in for dishonest graft—blackmailin' gamblers, saloon-keepers, disorderly people, etc.—and neither has any of the men who have made big fortunes in politics. There's an honest graft, and I'm an example of how it works. I might sum up the whole thing by sayin': 'I seen my opportunities and I took 'em.' Just let me explain by examples. My party's in power in the city, and it's goin' to undertake a lot of public improvements. Well, I'm tipped off, say, that they're going to lay out a new park at a certain place. I see my opportunity and I take it. I go to that place and I buy up all the land I can in the neighborhood. Then the board of this or that makes its plan public, and there is a rush to get my land, which nobody cared particular for before. Ain't it perfectly honest to charge a good price and make a profit on my investment and foresight? Of course it is. Well, that's honest graft. Or supposin' it's a new bridge they're goin' to build. I get tipped off and I buy as much property as I can that has to be taken for approaches. I sell at my own price later on and drop some more money in the bank. Wouldn't you? It's just like lookin' ahead in Wall Street or in the coffee or cotton market. It's honest graft, and I'm lookin' for it every day in the year. I will tell you frankly that I've got a good deal of it, too. . . . Now, in conclusion, I want to say that I don't own a dishonest dollar. If my worst enemy was given the job of writin' my epitaph when I'm gone, he couldn't do more than write: 'George Washington Plunkitt. He Seen His Opportunities, and He Took 'Em.' ''

Illustrations

Perhaps the acquisition of Hunt's Point Park in the Bronx, New York city, might be taken as an example of "honest" graft. Although close to a trunk sewer, it was selected for the site of a public bathing-place. Upon investigation, Governor Hughes found that the property had an assessed valuation of $4,300, that during the condemnation proceedings it was sold by the owners for $86,000, transferred once more, and finally bought by the city for $247,000.[1] On the other hand, when the Bronx sold worn-out Belgian paving blocks to contractors and repurchased them as new; or when payments were made to contractors on absolutely false statements certified in the borough president's office, the

[1] Myers, *op. cit.*, p. 328. In the building of the Bronx court house "the appointed architect was essentially a politician without professional qualifications who had hired others to do the architectural work. The granite contract for this building was awarded to the Buck's Harbor Granite Company, represented in New York by a Bronx Tammany district leader."

transaction savors of dishonest graft. But the politician who steals, Plunkitt observes,[1] is worse than a thief; he is a fool. "A big city like New York or Philadelphia or Chicago might be compared to a sort of Garden of Eden, from a political point of view. It's an orchard full of beautiful apple-trees. One of them has got a big sign on it, marked: 'Penal Code Tree—Poison.' The other trees have lots of apples on them for all. Yet, the fools go to the Penal Code Tree." Plunkitt recalled the case of the Republican superintendent of the Philadelphia almshouse who stole the zinc roof off the building and sold it for junk. "That's carryin' things to excess. There's a limit to everything, and the Philadelphia Republicans go beyond the limit. It seems like they can't be cool and moderate like real politicians."

Sale of privileges and protection

In reaching out for graft the machine negotiates the value of its good-will, sells privilege and protection alike; and this form of graft is practised on his own account by the humblest adherent of the machine. The tenement-house inspector, the factory inspector, the building inspector can be strict or lenient, meticulous or superficial, in the performance of his duties. He can fasten upon the most insignificant violations of the law or, for a consideration, close his eyes to the most glaring and pernicious The building code is elaborate; with the best intentions in the world an honest man may overlook some minor provision and lay himself open to a penalty, or ignore some absurd requirement that is habitually treated as a dead letter. The code is not free from obscurity; varying interpretations are possible. The honest builder knows that there is a way to escape persecution; and he knows, too, that, refusing to take that way, to "see" the inspector and "come through," it will cost him more in the end; he will be caught in some unintentional violation; or some trade union leader who works with the machine will call a strike, construction will be halted, and perhaps many thousands of dollars lost. Sometimes, yielding to veiled threats, he employs firms which have politicians as sleeping partners; he puts up with inferior workmanship, defective materials, and higher prices as disguised tribute for protection.

Favoritism in law-enforcement

Graft flourishes in the administration of the law, particularly the criminal law. Americans, with a singular faith in legislation, have crowded the statute-book with pains and penalties. Every penal enactment, whether it is sound or fantastic,—whether it pre-

[1] Riordon, *op. cit.*, pp. 55-60.

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scribes a minimum weight for a dozen hen's eggs or sheets of a certain size for hotel beds, whether it forbids the carrying of concealed weapons or the use of a foreign language on the menu cards of restaurants,—affords opportunity for favoritism in its enforcement. The district attorney and the judges, the police and the police magistrates, if they are subject to corrupt influence, may use discretion in dealing with offenders. A judge owes his nomination to the machine; his term is drawing to a close; in his anxiety for the future he may listen to a whispered word and take refuge in a strained interpretation of the law. In many of the large cities politics permeates the police force. "The baneful influence of the ordinary Tammany district leader in a single precinct station house," wrote General Bingham, after the mayor of New York had removed him from the office of police commissioner,[1] "is far-reaching. When he can do favors, or persuade the men that he can do them, his influence is something beyond belief. Some leaders have had more authority in some police stations than the executive head of the department. They have been looked upon as the men from whom to take orders. They have often visited the station not only to give bail for unlucky constituents, but to give orders to the captains and lieutenants. . . . Experience has taught them that if they displease the local powers they are apt to be transferred to a distant precinct." The police are used in many ways; not infrequently in the exploitation of vice. Money is extorted from houses of ill-fame which, like gambling resorts, can keep open only with the connivance of the police. They must pay whatever is asked, buy their liquors at fancy prices from a designated bootlegger, and even employ the doctor who is assigned to them. The machine draws tribute from the illegal sale of liquor and narcotics. It may have dealings with pick-pockets, burglars, gun-men. In these forms of "dishonest graft" the men who occupy high places in the machine are seldom personally concerned. But at least they acquiesce; they close their eyes to dealings with the underworld of which they can scarcely plead complete ignorance.

Graft in taxation

Tax assessors are favorably placed for the extortion of blackmail. Valuation is more or less arbitrary. As the general property tax can easily be evaded by hiding intangible possessions such as mortgages and bonds, it falls all the more heavily upon the property that is discovered and assessed; and, the rate being high,—perhaps high enough to consume the whole income from the prop-

[1] Quoted by Myers, *op. cit.*, p. 339.

erty, if there is any,—the assessor as a rule corrects this anomaly by making a low valuation. He exercises, therefore, a wide discretion. He can assess the property at its full value; he can, by investigation, trace the ownership of stocks and mortgages. Persons of great wealth may find it advisable to purchase immunity by bribing the assessor or making generous contributions to the party funds, which may amount to the same thing. Public service corporations, in view of their enormous investments in plant, are peculiarly liable to oppression. The proceeds of taxation also excite the cupidity of the machine. At any given time the county or state has large sums of money—millions of dollars, perhaps—on deposit. If the law, through silence, gives the treasurer control of this money, he may pocket the interest that it earns as a perquisite of his office. In Cook County (Chicago) until recently the treasurer might expect to receive half a million dollars from this source during his four-year term. It was recently established in court proceedings that the state treasurer of Illinois, afterwards elected governor, had profited to the extent of something like a million dollars. Where the law requires that interest shall be paid into the public treasury, but leaves the selection of depositories to official discretion, there is still room for graft. The rate of interest is low; the banks are eager to have the use of the money; they sometimes pay well for the privilege. Some years ago an investigation in Pittsburgh revealed the fact that several banks had paid an aggregate sum of more than $100,000.[1]

Business corporations have long been contributors to the sustenance of the machine.[2] In the period of rapid business expansion after the Civil War corporations, reaching out for franchises and other concessions, corrupted county boards, city councils, and state legislatures. They robbed the public by enriching public servants. As late as 1904 three New York life insurance companies spent three-quarters of a million dollars in the political jobbery of a single year; one company spent more than two million dollars between 1898 and 1904.[3] The politicians, once having laid their

Black mailing corporations

[1] C. E. Russell in the *Cosmopolitan*, Vol. XLIX (1910), pp. 283-292.

[2] Roosevelt says (*Autobiography*, p. 284) that big business was the most important element in the strength of the Platt machine. Large contributions from that source enabled Platt to keep his grip on the machine and protected business from adverse legislation. "When the money was contributed there was rarely talk of specific favors in return. . . . No pledge was needed. It was all a 'gentlemen's understanding.'"

[3] Report of legislative investigation, Myers, *op. cit.*, p. 307.

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hands on such lucrative business, were dismayed when the corporations, replete with their spoils, showed a disposition to withdraw. They devised a means of keeping up the profitable connection. They would not let their paymasters go. The new device was legislative blackmail, the "strike bill." Thus a state senator introduces a bill which is so framed that it will prevent an acetylene gas company of New York from doing business in New Jersey. He has no intention of pressing the bill to enactment. Instead, he cautiously approaches the gas company to find out what will be paid to have the bill killed in committee. Theodore Roosevelt, while governor of New York at the close of the last century, found that for every bill corruptly favoring corporations at least ten were introduced to blackmail them. Perhaps a third of the legislators were thoroughly corrupt. "The majority of the corrupt members," says Roosevelt,[1] "would be found voting for the blackmailing bills if they were not paid, and would also be found voting in the interests of the corporation if they were paid. The blackmailing, or, as they were always called, the 'strike bills,' could themselves be roughly divided into two categories: bills which it would have been proper to pass, and those that it would not have been proper to pass. Some of the bills aimed at corporations were utterly wild and improper; and of these a proportion might be introduced by honest and foolish zealots, whereas most of them were introduced by men who had not the slightest intention of passing them, but who wished to be paid not to pass them. The most profitable type of bill to the accomplished blackmailer, however, was a bill aimed at a real corporate abuse which the corporation, either from wickedness or folly, was unwilling to remedy. Of the measures introduced in the interest of corporations there were also some that were proper and some that were improper. The corrupt legislators, the 'black horse cavalry,' as they were termed, would demand payment to vote as the corporations wished, no matter whether the bill was proper or improper. Sometimes, if the bill was a proper one, the corporation would have the virtue or the strength of mind to refuse to pay for its passage, and sometimes it would not."

Methods of blackmail in Illinois

Charles Norman Fay, drawing from long experience in the management of a public service corporation, has explained blackmail procedure in Illinois.[2] "Soon after the beginning of each session," he says, "one of this corrupt crowd in the House or

[1] *Autobiography*, p. 75.

[2] *Big Business and Government* (1912), pp. 185 *et seq.*

Senate (let us call him O'Brien) would prepare a bill reducing telephone rates in cities of over 500,000 people (which in Illinois could only mean Chicago) from $125 a year to $3 a month. He would take this bill to one of the honest fools, from Chicago, if possible—though usually he had to go outside of the city to fill the part properly—and say to him, 'Don't you want to do a good thing for yourself and for the people of Chicago? Here is this Chicago Telephone Company, a cursed monopoly, charging $125 a year here and only $36 down in the country towns. Everybody says it is an outrage, and the man that stands sponsor for a bill abolishing such a steal will be the most popular politician in Illinois. Don't you want to be the man? . . . You can have the credit, and the bill will bear your name, if you will introduce it; and I will see that it passes.' " Mr. Greenhorn, fired with indignation against the company and not averse to the rôle of popular tribune, brings in the bill. Then a satellite of O'Brien calls upon the president of the company and advises him, at the cost of a few hundred dollars, to smother the bill before it leaves the committee. 'You can have a representative appear before the committee,' he explains, 'and let off a lot of hot air about the cost of doing business, heavy service rendered, and all that, and if you do the right thing by O'Brien he will get you an adverse report on the bill; or if you prefer he will just forget it and let it die in committee for want of breath.' The president, nevertheless, holds back.

Then O'Brien gives a tip to some newspaper man. What is holding the bill in committee? What secret pressure is being exerted to save the company and defeat the popular will? "The reporter promptly telegraphs his paper, and next morning it has a scare headline, 'Mysterious Disappearance of the Telephone Rate Bill. Sinister Influences at Work against Relief for the People.' A column of imagination, picturing the wrath of honest Mr. Greenhorn at the smothering of his offspring, the depravity of the telephone company and its secret methods, and the vigilance of the press, follows the headline; and the fat is in the fire. Next Saturday Mr. O'Brien's message to the telephone president changes. 'Now you must act quickly! But it will cost you more. The confounded newspapers are on to the fact that the bill does not come out of committee, and O'Brien can't hold it much longer. The Boys on the committee demand more money. It is too risky, while the papers are calling for a report, just to lose the bill accidentally.

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It must be reported out adversely, and the boys will hear from it next election, and must take the burden of defending their course. If the company does not "come across" with $1,000 the bill goes to third reading next week.' " Perhaps this argument does not prevail; the bill passes the house and goes to the senate. "There the same pressure is repeated, only worse. For there is a solid majority in the upper house that can do what it pleases in short order with any bill."

Graft in public contracts

Public contracts are a fruitful source of graft. It is true that the letting of contracts is usually surrounded by elaborate safeguards. But these are sometimes utterly ignored. Twenty years ago, when Governor Hughes removed the president of the borough of Manhattan, it was shown that more than a million and a half had been spent, contrary to law, in the purchase of supplies without public tender and that the charges ranged from one hundred to five hundred per cent above the market prices.[1] More often everything is quite in order; the law is respected in its minutest detail; the specifications, describing the methods of construction and the materials to be used, cover every conceivable point. No fault can be found with the contract. It is the knowledge that the terms will not be rigorously enforced that enables "insiders" to underbid their competitors. The political contractor knows that the time clauses will be waived, that penalties will be arbitrarily liquidated, and that fraudulent claims will be paid without investigation.[2] In the borough of Manhattan Tammany district leaders were paid large sums for the repair of asphalt roadways, the alleged "fire burns" being in reality defects in their own original construction. The business of contracting can be very profitable; and machine politicians have not overlooked its potentialities. "Under this plan," says Gustavus Myers,[3] "a plan that afforded the most plausible opportunity for explaining the sudden acquisition of wealth, Tammany men became open or secret partners in contracting firms, using the pressure of political power to have large contracts awarded to their concerns. It was not necessary for these leaders to know anything of contracting; they could be ignorant of every detail; their one aim was to get the contracts;

[1] Myers, *op. cit.*, pp. 324 *et seq.*

[2] These illustrations are taken from the charges on which Governor Hughes removed Louis F. Haffen, borough president of the Bronx. *Ibid.*

[3] *Op. cit.*, p. 310.

the actual skilled work could be done by hired professional men. No law penalized such men, respectable in every appearance."

Making War on the Machine

Limited success of reformers

For the past fifty years the fight against corrupt politics—the struggle for emancipation, Ostrogorski calls it—has been conducted according to a variable strategy and sustained by hope rather than by signal success. More or less sporadic and desultory at first, imperfectly organized, inadequately supported, the reform movement achieved some victories, but victories of a doubtful kind which left the machine in possession of the field or entrenched elsewhere with no signs of demoralization. The machine has proved stronger than its enemies supposed. It has excelled in generalship. The rank and file have shown constancy and discipline. Those who regard the machine as a small band of freebooters, execrated by public opinion and sustained only by the spoils of brigandage, ignore the most obvious facts. Press and pulpit and civic club may represent one section of public opinion and, by mere volume of sound, give the impression that they represent it all; but time after time, in primaries and elections, where numbers count, the boss has shown conclusively that he has a good many friends. Friends through self-interest, it may be said; friends bought with office or the expectation of office, with a half ton of coal, a reprieve from eviction, or free medical attendance. Does not the boss follow the tactics of Polycrates, tyrant of Samos, who won the gratitude of his people by confiscating all their property and then handing half of it back again? True enough, the boss takes before he gives; he can afford to be generous because first of all he is unscrupulous. His friends—like his enemies—may be moved by self-interest. At any rate, he has them and knows how to keep them.

Their attacks misdirected

But important as these factors are in explaining the resistance-power of the machine, the capital point is one of strategy. The reformer has done everything but the right thing. He has delivered his attacks everywhere but on the main front. He is always rushing troops to Saloniki. What American politics needs is a concentration of authority, responsible, unfettered leadership inside the government—bossism of the right kind as an antidote to bossism of the wrong kind—and an end to the colossal im-

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posture of electing county treasurers and bailiffs of the municipal court. A beginning has been made in some of our cities; a few offices have been taken off the ballot in some counties. But on the whole, in spite of partial administrative reorganization in a dozen states, the main lines of the machine trenches are held intact. The warfare has ranged about every minor outpost without involving the key positions. In his *Republic* Plato reaches the heart of the subject.[1] He ridicules people "who imagine that with their everlasting enactments and amendments . . . they will find some way of putting down the knaveries that are practised in contracts, and those other embarrassments which I have detailed just now, little thinking that they are in reality only cutting off the heads of a Hydra." They are like invalids who, "from their want of self-restraint, cannot make up their minds to relinquish a pernicious course of life. . . . And truly such people lead a charming life! Always in the doctor's hands, they make no progress, but only complicate and aggravate their maladies; and yet they are always hoping that some one will recommend them a medicine which will cure them." They refuse to take the drastic measures which alone will cure them; instead they try drugs, or caustic, or the knife, or even charms and amulets. So apposite are his words that Plato might have been commenting on the actual situation in the United States. Ralph Adams Cram expresses much the same ideas in his *Nemesis of Mediocrity*.[2] He speaks with contempt of "the insane devising of mechanical toys. . . . So obsessed have we become by our pursuit of new devices for obtaining democracy, and by our search for nostrums to cure the ills of our constant failures, that we have now wholly forgotten in what democracy consists."

What has been accomplished

Reform has won campaigns, and often enough exaggerated them into decisive operations. Civil Service reform, the application of the merit system to administrative offices that are filled by appointment, checked the machine at one point without seriously impairing its power. Even if the system had been generally applied—instead of being confined to the services of the federal government, ten states, and some three hundred cities—it would not have starved the boss into surrender. However keen his appetite for the spoils of appointive office, he does not live by that kind of bread alone. The elective offices are sufficiently numerous to afford him the means of replenishing his commissariat. He is

[1] Book IV, 425-426.

[2] 1919, p. 24.

resourceful; when threatened with a shortage of the usual supplies, he readily discovers substitutes that are rich in calories and vitamines. Nor does it follow that, because public officers get their places through competitive examinations, they are taken out of the orbit of the machine. The relation between the police and politics in some of our large cities indicates something very different. Civil service reform was followed by ballot reform; but the secret Australian ballot, in its American form (recognizing parties) and under American conditions (with a multitude of elective offices), helped almost as much as it injured the schemes of the professional politician. Later on the progressive movement introduced a series of new devices; the initiative and referendum, which were intended to correct legislative abuses; the recall, which would allow the people to sit in judgment upon their elected officers in the interval between the (all too frequent) regular elections; and the direct primary, which would give the voter an immediate voice in choosing party candidates and party committees. At the same time, in a less spectacular fashion, technical improvements were developed in administration: budget systems, systems of cost accounting, forms of procedure that made for efficiency and exposed waste or malfeasance. Equally notable at this period was the activity of innumerable reform agencies. Effective counter-organizations took the field against the machine, some of them possessed of an extensive membership, others consisting of a self-appointed secretary and a letter-head, but all proficient in the art of salesmanship and in the latest approved methods of manipulating public opinion.

The progressive movement appraised

It may be said of the progressive movement that it gave a higher tone to American public life. If some of the crusaders sought personal advantage, others were actuated by high ideals and communicated these to their followers. The direct primary and the other devices—the initiative, referendum, and recall—if regarded simply as standards to which the wise and honest could repair, accomplished a great good. In the vision of a virtuous people enthroned they provided the 'myth' which, Georges Sorel has said, is indispensable to every great popular movement. Their practical value as instruments of popular control has been exaggerated. They cannot of themselves eliminate machine politics, because they leave the real source of the evil untouched; collective action without leaders is impossible, yet they do nothing to provide leadership. In one sense their effect must be the reverse

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of beneficial. They add greatly to the complexity of a political system already so complicated that only the professional politician can work it. Indeed, these new devices lend themselves quite as readily to the schemes of the expert wire-puller as to the somewhat inchoate purposes of the "people." Their results cannot accurately be appraised while the first flush of popular enthusiasm lasts and while the expert is still examining the mechanism to see how best he can use it.

Temporary decline of partisanship

That the era of direct primaries and direct legislation has been marked by a decline in the power of the boss, even by his disappearance in regions where he used to thrive, can hardly be questioned. The boss was never a universal phenomenon. To-day, in the West and parts of the Middle West, he is not generally encountered. State bosses or leaders like Brennan of Illinois and Taggart of Indiana—if, indeed, the title can properly be claimed by them—survive by way of exception. Mark Sullivan, a well-informed journalist, described Boies Penrose as "the last of the bosses." Since his death "there is no man in any state or in either party who can be called a state-wide boss. He was the last of the barons. He was the last representative of an institution in American politics which for the present seems to have passed."[1] But let it be well understood that, if the power of the machine has been reduced, party organization everywhere has been weakened at the same time. The direct primary, while possibly contributing to the result, cannot be regarded as a fundamental cause. Party spirit has declined; the party name no longer casts a spell; mugwumps are numbered by millions rather than thousands; in states like California and Wisconsin Democrats are observed moving in mass into the primaries of the dominant Republican party. This impatience with partisanship may mark a transitional phase in our politics, a preliminary to the redistribution of political forces and a realignment of parties. The situation is not peculiar to this country. In New Zealand, Australia, Canada, and South Africa the old parties have been shaken by strange perturbations; in Great Britain the Liberal party is rapidly dissolving.

Its serious import

Partisanship is sometimes represented as a mere superstition; its decay eulogized as an evidence of intellectual awakening. Senator Norris of Nebraska has said that, if the direct primary sub-

[1] *World's Work*, Vol. XLIV (1922), p. 73. In *The Great Game of Politics* another journalist, Frank R. Kent, gives the impression that the boss is still very much alive.

stitutes individual responsibility for party responsibility and thus does away with party control, it will have justified its existence.[1] According to another way of thinking, it will have wrecked democratic government; for individual responsibility without party responsibility means chaos. On the very eve of dictatorship in Italy and Spain Bryce expressed his pessimistic conclusion that "few are the free countries in which freedom seems safe for a century or two ahead." Even in the United States the decay of partisanship cannot be viewed without disquiet. The democratic régime can no more function satisfactorily without strong parties than parties without strong organization.

[1] *Annals of the Am. Acad.*, Vol. CVI (1923), p. 24.

PART IV. NOMINATIONS

CHAPTER XV

THE DIRECT PRIMARY [1]

Importance of party nominations

PARTY organization has three main objects: the nomination of candidates, the conduct of the campaign for their election, and the coördination of party effort in shaping the course of the government. It is the first of these objects that has exerted most influence upon organization in the United States. The convention system of the nineteenth century and the direct primary system of the twentieth were devised to facilitate an understanding in advance of the election, a concentration of the party's voting strength which, without some preliminary agreement upon candidates, would tend to become dispersed. Before the adoption of the Australian ballot the party nominated candidates for the various offices, printed a "ticket," and distributed it among the voters on election day; and, although independent candidates, singly or by means of a ticket embracing all offices, had the right to come forward in the same fashion, the great mass of voters preferred the slate that bore the imprimatur of the regular party organization. The Australian ballot laws modified these arrangements. Henceforth the party tickets appeared upon the official ballot, the state from the outset defining party on the basis of the vote polled in the last election and later prescribing the method by which party nominations should be made. It still remains true that the contest in elections is normally between competing party tickets; but it is equally true that the rights of minor parties and of unorganized independent voters in the making of nominations have not been impaired.

Alternatives to party nominations:

Indeed, under existing state laws, nomination is not a necessary precedent to election. Any qualified person may be elected to office, even though he has not been nominated and his name has not been printed on the ballot. In almost all the states the voter is expressly permitted to "write in" the name of such a person.[2]

[1] The National League of Women Voters will publish this year (1927) an authoritative and detailed analysis of direct primary laws by Helen M. Rocca, the manuscript of which I have had the privilege of reading.

[2] The exceptions are: Delaware, Nevada, New Mexico, Oklahoma, and South Dakota.

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"There shall be left at the end of the list of candidates for each different office," according to the Colorado law,[1] "as many blank spaces as there are persons to be elected to such office, in which the elector may write the name of any person not printed on the ballot for whom he desires to vote as a candidate for such office." The Colorado courts have held that the intention of the voter is sufficiently clear even when he writes the name below a printed name (without obliterating it) and in the same space.[2] When voting machines are used, there is always provision made for what is termed an "irregular" ballot; that is, to quote the Illinois law,[3] "voters may, by means of irregular ballots or otherwise, vote for any person for any office, although such person may not have been nominated by any party and his name may not appear on such machine." In some states the use of stickers or pasters—slips of paper bearing a printed name and having a gummed back—is recognized as an alternative to "writing in."[4] The Indiana law apparently allows no other method; and it requires the paster to take the form of a complete ticket, containing a list of all offices to be filled at the election and the name of a person for each office.[5] The principle of writing in names that do not appear on the ballot has been regarded by the courts as an essential guarantee of equal opportunity to the voter.[6] It is, in practice, a somewhat illusory privilege. To satisfy a personal sentiment voters may make use of it on occasion; but rarely can they be induced to do so in such numbers that the result of an election is affected. It has one positive advantage: it affords a means of escape in unforeseen emergencies—when, for example, after the last day for filing nominations, new issues are injected into the campaign and new personalities brought into prominence, or when the whole situation is suddenly transformed by the death of a candidate for mayor or district attorney. Under such circumstances a consider-

(1) "Writing in"

[1] Sec. 2235.

[2] *Baldwin v. Wade*, 50 Colo., 109.

[3] Art. XX, Sec. 1.

[4] Thus the Washington law provides (Sec. 159) that "nothing in this chapter contained shall prevent any voter from writing or pasting on the ballot the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter."

[5] The paster must contain at least one name that does not already appear on the ballot.

[6] See, for example, John G. Saxe, *A Treatise on the New York Laws Relating to Elections* (1913), p. 12.

able body of opinion may find no satisfactory means of expressing itself through the printed ballot; by concerted action a name is written in. This procedure evidently serves the public interest. Nevertheless, hand-writing on the ballot may reveal the identity of the voter. The man who buys a vote and wishes to make sure of its delivery has only to insist that, for purposes of identification, a specified name be written in a specified place. On this account printed stickers are obviously better. The Delaware law provides that "if any name be written on any ballot the ballot shall be void and not counted," but it is silent with respect to the use of stickers.

(2) Independent nominations by petition

The right of making nominations and of having the names of their candidates appear on the printed ballot is not confined to those organized political groups which, by reason of the size of their vote, enjoy the legal status of parties. The election law provides for independent nominations as well. Any group of voters may bring forward candidates by filing a petition with the proper public authority.[1] The petition must be filed during a fixed period, sometimes before the party primaries have taken place (as in Indiana and Nevada), but usually afterwards and a month or more before the election. In the latter case a complication arises; for if any person who has sought a party nomination and been defeated in the primary offers himself nevertheless as an independent candidate he does in a sense betray the party to which he professed allegiance. He enters the field as an opponent of the party, with the hope of impairing the solidarity of its vote. Such a course cannot easily be reconciled with the obligations of party membership; and in a number of states—California, Kentucky, Louisiana, Minnesota, Montana, Nebraska, New Jersey, North Carolina, Oregon, Wyoming—the law declares that no one who has been defeated in the primaries can be a candidate in the general election. The petition of an independent candidate must be signed either by a stated number or by a percentage of the qualified voters: in Arizona, California, and Missouri by one per cent, in New Jersey by two per cent of the voters in the state or subdivision of the

[1] The term "petition" is used in some states (Nebraska, New York); "nomination paper" in others (California, Illinois, Pennsylvania); and "certificate of nomination" in still others (Arizona, Idaho, Maryland). As a rule, the petition must name a committee which is empowered to fill the vacancy that may be caused by death or retirement of the candidate. No provision for the filing of independent nominations appears in the election law of Connecticut, Delaware, Michigan, or New Mexico.

state; in New York by 12,000 for a state-wide office and five per cent for other offices; in Wisconsin by 1,000 for a state-wide office and three per cent for other offices; in Utah by 500 for a state-wide office, 50 for districts smaller than a county, and 100 in all other cases.[1] It is frequently provided that persons who have voted in the primary election shall not be qualified to sign a nominating petition. In West Virginia he commits a felony by signing and, upon conviction, shall be imprisoned for not less than a year and debarred from holding public office for ten years.

No need of numerous signatures

In Nevada the certificate of nomination must now be signed by five per cent of the voters. Before 1925, however, only ten signatures were required for nomination to any office in the state. Ten is the number required in Great Britain and the British Dominions. If hundred or thousands of signatures must be obtained, the prospective candidate is involved in trouble and expense. According to the law no voter may sign more than one petition for the same office or, in some states (such as Arizona, California, Idaho, Texas, West Virginia), sign any petition whatever if he has participated in a primary. Notwithstanding the fact that each sheet of the petition must be authenticated by the affidavit of a qualified voter, who swears that he knows the voters and that they signed in his presence, many of the signatures are likely to be fraudulent. Fraud occurs most frequently where agents are employed and paid a few cents for each signature. As a rule the public officers who check the petitions perform this duty in a perfunctory way. At times, however, a careful examination has revealed the most outrageous impostures, the presence of fictitious names and of names copied in the same handwriting from the register of voters or from the telephone directory. In California it is a felony to sign a fictitious name or the name of another person. The excuse for requiring numerous signatures is that otherwise there would be a plethora of candidates. The argument is of doubtful validity. If a man is well-known and popular or if he is brought forward by the machine merely to draw votes from a dangerous reform candidate, he will not be deterred by a somewhat oppressive requirement. On the other hand, if he is obscure and without backing, and yet can

[1] Where a percentage is required it may vary inversely with the size of the electoral area. Thus, in Minnesota: one per cent (but not more than 2,000) for the state, five per cent (but not more than 500) for the congressional district, and ten per cent (but not more than 500) for smaller areas. The law may modify the percentage basis by providing a maximum number of signatures, as in Minnesota, a minimum number, or both.

offer himself because few signatures are required, his name will not add to the complexity of the ballot or injure the prospects of other candidates. The task of the voter is affected, not by the presence of many candidates—he will pick the man he knows and wants as easily from among a dozen candidates as from among three,—but by the multiplicity of elective offices. At any rate frivolous candidatures can be discouraged in other ways. In England a parliamentary candidate must make a deposit of £150, which is forfeited if he does not poll more than an eighth of the total vote. There is no reason why such a plan should meet with objection here. In half the states the law requires candidates in the primary to pay a fee, usually a small one, it is true, but rising to three per cent of the salary of the office in Florida and to $270 in Maryland. It cannot be said that the poor man would be unduly handicapped by the English system. He would escape the expenses of the primary campaign, now a very real deterrent; and, if he developed any considerable strength in the election, his deposit would be returned.

Possible results of the system

Nomination by petition is the only method recognized in England and in several other European countries. It is the only method recognized in the Boston municipal elections where, as in England, the names of the candidates appear on the ballot without any party designation.[1] Under the Boston system parties are ignored. If they make nominations, they do so like any other group of voters. The law has nothing to do with the holding of party conferences or primaries or conventions; it is concerned only with the filing of a nomination paper. The process by which an agreement in favor of any particular candidate has been reached is not supposed to be a matter of public concern. Obviously the effects of such a system, if generally adopted, would be to sweep away the great mass of legislation that now regulates the affairs of parties and to restore parties to their old status—the status they hold everywhere outside this country—of voluntary associations. The same result might be achieved by the extended use of what is termed the non-partisan primary.[2]

The non-partisan primary has been applied mainly to judicial

[1] In Boston the nomination paper must bear 3,000 signatures for the office of mayor and 300 for the office of city councillor. The councillors are now elected by wards.

[2] On this subject see R. E. Cushman, "Non-partisan Nominations and Elections," *Annals of the Am. Acad.*, Vol. CVI (1923), pp. 83-96.

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(3) Non-partisan nominations

and local offices. It is a direct primary in which all qualified voters may participate, whether or not they are affiliated with any political party, and in which no party designation of any kind appears upon the ballot.[1] It may be held at same time and place as the party primaries. In that case the voter enrolled with a party receives both his party ballot and the non-partisan ballot;[2] the independent voter receives only the latter. In the non-partisan primary two nominees are selected for each office, these being the two who received the highest vote; and their names are placed on the election ballot without any party designation. In California, however, only one name appears on the election ballot when one of the candidates in the primary has secured a majority of all the votes cast for the office he is seeking; and under a constitutional amendment which was adopted by the people in 1926 such a candidate will henceforth be declared elected, an arrangement already familiar in the case of Chicago aldermen.

Non-partisan primaries for city offices

The system first appeared in the making of municipal nominations. Reformers contended that when elections were conducted along party lines state and national issues distracted attention from municipal issues. "The comparatively recent demand for real efficiency in municipal government," says Professor Cushman,[3] "brought with it a recognition of the distinction between politics and administration and of the fact that city government is largely a matter of administration. The real issues in municipal elections are in the main issues of administrative efficiency rather than issues of policy upon which political parties might be expected to differ. It has seemed desirable, therefore, to rule out partisanship from the field of city politics as an irrelevant hindrance to business-like administration." One method of ruling out partisanship was to separate municipal elections from other elections in point of *time*. Another was to separate them in point of *method*, that is, through the non-partisan system. The system has been applied to all cities in North Dakota, Wisconsin, and California (in the last case not by mandatory state legislation, but by the provisions of home-rule charters); and to cities of the first and second classes in Minnesota and Utah. In other states it is a common feature of

[1] Names are placed upon the ballot by petition. The required number of signatures varies: in Utah, 100; in California, one-half of one per cent of the total vote cast for the office in the last election.

[2] Or, as in California and Nevada, a party ballot upon which the candidates for non-partisan nomination also appear.

[3] *Op. cit.*, pp. 83-84.

city charters that establish the commission or city-manager plan. The movement has not been confined to municipal elections. If partisanship is out of place there, it is for the same reasons out of place in county government. The non-partisan primary has been extended to the nomination of all county officers in California Minnesota, and North Dakota and to the nomination of certain school officers in Nebraska, Nevada, Wisconsin, and Wyoming. It has been extended more widely still to the nomination of judges, whose functions are incompatible with political bias and subservience to party interests. Not only county judges, but judges of the state and district courts as well, are nominated and elected without party designation in twelve states.[1]

County offices,

judicial offices,

The most striking development of the non-partisan idea has occurred in Minnesota (1913). There it has been applied to members of the legislature. A similar arrangement, when referred to the voters, was defeated in California (1915), North Dakota (1924),[2] Nebraska (1924). Governor Johnson of California boldly challenged the principle of partisanship in state government. "There is nothing thus presented to you," he said,[3] "that seeks to destroy or even to affect political parties nationally. The government of the state has become now a matter of efficient business management, and efficient business management may best be obtained without politics. The one argument most frequently heard against the course we suggest is that parties stand for definite policies and that they are necessary, therefore, to preserve or to adopt some definite governmental tenets, and that for the adoption or failure to adopt these tenets responsibility is fixed upon the party in power. The fallacy of this argument is found within the memories of all of us. In the state government today none holds a political party responsible for any specified act. All hold responsible the individual who is supposed to have caused the act." In connection with this statement it should be observed that California is one of those states in which party lines have been all but obliterated.

and legislative offices

[1] Arizona (1911), California (1911), Idaho (1913), Minnesota (1912), Nebraska (1913), Nevada (1923), North Dakota (1917), Ohio (1911), South Dakota (1915), Washington (1911), Wisconsin (1911), Wyoming (1915). In three other states the non-partisan judicial primary has been used and abandoned: Kansas (1913-1914), Iowa (1911-1917), and Pennsylvania (1913-1921).

[2] The North Dakota statute applied the non-partisan principle both to state offices and to the legislature. It was rejected by popular vote in March, 1924.

[3] Quoted in the *Am. Pol. Sci. Rev.*, Vol. IX (1915), pp. 314-315.

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"A majority of the members of the state legislature of 1921," says Professor West,[1] "were unopposed for election, having been nominated by two and often three or more parties for the same office. The same thing is true of members elected in November, 1922. Nine out of the eleven members of the California delegation in the House of Representatives in the newly elected 68th Congress were candidates of both Democratic and Republican parties."

Criticism of the system

The non-partisan primary was devised for the purpose of eliminating partisanship. Whether the purpose is good or not may well be open to question. If the reformers had been honest with themselves, they might have admitted that the logical step was to substitute appointment for election. Administrative officers should be appointed; for though the masses may be trusted to decide what kind of policy they want, they have no means of appraising technical qualifications. If city and county government is a matter, not of policy, but of business efficiency, of sound administration, as we are so often told, then the governor should appoint, in the French manner, county prefects and, in the manner of Mussolini, *podestas* for the cities. As to the judiciary no country but our own can see any virtue in popular election. The thesis maintained in this book is that only policy-determining officers should be elected and that in their election party is an essential instrument. Democratic institutions cannot function successfully without party. To maintain that party should be eliminated is to impugn the validity of the democratic system itself.

Has it driven out partisanship?

But a further question arises as to whether the non-partisan primary has achieved or tends to achieve its purpose. Has it destroyed partisanship? There is no conclusive evidence to show that it has anywhere done so. Professor Cushman observes, with respect to the Minnesota legislature, that policies and principles are ignored in its election, that effective party discipline has disappeared, and that permanent leadership is lacking.[2] But if anyone assumes that a mechanical device like the non-partisan primary is responsible for this condition, he is confusing cause with

[1] *Annals*, as cited, p. 117.

[2] *Annals*, as cited, pp. 92-95. With respect to judges Professor Cushman notes (pp. 87-88) certain advantages of the non-partisan system. There has been a tendency to renominate and reëlect the sitting judges, to relieve judges from political obligations of a definitely partisan character, to interest the bar of the state in endorsing fit candidates, and to unite the more conservative elements of the community, irrespective of party, in defence of judicial independence.

effect. The introduction of the device has been, most obviously in the case of Minnesota and North Dakota, symptomatic of the loosening of party ties. The decline of partisanship in the United States, and particularly in the Western section of the country, may be permanent, involving the whole future of democratic institutions. More probably it marks a transitional phase—a sort of era of good feeling. With the restoration of a robust party spirit, the non-partisan primary will lend itself readily enough to party interests. The mere name means nothing. English or Canadian elections would not be changed in character if they were styled non-partisan simply because (as in our own state of Florida) no party label of any kind appears upon the ballot. Of course, where there is, as in English elections, only one office to fill, the voter can always identify the candidate of his own party. Here the voter relies on the party name or emblem to carry him through the maze of thirty or forty offices and perhaps a hundred candidates for nomination. Without that emblem his memory fails to guide him beyond the most important offices.[1] But the party organization can assist his memory; it can furnish him with a printed slip which, listing all names on the party ticket, will put an end to his difficulties in the polling booth.[2]

Its real significance

The reformer's intentions are often belied by the results of his reform. The significance of the non-partisan primary is quite different from what its originators supposed. By using the term "non-partisan" they did not create non-partisanship. So far as the thing already existed—being itself the condition that made the dropping of party labels possible—it continued to exist. But let

[1] "The elimination of party labels from the judicial ballot," says Cushman, (*op. cit.*, p. 88), "makes it increasingly difficult for the voter to make even a mildly intelligent selection of judicial candidates. A party label may be a poor guide, but it is better than none at all. In the first non-partisan judicial election held in Ohio in 1912, the voter was given a separate judicial ticket devoid of party designations, containing the names of thirty-one candidates from which to select eight men to hold six different grades of judicial office. The writer, attempting to vote in that election, was unable to secure any shred of information respecting the ability, character, or associations of more than one or two of these men."

[2] It may be observed here, however, that such a practice is prohibited in Texas. "You cannot carry with you to the polling place," according to the official interpretation of section 184 of the election law, "any paper or ballot on which is marked or printed the names of anyone for whom you have agreed to vote, or for whom you have been requested to vote, and any judge of election may require you to make affidavit that you have no such paper or ballot."

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no one suppose that, if partisanship revives among the people, the parties will fail to nominate candidates and instruct their adherents how to vote. The parties will make their nominations before the so-called non-partisan primary, according to their own methods and without interference from the state. The primary will, in fact, cease to be a primary. It will become a preliminary election in which the weaker parties will be counted out and in which a final decision (that is, an election) will be reached whenever a candidate receives an absolute majority of the vote. The true significance of the new system seems to be this: it restores to the parties freedom in conducting their own affairs, in determining membership, in nominating candidates. So far as it displaces the regulated party primary it liberates the parties from legal regulation.

Survival of party conventions

Party nominations are made, according to statutory rules, either by delegate convention or by direct primary. The convention, as already noted in Chapter X, has held its own in Connecticut, New Mexico, and Rhode Island; and in Utah it has given way to the direct primary (in its non-partisan form) only as regards municipal officers in the larger cities. These are the "convention states." There are six other states—Alabama, Arkansas, Delaware, Georgia, Kentucky, and Virginia—where the parties may use either method.[1] Among the remaining thirty-eight states —"direct primary states" we may call them—the convention has not disappeared altogether. In Iowa the appropriate convention nominates to any office, state or local, for which no candidate has received thirty-five per cent of the primary vote. In Idaho, Indiana, Maryland, Michigan, and New York the state convention nominates candidates for state-wide offices and for the United States senate.[2] Delegates are elected at the primary (except in Michigan, Idaho, and Iowa, where the county conventions elect them), and their numbers are proportioned to the party vote in each unit of

[1] But in Kentucky the direct primary is mandatory for local offices.

[2] Except that in Michigan candidates for the offices of governor, lieutenant-governor, and United States senator are nominated by direct primary and in Indiana a candidate for the gubernatorial or senatorial nomination is held to have been nominated if he has received a majority of the preferential primary vote for which the law provides. In Idaho candidates for Congress are nominated by the delegates from each district in the state convention. In New York conventions in nine districts nominate candidates for the state supreme court.

representation.[1] The New York convention is a large body, with more than a thousand delegates and the same number of alternates.[2] When the election of a delegate has been certified, he is conclusively entitled to a seat; his right cannot be disputed by the majority in the convention. The law of New York goes into some detail as to the procedure. Thus: "The roll call upon the election of temporary chairman shall not be delayed more than one hour after the time specified in the call for the opening of the convention, provided a majority of the delegates, including alternates sufficient to make up such majority by substitution, are present. The person who calls the convention to order shall exercise no other function than that of calling the official roll of delegates upon the vote for temporary chairman and declaring the result thereof." In the election of the permanent chairman and the nomination of candidates the roll of delegates must be called. Within seventy-two hours of adjournment the minutes of the convention, certified by the chairman and secretary, shall be filed with the secretary of state.

Advantages of state convention

The reëstablishment of the state nominating convention in Idaho (1919) and New York (1921), as well as its survival in Indiana, Maryland, and Michigan, may point the way in other states to a similar compromise between the direct and indirect methods of nomination. This compromise leaves the direct primary undisturbed in the political subdivisions of the state, that is, in the areas within which candidates for nomination can make themselves known to the voters with reasonable ease. On the other hand, it gets rid of the burden and expense of the state-wide primary campaign. It gives some assurance that the nominees for state office will be of like political mind and capable of harmonious coöperation. It recognizes also the advantage of bringing together the party leaders in periodic consultation. This is a point of capital importance. Personal acquaintance and confidential relationships, which the party leaders of Europe possess through membership in the legislature, are essential to the achievement of a common purpose. The state convention brings county politicians into touch with the big men of the party, the commanding personalities. The

[1] In Maryland, however, the state committee is empowered to apportion the delegates.

[2] Between 1913 and 1921 state officers were nominated by direct primary in New York. The Republican convention of 1921 consisted of 1,189 delegates. New York *Times*, July 8, 1921.

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opportunity for intimate contacts comes, of course, not during the formal sessions of the convention, but during the two or three days that precede them. The early arrival of delegates may have other objects than the hatching of dark schemes.

Nomination laws rudimentary in four "convention states"

In the four convention states the law respecting nominations is somewhat rudimentary. Thus, the Utah law, while providing that any political party which polled two per cent of the entire vote of the state or a subdivision of the state may nominate candidates by convention, says of the convention itself not a word except as to its officers' certifying the list of nominees under oath. One page of the election law is devoted to the primary. The only limitations upon the party in the conduct of the primary are that the polls shall remain open from four to nine in cities of the first and second classes, that no one shall be allowed to vote unless he is a qualified voter under state law, that the presiding officer shall put under oath and question any challenged voter, and that any one intentionally receiving an illegal vote or tampering with the ballot box or falsifying the count shall be guilty of a misdemeanor. The primary is conducted by the party at its own expense, and the right to participate in it is determined by party rules. So too in New Mexico, where, indeed, in certain eastern counties, the Democrats have had recourse to the direct primary. In Rhode Island, although nothing is said about the composition and procedure of conventions, the caucus or primary is regulated in some detail.[1] No two parties may hold caucuses on the same day. The town clerk is required to provide a polling place as well as ballot boxes and other supplies, but the ballots, which must be of white paper and of uniform size, are furnished by the voters themselves or by the candidates for nomination. The polls remain open from five in the afternoon to eight-thirty. The local party committee "may make regulations, not inconsistent with the law, to determine membership in the party"; and no one may vote in the caucus "who within twenty-six calendar months has voted or taken part in the caucus of any other political party, or has signed nomination papers of a candidate or candidates for any elective office, or has voted in any election for the candidate of any other political party, or for candidates placed in nomination by nomination papers, or is debarred from voting or taking part by the regulations of such party." The presiding officers, a caucus chairman

[1] Any political party polling two per cent of the vote of the state or a subdivision of the state may make nominations.

and caucus clerk, are appointed by the party committee. The Connecticut law permits only enrolled party members to vote in the primary and provides for enrolment at the time of registration. The voter may be struck from the party list if, upon a hearing, the registrar and the chairman of the local party committee conclude that he is not in good faith a member of the party and does not intend to support its principles and candidates. Although change of affiliation may be made at any time, no person may vote in a primary within six months of such a change. These four states have not only preserved the convention system, but they have also left to party a greater freedom from legal restraint than it possesses anywhere outside the Solid South.

Primary conducted like general election

While the delegate convention still survives, it has long since been supplanted by the direct primary as the dominant form of party organization for the purpose of nominating candidates. The direct primary is conducted, in most cases, exactly like the general election.[1] So completely has it been assimilated in New York, for example, that primary election and general election are considered simultaneously in the statutory regulations. Thus, Article 8 of the election law, which deals with such subjects as challenges and the manner of voting, applies "so far as practicable" to all elections at which official ballots are used. "Subject to the special provisions and exceptions relating to primaries, a primary shall be deemed an election for the purposes of this article." The primary is no longer conducted as the private affair of each party. Its public character is established by the fact that all recognized parties are required to hold their primaries at the same time and at the same polling places,[2] that the presiding officers are those who serve in the general election,[3] that the ballots

[1] The following provision of the Nebraska election law (Sec. 2094) may be given as an illustration: "The provisions of the statutory law now in force in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making returns thereof, and all other kindred subjects, except contests, shall apply to all primaries in so far as they are consistent with this article."

[2] But in Delaware at different times, and in Idaho and several Southern states at different places. The Idaho law requires the precinct committeeman of each party to provide a polling place.

[3] The presiding officers are appointed by the party committee in Arkansas, Georgia, Idaho, Louisiana, Mississippi, South Carolina, and Texas.

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are supplied by public authority,[1] and that the expenses are defrayed out of state or county funds. In Arkansas, Georgia, Mississippi, South Carolina, and Texas, however, the whole cost of the primary falls upon the party; the law, except in Arkansas, provides that the candidates for nomination shall be assessed for this purpose.[2] In Idaho the party pays for everything but the ballots and other supplies.

Date of primary

Primaries at which nominations are made for the general election occur most commonly in August and September,[3] but as early as March in South Dakota, April in Illinois, and May in Indiana, Oregon, and Pennsylvania.[4] When the primary is held, as it often is, two months or more before the election, the period of the election campaign is unnecessarily prolonged. There is too much campaigning in America. Aside from the burden put upon the candidates, who have already made a popular appeal for the nomination, the voter grows indifferent and apathetic; by a sort of protective instinct he closes his ear to the interminable din. The stimulant of campaign oratory, though administered in larger and larger doses as the election draws near, ceases to produce the desired reactions. The truth of these observations will not be disputed by those who have witnessed the short, sharp campaigns in England and France and observed the contrast. In England nominations are made eight days after the dissolution of Parliament; and the election occurs nine days later. So short a period would, of course, be inadequate in the case of our presidential election; the vast extent of the country must be taken into consideration. But three weeks or a month would give more than enough time for an effective state campaign.

Party defined

All parties are required in six states and permitted in two others to nominate candidates by means of the regulated direct

[1] Except in Arkansas, Delaware, Georgia, Mississippi, South Carolina, and Texas.

[2] In Texas the committee must give "due consideration to the importance and emoluments of each such office." The Louisiana law provides that "any other actual expenses" shall be borne by the candidates; but, since the state furnishes ballots, stationery, and other supplies and the local authority defrays "the necessary expenses incidental to holding and conducting the said primary," there seems to be nothing left for the candidates to pay.

[3] Seventeen states hold them in August; thirteen, in September. Provision is sometimes made for spring primaries in presidential years. Municipal primaries are often held separately in the spring.

[4] June is the month in seven states: Florida, Iowa, Maine, Minnesota, New Jersey, North Carolina, North Dakota.

primary.[1] Elsewhere (thirty-six states) the law limits the application of the direct primary to parties that have polled, for governor or other specified officer, a certain number of votes or a certain percentage of the aggregate vote in the last election.[2] In New York the number is 25,000; in Texas, 100,000; but in Texas any other party that polls more than 10,000 votes may nominate by convention or direct primary as the party committee determines. The percentage varies from one in Maine and Wisconsin to thirty in Florida. A dozen states fix it at ten.[3] As a general rule a party is recognized only when its state-wide vote reaches the required size; but under the law of nine states the vote in any subdivision of the state may entitle to official recognition there a party that has no standing in the state as a whole.[4] It is further provided in a few states that a party which cannot otherwise qualify under the direct primary law—either because it has been recently formed or because its vote in the last election fell below the specified figure—may obtain recognition and the right to participate in the primary by presenting a signed petition. In some cases the petition must bear a number of signatures corresponding to the percentage of the total vote which ordinarily confers party status.[5] Nevada has adopted this rule. In Arizona less rigorous conditions are imposed. There, while a party is defined as an organization polling five per cent of the total vote, only three per cent is re-

[1] Required in Kansas, Mississippi, Montana, Oklahoma, South Carolina, and South Dakota; permitted in Arkansas and Georgia.

[2] In North Carolina the direct primary law applies to the parties that ran candidates in the election of 1914. But a new party may nominate by means of the direct primary if it presents a petition bearing 10,000 signatures.

[3] Colorado, Delaware, Idaho, Indiana, Maryland, Michigan, New Jersey, Ohio, Tennessee, Washington, West Virginia, and Wyoming. Two per cent is required in Illinois, Iowa, and Pennsylvania; three, in California, Massachusetts, Missouri, and New Hampshire; five, in Arizona, Louisiana, Minnesota, Nebraska, Nevada, North Dakota, and Vermont; twenty, in Kentucky and Oregon; twenty-five, in Alabama and Virginia.

[4] These states are: Alabama, Arizona, Delaware, Florida, Illinois, Massachusetts, Nebraska, Pennsylvania, and Wisconsin.

[5] In Wisconsin, however, where one per cent of the total vote gives the party official standing, the petition must bear the signatures of at least one-sixth of the voters in ten counties for recognition in the state as a whole and of at least one-sixth of the voters in a subdivision of the state for recognition in that subdivision. Contrast this with the Nebraska provision that any new party, if established by a mass convention of 500 persons (100 persons in a county, 25 in smaller areas), shall be entitled to a party ballot in the next primary election.

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quired for the petition of a new party. Provisions like these are exceptional, however. In most of the states a party that has not obtained the qualifying vote in the last election can nominate candidates only by filing nomination papers, as in the case of independent candidates.[1]

Primary ballot

The party primaries are held simultaneously and at the same polling places, but each party has a separate ballot. In form it may be identical with the other party ballots; or, as in forty per cent of the states, it may be distinguished by a particular color, the Republican ballot being white and the Democratic blue in Oregon and Wyoming. The ballot is of the Australian type, printed and distributed in the same manner as at the general election [2] and marked by the voter secretly in the polling booth. The

How candidates for nomination get on the ballot

names of all candidates for nomination appear upon it. In twenty-four Southern and Western states primary candidates qualify merely by filing a declaration of candidacy and (usually) paying a fee.[3] In the other states candidates must file a petition supported by the signatures of a given number or percentage of the party voters and also, in seven states, pay a fee.[4] The number required in Ohio is only five; in Colorado it is 300 for state and district office, 100 for county and other offices. The percentage of party voters required in Arizona and Maine is one, in Oregon two, in

[1] But in Washington any party that cast less than ten per cent of the total vote in the last election "may nominate candidates in the manner provided by existing laws for conventions." The convention must be held on the same day as the primary election, and the candidates must pay the same fee as is required of candidates in the primary. In Texas a party that polls less than 10,000 votes may, nevertheless, make nominations in such manner as the executive committee shall determine. In both these states, therefore, the nominees of any party, however insignificant the party may be, are entitled to a place on the general election ballot.

[2] But not in Alabama, Delaware, Georgia, Mississippi, South Carolina, and Texas, where each party provides its own ballots.

[3] The twenty-four states include all the ten states of the Solid South except Virginia (where a petition is required bearing 250 signatures for state office and 50 for local office); all the six border states except Tennessee (where the petition must bear 25 signatures); and Delaware, Idaho, Indiana, Minnesota, Montana, Nebraska, Nevada, Oregon, Washington, and Wyoming. In Oregon the declaration with fee is an alternative to a petition with signatures attached; also in Nevada, Nebraska, and Texas, where, however, the number of signatures required is very small (25 in the two last states) and the fees must be paid. There is no fee required in Delaware, Indiana, Oklahoma, and West Virginia.

[4] California, Kansas, Michigan, New Hampshire, North Dakota, Ohio, Virginia.

New York three, and in North Dakota three for state office and five for any other office. Sometimes the law provides that the voters must be distributed among a certain number of counties in the state or among a certain number of local units in other electoral areas.[1] Thus, according to the Wisconsin law, the petition for state office must be signed "by at least one per cent of the voters of the party of such candidate in at least each of six counties in the state, and in the aggregate not less than one per cent of the total vote of his party in the state." For the office of congressman two per cent in half the counties of the district and two per cent in the aggregate are required; for other offices three per cent in a sixth of the precincts and three per cent in the aggregate; but in neither case more than ten per cent. It will be observed that the Wisconsin law fixes a maximum as well as a minimum percentage; nine other states limit the number of signatures in a similar fashion. Such a provision acts as a check on unfair tactics. Voters often sign a petition without examining it and out of mere good nature. Having signed one, they are not permitted to sign another for the same office. It would be possible, by securing a very large number of signatures, to exhaust the reservoir of party voters and so put an insurmountable barrier in the way of any rival aspirants who entered the field a little later. No difficulty of the kind could arise, of course, in the states that permit a mere declaration of candidacy. It had already been pointed out, with reference to nominating petitions, that, when numerous signatures must be obtained, a considerable portion of them may turn out to be fictitious.

Pre-primary designating conventions: (1) Colorado

In Colorado and South Dakota party conventions, both state and local, meet before the primary to designate candidates for nomination. In Colorado such conventions, officially described as assemblies, are elected under party rules. They may cast only one ballot for each office. Every candidate receiving ten per cent or more of the vote "shall be certified . . . and shall be placed upon the direct primary ballot as a candidate for such office before the ensuing primary election. All candidates designated and certified by assembly for a particular office shall be placed on the direct primary ballot in the order of the vote received." As their names precede the names of candidates designated by petition, the voter can readily identify what may be termed the "organization slate."

[1] Such a provision is found in Arizona, Iowa, Kansas, Massachusetts, Oregon, Pennsylvania (for state office), and Wisconsin.

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(2) South Dakota

The South Dakota "proposal conventions" are regulated by a very elaborate statute. In November of each odd-numbered year the party voters in each precinct elect three "proposalmen" as delegates to the county convention. The county conventions each send three proposalmen to the state convention. The vote of each delegate is proportioned to the party vote in the area which he represents. County and state conventions designate candidates for nomination at the March primary, in fact, two sets of candidates, one emanating from the majority and the other from some group of dissenting proposalmen. Here again, although no label of any kind is attached to the convention slates, the voters can distinguish them from each other by the fact that the majority slate appears in the last column on the ballot, the minority slate in the adjoining column; and he can distinguish them both from the petition candidates, who are entitled to first place on the ballot.

(3) Minnesota plan

A Minnesota statute of 1921, repealed two years later, provided for the holding of state and local pre-primary conventions, the delegates to be elected at March primaries conducted under party auspices. In this case the convention endorsed only one candidate for each office, and the fact of such endorsement appeared on the ballot after the name.

Advantages of such conventions

The system of pre-primary designating conventions, especially of the untried Minnesota type, possesses demonstrable advantages. It should appeal to those who believe in party organization and party responsibility. The experience of any organized group—of a labor union or a club or a church—seems to show that there must be a preliminary canvass of the situation in advance of an election and that, if a nominating committee is not appointed for that purpose, secret caucuses will be held. Wherever a strong party organization exists the leaders confer before the primary and agree upon a slate. Secret though the conclave may be, the word is passed among the precinct captains; the faithful adherents of the machine, massing their votes, usually prevail over a scattered opposition in the primary. Sometimes an extra-legal party convention is elected to designate candidates, who are subsequently placed upon the ballot by petition.[1] Secretly or openly a powerful organization will seek to control the primaries. Such being the case, it would seem the part of wisdom to recognize the practice,

[1] The wide extent of this practice is shown by Schuyler C. Wallace in his "Pre-primary Conventions," *Annals of the Am. Acad.*, Vol. CVI (1923), pp. 97-104.

give it legal warrant, and on the ballot distinguish the organization candidates by an appropriate device. There would then be a clear-cut issue between the organization and its opponents, just as there is on election day a clear-cut issue between the various parties, identified by emblem and name. The difference between the general election and the primary election is that in the one case the voter has the party label to guide him and in the other only his acquaintance with the multitude of candidates. In the latter case decision, as to the minor offices at least, might as well be left to lot, as in ancient Athens; for the voter is incompetent to make any intelligent choice when he is asked to say who is the best man to fill each of twenty or thirty offices. Such is the real situation; and the sophistry of lip-service democrats should not be allowed to obscure it.

Disadvantages

The system of pre-primary conventions has its weak points, however. It throws an additional burden on the electorate, since a primary must be held for the election of delegates. Moreover, the lack of popular interest in the choice of delegates, always apparent and in this case emphasized by the fact that the convention can only propose candidates for nomination at the primary, opens the way to serious abuses. Charles Evans Hughes, while governor of New York in 1910, advocated a somewhat different plan, which he restated ten years later in his presidential address before the National Municipal League.[1] He would entrust the party committees, directly elected by the party voters, with the duty of recommending candidates for nomination. "If such a body did its duty well," he said,[2] "there would be no necessity for a double campaign. Its choice would be ratified on primary day without contest. The difficulty of giving to opposing candidates no opportunity to have their merits discussed except in a primary contest would normally be removed, and the bitterness engendered in such contests would generally be avoided through a full consideration of the qualifications of candidates and the decision of the party representatives. The action of such a body should not be final. If it ignored the sentiment of the party voters, if it appeared that some ulterior or sinister purpose had been served, if the candidates, or any of them, which it selected were unworthy, then there should be opportunity for the party members, immedi-

[1] "The Fate of the Direct Primary," *Nat. Mun. Rev.*, Vol. X (1921), pp. 23-31.

[2] *Ibid.*, p. 29.

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ately and without difficulty, to express themselves in opposition and on primary day to have a chance to show whether or not the designation of the organization body was approved." The "Hughes plan" resembles the plan of the pre-primary convention in the fact that the committees must, apparently, be elected shortly before the date of the regular primaries. The evil of an added election is common to both plans. Nor can it be assumed that the committee slate would go unchallenged, that no contest would occur at the primary; there would always be disgruntled minorities. Perhaps this difficulty might be met by abolishing the mandatory direct primary and substituting, only when some large proportion of the party voters presented a signed petition, an election for the recall of the committee and for the direct nomination of candidates. Under any circumstances, however, the committee would be a better designating body than the convention; for, with this additional function entrusted to it, the personnel of the committee would become a matter of concern to the members of the party.

Plan followed by Socialist party

The Socialist party always selects its candidates in advance of the primary, not by means of a pre-primary convention, but by means of a referendum vote. Wherever that party, because of the size of its vote in the general election, is recognized by law and required to nominate its candidate in the direct primary, it possesses a dual personality. Under the rules of the party, membership is confined to those who subscribe to a rigorous pledge and pay monthly dues; under the law, membership is usually determined either by enrolment at the time of registration or by declaration at the primary. The legal members, many of them Socialists only in name, are much more numerous than the dues-paying members. Again, under party rules all state and local nominations are made by means of a referendum confined to the dues-paying members; under law such nominations have no standing. What actually happens is that the candidates nominated according to party rules have their names placed on the official primary ballot by petition and receive the whole Socialist vote. No competing candidates will be designated unless by non-Socialists who have satisfied the legal requirements for membership in the party.

Candidates for nomination in the primary must be voters, but not in all cases party voters. Indeed, about half the states permit

Limitations upon candidacy in primaries

a member of one party to run in the primary of another party.[1] This permission, usually tacit, is expressly conferred by the law of California; but a candidate losing the nomination of his own party can accept no other nomination he may have won. In Michigan and Wisconsin a person nominated by two or more parties can accept only one nomination. In Minnesota and Nevada, on the other hand, the candidate must make affidavit that he voted for a majority of the party candidates in the last election and that he intends to do so at the next ensuing election; and in Florida he must swear that he did not vote for a candidate of any other party. Elsewhere party membership is required by the language of the petition or declaration to which the candidate subscribes.[2] In ten or more states a person who has been defeated in

[1] This practice provokes the following comment in the New York *Times* (May 29, 1923): "Direct primaries are often remarkably hospitable. They are almost open to all comers, especially in some Western states; but the noblest comprehensive notion of the all-enfolding arms of these infallible means to register the party's will comes from Mr. Borah's state. The Idaho Statesman quotes from an Idaho progressive journal this definition of a Republican: 'Any man who can carry a Republican primary is a Republican. He might believe in free trade, in unconditional membership in the League of Nations, in States' rights and in every policy that the Democratic party ever advocated; yet, if he carried his Republican primary, he would be a Republican. He might go to the other extreme and believe in the communistic state, in the dictatorship of the proletariat, in the abolition of private property and in the extermination of the bourgeoisie; yet, if he carried his Republican primary, he would still be a Republican.' Of course, this applies equally to a Democratic primary. Anybody who carries it is thereby marked as a true Democrat. Democrats go into Republican primaries; Republicans into Democratic primaries. In Wisconsin Mr. La Follette has the coöperation of the Socialists and of divers associations and leagues whenever he needs them in his business. The greatest intellectualist in Michigan, Republican in his antecedents, carried the Democratic senatorial primaries with a whoop. . . . How much of the present confusion, vagueness, disgruntlement and division of parties is due to the direct primary? If anybody who can carry Republican primaries is a Republican, anybody who can carry Democratic primaries a Democrat, what is the use of being a Republican or a Democrat? The names mean nothing. In the place of representative party government is a shifting hodge-podge of personalities and policies. That such a system or want of it should breed cranks and come-outers was inevitable."

[2] A Michigan statute of 1919 required every primary candidate to make affidavit that "he is a member of a political party, naming it, and that he will support the principles of that political party of which he is a member, if nominated and elected; that he is not, and will not become, a candidate for the same or any other office on any other party ticket at the said primary election." This provision of the statute was declared unconstitutional in 1920. See *Am. Pol. Sci. Rev.*, Vol. XV (1921), pp. 408-409.

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the primary cannot afterwards be nominated by petition. The Socialist party, it may be appropriate to observe here, prohibits any fusion or combination with the Democratic or Republican party and any endorsement of candidates nominated by either of them. Coöperation with groups of working farmers or other workingmen is permitted under circumstances laid down in the national constitution. No one may be a candidate on the Socialist ticket who has not been a member of the party for two years—a member, that is, not according to the formal requirements of the primary law, but according to the stringent rules of the party. Of course, in any case of conflict between the law and the party rules, the latter must give way; but in few states do the Socialists develop enough voting strength to receive legal recognition as a party and be brought under the limitations of the primary law.

Order of names on the ballot

A considerable importance attaches to the order in which the candidates' names appear on the primary ballot. The simplest arrangement is the alphabetical, which has been adopted in fifteen states.[1] To this arrangement there is, however, a practical objection. The average voter, who takes the party label as his guide in the general election, finds himself completely at a loss when he surveys the primary ballot and reads under each of twenty or thirty office-titles nothing but a long list of unknown names. Thrown on his own resources, he can make, perhaps, an intelligent choice for the office of governor, or even of attorney-general and state senator; but for all the minor offices, voting at random and haphazard, he tends to select the name that stands at the top of each list. This fact is so well established that twenty-two states require the names to be rotated in such a way that each one appears first an equal number of times or in an equal number of precincts or counties. Thus, according to the Ohio law, the first series of ballots is printed in alphabetic order; "then the first name shall be placed last and the next series printed, and so shall the process be repeated until each name shall have been first. The ballots shall then be combined in tablets by selecting one from each series of ballots in regular order and so repeating, so that no two of the same order of names shall be together, except when there is but one candidate for any said nominations." The Nebraska law provides that "in printing the tickets

[1] Alabama, Colorado, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Maryland, Massachusetts, Nevada, New Jersey, Tennessee, Vermont, and Wyoming.

for the various election districts the positions of the names shall be changed in each office division for each election district." In five states the order is determined by lot.[1] That the matter should assume such importance, or indeed any importance at all, shows that there is something very wrong with our electoral methods. There is plenty of food for reflection in the remark which Professor F. E. Horack makes with respect to the Iowa primaries:[2] "It is now said that candidates for nomination, knowing in advance the counties in which their names will be at the head of the list, devote their campaign energies to other counties, feeling assured that wherever their names are first they will win without effort."

[1] Arkansas, Kentucky (where rotation is also used), New York, Pennsylvania, and Texas. In Mississippi the matter is left to the county committee. No provision is made in the laws of South Carolina and Virginia.

[2] "The Workings of the Direct Primary in Iowa," *Annals* as cited, p. 151.

CHAPTER XVI

PROBLEMS AND STATUS OF THE PRIMARY

Right to vote in primary

THE right to vote in the direct primary is everywhere regulated by law. This is a matter of fundamental concern to the party; for those who choose its committees and nominate its candidates may be presumed to shape its whole destiny; the controlling decisions are taken by the party members. It thus appears that the state, in asserting the power to fix the conditions of membership, has become charged with a grave responsibility. How perplexed the lawmaker has been in the face of this responsibility is shown by the frequent changes in practice and by the diversity of existing requirements. No solution has met with general favor. The tests of party affiliation are sometimes exacting, sometimes negligible · they have even been abandoned altogether. When a test of any kind exists, the primary is known as a "closed" primary; when no test (other than registration as a voter for the general election) exists, it is known as an "open" primary. The distinction may seem more technical than substantial; in some cases the tests are of such little consequence that they interpose no obstacle to the voter's changing his party at will and on the very day of the primary. But there always remains this difference: in the closed primary party affiliation is stated in public; in the open primary the voter chooses his party ballot in the privacy of the polling booth.

Open primary: no test

The open primary, which at one time or another has been adopted in a dozen states,[1] now survives in Colorado, Montana, and Wisconsin alone. There the voter receives the ballots of all the parties, fastened together at the top, takes them to the polling booth, and marks the one of his choice. "After preparing the ballot," says the Wisconsin law, "the elector shall detach the same from the remaining tickets and fold it so that its face will be concealed and the printed indorsements and signatures or initials

[1] Arizona, California (declared unconstitutional), Colorado, Idaho, Massachusetts, Michigan, Minnesota (for Hennepin county, 1899), Missouri, Montana, Nebraska, Oregon (declared unconstitutional), Vermont, Wisconsin. In California, Massachusetts, and Nebraska a blanket ballot was used (each party having its own column) instead of separate party ballots.

thereon seen. The remaining tickets attached together shall be folded in like manner by the elector, who shall thereupon, without leaving the polling place, vote the marked ballot forthwith and deposit the remaining tickets in the separate ballot box to be marked and designated as the blank ballot box. Immediately after the canvass, the inspectors shall, without examination, destroy the tickets deposited in the blank ballot box." This system preserves the secrecy which, at the time of the introduction of the Australian ballot, was regarded as such a wholesome corrective to bribery and intimidation. It also permits free movement from one party to another in accordance with change of opinion. The same freedom obtains under some forms of the closed primary, but with the sacrifice of secrecy; and there seems to be no justification for imposing a test that does no more than reveal the voter's party affiliation. In spite of its obvious advantages, the open primary has been condemned, however, on the ground that it leaves the party unprotected, exposes it to invasion. "In Wisconsin," says Chester H. Rowell,[1] "nearly all the votes are cast in the Republican primary, where the principal contests are. Other nominations, if made, are perfunctory. The Radical and Conservative blocs fight it out in the Republican primary, with Democratic and Socialist votes as weapons,[2] and whoever wins the nomination thereby acquires the sacred ægis of Republican 'regularity.' Actually, of course, it means that Wisconsin has abolished parties by the very law which makes all offices partisan." President A. B. Hall has shown by the party vote in the primary elections and general elections the extent to which the invasion of the Republican primaries has gone.[3] Thus in 1918 there were 192,145 votes cast in the Republican primary, 28,340 in the Democratic primary, while in the general election the Republican vote was 155,799 and the Democratic 112,576. In 1922 the primary vote was: Republican, 500,620, and Democratic 19,108; the election vote: Republican, 367,929, and Democratic, 51,061.[4] The statistics must

[1] "Why the Middle West Went Radical," *World's Work*, June, 1923, pp. 157 *et seq.*

[2] According to the national constitution of the Socialist party (Art. VIII, Sec. 5) no member may participate in the Democratic or Republican primaries.

[3] "The Direct Primary and Party Responsibility in Wisconsin," *Annals* as cited, p. 51.

[4] In 1920 (presidential year) the primary vote was: Republican, 368,263, and Democratic, 22,435; the election vote: Republican, 366,247, and Democratic, 247,746. The figures apply to the vote for governor, not for president.

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be used with caution. Wisconsin, like the Southern states, has, practically, only one party; the real decision is made by Republican primary. Even so, the figures support the contention that Democrats share in nominating Republican candidates. The open primary revealed the same defect in Michigan.[1]

Closed primary:

The closed primary assumes a variety of forms. From the standpoint of the protection afforded to the party—the stringency of the membership tests—there is the widest divergence. In half a dozen states nothing more is required than a mere statement by the voter that he desires to vote a certain party ballot or that he considers himself a member of the party. On the other hand the laws of ten states, some laying down minimum requirements, allow the party committees to define party membership. Eight of these are in the Solid South: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas. The other two are Delaware and Idaho.[2] In Florida and Louisiana the voter enrolls with his party at the time of registration; but in addition to this the state committee of each party may "by resolution declare the terms and conditions on which legal electors shall be declared and taken as members of such party."[3] According to the Texas law a primary voter must have reached the age of twenty-one, paid the poll tax, and resided in the state twelve months and in the county six months; and he must subscribe to a declaration printed on the ballot, that he is a member of the party and that he will support the candidates nominated at the primary. It is also provided that the county committees may prescribe additional qualifications. A statute of 1923 excluded negroes from the Democratic primary. In March, 1927, in seeming contrast with the opinions given in the Newberry case (infra, pages 528-530,) the Supreme Court in the case of Nixon v. Herndon unanimously held this statute

In ten states party itself applies tests

[1] *Am. Pol. Sci. Rev.*, Vol. X (1916), pp. 716-718.

[2] The Delaware law provides that a voter, being challenged, shall swear or affirm that he is a qualified member according to party rules and that he has not voted and will not vote in any other party's primary before the ensuing election. The Idaho law states that the voter must be a member of the party holding the primary and that he may be challenged on the ground that he is not a bona fide member. The primary election judges are named by the county central committees.

[3] The Florida statute also provides that a voter, being challenged, may qualify by swearing that he did not vote for any nominee of another party in the last election.

invalid as denying equal protection of the laws under the Fourteenth Amendment. The decision stating that "we find it unnecessary to consider the Fifteenth Amendment, because it seems hard to imagine a more direct or obvious infringement of the Fourteenth." The Democratic rules of South Carolina provide that primary voters must belong to the local Democratic club, a new roll being made in June of every year. Only white citizens of twenty-one who have certain residential qualification are admitted freely; but a negro may be admitted if he produces "a written statement of ten reputable white men, who shall swear that they know of their own knowledge that the applicant or voter voted for General Hampton in 1876 and has voted the Democratic ticket continuously since." Every voter must swear that he is a member of his club, that he will support the nominees, and that he did not vote against the regular Democratic nominees in 1916. Alabama and Georgia require registration; Arkansas, payment of the poll tax.

Enrolment system

Closed-primary laws fall into two categories according to whether party affiliation is determined before or at the primary. We speak of the "enrolment system" and of the "challenge system." Under the enrolment system the list of party voters is compiled in advance of the primary, usually from the statements voters make at the time of registration. Under the challenge system the voter, after asking for the ballot of a particular party, may be examined under oath as to his qualifications. Enrolment is the method established by law in nineteen states and by party rule in certain others. The nineteen states are: Arizona, California, Florida, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oregon, Pennsylvania, and Wyoming. The usual method of enrolment may be illustrated by the language of the California law. "At the time of registering," Section 1096 of the Political Code provides, "each elector shall declare the name of the political party with which he intends to affiliate at the ensuing primary election or elections, and the name of such political party shall be stated in the affidavit of registration and the index thereto. If the elector declines to state the fact, the fact of such declination shall likewise be stated and no person shall be entitled to vote the ticket of any political party at any primary, by virtue

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of such registration, unless he has stated the name of the political party with which he intends to affiliate."[1] In New York the act of enrolment commits the voter to a statement that he is in general sympathy with the principles of the party and that he intends to give its candidates general support in the next election. Under the laws of Massachusetts, New Jersey, and Wyoming enrolment takes place, not at the time of registration, but at the primary. Thus in Wyoming any voter who has not already been enrolled is entitled to the party ballot of his choice. "The voter's election," the law declares," shall constitute his declaration of party affiliation on the poll books. . . . Copies of the names and party entries on such lists . . . shall be used in subsequent primaries for determining with what party the voter has enrolled, and no voter enrolled under the provisions of this chapter shall be allowed to receive the ballot of any political party except that with which he is enrolled, and he may change his enrollment as hereinafter provided." The enrolment system is used in Kentucky and Nebraska only where personal registration is required.

Change of enrolment

The designation of a voter's party on the register is usually accepted as conclusive evidence of membership. He can be challenged only as to his identity or as to his possession of the qualifications (such as residence) required for voting at the general election. There are, however, several exceptions to this rule. Notwithstanding his enrolment a voter may be challenged and, before being given a ballot, required to swear: in Florida that he did not vote for any candidate of another party in the last election; in New Jersey that he voted for a majority of the party candidates in the last election and intends to support its candidates in the ensuing election; in Pennsylvania (except in the larger cities, where personal registration is required) that he voted for a majority of the party candidates in the last election; and in Wyoming that he has not voted in the primary of any other party for two years and that he intends to support the candidates of the party in the next election. Most of the states permit the voter to change his party affiliation after enrolment. The change is made either by personal application to the board of registrars or by filing a written declaration with the county or town clerk. It can be made not

[1] In California registration, and therefore enrolment, proceeds continuously except during the thirty days before a primary or election. Elsewhere it takes place at a fixed time.

later than six months before the primary in Maine and Maryland; ninety days in New Hampshire; sixty days in Florida; thirty days in California, Massachusetts, and Oregon; and ten days in Iowa and Wyoming, in both of which states the voter may also change his affiliation at the primary itself by swearing that he does so in good faith. The arrangements in New Jersey are peculiar. There the voter, instead of enrolling at the time of registration, establishes his affiliation by selecting the primary ballot of a particular party. As the law makes no special provision for a change of affiliation and as at each primary he must vote the party ticket which he is shown by the poll book to have voted at the last preceding primary, there is only one way in which he can shift his allegiance—by skipping one primary. It takes a period of two years to make the shift; there is no escape, because the primary vote is a matter of record.[1] In the remaining states party affiliation may be changed only at the time of registration. That time, in the case of New York, comes eleven months before the primary.

Challenge system

The challenge system is almost as widely diffused as the enrolment system. It has been established by law in fifteen states or, if we include Nebraska and Kentucky which also employ the enrolment system, in seventeen states. The fifteen are: Illinois, Indiana, Kansas, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, South Dakota, Tennessee, Vermont, Virginia, Washington, and West Virginia. Furthermore, it has been established by party rule, as supplementary to enrolment, in some of those ten states that allow the parties to regulate their own membership. The legal tests fall into two groups. In the first group the declaration that the voter must make, if challenged and put under oath when he asks for a party ballot, stands in the way of his being admitted to the primaries of different parties in successive years. According to the Illinois law he swears that he has not voted in the primary of another party within the past two years; to effect a change of affiliation, therefore, he must skip one primary. Much the same situation confronts him under the laws of Kentucky, Ohio, and Virginia, where he swears that he supported the party ticket in the last election; and under the laws of Indiana, Minne-

Requirements sometimes exacting;

[1] Until recently the same condition existed under the law of New York where a voter, enrolling in October for the September primary of the next year, had to declare that he had not voted in the primary of any other party since the first day of January.

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sota, and Mississippi, where he swears in addition that he intends to support the ticket in the next election.[1] In all these cases, of course, the test consists of an oath or affirmation which will restrain scrupulous men and have no effect whatever on the unscrupulous; it does prevent the free play of opinion as modified by new circumstances and does not prevent the invasion of a primary for some corrupt purpose.

Sometimes merely nominal

In the second group the "closed" primary is really quite wide "open." The voter moves from one party to another with entire freedom. In Nebraska, Missouri, Oklahoma,[2] and Washington, it is true, he must declare his intention of supporting the party candidates in the next election; but the very fact of his wishing to enter the primary, if he is acting in good faith, would imply such an intention. In Kansas, South Dakota, Tennessee, and West Virginia the test is simply one of present affiliation without regard to support of the party in the past or future. In Michigan and Vermont, which have been listed among the "challenge system" states for the purpose of contrasting them with the "enrolment system" states, the voter's claim to membership in a party cannot, as a matter of fact, be challenged. Dr. Clarence A. Berdahl has described actual practice under the South Dakota law.[3] At the primary the voter must name his party "in a distinct and audible voice"; if challenged, he must declare that he is "in good faith" a member of that party and that he accepts its principles as defined in the state and national platforms. In 1922, when members of the Democratic and Nonpartisan League parties were openly united to support the anti-machine candidate in the Republican primary, the attorney-general called public attention to the penalties for illegal voting in the primaries. His statement had no effect. The primary vote for governor in Minnehaha county was: Republican, 13,435; Democratic, 83; Nonpartisan League, 17. The vote in the November election, on the other hand, showed these figures: Republican, 5,118; Democratic, 4,208; Nonpartisan League, 3,028. The Sioux Falls *Press*, commenting upon the state-

South Dakota

[1] "Support" is defined in different ways, usually as support of a majority of the candidates, but in Kentucky and Virginia as support of all the candidates.

[2] According to the Oklahoma law the voter, being challenged, must swear or affirm that he is in good faith a member of the party or that he intends to support its nominees in the next election. Apparently it rests with the inspectors to determine which of the alternative tests shall be imposed.

[3] "The Operation of the Richards Primary," *Annals* as cited, 158-159.

ment of the attorney-general, had described the realities of the situation. "Any Republican, any former Democrat, any former Nonpartisan Leaguer," it bluntly declared, "may go into the primary election on March 28 and demand a Republican ballot, vote that ballot and have it counted. If the right of an applicant to vote the Republican ticket is challenged, with a view to intimidating the voter, it is only necessary for the challenged person to declare himself a Republican. The desire and intention to vote the Republican ticket at that particular time makes the voter a bona fide Republican. There is no other test that need concern the conscience of the voter. There is no other clear-cut division between the parties except that demonstrated in the balloting."

Socialist party and the primary

The effect of the membership tests upon the Socialist party deserves passing mention. That party maintains an existence outside the law as a voluntary association. According to its rules,[1] every applicant for membership must formally recognize the existence of the class struggle and the necessity of organizing the workers in a distinct party for the establishment of collectivism; he must declare that he is opposed to all political groups that support the present capitalist profit system and to any form of trading or fusing with such groups; and undertake to be guided in all political action by the constitution and platform of the party. He must further pay monthly dues of twenty-five cents, half going to the national and half to the state organization;[2] and such further dues as the state and local organizations may impose. The state constitutions of the party lay down rules for the suspension and expulsion of members. These extra-legal arrangements work smoothly enough in the states where the Socialist vote is too small to bring the party under the mandatory provisions of the direct primary law. The party selects its candidates in its own way—by the votes of the dues-paying members—and gets their names on the election ballot by filing nomination papers. But where the party is officially recognized as such and required to nominate candidates by direct primary, it lives a double life. On the one hand, it is a voluntary association with pledged, dues-paying members; on the other hand, a public body, regulated by law, which any one may join by meeting the prescribed tests. Under the law it would be quite possible for non-Socialists to enter the Socialist primaries, capture the legal party, and commit it to principles and candidates

[1] National Constitution, Art. III.

[2] *Ibid.*, Art. VIII.

antagonistic to collectivism. So far that has not occurred. The dues-paying members select the candidates by referendum; and, to comply with the law, these candidates are afterwards nominated without opposition at the primary by those who have qualified as members of the legal party. If, however, the Socialists should develop here the political strength they possess in Europe, a different situation would arise. Nomination on the Socialist ticket would assume a new importance; the primary would be flooded by voters of luke-warm faith or no faith at all in Socialist principles, by the same voters who now pass from the Democratic to the Republican party, from the Republican to the Democratic party, whenever factional conflicts excite their interest. The dues-paying organization would lose control of the legal organization. Socialism would survive as a convenient label in the clash of competing political ambitions.

Other Problems of the Primary

Minority nominations

The primary laws provide, as a rule, for plurality nominations. That candidate wins who receives a larger vote than any competitor, even though the vote be less than an absolute majority. This arrangement, long familiar in our general elections, has given tolerable satisfaction. The successful candidate in most cases gets more than half the votes cast for the office. Thus Professor Hormell observes, with respect to Maine, that "the evils of plurality nominations have been experienced only in a slight degree";[1] and Professor West likewise observes, as to California, that in the rare cases where the nomination goes to minority candidates "the result is accepted without much criticism, not because it is just, but because it is more satisfactory than holding a second primary or adopting preferential voting."[2] Nevertheless, danger is always latent in the system. It may be revealed in situations that are nothing short of disastrous to the party in the general election. While a convention, through successive ballotings and compromise of views, may be expected ultimately to choose a candidate who has moderate opinion squarely behind him, in the primary rival aspirants may divide the majority vote and bring to the head of the poll a candidate who reflects the extreme views of a small faction; and this result may be obtained by conscious planning, by the

[1] *Annals* as cited, p. 137. He shows that in 1922, 94 per cent of the candidates received a majority vote.

[2] *Annals* as cited, p. 117.

designation of candidates for the sole purpose of disrupting a potential majority.[1] In some states factional quarrels within the party accentuate the danger. Since the adoption of the Wisconsin direct primary law in 1904 the Republican candidate for governor has received less than half the primary vote on five occasions.[2]

Remedies: (1) Subsequent nominating conventions

For minority nominations three remedies have been devised: the second primary or "run-off," the second-choice or preferential ballot, and the post-primary nominating convention. The convention is employed in Indiana and Iowa.[3] Under the Indiana law the state convention nominates candidates for governor and United States senator in case no majority choice has been made at the primaries. In Iowa the convention acts whenever the highest candidate for any office receives less than thirty-five per cent of the vote in the primary. "Experience under the law," says Dr. Benjamin H. Williams,[4] "shows that in by far the greater number of cases the leading candidate has secured an actual majority; and even where he has not obtained a majority he has been generally able to obtain the required 35 per cent. The convention has had but few nominations to make and in only three of those instances has it set aside the plurality candidate for another. These three cases were in the nomination for the less important state offices. It may thus be seen that the Iowa law has had but little effect upon the results in that state."

A second device is the preferential ballot. This is used in

[1] The Republican primaries of 1922 in Iowa afford an example. The law provides that, if no candidate receives a thirty-five per cent vote, the nomination shall be made by delegate convention. "Mr. Brookhart, who was popular with the rank and file of the Republican party, but who was out of sympathy with the party organization, was opposed by five rivals in the race for the senatorial nomination. Not one of these five had a chance for success. They were put into the race for the purpose of dividing Brookhart's strength in the farmer, labor, soldier and urban groups in the state, with the hope that he might receive less than 35 per cent of the vote." He actually did receive over forty per cent. See Dr. B. H. Williams' article on minority nominations, *Annals*, p. 114.

[2] A. B. Hall, *Annals*, p. 52. The percentages were: 43 in 1910; 35 in 1914; 49 in 1916; 39 in 1918; and 29 in 1920. With respect to Indiana, Professor Guild shows (*Annals*, p. 175) that in 1922 "out of 13 congressional districts eight minority candidates were named by one or other of the parties. In the municipal primaries of 1921, in 92 cities, 45 mayors or city clerks were minority candidates."

[3] Prior to 1909 it was also used in Michigan and South Dakota, in the latter state whenever no candidate received a thirty per cent vote.

[4] *Annals*, p. 114.

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Alabama and Florida, both states of the Solid South, where the Democratic nomination is equivalent to election and minority candidates are therefore particularly to be avoided.[1] In these two Southern states the voter is instructed to mark both a first and a second choice whenever there are three or more candidates for any nomination. A majority of the first choices is decisive. If there is no such majority, the second choices are brought into play by dropping all but the two highest candidates and adding to the first choices of the latter, in Florida, the second choices marked on the rejected ballots or, in Alabama, the second choices marked on all the ballots. The candidate who has then the greater number of votes receives the nomination.[2] Oklahoma adopted in 1925 a different type of preferential ballot. The law provided that when there were three or four candidates for a nomination the voter must indicate a second choice and that when there were more than four candidates he must indicate a third choice. In combination with the first choices each second choice counted one-half and each third choice one-third of a vote.[3] The law was declared unconstitutional in 1926 as denying "the free exercise of the right of suffrage"; for, according to the court, when the legislature required the voter to indicate a second and third choice under pain of having his ballot voided, it practically said to him: "Unless you vote for one or two who are not your choice, then the vote of the one who is your choice shall not be counted."[4]

(2) Preferential ballot

Objections to it

The preferential ballot has the advantage of simplicity and convenience. American experience, however, as shown by the fact that seven states have abandoned it after trial,[5] has been unfavor-

[1] In the nomination of candidates for state office in Maryland the party voters express first and second choices, and at the state convention delegates from each county are bound to support the preferences indicated by the local vote.

[2] The preferential or alternative-vote system originated in Australia. There the count proceeds differently. The candidate having the fewest first-choice votes is dropped and the second-choice votes on his ballots given to the indicated persons. This process is continued until one candidate has a clear majority of combined first and second choices or until there are only two candidates left. This method was used in Minnesota and Wisconsin.

[3] For further details of the Oklahoma statute see P. O. Ray in the *Am. Pol. Sci. Rev.*, Vol. XX (1926), pp. 351-352.

[4] *Dove v. Oglesby*, 244 Pac. 798. See R. E. Cushman, "Public Law in the State Courts in 1925-1926," *Ibid.*, p. 588.

[5] Idaho, Indiana, Louisiana, Minnesota, North Dakota, Washington, and Wisconsin.

able. The voter persists in his old ways. "Out of 664,559 opportunities to express a second choice in the Indiana primaries of 1916," says Dr. Williams,[1] "the voter took advantage of the privilege in only 155,123 instances, or 23 per cent of the whole number. Although there were thirty-five contests in which second choices could have been expressed, and of these there were twenty-four instances in which no candidate received a majority, yet the distribution of second-choice votes did not affect the result in a single case." Experience in Louisiana and Minnesota was exactly the same; the few second choices that were expressed had no effect whatever upon the result of the primary. In the nomination of a Republican candidate for governor of Minnesota, with six names on the ballot, little more than a fifth of the voters marked a second choice.[2] Under the Oklahoma law of 1925 a failure to indicate second and third choices invalidated the ballot. The preferential ballot was used in the municipal elections of Cleveland for a considerable time. There a different sort of problem presented itself. "It was discovered," says Professor C. C. Maxey,[3] "that the preferential-choice scheme would be turned to the advantage of the party passing out the word to all regulars to vote only for a first choice. Thus the alternative votes of the independent voters would tend to build up the aggregate vote of the party candidate, but the regular party voters would contribute nothing to the aggregate vote of the independent candidates. As the field was likely to be divided between several candidates, the party candidates had by far the best chance to win. This explains perhaps why from 1913 to 1921 the 'Mary Ann' ballot resulted in the election of not a single independent candidate for mayor."

[1] *Annals* as cited, p. 113.

[2] Professor W. A. Schaper in the *Am. Pol. Sci. Rev.*, Vol. VIII (1913), pp. 89-90. "After all, the main difficulty was one which seems to be inherent in preferential voting. Preferential voting is in essence an attempt at attaining a psychological result by a refinement upon the election process—the attainment of a majority which sometimes does not exist. Many voters had but one choice for governor. It was that one or none for them. This is more apt to be the case where men not measures are the issue. In this election the second choice figures did not change the results at all. The candidate having the largest first choice vote won. No manipulation of the figures could bring out any other result than that the majority of the voters of the state were not united on any one man for governor. That is the psychological fact which the first choice vote indicates and which was evident throughout the campaign." The same situation developed in the nomination of a congressman-at-large.

[3] *Am. Pol. Sci. Rev.*, Vol. XVI (1922), p 84.

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(3) Second, or "run-off," primary

In six states of the Solid South provision is made for a second primary, three to five weeks after the first, in case no candidate has received a majority vote. These states are: Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas.[1] The second primary is confined to the two highest candidates. But no second primary is held in Mississippi if the candidates for nomination agree beforehand to abide by the result of the first primary; or in Louisiana if the second-highest candidate retires or, as to all state offices, if the governor receives a majority vote in the first primary; or in Texas, as to local offices, if the county committee makes a rule to that effect. The arrangements in Georgia, affecting the nomination of candidates for governor and United States senator, are peculiar in the fact that they rest on what is styled the "county unit vote." An analogy is found in the election of the President, the vote being taken by states and the House of Representatives electing a president when no majority is obtained in the electoral college. In the Georgia primary the highest candidate in each county is credited with twice as many votes as the county has members in the lower house of the state legislature. If no one obtains a majority of all the county unit votes, the two leading candidates must face each other in a "run-off" or second primary. The run-off is, no doubt, well adapted to the special circumstances of the South. Elsewhere—even in states that resemble the South in giving to one party an overwhelming preponderance—there seems to be no inclination to adopt it. The objections are of no negligible character; for the second primary throws an additional burden upon the already overburdened voter and involves the public and the candidates alike in heavy expense.

The framing of party platforms

Another problem of the direct primary has to do with the formulation of party principles and policies.[2] It is an advantage of the convention system that, since the same body selects the candidates and frames the platform, the requisite harmony of "men and measures" is secured. Six of the direct primary states

[1] As to the other four states of the Solid South a plurality suffices in Arkansas and Virginia; the second-choice ballot, as already noticed, is used in Alabama and Florida. The law of Tennessee, a border state, provides for a second primary in case of a tie vote.

[2] See R. S. Boots, "Party Platforms in State Politics," *Annals* as cited, pp. 72-82.

have retained or restored the state nominating convention.[1] In their case no problem arises. Elsewhere, under the state-wide direct primary, the doctrine of direct popular control would seem to imply that the voters, who choose the candidates, should also take a hand in framing the platform. Such an idea is quite impracticable.[2] The nearest approach to its realization has been made in Oregon, where the primary ballot carries in twelve words a statement of the measures or principles that each candidate advocates; and in South Dakota, where the pre-primary convention presents majority and minority platforms and where the "paramount issue" of each appears on the primary ballot in eight words.[3] Provisions of this kind are futile. What did the voters gain, in the Oregon primaries of 1922, by being informed that "Norblad in Congress means active representation" or that another aspirant had "no interests to serve but the public interests"? If the voter knows so little about the candidates that a twelve-word slogan

[1] Idaho, Indiana, Iowa (where the convention nominates only in cases where no candidate secures thirty-five per cent of the vote), Maryland, Michigan, and New York.

[2] Nevertheless something of the kind was proposed in bills brought before the legislatures of Texas and Washington in 1919. The Texas measure, says Professor Boots (*op. cit.*, p. 73), forbade any political party to embody in its platform a demand for specific legislation, unless the proposal should have received a majority vote at the primary after being submitted at the petition of ten per cent of the party voters. Somewhat similar provisions were contained in a law of 1908 which the courts held unconstitutional. The Washington measure provided that "candidates for nomination might have propositions which they had advocated for three years submitted on the ballots with their candidacies. An elaborate process of elimination was designed to reduce the number of propositions in case it should exceed twenty-one. Further, groups of one hundred signers each could present ten-word propositions, and those receiving one-third of the vote cast at the primary, and a plurality, were to be placed on the general election ballot, and if similarly approved at the election, it became the paramount duty of the legislature . . . to enact them into a proper and consistent form of law."

[3] For the elaborate provisions of the South Dakota law see R. S. Boots, "The Richards Primary," *Am. Pol. Sci. Rev.*, Vol. XIV (1920), pp. 93-105; and C. A. Berdahl, "The Operation of the Richards Primary," *Annals* as cited, pp. 158-171. In the presidential primary of 1920 Major-General Wood advocated "Patriotism, Progress, Prosperity, Honesty, Economy, Efficiency, Protection, Peace, Agriculture Promoted, One Flag." Under a provision of the law, repealed in 1921, candidates for the gubernatorial nomination must engage in sixteen joint debates upon the "paramount issues"; and any failure to make or accept a challenge to debate had the effect of disqualifying the candidate.

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can determine his choice, the process of direct nomination is no better than a lottery. The Oregon law, while providing for these individual declarations, is silent on the subject of a party platform. Equally silent are the laws of half a dozen other states.[1] "If we were to judge the importance attached to the party platform by the references to it in the indexes to election laws," says Professor Boots,[2] "or even by the space devoted to it in such laws, we would conclude that it is a matter of little moment. There is reason to believe that such a conclusion would be correct. We seem to be witnessing the passing of the platform. . . . Granted that the platforms ever meant anything, we have succeeded in reducing them in the main to insignificance."[3]

(1) By delegate conventions

Under the state-wide direct primary the platform, if there is one, is framed either by a delegate convention or by what may be termed a "party council." Fourteen states provide for conventions—which, however, have no power to nominate candidates;[4] and in the six states having optional direct primary laws the parties may and commonly do hold conventions.[5] If the convention meets before the primary—as it must in five states and may in two,[6] there is no assurance whatever that the platform will be acceptable to the candidates. If it meets after the primary, on the other hand,—the delegates and candidates having been chosen at the same time,—the platform is likely to take color from the

[1] Florida, Louisiana, North Carolina, Oklahoma, Pennsylvania, and Tennessee. In certain other states the platform is not expressly mentioned, but provision is made for the holding of party conventions, which would naturally be expected to formulate the issues of the campaign.

[2] *Annals* as cited, pp. 72 and 79.

[3] Professor Boots was informed by a correspondent in Arkansas that "the voters in general know nothing of the platform and care nothing about it" and by a correspondent in Michigan that "not one voter in a thousand ever reads a party platform."

[4] These states are: Colorado, Illinois, Maine, Minnesota, Mississippi, Nebraska, Nevada, Ohio, South Carolina, South Dakota, Texas, West Virginia, Washington, Wyoming. But in Ohio a party council drafts the platform in off years.

[5] These are: Alabama, Arkansas, Delaware, Georgia, Kentucky and Virginia. As to Alabama Professor Boots observes (*op. cit.*, p. 76): "The first state convention in ten years was held this year in Alabama."

[6] The convention is held before the primary in Colorado, Maine, Nevada, South Carolina, South Dakota, and Wyoming. But in Colorado the platform framed by the convention for the primary campaign gives way to a platform framed by a party council for the election campaign. In Minnesota and Washington the parties are free to fix the date of the convention.

expressed views of the candidate for governor. He is in a position to dictate; for the convention knows that, whatever action it may take, he must adhere to the pledges given during the primary campaign. In a dozen states the platform is framed after the primary by a party council. In North Dakota the party council is the state central committee. Elsewhere it consists of the candidates for state and legislative office and certain additional members. Wisconsin, the first state to adopt the party-council plan, includes hold-over state senators belonging to the party. California, Colorado, and Vermont have followed this model.[1] Arizona, Kansas, Montana, Missouri, and New Jersey form a second group, in which the party council includes, besides the members found in Wisconsin, candidates for the House of Representatives and Senate, hold-over senators, the national committeeman, and the state committeemen.[2] Finally, in New Hampshire and Massachusetts the party council takes the familiar form of a convention in which delegates sit side by side with the candidates for state and legislative office.[3] The party council is better suited to its purpose than the convention. The latter has no responsibility that can be enforced. It is a mediocre gathering, possessed of little power and therefore elected by the voters without much discrimination, meeting for a day or two to discharge a task for which its special competence may be doubted and which involves its members in no future obligation, then disappearing completely and leaving the party policies to the care of those who had no hand in shaping them. Little good can be said of such an arrangement. Party policies should be formulated by the party leaders. These are, or ought to be, the men chosen for public office, chosen because of their attitude towards current issues, as well as their character and capacity, and, if elected, put in a position of effective responsibility. In

(2) By party councils

[1] But Colorado adds the state chairman; and California, besides adding candidates for congressional office, provides for the election of delegates from any district in which the hold-over senator belongs to a different party.

[2] But in New Jersey candidates for Congress are not included. In place of the state committeemen Arizona puts the executive committee of the state committee and the chairmen of the county committees.—To this group of states may be added Ohio, where the platform is formulated by the state convention in presidential years and by a party council in off years. The party council consists of the candidates for state and legislative office, the members of the state committee, and the chairmen of the county committees.

[3] In Massachusetts the United States senators and members of the state committee are also admitted.

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theory at least the party council of Wisconsin or Kansas is an admirable institution.

Merits and Defects of the Direct Primary

Objections to the direct primary:

It has already been remarked that the chief political issues of the immediate past, such as woman suffrage and prohibition, cut across party lines. Profoundly as they stirred the electorate, they were kept out of the arena of party conflict. So, in the case of the neo-democratic or progressive movement that divided the community ten or fifteen years ago, the cleavage occurred in the ranks of each party and was all the more bitter on that account. Even now contention has not been brought to an end. The direct primary, which has generally supplanted the nominating convention, is assailed almost as bitterly as the prohibition amendment. It is condemned on many grounds, sometimes, indeed, for faults that are not inherent in the system of direct nominations, sometimes for faults that are equally apparent in the convention system, and sometimes for faults that are characteristic of democracy itself.

(1) Minority nominations

Faith in direct nominations does not imply an equal faith in the detailed arrangements which are found in the law of any given state. The direct primary should not be discredited by accidental, remediable defects in its application. If plurality nominations are objectionable, recourse may be had to the second primary or the preferential ballot. But "both methods, when actually tried," says Chester H. Rowell,[1] "have almost uniformly resulted in confirming the plurality choice of the first poll. The exceptions were in the case of routine offices, involving no policy or issue, in which the evil of an occasional minority nomination is not worth the trouble of curing. Theoretically, plurality nominations might work injustice or misrepresent the people. If this evil ever becomes practically important, it is easily cured. Actually, so far, it has rarely if ever happened."

(2) Lenient party-membership tests

The party test has aroused much criticism. It means so little in most of the states that the voters of one party can invade the primaries of the other party with entire freedom. "One bugaboo, however, which has frightened the theorists," to quote Chester H. Rowell again,[2] "has not happened. The Democrats do not invade

[1] *Transactions of the Commonwealth Club of California*, Vol. XIX (Dec., 1924), p. 572.

[2] *Ibid.*, pp. 572-573.

the Republican primary to foist on the Republicans a weak candidate, in order to defeat him with the Democratic nominee. When they invade the Republican primary it is to vote for a strong candidate, whom they expect to support in the final election also; thereby contributing to Republican victory. This is another case in which the thing that *does* happen differs from the thing the critics thought *would* happen. But it does happen, under primary laws encouraging it, that members of the minority vote wholesale in the primary of the majority party—thereby, usually, bringing about the destruction of their own party. This has happened in Wisconsin, where there is now no Democratic party. . . . It need not happen, on any important scale, under a proper primary law. Or if it does happen in some incurably one-party state, it is probably a good thing. It develops a real opposition group in the primary instead of a futile one at the election. Something like this has happened in both North and South Dakota, and might be desirable in other one-party states, like Vermont. It is of course in effect what has always been done, so far as white men are concerned, in the Southern states. What would have been, except for the race question, the Republican party there, functions instead as a useful factor of the Democratic party. . . . The trouble is that in these days, when nobody knows what a Republican or a Democrat is, strict party tests are impossible. No two Republicans could agree on any test by which either could judge the Republicanism of the other. So the only practical test is the one we have in California—that each voter shall be what he regards as a Republican, and shall publicly record that choice, with his registration, at least thirty days before election." The truth is that the decline of partisanship—the obliteration of clear-cut lines of demarcation, the confusion and uncertainty in the mind of the individual voter—lies at the root of the problem of the party test. The direct primary itself offers no obstacle to an appropriate solution. Every sort of experiment has been tried. In Colorado, Montana, and Wisconsin there is no test of any kind; in eight of the ten states of the Solid South the party organization can make the test as severe as it wishes. Where party labels have ceased to convey a meaning it would seem idle to lay down an artificial distinction in the law.

(3) Destruction of party responsibility

The direct primary, it is said, has broken down party responsibility. Exactly what the critics mean by party responsibility is not always clear. In the English sense it means that the parlia-

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mentary leaders formulate the issues of the election campaign and, taking office subsequently, are entrusted with power to carry out their pledges. That kind of responsibility has never obtained in the United States.[1] The convention could not supply it even in theory, because, disappearing as soon as its momentary task was accomplished, it could not be held accountable for anything and because the candidates it named did not have the right to frame their own platform; and in practice the delegates were office-holders and office-seekers, pursuing selfish aims and controlled by wire-pullers behind the scenes.[2] Nevertheless, the convention was, from the standpoint of responsibility, a better instrument than the direct primary of the usual type. To say that the mass of primary voters are responsible gets us nowhere; responsibility can be effective only when brought home to the individual. In the old days it could be brought home to the bosses. "While the bosses controlled the conventions," said the late Senator Foraker,[3] "they were in turn controlled by public sentiment, which was mightier than any political boss or leader. This sentiment held even the most arbitrary and dictatorial and powerful bosses to a rigid responsibility and accountability at the elections, and afterward; and thus made them careful."[4]

Party organization still influential

Of course, under the direct primary—in spite of it, one might say—the party organization has a good deal of influence upon the

[1] "There is such a thing as party responsibility," says Chester H. Rowell (*op. cit.*, p. 566). "No one could believe in it more strongly, nor more earnestly desire to get it, than I do. I think that the one fundamental failure of our American mechanism of government is its inability to achieve just this party responsibility. There is such a thing. They have it in Canada. . . . It is one of the most familiar and important things in the governmental structures of the world. But it is pure hallucination to dream that we ever had it in America, and especially to pretend that the convention system had anything to do with it."

[2] "The old convention," says Rowell (*ibid.*), "did not 'deliberate' on candidates. They traded, or obeyed and took the program. They did not represent the party. They misrepresented it. If they were 'responsible' to anything, it was not to the party, and if they were responsible for anything it was not for their nominees. Their only use was to prevent the people from governing themselves."

[3] J. B. Foraker, *Notes of a Busy Life* (1916), Vol. II, p. 454. See in the same sense A. M. Kales, *Unpopular Government* (1914), p. 116.

[4] Senator Foraker continues: "On this account, as well as for other reasons, conventions scrutinized candidates and studied platforms. Without an acceptable declaration of principles and capable and popular men to represent them as candidates, defeat followed for the party and dethronement for the bosses."

choice of candidates. Speaking of Iowa, Professor Horack says:[1] "There is much evidence going to show that the primary has not been a menace to party organization. Indeed, party organization really controls the primary to a considerable extent. In theory, any one is free to circulate his own petition and contest any nomination; but in practice, it is usually futile to oppose the organization unless public sentiment is aroused." Professor Guild finds that in Indiana "party responsibility has not been altered as greatly as would first appear."[2] Wherever party spirit continues to cast something of the old spell, the leaders or bosses, through private conferences or extra-legal pre-primary conventions, put forward a slate. On the ballot there is nothing to distinguish their candidates from other candidates; but as to the more important offices the voter becomes well enough informed. He ought to be informed in all cases. He ought to be able to accept or reject the organization slate in accordance with his confidence or lack of confidence in the organization, just as he accepts or rejects the nominees of a particular party in the general election. The "Hughes plan" would invest the party committee with the right of designating candidates and of having the fact of such designation noted on the ballot. That plan would serve the ends of party responsibility better than would a return to the convention system.

(4) Nomination of mediocre men

The most vulnerable point about the direct primary is its failure, speaking generally, to bring about the nomination of men of large caliber. Experience varies somewhat from state to state; and, in appraising that experience, personal opinion is likely to take color from prejudice and to reflect approval or disapproval of the direct primary itself.[3] But there has already been no advance

[1] *Annals* as cited, p. 153.

[2] *Ibid.*, p. 176. But President A. B. Hall shows (*ibid.*, p. 47) that a different situation exists in Wisconsin. Only once since 1906 have the five chief state officers been elected by the same faction of the Republican party; and cleavage between these officers has found expression "in many ways positively detrimental to the public service." More alarming has been the failure of the direct primary to establish harmony between executive and legislative departments. In 1909, 1913, and 1921 the governor represented one faction, the legislative majority another. It should be observed, however, that Wisconsin is practically a one-party state and that the effective decisions are reached in the Republican primary rather than in the election.

[3] So staunch a supporter of the direct primary as Chester H. Rowell admits (*op. cit.*, p. 575) that "the standard of state officials in some states has gone down" and that "the people, on the whole, do not elect as good United States senators as the bosses used to provide for them." Professor A. C. Millspaugh

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in the quality of public officers since the abandonment of the nominating convention. Indeed, the last ten years have witnessed a marked deterioration in such a body as the United States Senate. Democracy does not encourage talent.[1] At any rate, the people, having no intimate acquaintance with the politicians, are apt to judge them, not by character, but by showy and superficial qualities that disguise mediocrity. From this standpoint the legislative caucus or congressional caucus was much superior to the convention—which, however, acted on the advice of well-informed bosses—or the direct primary. The incompetence of the voter at the primary can hardly be disputed; the mere fact that it is considered necessary to rotate the names on the primary ballot establishes his incompetence. "A somewhat extensive personal inquiry among the voters of the village of Oberlin, having a population of about 5,000," says Professor Karl F. Geiser,[2] "revealed the fact that not a single voter who was asked whether he had been able to make a discriminating choice for every office on the primary ballot answered in the affirmative; not even the members of the party committee, though their knowledge of the candidates was more extensive than that of the average voter, could give adequate information concerning all the names on the party ballot."

This criticism equally valid against system of election

It may be urged that, in condemning the direct primary on this ground, the very principle of democracy is called in question; that, if the voter is not competent to choose candidates at the primary, he is not competent to choose public officers at the election. Aside from the fact that the election arouses more interest and attention, the circumstances of the voter are the same in both cases. What is called in question, however, is not the democratic principle, but the method of its application in America. There are too many elective offices; the ballot is overweighted. In the St. Louis primary of 1922 the Republican voter had to choose thirty-three candidates from among 103 competitors; in the Cleveland primary forty-three from among 175 competitors. The most intelligent voter finds the task impossible; the most sanguine democrat must acknowledge that, sound as the theory of election may

in a study of the Michigan direct primary, ten years ago, expressed the opinion that "the balance between the old and the new systems so far as the character of nominees is concerned appears to be about even." *Am. Pol. Sci. Rev.*, Vol. X (1916), p. 720.

[1] This is the theme of the late Émile Faguet's brilliant assault upon democracy in *The Cult of Incompetence.*

[2] *Annals* as cited, p. 33.

be, over-emphasis and exaggeration in practice have reduced it to futility. Under existing conditions the system of direct nominations cannot fairly be tested. Indeed, it is the long ballot that furnishes the strongest argument for a return to the convention system. The long ballot is peculiar to American politics. Its fatal effects have been demonstrated. The whole problem of nominations would disappear if, in conformity with Canadian practice, the only elective state officers were the members of a single-chambered legislature and if the same simplicity of structure marked local government.

(5) Cost to public and candidates

While the direct primary is sometimes condemned for faults that can easily be remedied, inherent defects have also been revealed. In the first place, the direct primary is an election; and elections involve heavy expense both to the public and to the candidates. According to Professor Victor J. West,[1] the California primary of 1922 cost the state at least $570,000 or seventy cents for each vote cast;[2] the Indiana primary of 1920 cost $313,427, or ninety-nine cents for each vote cast, as against forty-five cents for each vote in the general election.[3] By restoring the convention no great public economy would be effected, however, unless the parties were permitted to conduct their own primaries; and opinion is scarcely prepared to accept a solution of that kind. The cost of holding a primary for the election of delegates would be little less than the cost of holding a primary for the nomination of candidates. But it is not only the cost to the public treasury that has to be considered. The amount spent on behalf of candidates for state-wide office is sometimes very large—more than $100,000 in the case of Senator Stephenson of Wisconsin (1909) and almost $200,000 in the case of Senator Newberry of Michigan (1918). In the primaries of 1922 Senator France of Maryland and Senator Townsend of Michigan, according to their filed statements, spent $30,000;[4] Senator Pepper of Pennsylvania, over $47,000;[5] and Governor Pinchot of Pennsylvania, $122,000.[5] In West Virginia

[1] *Annals* as cited, p. 121.

[2] Professor West observes: "The expense of conducting the primary is somewhat higher than that of conducting a general election, on account of the additional help requried in the verification of nominating petitions and the necessity of printing ballots for each party as well as a non-partisan ballot."

[3] F. H. Guild, *Annals*, p. 176.

[4] New York *Times*, Oct. 31, 1922.

[5] *Ibid.*, June 1, 1922.

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Expenditures in Pennsylvania and Illinois, 1926

an unsuccessful candidate for the senatorial nomination admitted spending $96,000, although the corrupt practices acts of that state allowed a maximum of only $4,125.[1] In 1926 an investigating committee of the United States Senate brought to light colossal expenditures on behalf of senatorial aspirants, an aggregate of more than a million dollars in Illinois[2] and of more than two million dollars in Pennsylvania.[3] On behalf of Senator William B. McKinley, defeated for the Republican nomination in Illinois, more than $500,000 was spent; on behalf of Senator George Wharton Pepper, defeated for the Republican nomination in Pennsylvania, more than $1,600,000. On the other hand, taking the primaries of 1922, Senator Frazier of North Dakota spent only $349; Senator Ashurst of Arizona, $17; Senator Greene of Vermont, $9.15; and Senator Swanson of Virginia, nothing at all. For Indiana, Professor F. H. Guild has shown that, while a state-wide primary campaign entails large expenditures, the outlay for legislative nominations is usually insignificant.[4] Professor West acknowledges that the prohibitive costs of the primary campaign in California sometimes bar out poor men, but, he says,[5] "it may well be doubted that any considerable number of voters who have any real reason for insisting on the candidacy of any particular person would experience great difficulty in raising a campaign fund sufficient to put the merits of their candidate before the voters." As a matter of fact the nominees for important state-wide offices in California have often been poor men.[6]

[1] New York *Times*, Oct. 6, 1922.

[2] *Ibid.*, July 29, 1926, and later issues. [3] *Ibid.*, June 15 and June 18, 1926.

[4] In 1920 Governor McCray spent $31,366. For the senatorial nomination, two years later, New spent $15,588 and Beveridge $10,715, both being Republicans; and Ralston, Democrat, $2,063. "For close contests in a single county candidates may spend much more than candidates for Congress. Thus, in one contest for superior judge, the successful candidate spent $1,180.50 and the unsuccessful $1,297.07. The candidate for Congress in the same territory expended but $67.50 in the primary. An unsuccessful candidate for state office before the state convention reported $1,134." *Annals*, pp. 176-177.

[5] *Annals*, p. 124. See also his statement of actual expenditures on the previous page.

[6] Chester H. Rowell, *op. cit.*, pp. 568-569. Since the adoption of the direct primary in 1909, he says, "we have elected three governors—Johnson, Stephens and Richardson—all poor men, and four senators—Works, Johnson, Phelan and Shortridge—only one of them a rich man, and he not favored for his wealth, but for his talents, character, and public service. Nearly every one of those poor men won his nomination against rivals who were rich or richly backed."

State law has sought to correct the abuse of lavish expenditure. The corrupt practice acts, as will be shown later, require publicity and sometimes either limit the amount of money that may be spent (as in Michigan) or specify the purposes for which money may be spent, without limiting the amount (as in California). Such laws may eventually bring about an improvement. At present they are nullified by ingenious evasions. They are, says Frank R. Kent,[1] "entirely ineffectual. They are no more observed than the Volstead act is observed. Everywhere they are observed only on the surface—and not always even that is done. The sworn statements . . . never show the total receipts or the total expenditures. The thing is so managed that conscientious candidates or treasurers—or cautious ones—may make their affidavits honestly and without risk. They have not personally handled, received, or officially known of more than the affidavits show—but more has been handled, received, and expended just the same, and they know it. So does everybody else." Oregon not only limits the amount of expenditure, but also seeks to equalize the opportunities of rich and poor by distributing campaign literature. This campaign literature takes the form of a publicity pamphlet—a separate one for each political party—and is mailed by the secretary of state, at least eight days before the primary, to every registered party voter. Any candidate, or his friends, may file with the secretary of state his portrait and a statement of the reasons why he should be nominated; and any person or persons may, after serving the candidate with a true copy, file a statement opposing his nomination.[2] Each side is entitled to one page in the pamphlet at a charge varying from $10 for legislative offices to $100 for congressional and the more important state-wide offices. Additional pages, but in no case more than three, may be obtained at a uniform charge of $100 a page. The publicity pamphlet seems to have given satisfaction in Oregon, where it was introduced in 1908; and in Florida, where it was introduced five years later. Elsewhere the results have not been encouraging. Colorado,[3] Montana (1909-1919),

Legal restraints on expenditures ineffectual

Publicity pamphlets as a remedy

[1] *The Great Game of Politics*, p. 113.

[2] "Nothing in this law shall be deemed to make any such statement or the author thereof free or exempt from civil or criminal action or penalty, because of any false, slanderous or libelous statement offered for printing or contained in said pamphlet."

[3] The Colorado law of 1913 cannot become operative without an amendment to the state constitution.

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North Dakota (1913-1923), South Dakota (1918-1921), and Wyoming (1911-1919) have abandoned it.

Expensive as the direct primary may be, it will never be abandoned on that ground alone. Americans are not parsimonious. If they approve the object and anticipate favorable results, no argument of economy will restrain them. They are ready to pay for the process of informing and educating the electorate. What they actually do pay in the support of innumerable propaganda organizations—the Anti-Saloon League at the height of its campaign for the Eighteenth Amendment had an annual budget of $2,500,000 [1]—utterly dwarfs the cost of conducting primary elections and contributing to the campaign funds of primary candidates. It is upon defects of a different order that the case against the direct primary must rest.

(6) No opportunity for consultation and compromise

The direct primary does not provide that opportunity for consultation and compromise which the business of democratic government seems to require. It rests upon the assumption that the popular will can find spontaneous expression at the polls. In practice, however, mass action entails some kind of preliminary agreement. The electorate cannot function effectively unless the issues have been prepared beforehand and submitted to its consideration; without guidance its voice becomes unintelligible, its decisions incoherent. If the direct primary had accomplished the purpose that many of its proponents had in view and swept away the party organization or machine, the result would have been chaos. To the extent that it has done so—to the extent that it has deprived party of community of spirit and purpose, made the party, as Herbert Croly says,[2] a mere official machine for the making of nominations instead of an agency by which its members may consult one another and reach an agreement upon differences of opinion—it has undermined the very foundations of democracy. President Hall

[1] Wayne B. Wheeler, "The Inside Story of Prohibition's Adoption," Article Two, New York *Times*, March 29, 1926. Evidence given before a Senate investigating committee in 1926 (*Times*, July 3, 1926) indicate a similar scale of expenditure since the adoption of the amendment. During a period of six years the national organization and the organizations in twenty-three states raised over $11,000,000, *exclusive of moneys spent in political campaigns.* "There are still twenty-five states to be heard from," says the *Times*, "and when these reports, together with the campaign totals, are reported, it is believed that the collections and expenditures for the six-year period will mount up to somewhere between $15,000,000 and $20,000,000."

[2] *Progressive Democracy* (1913), p. 344.

touches the root of the matter in observing "that effective party government requires a constant process of compromise between the different elements in the party and that the direct primary makes compromise impossible in the selection of a ticket and extremely difficult in the formulation of party platforms."[1] The primary campaign brings the extreme factions of the party into collision. It lays stress upon issues that divide the party rather than upon community of aim; it brings into the open personal antagonisms which private discussion might have composed, but which public discussion only embitters and exaggerates. Family quarrels are difficult to heal after they have been carried to court; each side, having committed itself in the record, values consistency more than peace. Of course, it may be argued that these unhappy results are, on the whole, exceptional, that the party leaders, by means of an informal convention or conference, draw up an "organization slate," and that where partisanship remains more than an empty term the slate is very often ratified at the primary without serious opposition. But such an argument does not justify direct nominations. It simply draws attention to the methods by which the party protects itself and seeks to escape the disintegrating effects of the primary.

(7) Voter's burden increased

And why is it that the politicians can distribute the nominations before the primary, as they used to do before the convention, and confidently expect the voters to acquiesce? Why do their decisions assume such importance in the press and in the public mind when such decisions are supposed to be made only by the party voters at the polls? To say that the politicians are on their good behavior, that they offer good advice because bad advice would be rejected, does not explain the situation. The explanation lies deeper than that. The direct primary, instead of simplifying the task of the voter, as any really fundamental reform must do, has complicated it—thrown upon the voters, says Albert M. Kales,[2] a burden of political duties "which he will not and very likely cannot possibly carry. It is that which makes him politically ignorant and forces him to fall back upon the assistance of the professional political adviser. When the primaries double the burden of the voter they increase two-fold the necessity for permanent organization for directing and advising the politically

[1] "The Direct Primary and Party Responsibility in Wisconsin," *Annals* as cited, p. 52.

[2] *Unpopular Government in the United States* (1914), p. 117.

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ignorant how to vote. Consequently, so far from disrupting an extra-legal government, the universal and compulsory primary makes its continued existence even more certain." Herbert Croly expressed the same opinion in his *Promise of American Life* (1909):[1] "It may well be that this device will in the long run merely emphasize the evil which it was intended to abate. It will tend to perpetuate the power of the professional politician by making his services still more necessary. Under it the number of elections will be very much increased, and the amount of political business to be transacted will grow in the same proportion. In one way or another the professional politician will transact this business; and in one way or another he will make it pay. . . . Whenever public interest flags,—and it is bound to flag under such an absurd multiplication of elections and under such complication of electoral machinery,—the politicians can easily nominate their own candidates."

Light vote in primaries

Public interest has flagged. In Indiana, according to Professor Guild,[2] the voters "take an astonishing interest in the primary whenever the candidates nominated at such primaries have a chance of success in the election"; and yet the primary vote "averages from 50 per cent to 54 per cent of the vote at the election. This is in fact a relatively high primary vote." In New York the primary vote was 34 per cent of the election vote in 1914, 28 per cent in 1916, 30 per cent in 1918, and 20 per cent in 1920.[3] Such figures suggest apathy, indifference. In comparing the primary vote with the election vote, moreover, it must be held in mind that half the qualified persons in the country do not take the trouble to cast a ballot on election day. The presidential vote in 1920 was 26,657,574; the congressional vote of 1922 was 20,579,191 and yet, according to the last census, there were in the forty-eight states 54,128,895 citizens of voting age.[4] Not half of the qualified citizens vote on election day and not half of those who

[1] P. 342.

[2] *Annals* as cited, p. 172.

[3] Louise Overacker in *Annals*, p. 145. For California see *ibid.*, p. 171; and for Iowa, pp. 139-140. In the Solid South, for reasons already noticed, the primary vote is larger than the election vote. In some Northern states where the Republican party is dominant the primary vote approximates that of the election.

[4] *Congressional Record*, April 18, 1924, p. 6914. Allowance must be made, of course, for disqualified persons (criminals, lunatics, etc.) and for the disfranchised negroes of the South. *Ibid.* p. 6913.

vote on election day vote in the primaries. The "regulars" vote; the adherents of the party organization or machine are not apathetic or indifferent. It is only at exceptional times, when popular interest is aroused by some spirited contest over personalities or issues, that they are overwhelmed and put to rout.

Potentialities of direct primary

But they can be put to rout. The voters have only to gird themselves for combat, make use of the weapon that lies at hand. The direct primary gives them means of control whenever they wish to exercise it. In ordinary times, of course, there are no sufficient reasons for taking the field and developing the necessary counter-organization: the organization slate is tolerably respectable; no public interest is threatened. "It is frequently said, in connection with primary contests," observes Charles Evans Hughes,[1] "that the candidates of the party organization generally win. This is stated as though it were an objection. Why should they not win? If a party organization is clean, vigorous and efficient, if it has the confidence of the party members, as such an organization should have, it will be influential in advising candidacies, and those who are presented as candidates with the approval of such an organization will in all probability be men who ought to be selected." Sometimes they are not; and then, if the party voters shake themselves free from their customary indifference, the proper rebuke can be administered through the direct primary. In a word, the direct primary has not proved an effective substitute for the old party organization any more than direct legislation has thrown state legislatures into the discard. Oligarchy still rules in politics; and the direct primary simply offers a means of interrupting its operations when they conflict with the public interest or popular aspirations and engender resentment. In doing that much it must win a certain amount of approval. Even so, the convention system which it supplanted had something of the same kind of virtue. The party voters could elect the delegates and control the delegates if only they willed it firmly enough. The oligarchy could always be put to rout. It was, after all, a state convention that nominated Hughes twice in New York and La Follette three times in Wisconsin to make war upon the bosses; and these cases, though striking, were at the time by no means exceptional.

[1] "The Fate of the Direct Primary," *Nat. Mun. Rev.*, Vol. X (1921), p. 28.

CHAPTER XVII

THE NATIONAL CONVENTION: COMPOSITION

Movement against national conventions

AT one time—twelve or fifteen years ago—it seemed that the national convention was moribund, that the sweep of the progressive movement would involve it in the fate of the state conventions. The volume of criticism was steadily mounting. The events of 1912 seemed to affect public opinion profoundly. In 1912 the presidential primary, permitting the expression of a popular preference for candidates in a dozen states, showed clearly enough the preponderance of Roosevelt sentiment among Republican voters. Roosevelt carried nine states, La Follette two, Taft one;[1] and yet Taft was selected as the party nominee. This flouting of the popular will brought the convention into further disrepute. The end had come, Senator Jonathan Bourne of Oregon declared; there would be no more conventions. It was freely predicted that by 1916 every state would have provided for the election of pledged delegates and that the convention would become atrophied like the electoral college, surviving only to register a verdict already given at the polls.[2] President Wilson, in 1913, urged upon Congress "the prompt enactment of legislation which will provide for primary elections throughout the country at which the voters of the several parties may choose the nominees for the presidency without the intervention of nominating conventions."[3] He realized the necessity of providing some means for the declaration of party principles and policies. Under his plan, for the purpose of ratifying the verdict of the primaries and formulating the platform, a party council was to take the place of the nominating convention. This

[1] Roosevelt: California, Illinois, Maryland, Nebraska, New Jersey, Ohio, Oregon, Pennsylvania, and South Dakota; La Follette: North Dakota and Wisconsin; Taft: Massachusetts.

[2] See newspaper comments in Louise Overacker, *The Presidential Primary* (1926), note, p. 175.

[3] In 1912 the Progressive party advocated "nation-wide preferential primaries"; and the Democratic party looked to the accomplishment of the same object through action by the several states. Kirk H. Porter, *National Party Platforms* (1924), pp. 336 and 323.

party council was to consist of members of the national committee (elected at the primaries), the presidential candidate, candidates for the House and Senate, and senators whose term had not yet expired. The platform would thus be framed, he said, by those responsible to the people for carrying it into effect.[1] Both before and after the delivery of this message bills that had more or less similar objects in view were introduced in both houses of Congress.[2]

Its failure

But, though ominously threatening for the moment, the storm did little damage as it passed. In spite of the fact that half the states had enacted presidential primary laws by 1916,[3] the popular vote had no important influence upon the nomination of that year or of 1920 and 1924. Nor does there seem to be any prospect of change in the immediate future. The progressive movement has spent itself. Reaction has set in; Iowa (1917), Minnesota (1917), Montana (1924), and Vermont (1921) have repealed their presidential primary laws.[4] To-day the national convention still retains complete freedom of action. It cannot be said that state laws providing for the election of delegates and in most cases seeking to bind them to the support of a particular presidential aspirant have, in practice, impaired that freedom. There is no national law regulating the convention. Congress apparently lacks constitutional power. Even if nomination is a part of the process of election, which four justices of the Supreme Court denied in the case of *Newberry* v. *U. S.* (1921),[5] Congress cannot on that ground regulate the nomination of the president; for the president is

[1] *Congressional Record*, Dec. 2, 1913, p. 44.

[2] Overacker, *op. cit.*, pp. 187 *et seq.*

[3] California, Florida (optional), Georgia (optional), Illinois, Indiana, Iowa, Massachusetts, Maryland, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Vermont, West Virginia, and Wisconsin. The only presidential primary law enacted after 1915 was that of Alabama in 1923.

[4] The Texas law was declared unconstitutional in 1916 (*Waples v. Marrast*, 108 Texas 5). In Alabama the opinion of the attorney-general holding the law unconstitutional was not contested in the courts, although the Democratic party conducted an unofficial primary in 1924 according to the provisions of the law. Overacker, *op. cit.*, notes, pp. 80 and 146.

[5] 256 U. S. 232. A fifth justice (McKenna), holding that Congress had no power to regulate the nomination of senators before the ratification of the Seventeenth Amendment, reserved the question as to whether such a power can be exercised under the amendment.

elected by state officers (electors), who are chosen in such manner as the state legislatures may prescribe.[1] The national convention, therefore, exercises control over its own membership and procedure. It is constrained only by motives of policy to recognize the validity of state laws that override party rules in the selection of delegates.[2]

"Call" of the national convention

Five or six months before the meeting of the convention—early in January or late in December—the national committee assembles at Washington and issues the "call." In the case of both major parties the call fixes the time and place of the convention and, in conformity with party rules, the number of delegates and alternates to be chosen in each state and territory.[3] Under Democratic practice the method of choosing the delegates is left to the decision of the state central committee, which is bound, of course,

[1] Although the Constitution in Art. I, Sec. 4, gives Congress power to regulate only the election of senators and representatives, the court did in *ex parte* Yarbrough (110 U. S. 651) attribute to Congress an inherent power, independent of that article, to see "that the votes by which its members of Congress *and its President* are elected shall be the free votes of the electors, and that the officers thus chosen shall be the free and uncorrupted choice of those who have the right to take part in that choice."

[2] The Democratic convention has generally left the manner of choosing delegates entirely to the decision of the state party organization; but in 1912 the platform advocated state legislation to permit the expression of a popular preference for presidential candidates and required the state party organizations, in the absence of such legislation, to hold unofficial primaries in 1916 for the expression of a preference and for the election of delegates. Porter, *op. cit.*, pp. 323-324. The call for the 1916 convention referred to this pledge without providing for its fulfilment (*Proceedings* of 1916 convention, p. 216). The Republican convention, on the other hand, always lays down the manner of choosing the delegates. In 1912 two California delegates were unseated because of a conflict between the party rule, which provided for the election of district delegates, and the state law, which provided for the election of all delegates on a general ticket. The party rule was later changed so as to permit the general ticket (see 1916 call, *Proceedings*, p. 13). Under the existing Republican rules (*Proceedings*, 1924, p. 12) a state law is not recognized (1) if it denies Republican representation on the board of election inspectors, (2) if it hinders, abridges, or denies the right of any eligible person to be a candidate for the presidency or vice-presidency, or (3) if it authorizes the election of a number of delegates different from that fixed by the party. In 1924, when a new apportionment allotted seven delegates at large to Wisconsin, the law provided for the election of only four. Coolidge supporters designated four candidates for the primaries; La Follette supporters, seven. The seven La Follette delegates were declared elected. See Overacker, *op. cit.*, p. 181.

[3] The Democratic rules permit the national committee to determine the representation of the territories and insular possessions. See *Proceedings*, 1920, p. 87, and 1924, pp. 92-93.

by the local party rules or by the requirements of the state primary law. On the other hand, the Republican call proceeds to regulate this matter in some detail.[1] Delegates-at-large and delegates from congressional districts, it provides, shall be elected within a defined period [2] either by state and district conventions or, where state law requires it, by direct primary. "All the delegates from any state may, however, be chosen from the state at large, in the event that the laws of the state in which the election occurs so provide." [3] The credentials of all delegates, as well as all notices of contests, shall be forwarded to the national committee at least twenty days before the meeting of the convention; and the notices of contests "shall be submitted in writing, accompanied by a printed statement setting forth the ground of the contests." If a delegate has been elected by direct primary and presents a certificate of election from the proper state authority, his name must be placed upon the temporary roll of the convention; in other words, the national committee cannot go behind the official canvass of the primary.

Time and place of meeting

The Republican convention always meets in June, usually towards the middle of the month,[4] and the Democratic convention two or three weeks afterwards. This arrangement, which gives the Democrats something of a tactical advantage, has been reversed only three times—in 1856, 1860, and 1888. As to the place of meeting, the Democrats have shown a migratory disposition; except for the Chicago conventions in 1892 and 1896 they have never met twice running in the same city.[5] On the other hand, ten of the eighteen Republican conventions, including those of 1880-1888 and 1904-1920, have been held at Chicago;[6] and the national committee would have selected that city again in 1924, had not President Coolidge, apparently fearing the strength of Johnson

[1] *Proceedings* of the 1924 convention, pp. 11-14.

[2] Not earlier than thirty days after the date of the call or later than thirty days before the date of the convention, unless a different time is fixed by state law. The convention of 1924 met on June 10, but Oregon elected delegates on May 16, West Virginia on May 27, and Montana on May 27.

[3] They are so chosen in California, North Dakota, and South Dakota.

[4] The only exceptions have been for the years 1860 and 1868, when the date fell in May.

[5] From and including 1856 Democratic conventions have met four times in Chicago and St. Louis; twice in Baltimore, Cincinnati, and New York; once in Charleston, Kansas City, Denver, and San Francisco. The Charleston convention of April, 1860, reassembled at Baltimore in June.

[6] The other eight Republican conventions met at Philadelphia (three times), Baltimore, Cincinnati, Cleveland, St. Louis, and Minneapolis.

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sentiment there, exerted pressure on behalf of Cleveland.[1] The atmosphere of the convention city may, indeed, influence the attitude of the delegates. In 1912 William F. McCombs, manager of Woodrow Wilson's pre-convention campaign, regarded Chicago and St. Louis as "very dangerous from the Wilson aspect. St. Louis was in Mr. Clark's logical territory. His supporters would be there in great numbers. This likewise applied to Chicago, and there Mr. Wilson had practically no newspaper support."[2] McCombs preferred Baltimore, partly because he could occupy the city with an army of Wilson adherents from New Jersey, Delaware, and Maryland and partly because he could count on the strong support of the Baltimore *Sun*. The selection of Baltimore was a Wilson victory. On other occasions the interests of the party as a whole have turned the balance in favor of a particular city; for the convention, while affected somewhat by its environment, may in turn charge the atmosphere with a little of its own infectious enthusiasm.[3]

Reasons for the selection of certain cities

As a rule, however, considerations of a different order prevail with the national committee.[4] For the convenience of the delegates and other visitors, who come from every corner of the country, the city should have a central location, like Chicago and St. Louis, and superior railroad connections; numerous hotels, charging moderate rates;[5] and an auditorium capable of seating eleven hundred or

[1] F. W. Upham, treasurer of the committee, said on December 8, 1923, four days before the decision of the committee was taken: "Greatly to my surprise, I have been to-day advised by the responsible leaders of the Administration that it is their belief that the convention should go to Cleveland. While I am deeply disappointed, especially in view of the fact that I secured the assurance of a sufficient number of the members of the Republican National Committee to ensure the selection of Chicago as the convention city, as a stanch party man and friend of the Administration, I shall yield to this request." New York *Times*, Dec. 9, 1923.

[2] W. F. McCombs, *Making Woodrow Wilson President* (1921), p. 86.

[3] This point was urged on behalf of St. Louis in 1924: "We are a debatable state. Our mayor is a Republican, a fine fellow, but we can well provide a Democrat next year to take his place. We have a Republican governor in Missouri. . . . We want you to come there because we want the inspiration which will make Missouri Democratic again." *Proceedings* of the 1924 convention, p. 1135.

[4] The arguments presented before the national committee on behalf of San Francisco, St. Louis, Chicago, and New York will be found in the Democratic *Proceedings* of 1924, pp. 1120-1167.

[5] As to hotel rates some undertaking is usually given to the national committee (Democratic *Proceedings* of 1924, pp. 1121-1123 and 1131. "Chicago,

more delegates, a like number of alternates, and 10,000 spectators. Nor is climate a negligible factor. Possessing some or all of these attractions, the city must also, through private individuals, contribute at least $100,000 to the party exchequer. This contribution serves to finance the convention itself, meet the deficit coming from the last presidential campaign, and perhaps leave a small balance for starting the new campaign before other funds have been collected. In 1924 Cleveland paid $125,000 for the Republican convention; New York, $205,000 for the Democratic.[1] Why should the privilege command so high a price? Why should it excite such intense rivalry among so many cities? The national convention attracts an enormous number of visitors, who spend a good deal of money and, having enjoyed themselves, perhaps return for subsequent visits. Judge Mayer expressed the opinion that 400,000 people would come to New York during the Democratic convention and spend $25,000,000.[2]

Composition of the Convention[3]

State representation based on electoral vote

The Republican party down to 1916 based the membership of the convention solely upon the electoral vote of the states, that is, upon the number of senators and representatives; and this rule is still followed by the Democratic party.[4] It contrasts with the

which received a black eye through the prices charged during the last [Republican] convention, promised not to profiteer this time. Fred W. Upham, treasurer of the committee, brought with him pledges in writing that hotels would charge from $2 a night for a bed up to $20 for a room with bath." New York *Times*, Nov. 16, 1923.

[1] Of this sum $55,000 took the form of a guarantee for the sale of concessions (radio, moving pictures, etc.). Democratic *Proceedings*, pp. 1148 and 1150. San Francisco offered $205,000 cash, Chicago $165,000, St. Louis $100,000. All these waived radio rights. In each case the auditorium was to be furnished free of charge.

[2] New York *Times*, Oct. 4, 1923.

[3] On this subject I have made use of papers prepared in my seminar at the University of California by Edgar S. Bissinger and Sooren Frankian.

[4] The Socialist party (*National Constitution*, Article VII) holds a national convention every year. Except in presidential years, it consists of "one delegate from each organized state having a membership of 1000 or less, and one additional delegate for every additional 1000 members, or major fraction thereof, based upon the sale of dues stamps during the year preceding the national convention." In presidential years it consists of 200 delegates, "one from each state and the remainder in proportion to the average dues paid by the organization of such states during the preceding year." The delegates are elected by referendum vote. They receive from the national treasury their

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principle applied, in most cases, to state and local conventions; for, in these, delegates are apportioned among the different units of representation according to the size of the party vote.[1] The rule derives a specious validity from the argument that the states should have the same weight in nominating as in electing the president. It developed naturally from the practice of early conventions, to which, owing to the difficulties of travel, many delegates came from the nearby states and few from the remote. Under these circumstances each delegation, irrespective of its size, was permitted to cast a vote equal to the electoral vote of its state. Thus at the Baltimore convention of 1835 the 181 delegates from Maryland cast ten votes; the 108 from Virginia cast twenty-three votes; and Edward Rucker, who "happened to be in Baltimore," cast the fifteen votes of Tennessee. Not till 1848 did the Democrats fix the size of the state delegations. From that time each state has been entitled to twice as many delegates as it has senators and representatives in Congress, and no more.[2] The national committee is left free to determine the number of delegates which shall be allotted to the District of Columbia, the territories, and the insular possessions. In 1924 the District of Columbia, Alaska, Hawaii, the Philippines, Porto Rico, and the Canal Zone had six delegates each. The total vote in the convention was 1098. In the first Republican convention (1856) each state was entitled to six delegates-at-large and three from each congressional district,[3] but in the convention of 1860 to only four at large and two from each district;[4] and the party adhered to that practice for

railroad fare (including fare for tourist sleeper) and a daily allowance of five dollars. All resolutions of the convention are subject to the referendum, which may be invoked by the party membership or by one-fourth of the delegates.

[1] Indeed, the Republican call requires state and congressional-district conventions to be so constituted. *Proceedings* of 1924, p. 11.

[2] Each delegate casts one vote. Before 1872 he could cast only half a vote. Occasionally, in both Democratic and Republican conventions, two rival sets of delegates are seated with half a vote each. The Democratic call of 1924 provided "that in order that opportunity may be afforded the various states to give adequate representation to women as delegates-at-large, without disturbing prevailing party custom, there may be elected from each state four delegates-at-large for each senator in Congress from each state, with one-half vote each in the National Convention." *Proceedings*, p. 5. Thirty-two states took advantage of this invitation. Virginia also sent four delegates from each congressional district.

[3] *Proceedings* of the first three Republican conventions, p. 14.

[4] *Ibid.*, p. 84.

more than fifty years, the number of delegates being determined by the electoral vote of the states. As to the territories the practice has fluctuated.[1] In 1912 Arizona, New Mexico, and Hawaii were allotted six delegates each; the District of Columbia, Alaska, Porto Rico, and the Philippines, two delegates each. The total vote in the convention was 1078.

Effect of this practice on Republican convention

The plan of apportioning delegates, not on the basis of party strength as revealed by the popular vote, but on the basis of representation in Congress has worked well enough with the Democratic party. That party, while weak in certain sections of the country and hopelessly outnumbered in certain states,[2] may still fairly claim to be a national party. The method of apportionment has occasioned no scandal and raised no agitation against "rotton boroughs." The Republican party is, however, and always has been, a sectional party. It maintains only a precarious foothold in the ten states of the Solid South and can entertain no expectation whatever of winning a single electoral vote in that region.[3] Outside of North Carolina and, perhaps, Virginia, the party organization is dominated by federal office-holders whose chief concern is the control of federal patronage. "I am familiar with political conditions in my state," the solitary Republican congressman from Texas declared in 1926,[4] "and I am informed that the same conditions exist in other Southern states. Patronage is the beginning and end, the alpha and omega, of political interest and activity of Republican state organizations in Texas and other Southern states. In exchange for the patronage they receive they deliver the delegate votes to Republican National Conventions. The na-

"Hand-picked" Southern delegates

[1] In the first four conventions territorial delegates, though not mentioned in the call, were seated, sometimes without the right to vote. From 1872 to 1892, inclusive, the calls allotted two delegates each to the District of Columbia and the territories; from 1896 to 1904 they allotted six to each territory, four to Alaska, and two to the District of Columbia. The call of 1908 returned to the rule of 1872; but the convention of that year provided that in 1912 the territories should have six delegates each and that Alaska, the District of Columbia, Porto Rico, and the Philippines should have two each.

[2] Such as Wisconsin and North Dakota, Pennsylvania and Vermont.

[3] The border states of Tennessee and Kentucky are normally Democratic. Only three times since Reconstruction has a Republican presidential candidate carried either of these states: in 1920 Harding carried Tennessee; in 1896 McKinley and in 1924 Coolidge carried Kentucky.

[4] *Congressional Record*, March 3, 1926, p. 4645. In the course of his speech Representative Wurzbach intimated that the organization, not wishing to divide the patronage with any one, sought to encompass his defeat.

tional committeemen handle one end of the patronage-delegate exchange system and usually the postmaster general handles the other end. Party loyalty—loyalty to party principles—does not enter into the consideration of the criminal exchange in the remotest degree. It is a spoils system pure and simple, without one redeeming quality."[1] The hand-picked delegates of the Solid South, forming almost a quarter of the convention before 1916, could play a decisive part in any close contest for the presidential nomination; and no doubt they found the situation highly remunerative.[2] Under the circumstances a Republican president could name his successor, as Roosevelt did in 1908,[3] or secure the nomination for himself, as Taft did in 1912. It is significant that Mr. Coolidge, succeeding to the presidency in 1923, made Bascom C. Slemp his secretary. Slemp, who had been congressman and national committeeman from Virginia, understood the business of getting Southern delegates. In the previous year he had been exposed on the floor of the House as a trafficker in federal patronage.

Occasional protests, 1860-1908

It was not till 1912 that the manipulation of Southern delegates involved the Republican party in disaster. But from the very beginning the danger had been foreseen. In the convention of 1860 David Wilmot of Pennsylvania challenged the seating of Southern delegates. "Can it be possible," he asked,[4] "that those gentlemen who come from states in which there is no organized party—is it possible that they are to come here and by their votes control the action of this convention? I can see nothing better calculated

[1] In the Republican convention of 1912, speaking of the party organization in Texas, a delegate said (*Proceedings*, p. 122): "Cecil Lyon has controlled for twelve years 5,000 appointments—more than any four United States senators. His will is law. Every man he recommended was appointed; and during these twelve years he has reduced the Republican vote and reduced it until last time we got about 26,000. Cecil Lyon has driven away from the Republican party five-sixths of the Republicans we had in Texas. Why does he want to do it? If he could drive away about 20,000 more we would have nothing but the office-holders, and then Cecil Lyon would have an absolute cinch on forty votes in the Republican convention."

[2] As to the methods employed in getting Republican delegates from the South in 1920 see *Democratic Text Book* of that year, pp. 380 *et seq.*

[3] According to the *Democratic Text Book* of 1912 (p. 236) the Southern delegates and alternates in 1908 included 220 federal office-holders drawing $450,000 in salary.

[4] *Proceedings* of the first three Republican conventions, p. 111.

to demoralize a party and to break it than just such a proceeding. . . . The true policy of the Republican party is to allow all its members to have a voice, but only in proportion to their numbers." The convention did reduce the vote of the Southern states below the figure fixed in the call, but it also tabled a resolution that instructed the national committee to apportion delegates among the states on the basis of the party vote. The question was revived in 1884. A minority report from the committee on rules proposed that each state should have four delegates-at-large, one delegate from each congressional district, and one additional district delegate for every 10,000 votes, or major fraction thereof, cast for presidential electors. Southern objections prevailed, however; and the motion to adopt the report was withdrawn.[1] Senator Quay brought forward the same proposal in the convention of 1900.[2] He presented a table, showing that the Solid South would lose ninety-three delegates and Tennessee five. This was a strategical move on his part, calculated to throw the Administration forces into disarray and compel the acceptance of Theodore Roosevelt as candidate for the vice-presidency.[3] Having accomplished his purpose, he withdrew the motion. Eight years later the same proposal reappeared in a minority report from the rules committee.[4] In presenting the report James F. Burke of Pennsylvania emphasized the weakness of the Republican party in the South. He showed that on the one hand South Carolina had one delegate for every 136 Republican voters and Mississippi one for every 159 and that on the other hand Colorado had one to every 13,468 and Ohio one for every 13,046. If South Carolina was entitled to 18 delegates, he contended, then Ohio should have 540 and Pennsylvania 650. The argument almost prevailed. The vote upon the resolution was 506 to 471. Had it not been for fear of incurring the resentment

[1] Bradley of Kentucky said (*Proceedings* of 1884, p. 86): "If our representation must be cut down by the fraud and force of our enemies on the one hand, and we are to be disfranchised by our friends on the other, then, I say, God pity the downtrodden and suffering Republicans of the South."

[2] *Proceedings*, pp. 95-103. Under the plan of 1884 the territories were to have two delegates each; under Quay's plan, six.

[3] H. F. Gosnell, *Boss Platt and His New York Machine*, pp. 121-122; Platt's *Autobiography*, pp. 386-387.

[4] E. M. Gibson, *History of the Republican Party and the National Convention of 1908*, pp. 218-225. On this occasion four delegates were allotted to each territory, and two each to Alaska, the District of Columbia, Porto Rico, and the Philippines.

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of the Northern negroes and driving them out of the party, the reform would have carried.[1]

New rule of apportionment, 1913

The events of 1912—the charges of fraud in the convention, the withdrawal of the Roosevelt delegates, the disruption of the party—now made reform imperative. The national committee was, however, in a difficult position. It had received from the convention of 1912 no authority to change the rule of apportionment; and, in view of the distracted condition of the party, it opposed the calling of a special convention. At last, in December, 1913, it drew up a plan and referred it to state conventions, with the understanding that the new plan would become effective if ratified, before the close of the next year, by states casting a majority of the electoral vote.[2] Ratification was secured. Henceforth each state was to have four delegates-at-large, one delegate from each congressional district, and one additional delegate from any district in which 7500 Republican votes were cast for presidential elector in 1908 or congressman in 1914.[3] Under this rule the Solid South and Tennessee lost 78 delegates in 1916 and seven more in 1920. The only other states affected were Massachusetts, which lost one delegate in 1920, and New York, which lost three delegates in 1916 and gained one in 1920. But still more drastic changes were foreshadowed on the last day of the 1920 convention when the following resolution was adopted:[4] "Resolved, that in order to effect proper and necessary changes in the present apportionment of delegates in proportion to the Republican vote actually cast at general elections throughout the various states of the Union, and in order to inspire a greater effort to erect and maintain substantial party organizations in all the states, the National Committee, notwithstanding any rule heretofore adopted, is hereby authorized and directed within twelve months from the date of the adjournment of this convention to adopt a just and equitable basis of representation in future national conventions, which basis shall be set forth in the call for the next convention and be binding upon the same and all other future conventions until otherwise ordered."

The national committee formulated the new rule within the

[1] In 1912, after the withdrawal of many Roosevelt delegates, the convention tabled a resolution providing for the same plan of apportionment. *Proceedings*, p. 339.

[2] New York *Times*, Dec. 18, 1913.

[3] For the convention of 1920 the presidential election of 1916 and the congressional election of 1918 were used for computing the Republican vote.

[4] *Proceedings*, p. 233.

specified time.[1] Henceforth the national convention was to consist of: (1) four delegates-at-large from each state; (2) two additional delegates-at-large from each state casting a Republican electoral vote; (3) one delegate from each congressional district maintaining a party organization and casting 2500 votes for any Republican elector or Republican candidate for Congress; (4) one additional delegate from each district casting 10,000 votes; (5) and two delegates each from Alaska, the District of Columbia, Hawaii, Porto Rico, and the Philippines. Under this rule 1036 delegates would sit in the convention of 1924, or 52 more than sat in 1920. Five of the Southern states would lose an aggregate of 32 votes as compared with the arrangements of 1920, while Florida would gain two and Virginia one. But the rule did not go into effect. The national committee seems to have been seized with a panic when it met to issue the call for the 1924 convention. Various influences suggested the advisability of reopening the question of apportionment—among them the restlessness of negro voters in pivotal states of the North, where they were supposed to hold the balance of power in a close election. "It was the threat of revolt in the North that largely influenced the party leaders to restore the South's representation," according to the New York *Times*.[2] The leaders held a hurried midnight conference and, defying the mandatory injunction of 1920, decided to rescind the action that had been taken in conformity with it. The rule of apportionment adopted next day differed from the rule of 1921, first, in the fact that every congressional district was allotted one delegate without regard to the size of the Republican vote—this being a generous concession to the South; and, second, in the fact that every Re-

Further changes in 1921 and 1923

The existing arrangement

[1] New York *Times*, June 9 and 10 and Sept. 15, 1921.

[2] Dec. 13, 1923. The Detroit *Free Press* said: "When the body first convened it appeared to have no thought of doing what it has done. Indeed, it turned down coldly the first attempts of the representatives from the rotten borough districts to get the subject before the meeting. But finally Harmon L. Remmel, national committeeman from Arkansas, remarked pointedly that the negroes hold the balance of power in Missouri, Illinois, and Indiana, and are an important factor in Pennsylvania and New York City, and he observed that, if he were a negro, he would desert the Republican party in case he were treated as under the new rule. Mr. Remmel's remarks seem to have frightened the spineless committee out of all consideration of what is fair, decent, and equitable. The members promptly yielded to intimidation and knuckled under." Quoted in *Literary Digest*, Jan. 5, 1924. Probably the chief reason for this action was the anxiety of the Coolidge managers to increase the number of Southern delegates as a means of ensuring control over the 1924 convention.

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publican state—every state, that is, which cast its electoral vote for the Republican presidential candidate—was allotted three additional delegates at large instead of two.[1] On this basis 1109 delegates sat in the convention of 1924. The action of the committee provoked much caustic comment in the press. Senator Howell of Nebraska and Senator Johnson of California, the latter a candidate for the presidential nomination, made scathing criticisms. "I warn you," said Senator Howell,[2] "that this is going to cause more trouble. You are about to light a train that leads to the powder barrel." It was predicted that an explosion would occur in the convention. In fact, however, not a word of complaint was uttered at Cleveland against the action of the committee in ignoring its instructions and exceeding its authority. Without debate the new rule was accepted and made applicable to future conventions.[3]

How Delegates Are Chosen

Choice of delegates: (1) Democratic practice

Before the advent of the direct primary delegates were chosen by conventions, as they still are in the thirty-four of the forty-eight states.[4] The Democratic national convention, conforming to the cherished principle of states' rights, has never prescribed the manner in which delegates shall be chosen. The sole exception occurred in 1912. In that year, as already observed, it was provided that all delegates to the next convention should be elected directly, according to state law, where such law existed, and otherwise by party rule. This requirement had no practical effect, however. In the call of 1916 the committee contented itself with a mere pious mention of the pledge. On every other occasion the call has gone no farther than to fix the number of delegates to which each state and territory is entitled. In the absence of state law the delegates have actually been chosen in three different ways: first, all at large by the state convention; second, four at large by the state con-

[1] *Proceedings* of 1924, p. 11.

[2] New York *Times*, Dec. 13, 1923.

[3] *Proceedings*, p. 90.

[4] Twenty states have presidential primary laws; but of these only fourteen require the direct election of delegates. Four others (Indiana, Maryland, Michigan, and North Carolina) provide for a preference vote only, the delegates being elected by convention. The remaining two states (Florida and Georgia) have optional laws under which the primary, if held, may or may not apply to the election of delegates, as the state central committee decides. In New York (included among the fourteen states) delegates-at-large are chosen by the state convention.

vention and two for each congressional district by the state convention on the nomination of the delegates from each district; third, four at large by the state convention and two for each district by district conventions.

(2) Republican practice

For the first thirty years the Republican party followed no settled practice.[1] The calls of 1856 and 1860 distinguished between delegates-at-large and district delegates, without prescribing the method of choice. The distinction does not appear again for twenty years. "Each state having a representation in Congress," says the call of 1864, "will be entitled to as many delegates as shall be equal to twice the number of electors to which such state is entitled in the Electoral College of the United States." In 1880 the national committee recurred to the language of 1860: each state was to have four delegates-at-large and two delegates from each congressional district, as well as two from each territory and the District of Columbia. Many contests for seats occurred that year; debates upon the report of the credentials committee are spread through nearly a hundred pages of the convention proceedings. In Illinois the state convention had elected all the delegates to which the state was entitled; and the delegates to that convention from each congressional district, caucusing separately, had also elected district delegates. There were thus two competing sets of district delegates. What did the call mean by "district delegates"? Residents of the district, however chosen? Or delegates chosen by district conventions? The decision was given against the right of the state convention to name district delegates. In conformity with this decision the call of 1884 provided that "the Republicans of the various congressional districts shall have the option of electing their delegates at separate popular delegate conventions, called on similar notice [20 days], and held in the congressional districts at any time within the fifteen days next prior to the meeting of the state convention, or by subdivisions of the state convention into district conventions; and such delegates shall be chosen by the latter method if not elected previous to the meeting of the state convention." This was the first Republican call which laid down, in specific language, the manner of choosing delegates. The convention of 1884 introduced a further change. It provided that district delegates must be chosen in the same manner in which

[1] The statements here are based on the *Proceedings* of successive conventions. See also G. S. P. Kleeberg, *The Formation of the Republican Party as a National Political Organization* (1911).

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candidates for the House of Representatives were nominated. From that time delegates-at-large were elected by state conventions; district delegates, by district conventions.

Modified after crisis of 1912

This practice stood for a quarter of a century. Then, in 1912, confronted with presidential primary laws in a number of states, the national committee permitted a modification. It provided in the call of 1912 "that delegates and alternates, both from the State at large and from each Congressional District may be elected in conformity with the laws of the State in which the election occurs if the State Committee or any such Congressional Committee so direct"; but "that in no State shall an election be so held as to prevent the delegates from any Congressional District and their alternates from being selected by the Republican electors of that District." Notwithstanding the limitation in the second clause, California elected all her delegates on a general ticket. There was a conflict between state law and party rule. The convention upheld the party rule. Refusing to be bound by the certificates of election, it examined the vote in each congressional district and seated two Taft delegates who had received more votes than the Roosevelt delegates in the fourth district. Undoubtedly the convention acted within its rights; but its action, affronting state pride, was profoundly impolitic. Good sense dictated a change in the party rule. The convention of 1912 authorized the national committee to make it.[1] The call of 1916 and every subsequent call has provided that "all delegates from any state may be chosen from the state at large, in the event that the laws of the state in which the election occurs so provide."

The Presidential Primary[2]

The presidential primary is an offspring of the direct primary. It may assume two distinct forms and also a composite form; that is, the law may provide for: (1) the direct election of delegates to the national convention, as in New York; or (2) a popular expression of preference for the presidential nomination, as in Michi-

[1] The following resolution was adopted (*Proceedings*, p. 338): "Delegates to the national convention shall be chosen in such manner as the national committee shall provide."

[2] Louise Overacker, *The Presidential Primary* (1926). See also R. S. Boots, "The Presidential Primary," *Nat. Mun. Rev.*, Vol. IX (1920), pp. 597-617. I have made use of an abstract of the presidential primary laws prepared in my seminar by Abraham P. Nasatir.

gan; or (3) both these things, as in Nebraska. Except in the first case the term presidential preference primary is often used. Behind the new device, fifteen years ago, lay the force of democratic aspirations, crude but vastly impressive—the will of the masses to take over the management of their own affairs and purify government with the magic of their own virtue. Intermediaries were to be thrust aside. If the national convention could not be scrapped like the state convention, at least its freedom of action could be curtailed and its functions reduced to those of a registering machine. The presidential primary represented an attempt to short-circuit an elaborate system of wiring and to deliver the full load of the current—the full force of the popular will—without the fatal leakages that had occurred along the old defective lines of transmission. It was intended to leave the national convention as little discretion in nominating the presidential candidate as the electoral college has in electing him.

Development of the presidential primary

The movement began in Wisconsin, where a law of 1905 required the direct election of delegates at the primary. South Dakota followed suit four years later. Meanwhile the Pennsylvania law of 1906, providing for the direct election of district delegates, had introduced a new feature. Those seeking election as delegates were permitted to state on the primary ballot their choice for the presidential nomination; and the voters could, under this arrangement, express their own preference and at the same time send to the convention delegates who were bound to respect it. The Pennsylvania law did not attract the attention it deserved; for, owing to the absence of any factional cleavage in the major parties, there was no occasion for a preference vote in 1908. Indeed, the credit of originating the preferential primary is sometimes given to Oregon. There the progressive wing of the Republican party, led by Senator Bourne and by W. S. U'Ren of the People's Power League, had fathered a series of radical measures known collectively as "the Oregon System." In 1910 a presidential preference primary law was enacted. It provides: (1) that upon his written request any candidate for the presidential or vice-presidential nomination can have his name printed upon the primary ballot; and (2) that every candidate for election as delegate *must* undertake to use his best efforts to bring about the nomination of the persons receiving the highest preference vote and that he *may* also state upon the primary ballot in twelve words the candidates or principles in which he believes. The Oregon voter, therefore, not only expresses

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his preference, but also votes for delegates who are pledged—in most cases doubly pledged—to support that preference. The Oregon plan spread to other states, sometimes undergoing important modifications. California, Nebraska, New Jersey, North Dakota, South Dakota, and Wisconsin adopted it in 1911; other states in 1912, 1913, and 1915. By the close of 1915 twenty-five states had some form of the presidential primary. Then the movement stopped.[1] In fact four states repealed their laws;[2] and the Texas law was declared unconstitutional on the ground that the expenses of the primary were not incurred "for a public purpose."[3]

Its various forms

To-day the presidential primary survives in twenty states. The laws of Florida and Georgia are optional. The mandatory laws of the remaining eighteen states differ so widely in their detailed arrangements that they can be classified only in respect to fundamental characteristics. From this standpoint they fall into four main categories. *First, no preference vote, but direct election of unpledged delegates:* New York is the only state; and by an amendment of 1921 the delegates-at-large are now chosen by the state convention. The district delegates are unpledged in the sense that they cannot indicate their personal preferences on the ballot, as they could under the Pennsylvania law of 1906. *Second, no preference vote, but direct election of delegates who may be pledged:* California, Massachusetts, and New Hampshire. In California all delegates are elected at large.[4] The pledged candidates are grouped in successive columns, with the names of their presidential preference

[1] The only state that enacted a presidential primary law after 1915 was Alabama (1923). That law, being declared unconstitutional in an opinion of the attorney-general, was never put into operation. Overacker, *op. cit.*, notes, pp. 14 and 146.

[2] Iowa and Minnesota in 1917, Vermont in 1921, and Montana in 1924.

[3] The supreme court of Texas held (*Waples v. Marrast*, 108 Texas 5, 1916) that the state has no power to appropriate money for those things which, "either by common usage or because they are in no proper sense the instruments of government, it is the duty of the people to provide for themselves. . . . A political party is nothing more or less than a body of men associated for the purpose of furnishing and maintaining the prevalence of certain political principles or beliefs in the public policies of the government. . . . They perform no governmental function. They constitute no governmental agency. The taxing power of the state cannot be used in aid of any political party or to promote the purposes of all political parties. . . . If it is constitutional to use the public revenues to pay the cost of their primary elections, it would likewise be constitutional to pay the cost of their candidates' campaigns."

[4] As in two other states, North Dakota and South Dakota.

at the top, and it is possible to vote for a whole group by placing a cross in the proper square. All unpledged candidates appear in a separate column without being grouped. The Massachusetts law also permits the grouping of pledged candidates for delegate-at-large and district delegate, but each one must be voted for separately. In New Hampshire the law merely provides that the candidate may have placed after his name the words: "Pledged to vote for the nomination of —— for President." These three states have the most effective form of the presidential primary; for the delegates have given a personal undertaking and are morally bound to give effect to it in the convention. *Third, preference vote, but election of delegates by convention:* Indiana, Maryland, Michigan, and North Carolina. Except, possibly, in Maryland, there is no assurance that the delegates so elected will be in sympathy with the aspirant who has received popular endorsement. In Maryland the preference vote in each county binds the delegates to the state convention from that county; and, if a majority of all the delegates are bound to the same candidate for nomination, then the state convention will instruct the national delegates to support him.[1] *Fourth, preference vote and direct election of delegates:* Illinois, Nebraska, New Jersey, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, West Virginia, and Wisconsin. Half of these states —Illinois, New Jersey, Ohio, Oregon, and Wisconsin—might be placed in a separate category. Under their laws the voter may express a preference twice: once directly, when he votes for a presidential nominee; and a second time indirectly, when he votes for a pledged delegate. In four of these states the candidates for election as delegates *may* indicate on the ballot their choice for the presidential nomination; in Ohio they *must* indicate both a first and second choice.

Preference vote: its effect on delegates

But what of the force of the preference vote? How far is it binding on the delegates or likely to influence their votes? Provision is made for a preference vote, apart from the personal pledges of delegates, in fourteen states. In five states—Illinois, Michigan, Nebraska, New Jersey, and Wisconsin—it is only advisory. In Ohio, Pennsylvania, and West Virginia candidates for election as delegates are required to declare whether or not they will consider themselves bound; and in Pennsylvania the declaration appears upon the ballot. In four states—Indiana, South Dakota, Maryland, and North Carolina—the delegates are re-

[1] For a fuller description of the Maryland law see Boots, *op. cit.*, p. 599.

quired to give effect to the preference vote; but the requirement applies, except in South Dakota, only when a candidate for the presidential nomination has secured a clear majority. In Oregon and North Dakota all candidates for election as delegates must give an undertaking to support the preference. When the delegates are bound in any fashion, the law makes it clear (except in Ohio) whether the district delegates are to be guided by the state-wide vote, as in Oregon, or by the district vote, as in Pennsylvania and West Virginia. Nevertheless, confusion may arise in the five states that combine a preference vote with a personal pledge on the part of the delegate. It sometimes happens that delegates are elected whose personal pledges, though stated on the ballot, are at variance with the preference vote. Miss Overacker cites the cases of several Illinois, New Jersey, and Ohio congressional districts in 1920.[1] That same year Harding won the preference vote of Ohio, but lost one of the delegates-at-large. In 1912, before Massachusetts had abandoned the Oregon plan, Taft won the preference vote of that state and Roosevelt the eight delegates-at-large.[2] Experience has shown that, when the preference has been clearly expressed and obviously reflects the sentiment of the party electorate, the delegates, drawing strength from the consciousness of popular support, are disposed to act in conformity with it, even though the law does not require them to do.[3] But frequently the preference vote is robbed of all significance because the names of the outstanding presidential aspirants do not appear on the ballot. In 1920 Republicans of Pennsylvania gave 257,841 votes to Edward Randolph Wood. His name, being the only one printed on the ballot, was obviously mistaken for—and possibly intended to be mistaken for—the name of Leonard Wood. The Pennsylvania delegation to the Republican convention could hardly be expected to accept this singular manifestation of the popular will.

In the last three presidential years, though not in 1912, the delegates instructed by a preference vote or directly elected con-

[1] *Op. cit.*, p. 74. In Oregon, where the district delegates are bound by the state-wide preference, this contradiction is peculiarly liable to appear.

[2] This occurred in part because there were nine Taft candidates for eight places and a good many voters spoiled their ballots by voting for all nine.

[3] See, for example, Boots, *op. cit.*, 607-608. According to the law the South Dakota delegates are bound for three ballots; the Indiana delegates, as long as the candidate's name is before the convention; the Maryland delegates, as long as there is a possibility of the candidate's nomination.

Its failure to influence conventions

stituted a majority of the national conventions—616 of the 1109 Republican delegates and 566 of the 1098 Democratic delegates in 1924.[1] Yet on no occasion did they exert, because of the preference vote, a determining influence over the nomination. They came near to doing so in 1912. Roosevelt's preponderance in the presidential primary states[2] at least made it clear that he had most of the rank and file of the party behind him and that the nomination of Taft would be bitterly resented. The Democratic convention, hesitating between Wilson and Clark, reflected the uncertain verdict of the Democratic primaries. The preference vote had placed these two in the lead without giving either a decided advantage.[3] In 1916 there was no opposition to Wilson in the Democratic party; with or without the presidential primary he was certain of the nomination. On the Republican side Hughes and Roosevelt, between whom the real issue lay, would not permit the use of their names in the primary. The question arises whether, in spite of their objections, the voters should have been permitted to register a preference for one or the other. The question cannot easily be answered. If the name of a leading aspirant is withheld simply with the object of placating a "favorite son" and of securing the support of the delegation from his state after the first few ballots, the presidential primary becomes a farce. On the other hand liberty to place any name upon the ballot might lead to serious abuses: several prominent politicians of similar views might be brought forward without their own consent in order to split the majority vote.[4] In 1920 the Democratic primaries gave no indication whatever of the popular sentiment: Cox, running only in Ohio, secured forty-eight delegates; and

[1] The figures given by Miss Overacker (p. 165) are as follows: (1) *Republican:* 1912, 450 of 1078; 1916, 618 of 987; 1920, 569 of 984. (2) *Democratic:* 1912, 360 of 1088; 1916, 624 of 1092; 1920, 574 of 1094.

[2] Roosevelt, with a popular vote of 998,956, obtained 282 delegates; Taft, with a popular vote of 647,964, obtained 132.

[3] Wilson obtained a somewhat larger vote, Clark a somewhat larger number of delegates.

[4] The laws of some states (e.g. California and Massachusetts) require the consent of the candidate; the laws of others (e.g. Nebraska and Wisconsin) do not. Even in Nebraska, however, the secretary of state permitted the withdrawal of Hughes' name in 1916. The supreme court of North Dakota upheld the right of La Follette to withdraw his name in 1924. On the other hand, the secretary of state of Oregon was required, by mandamus proceedings, to place Hughes' name on the ballot. Overacker, *op. cit.*, pp. 38-39.

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McAdoo, running in three states, secured ten. Cox was nominated. The contest in the Republican primaries gave Hiram Johnson 965,651 popular votes and 141 delegates; Wood, 710,863 popular votes and 108 delegates.[1] Yet the nomination went to Harding, who presented himself in only three states and carried only his home state, Ohio, and that by a slender margin. In 1924 the Democrats nominated Davis, although he did not enter the primaries.[2] It was not his preference vote, impressive though that was,[3] that gave Coolidge the Republican nomination. He was no stronger in the presidential-primary states than elsewhere.

Reasons for its failure

That the presidential primary has not been a controlling factor is due in part, but only in part, to the fact that it is confined to twenty states. Roosevelt would have had the Republican nomination in 1912, perhaps McAdoo would have had the Democratic nomination in 1924, if the voters of all the states had been consulted. But in most cases the results would have remained inconclusive. States would have voted for favorite sons or unpledged delegations; aspirants hesitate to offer themselves in states where the chances of winning are doubtful or where their candidature would give offence to local politicians. No doubt, a national law, requiring nation-wide candidatures, would meet this difficulty. But the amendment of the federal constitution, an essential preliminary to such legislation, is out of the question at this time. Not only does opinion run strongly against any further enlargement of federal power as against the states; there is also a growing dissatisfaction with the direct primary and, still more, with the presidential primary. The campaign provokes personal and factional rancor within the party. It is exhausting to the candidates and the electorate alike. It involves enormous expenditures on behalf of the candidates. In the Republican pre-convention campaign of 1920 Wood spent $1,773,303; Lowden, $414,984; Johnson, $194,393; Hoover, $173,542; and Harding, $113,109.[4] Wood's fund was larger by $450,000 than the national campaign

[1] Lowden 389,127 votes and 41 delegates; Harding 144,762 votes and 39 delegates.

[2] McAdoo obtained 456,000 votes and 194 delegates.

[3] Coolidge, 2,410,363 votes and 572 delegates; Johnson, 1,007,833 votes and 10 delegates; La Follette, 82,429 votes and 34 delegates.

[4] *Senate Report No. 823*, 66th Congress, 3rd session. But (Overacker, p. 154) "unquestionably more money was spent on behalf of many of these candidates than is indicated by these tables."

fund of the Democratic party in that year.[1] Let it be granted that the money is devoted to legitimate objects, to making the personality and policies of the candidates known. The voters do not respond. The presidential primary attracts even less interest than the state primary.[2] On the whole the revealed defects of the presidential primary seem to outweigh its possible advantages under the provisions of a national law.

[1] It is sometimes said that in the wicked days before the presidential primary existed still more lavish sums were spent corruptly and secretly. But there is no evidence to support this assumption; the known facts seem to contradict it. According to Herbert Croly, for example, McKinley's nomination in 1896 cost little more than $100,000. "One hundred thousand dollars and more," he observes (*Marcus Alonzo Hanna*, p. 183), "is a good deal of money; but it is not too much for the legitimate expenses of nominating a man for President under the convention system."

[2] See the tables in Overacker, *op. cit.*, pp. 244-259.

CHAPTER XVIII

THE NATIONAL CONVENTION: PROCEEDINGS

Arrival of delegates

"A FEW days before the opening of the convention," says Ostrogorski,—[1] and his vivid picture is characterized at once by fidelity to detail and appreciation of essential values,— "the city in which it is to be held assumes a special aspect, 'a convention aspect'; the streets, adorned with a profusion of flags and bunting flying over the crossings, the hotels inhabited by the delegations, and other political 'head-quarters,' are thronged by a huge crowd, 'a convention crowd'; favored by 'convention weather,' it makes a continuous hub-bub, 'a convention stir,' from morning till evening, and even later. The whole town is swamped with 'enthusiasm,' 'convention enthusiasm,' or, if the expression be preferred, 'pre-convention enthusiasm.' The arrival of the delegations provokes the first outbursts of it. Each state delegation arrives in a body, accompanied by a more or less considerable number of fellow-citizens of their native State, who escort their delegates. . . . At the station a solemn reception awaits the delegation. Zealous political co-religionists formed into clubs for the duration of the campaign, or delegations which have already arrived, go to meet the new delegation and welcome it with harangues and applause reëchoed by the shouts of the assembled crowd. Then the whole company walks in a procession to the hotel in which the delegation has engaged rooms. To the sound of drums and fifes, in the midst of a frenzied crowd, the new arrivals march past, adorned with badges, medals, and ribbons bearing the name of their State, all wearing, perhaps, a special costume, which consists, for instance, of white hats, 'liners' trimmed with silver lace, and carrying yellow walking-sticks. The delegation is preceded by its banner, and perhaps it displays yet another emblem, such as a gilt alligator, or even a live eagle which has come all the way from the Rocky Mountains."

[1] *Democracy and the Organization of Political Parties* (1902), Vol. II, pp. 248 *et seq.* This work appeared a quarter of a century ago. In the interval, of course, political customs have undergone some modification.

The various state headquarters become the scene of feverish activity. On behalf of the presidential aspirants every sort of influence is brought to bear, every artifice employed. The atmosphere is one of furtive negotiation and backstairs intrigue. "After having discreetly reconnoitred the hostile and rival positions," says Ostrogorski,[1] "the managers of each aspirant direct their attacks toward the weaker points, in order to capture as many delegations as possible. They endeavour to spread abroad the impression that their client is most likely to obtain a majority; that it is, consequently, good policy to join him instead of persisting in the support of an aspirant doomed to defeat. They quote, with some stretch of their imagination, the delegations which have 'mentioned' or even 'endorsed' their aspirant; they have on their office table ready-made lists, copies of which they eagerly distribute, and which show, State by State, the exact total of the votes which he will poll at the first ballot,—a total which is always exaggerated. A few members of the delegation are detached as 'missionaries,' and visit the head-quarters to make proselytes; they ask to be heard by the delegations, and, in more or less closely reasoned speeches, they plead the cause of their candidate before one delegation after another, and perhaps prove the weakness of his competitors. They are received courteously and listened to attentively; but a straightforward answer is seldom given them. Everybody is on his guard; the ground on which one treads is full of pitfalls. Everything depends upon the combinations which are being formed elsewhere, and you never know exactly what to believe; sinister rumours are continually circulating; at one time you are told that the adherents of the presidential aspirant A and those of B have combined, and that creates a new situation, the surface of the electoral chess-board is radically changed thereby; at another time comes the grave news that a 'break' has taken place in the delegations of this or that State; they can no longer be depended on. Each moment brings a fresh element of anxiety; you live in a state of perpetual apprehension."

At last the delegates and alternates assemble in the vast auditorium, a considerable portion of them nowadays being women.[2]

[1] *Op. cit.*, pp. 254-255.

[2] In the Democratic convention of 1920 some 300 women sat as delegates or alternates, and in the Republican convention scarcely a fourth of that number; in the Democratic convention of 1924 approximately 550 and in the Republican convention 400.

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Duration of the convention

Each delegation occupies a block of seats set apart for it and labelled prominently with the name of the state. Noisy demonstrations from the crowded galleries greet the appearance of well-known politicians and give some foretaste of the pandemonium that will break loose at later stages of the proceedings. The audience of 10,000 is tense with anticipation; it has come in the hope of diversion and excitement; and, as the delegates proceed with their three-fold task of adopting the platform, nominating the candidates, and electing a national committee, their behavior is profoundly affected by an environment that is incompatible with calm deliberation. Sometimes, of course, dramatic incidents are wanting. Harmony prevails. The delegates meet only for the purpose of endorsing the president and his policies. In three days the Republican convention of 1924, dominated by Coolidge, had finished its business and adjourned. On the other hand controversy over the platform and a prolonged deadlock over the presidential nomination kept the Democratic convention in session for fourteen days.[1] During the second week many of the delegates left for their homes.[2] They had not provided themselves with funds for such an extended sojourn. The Baltimore convention, twelve years earlier, lasted only seven days; and yet we are told that the delegates, unable to pay their hotel bills, threatened to leave. "Managers for all the candidates," says William F. McCombs,[3] "had to put up large sums of money to hold proprietors of votes in Baltimore for at least another twenty-four or forty-eight hours. They turned their pockets inside out and borrowed right and left to satisfy the demands of the sleepy, hungry delegates."[4]

The convention transacts its preliminary business under a temporary chairman. He delivers a "key-note" speech, always

[1] Not counting two Sundays over which it adjourned. The Democratic convention of 1920 sat for nine days.

[2] On July 9, the day the convention adjourned, the New York *Times* said: "It was evident yesterday that if the convention should last a few more days there would not be much more than a quorum of delegates left in New York, according to many heads of delegations. Scores of men and women who came to New York expecting the proceedings to last not more than a week have already left for their homes, and hundreds of others were threatening yesterday to follow. As a matter of fact, delegates have been leaving for their homes for a week past."

[3] *Making Woodrow Wilson President* (1921), p. 169.

[4] The law of North Dakota provides that the state shall pay the "actual necessary traveling expenses" of delegates not to exceed $200. Oregon in 1915 and Minnesota in 1917 repealed similar laws.

Key-note speech and appointment of committees

long and usually flamboyant, in which, reviewing the political situation, he exposes the weakness of the enemy, summons the party hosts to battle, and does his best to silence discords. His position is of no particular importance. Nominated by the national committee, he is elected by acclamation. There have been occasions, however,—twice in each party,—when rival factions have measured their strength in the election of the temporary chairman. The Republican convention of 1884 and the Democratic convention of 1896 rejected the candidate of the national committee.[1] In 1912 the committee was sustained by the conventions of both parties, Root beating McGovern by 558 votes to 501 and Parker beating Bryan by 579 to 510. The victory of Senator Root foreshadowed the nomination of Taft and the disruption of the Republican party; but Bryan, returning to the attack after an initial defeat, dominated the Democratic convention and guided its choice. Soon after the conclusion of the key-note speech four committees are elected—these being composed alike of one member from each state and territorial delegation:[2] (1) the committee on credentials, (2) the committee on permanent organization, (3) the committee on rules and order of business, and (4) the committee on platform and resolutions. These committees report to the convention in the order given. The only exception to this practice occurs when, in view of the number of contests for seats in the

[1] In 1884 the supporters of President Arthur, nominating a colored delegate, defeated General Powell Clayton, a Blaine man, though Blaine was finally nominated. In 1896 the free-silver delegates defeated Senator Hill of New York, thus indicating that they would permit no compromise on the subject of bi-metallism.

[2] At times great importance may be attached to the personnel of the committees on credentials and resolutions. Consequently pressure is brought to bear on the state delegations. In 1920 Will H. Hays of Indiana, chairman of the Republican national committee, wished to make Ogden L. Mills of New York chairman of the resolutions committee; others favored Senator Watson of Indiana in the belief that the favor thus shown to Indiana would prevent the election of another Hoosier, Beveridge, as permanent chairman. "One of the ablest organizers of political forces in the country," says Arthur W. Dunn (*From Harrison to Harding*, Vol. II, p. 402), "was sent to Chicago to make Watson chairman of the committee on resolutions. His name was never mentioned in connection with the affair. He stopped at one of the somewhat obscure hotels where he perfected his organization. He divided the country into districts; he had his lieutenants visit the various state delegations, and every delegation was urged to choose a particular man as member of the committee, that man having been selected by the political manager because he would vote for Watson."

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convention, the report of the committee on credentials is delayed unduly. In such a case the election of permanent officers takes precedence. The permanent chairman must be a master of the rules of procedure; for he is called upon to decide highly technical questions which may involve the vital interests of factions and candidates. He must also be a man of personal force, dignified, urbane, self-confident; above all capable of prompt and firm action to restrain an assembly which, always turbulent, might easily pass beyond all control.

Committee on credentials

The priority accorded to the committee on credentials rests on the necessity of settling disputed claims to membership before the convention proceeds with any important business. There must be no doubt as to the validity of the vote cast for the platform or the candidates. The national committee, it is true, has acted as a court of first instance; it has examined the evidence offered by rival claimants, made known its decision in each case, and compiled a provisional roster of delegates, known as the "temporary roll."[1] But the convention, as final judge of the qualifications of its members, reviews these decisions through its committee on credentials. As a rule the contests affect very few of the eleven hundred seats, perhaps less than a dozen.[2] It is only under the most exceptional circumstances, when the contested seats are fairly numerous and when a few votes will turn the balance between rival candidates, that the bias of the national committee in making up the temporary roll can have a decisive effect. In 1912 the Taft forces mustered 558 votes, or 18 more than a bare majority, in electing the temporary chairman and 561 votes in nominating Taft.[3] If the national committee had given Roosevelt fifty or more delegates, to whom he seems to have

[1] The convention will not entertain a minority report from the national committee. This was decided by the Republican convention of 1912 when Governor Hadley of Missouri, wishing to seat 72 Roosevelt delegates in place of Taft delegates, offered a substitute for the temporary roll submitted by the committee. *Proceedings*, p. 33.

[2] In the Democratic conventions of 1920 (*Proceedings*, p. 41) and 1924 (p. 46) the contests affected delegates from only three states; in the Republican convention of 1924 (p. 51) delegates from six states and the District of Columbia. The Republican contests, always more numerous than the Democratic, are mainly due to the disreputable condition of the party in the South. But conditions are somewhat better than they were thirty or forty years ago. In 1884 twenty-five seats, mostly Southern, were contested; in 1888 nineteen; in 1892 twenty-four.

[3] *Proceedings*, pp. 61 and 403.

been clearly entitled,[1] he would have controlled the convention from first to last. But, having lost that control at the outset, he could not regain it. The credentials committee, following in the main the decisions of the national committee and reporting separately on each contest, was sustained by the votes of the "stolen" delegates; for those delegates could vote in every case except the one in which their own seats were directly involved.[2] The temporary roll of the convention thus became the permanent roll; and the national committee actually deprived Roosevelt of the nomination. At that time there was a disposition to throw discredit on the machinery for settling contests, to condemn an arrangement that entrusted such extensive and arbitrary power to the national committee. A dispassionate review of the experience of both parties would give, however, little ground for serious criticism. The national committee has given tolerable satisfaction in this respect. It is not clear that anything would be gained by a change in method.

Committee on rules

After the election of permanent officers the committee on rules and order of business brings in its report. The report may deal with any or all matters that lie within the competence of the convention: on the one hand the procedure of the convention itself; on the other hand the composition and powers of the national committee, the future apportionment of delegates and the mode of their election. The order of business, as fixed by the rules, is almost precisely the same for both parties.[3] In 1912 the Democrats did, it is true, sanction a departure from settled custom in providing that the platform should be adopted after the nomination of the presidential candidate.[4] That arrangement had a certain practical advantage; it conformed with the realities. For the

[1] Governor Hadley, leading the Roosevelt forces in the early stages of the convention fight, claimed 72. Arthur W. Dunn (*op. cit.*, Vol. II, p. 173) expresses the belief that 51 seats were "stolen." Senator Borah fixed the number at 52; a friend of La Follette who went over the record fixed it at 50.

[2] The chairman (Elihu Root) was undoubtedly right in ruling that delegates whose seats were contested could vote in every case but their own. Otherwise hundreds of delegates might be disqualified from voting for the mere reason that formal contests, utterly without basis in fact, had been instituted against them.

[3] The chief difference is that in Democratic practice the speeches presenting candidates for the presidential nomination, though not the nomination itself, precede the adoption of the platform.

[4] In 1852 the same procedure was adopted. Stanwood, *A History of the Presidency*, p. 248.

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electorate has come to regard the candidate rather than the convention as the responsible exponent of party policies and to attach more importance to his personal declarations than to the pronouncements of the platform. In any case the leader is never chosen without due attention to his known opinions; and it seems proper that he should have a voice in shaping the issues of the campaign. Nevertheless, the experiment of 1912 has not been repeated. The report of the committee usually recommends that the rules of the House of Representatives shall be the rules of the convention, so far as applicable and not inconsistent with certain special arrangements (such as the unit rule and the two-thirds rule of the Democratic party).[1] On rare occasions a minority report is submitted and debate takes place on the floor of the convention. It was under these circumstances that the Democratic convention of 1912 relaxed the traditional unit rule which required all delegates of a state, when so instructed by the state convention, to cast their votes as the majority decided.

The Party Platform

Drafting of the platform

The committee on resolutions, reporting last, has more time at its disposal than have the other committees, and usually needs it. The first step in the drafting of the platform is to assemble data. Representatives of powerful organized groups—such as the Anti-Saloon League, the National League of Women Voters, the American Farm Bureau Federation—appear before the committee at public hearings and urge the adoption of specific policies. Thus, at the Democratic convention of 1924, the president of the American Federation of Labor spoke for nearly an hour.[2] He insisted upon substantial compliance with the "fifteen demands" of organized labor and declared that, if the Democrats ignored these demands, as the Republicans had done, or resorted to compromise or generalities, the great mass of the American people would give their support to the Progressive candidate, Robert M.

[1] In the Democratic convention of 1924 the recommendation took a different form (*Proceedings*, p. 91): "Resolved, that the rules of the last Democratic National Convention, including the two-thirds rule for the nomination of candidates for the office of President and Vice-President, and including the rules of the House of Representatives of the Sixty-fifth Congress, so far as applicable, be the rules of this Convention: Provided, that no delegate shall occupy the floor in debate for more than thirty minutes, except by the unanimous consent of the Convention." As to limitations on debate in the Republican convention of 1924 see *Proceedings*, p. 93.

[2] New York *Times*, June 26, 1924.

La Follette. He professed to speak for millions of trade unionists; others spoke for millions of farmers, women, church members. If they had, in fact, been in the position to deliver such vast blocks of votes, their arguments would have seemed very convincing. After the conclusion of public hearings a sub-committee is appointed to prepare a draft of the platform. Perhaps a draft is already in existence. It has been brought to the convention by some member of the president's cabinet or by some politician of acknowledged eminence, who has consulted with other leaders of the party. At any rate the chief issues that must be faced in the campaign have been canvassed in some fashion long before the committee meets. As early as November, 1923, the Democratic bosses of New York, Illinois, and Indiana conferred for more than a week and discussed, among other things, the advisability of incorporating in the platform a plank condemning the Ku Klux Klan.[1] Informal conferences of this kind clear the way for quick action by the resolutions committee. In 1919 the Republican party set up official machinery to accomplish the same end. An advisory committee on policies and platform collected data respecting the significant issues of the day, sought the opinion of prominent Republicans throughout the country, and submitted reports that filled a volume of almost 300 pages.[2] Apparently the services of the committee were appreciated. The convention of 1920 instructed the national committee "through such agencies as it may deem proper . . . to collect, digest, and report to the Committee on Resolutions of the next Convention such data, record of Republican achievements, and suggestions with respect to policies and platform as may enable the Committee on Resolutions to perform its duties more speedily and efficiently." Something of the kind was done, though less exhaustively than on the first occasion.[3] Whether or not the practice will be continued rests with the national committee. The convention of 1924 was silent on the subject.

[1] New York *Times*, Nov. 20, 1923.

[2] This advisory committee included a dozen members of the national committee, twice as many members of Congress, and nearly 150 others. Various sub-committees were assigned to the study of special subjects, such as immigration, banking, merchant marine; and printed questionnaires, eight or ten pages in length and introduced with a brief explanation of each problem, were circulated widely.

[3] Samuel McCune Lindsay, "Political Platforms of 1924," *Review of Reviews*, Vol. LXX (1924), p. 193.

Controversial planks

There are times when the resolutions committee has little more to do than to place its imprimatur on a document that it has had no hand in framing. Bryan dictated the platform of 1908 over long-distance telephone. As leader of his party the president must be allowed to define the issues, as Roosevelt did in 1908, Wilson in 1916, and Coolidge in 1924. The essential features of the Democratic platform of 1916 were taken to St. Louis by a member of the cabinet; and, although two planks—one on woman suffrage, the other on Americanism, which the Germans were likely to resent—met with strong objection, Wilson finally got everything he asked. His wishes prevailed four years later also. The Republican platform of 1924 was reported the day after the appointment of the resolutions committee; "reported," as the chairman said, "unanimously by every member save the member from one state." The minority report, offered by Henry A. Cooper of Wisconsin, was rejected without debate or roll-call.[1] It was a Coolidge convention. The Democrats, on the other hand, were torn by dissension. The drafting of the platform occupied four days; or rather four days and four nights, for the chairman of the committee, by way of apology for the failure of his voice when he addressed the convention, explained that during this period he had slept only six hours all told.[2] At last agreement was reached on all but two subjects—the League of Nations and religious freedom. With respect to the latter the friends and enemies of the Ku Klux Klan were ranged against each other. During the prolonged discussion the leaders sought in vain, as the chairman said, "to find some formula that would be satisfactory to every group of the party." Controversy grew more and more acrimonious. At last "one of the members arose and recited the Lord's Prayer, and we all united in it, and then at the close Mr. Bryan lifted up his voice—Mr. Bryan lifted up his voice in an invocation for guidance and for Divine help in this hour of stress."[3] Nevertheless, the minority would not give way in their demand for a bolder

[1] Mr. Cooper declared (*Proceedings*, p. 117) that when Wisconsin had presented a minority platform in 1908 there were cries of "Socialism" and "Take it to Denver" and that nevertheless every plank but one in that platform had later become the law of the land. Since 1908, he said, "Wisconsin has presented several minority platforms, and in them were 31 planks, 26 of which are now the law of the land, and one of those planks is now in the Constitution of the United States."

[2] *Proceedings*, pp. 224-225.

[3] *Ibid.*, p. 226.

declaration in favor of the League of Nations and against the Klan. They carried their fight to the convention floor; and the fatal party cleavage was revealed to the whole country.[1]

Content of the platform

The platform is a lengthy document. Surveying the whole field of national politics, it commits the party on a great variety of questions. The Democratic platform of 1924 included fifty-one planks; declarations, for example, respecting the tariff, agriculture, railroads, mining, highways, merchant marine—some of them involving the most intricate economic processes. Can it be said that such an elaborate program reflected the measured judgment of the convention? Not only are the delegates for the most part utterly unfamiliar with the large problems of statesmanship; they are also, by reason of their numbers and the presence of an unruly mob in the galleries, rendered incapable of calm detachment and deliberation. The chairman of the resolutions committee reads the platform, often in an exhausted, scarcely audible voice; and the convention gives its approval without having heard, let alone understood, the greater part of it. Of course, the resolutions committee has sponsored it. But the committee cannot be expected, in the course of a day or so, to give an intelligent answer to every question of the hour. It must necessarily accept as the basis of its discussions a draft which some one has brought in his pocket. Pressed for time, harassed and confused by the complexity of its task, the committee sometimes makes quick decisions which sober second-thought would not sustain. "Sometimes," the New York *Times* observes editorially,[2] "a scheming gentleman gets in touch with the Committee on Resolutions and persuades it to accept and report a plank of which the majority of the convention knows nothing, which is scarcely noticed as it is read out perfunctorily, but which causes a scandal when it comes later to be printed and subjected to scrutiny."

Its evasive declarations

What is the character of the platform as it issues from the convention in its final form and becomes the test of party orthodoxy? Competent observers, foreign and American alike, speak in the same tone of disparagement. "Its tendency," says Bryce,[3] "is neither to define nor to convince, but rather to attract and to

[1] *Ibid.*, pp. 250-333. The majority report was sustained: as to the League of Nations by 389 votes, and as to the religious liberty plank by one vote. See also William A. White, *Politics: the Citizen's Business* (1924), pp. 71-84.

[2] June 28, 1924.

[3] *American Commonwealth* (ed. of 1911), Vol. II, p. 334.

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confuse. It is a mixture of denunciation, declamation, and conciliation." Ostrogorski regards it as "the biggest farce of all the acts of this great parliament of the party" and believes that, with rare exceptions, "the sole object of the platform is, in the present as formerly, to catch votes by trading on the credulity of the electors."[1] This is very much the view expressed by the New York *Times*. "Ordinarily," it says,[2] "the framing of a party platform is regarded as either a joke or a nuisance. As a rule it is a composite of conflicting views, artfully put together to deceive as many voters as possible." Politicians, Henry Jones Ford observes in *The Rise and Growth of American Politics*,[3] are adepts in the use of ambiguous phrases that are susceptible to various interpretations. "Concerning issues which are settled party speaks in a clear, sonorous voice. But on new issues it mumbles and quibbles. Subdivisions of the party organization make such professions as will pay best in their respective fields of activity. If the issue cannot be dodged, straddling may be resorted to. Declarations really incongruous in their nature are coupled, and their inconsistency is cloaked by rhetorical artifice. Sometimes such expedients are employed as making the platform lean one way and putting on it a candidate who leans the other way, or candidates representing opposing ideas and tendencies are put upon the same ticket."[4]

These explained

No one can read the party platforms of the last three-quarters of a century without finding justification for such criticism.[5] They bear, for the most part, the marks of artifice, ambiguity, dexterous evasion. Now and then a clear note has been sounded. The Demo-

[1] *Democracy and the Organization of Political Parties* (1902), Vol. II, pp. 261-262.

[2] June 28, 1924.

[3] Pp. 330-331.

[4] Thus in 1852 Northern Whigs could "spit upon the platform," which endorsed the fugitive slave law, and vote for the party candidate, who was a military hero without pronounced political views.

[5] "As a usual thing," says Arthur W. Dunn (*From Harrison to Harding*, Vol. II, p. 196), "only a few sticklers care anything about a platform, the vast majority of delegates agreeing with the hard-headed politician who remarked that 'platforms are to get in on, not to stand on.' Only once in a great while, as in 1896, do platform pledges amount to anything, and only then on some vital question. A shrewd political observer has said that the American people settle only one question at a time. If party platforms were confined to the vital subjects, and were not long, rambling rigmaroles of glittering generalities, they might be more effective in political campaigns."

crats faced the slavery issue squarely in 1860, the free-silver issue in 1896; and the Republican platform of 1912 announced its conservative principles in bold, defiant language. It is significant, however, that on each of these occasions the party was rent by schims. Indeed, a perpetual spirit of compromise is needed to keep either one of the major parties from disintegrating. They are, as already explained in Chapter VI, vast combinations of voters brought together on a common ground by mutual concessions and by a process of harmonizing sectional and group interests. Each separate element must be ready to make sacrifices, abandon extreme claims, adjust itself to the average sentiment. The willingness to coöperate is essential. When a conflict impends, as in the preparation of the Democratic platform of 1924, the leaders search for some formula that can be accepted by both factions; in other words, they resort to compromise. The formula is usually accepted, because every one realizes the emptiness of a victory that leads to schism.[1] If platforms are colorless and indefinite, the reason lies partly in the very essence of the democratic principle. Democracy implies government by the majority. It seeks the greatest good of the greatest number, not as the idealists conceive it, but as the greatest number themselves conceive it. In the rough give-and-take of politics they learn eventually the profound truth of the Greek observation that the good is sometimes better than the best. What satisfies fully no particular group or faction may give tolerable satisfaction to the party as a whole.

Attitude of party leaders to platform

The platform is the creed of the party, its program of action. It is supposed to be the test of orthodoxy. But while every article of faith commands obedience during the campaign, afterwards president and congressmen alike drift into a somewhat latitudinarian theology. Thus the Democratic platform of 1908 declared for the immediate repeal of the tariff on lumber; and yet in the House thirty Democrats (including the chairman of the convention) and in the Senate seventeen voted against placing lumber

[1] In 1924 the Democratic resolutions committee tried to compose the dispute over the Ku Klux Klan by an appeal to the party spirit. "We began to think about the Democratic party," the chairman reported (*Proceedings*, p. 225). "We began to think of its future, we began to recall its history. We turned our minds back to that glorious heritage which has come down to us from Jefferson to Wilson. We thought of all that might be involved in this contest; and then we drew closer together, friends about the council table, to see if we could not devise some way to meet this problem so that America might have the benefit of the service of a united Democratic party."

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on the free list.[1] Senator Bailey justified himself in this fashion: "I refuse to allow a set of delegates, selected by the people absolutely without reference to a question of that kind, but selected almost solely with a view to the candidacies of men, to assemble in a convention and assume the function of legislators."[2] In 1926 Senator Harreld, opposing American membership in the World Court, declared that if he owed any allegiance to either Republican platform it was to the platform of 1920 whenever it conflicted with that of 1924. This colloquy occurred:[3] "*Mr. Lenroot.* Then the Senator did call to the attention of the committee on resolutions of the Republican convention that in his opinion the plank proposed by the majority did definitely pledge the Republican Party to adhere to this court, and for that reason he offered the substitute? *Mr. Harreld.* The Senator can look at it in that way if he wishes, but the fact is they said, 'No, we do not mean this; we just want to sidetrack it.' *Mr. Lenroot.* Will the Senator repeat that statement? *Mr. Harreld.* The fact is that when I made the suggestion and offered a substitute they voted it down because they said it was necessary to do it to kill the proposition and keep it from coming up again. *Mr. Lenroot.* To kill what proposition? *Mr. Harreld.* The World Court proposition. *Mr. Lenroot.* And they pledged the Republican Party to the World Court so as to keep it from coming up again? *Mr. Harreld.* Some of them did, and openly said so." Senator Bailey's position, if unorthodox, was founded on principle and disguised no insincere professions. Others have not been so consistent. They have ignored the platform when it has run counter to personal conviction or self-interest and at other times taken refuge behind it to escape awkward commitments. During his first administration President Wilson pursued just such a course. Twice in 1914, when pressed for a declaration on woman suffrage, he replied that as leader of the Democratic party he could not speak on a matter of such supreme importance until the party itself had spoken.[4] But in the same year he successfully urged upon Congress the repeal of that provision of the Panama Canal Act which exempted American coast-

[1] H. J. Ford, *The Cost of Our National Government*, pp. 71-72.

[2] Ford observes (p. 72): "The criticism is well founded. The only pledges as regards public policy that are worth anything are such as are given by those who will have charge of public policy if elected, and are thus subject to the steadying pressure of responsibility."

[3] *Congressional Record*, Jan. 21, 1926, p. 2133.

[4] Inez H. Irwin, *The Story of the Woman's Party* (1921), p. 59.

wise ships from the payment of tolls; and this he did notwithstanding the specific approval of such exemption in the Baltimore platform. The platform had likewise urged the adoption of a constitutional amendment limiting the President to a single term and had pledged the candidate (Wilson) to this principle. Nevertheless, the President condemned such a limitation as "arbitrary and unsatisfactory from every standpoint." He was willing to go no farther than to embody in the constitution "the present customary limitation of two terms." [1]

Speech of acceptance more important

Before the end of the last century the decline of the party platform had been generally recognized. "The resolutions of a convention," wrote James G. Blaine,[2] "have come to signify little in determining the position of a President or party. Formerly the platform was of first importance. Diligent attention was given, not only to every position advanced, but to the phrase in which it was expressed. The presidential candidate was held closely to the text, and he made no excursions beyond it. Now, the position of the candidate, as defined by himself, is of far more weight with the voters, and the letter of acceptance has come to be the legitimate creed of the party." The letter of acceptance has been superseded by the speech of acceptance.[3] Towards the middle of August—the time being nicely calculated for its effect in the campaign—a committee, appointed by the convention six or eight weeks earlier, waits upon the candidate and formally notifies him of his nomination. He has in the meantime prepared an elaborate reply.[4] It usually takes the form of a commentary on the platform, in which the declarations upon leading issues are stressed and amplified, if campaign strategy makes this desirable, or reinterpreted to conform with the apparent trend of public opinion. The country gives ear. It is listening now to an authentic voice, "to the living accents," says Ostrogorski,[5] "of a man whose per-

[1] Wilson expressed these views in a letter written in 1913 and published in 1916. *American Year Book*, 1916, p. 34.

[2] Quoted by H. J. Ford, *op. cit.*, p. 206.

[3] In the days of Cleveland and Blaine the candidate was notified immediately after the convention adjourned. Delivered so early, the speech of acceptance did not attempt to lay down the paramount issues of the campaign. But three or four weeks later, when popular reactions to the platform could be measured, the candidate set forth his deliberate opinions in a letter of acceptance. In 1904 Roosevelt issued his letter of acceptance on September 12.

[4] This appears in an appendix to the report of the convention proceedings and also in the campaign text-book.

[5] *Op. cit.*, Vol. II, p. 262.

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sonality marks him out for and lays him open to responsibility." The candidate gives precision to the vague language of the platform.[1] He may also, at this time or later in the campaign, commit himself and the party to policies which the convention overlooked or deliberately ignored.[2] Taft, in 1908, gave his approval to the proposed constitutional amendment for the direct election of senators; Hughes, in 1916, to the proposed amendment for woman suffrage. A president may not fulfill all the promises he made as a candidate; President Taft came to the conclusion that an income tax, as advocated in his acceptance speech, could not be levied without a change in the Constitution. But on the whole it is a sound instinct that has led the people to regard the candidate rather than the convention as the responsible expositor of policy and principle.

Convention Oratory and Manners

Character of nominating speeches

More than once in the past generation the cleavage of opinion upon some dominant issue has profoundly stirred the national convention. In 1896 Bryan's impassioned plea for free silver set loose a tumult that has been compared to that of a great sea thundering against the dykes. But generally the emotions of the vast throng that occupies the floor and galleries of the auditorium

[1] Woodrow Wilson, in his speech of acceptance, said in 1912: "At such a time and in the presence of such circumstances, what is the meaning of our platform, and what is our responsibility under it? What are our duty and our purpose? The platform is meant to show that we know what the nation is thinking about, what it is most concerned about, what it wishes corrected, and what it desires to see attempted that is new and constructive and intended for its long future. But for us it is a very practical document. We are not about to ask the people of the United States to adopt our platform; we are about to ask them to entrust us with office and power and the guidance of their affairs. They will wish to know what sort of men we are and of what definite purpose; what translation of action and of policy we intend to give to the general terms of the platform. . . ."

[2] Alton B. Parker, nominated by the Democrats in 1904, did not wait for the speech of acceptance to define his attitude. The platform excluded all reference to the perplexing money question. On the day after his nomination Judge Parker announced that he regarded the gold standard as "firmly and irrevocably established" and would decline to run on the Democratic ticket if his views proved unsatisfactory to the majority of the convention. The leaders assured him that "the platform . . . is silent on the question of the monetary standard because it is not regarded by us as a possible issue in the campaign, and only campaign issues were mentioned in the platform. Therefore there is nothing in the views expressed by you . . . which would preclude a man entertaining them from accepting a nomination on said platform."

find occasion for their wildest outbursts during the course of the nomination speeches.[1] These speeches have a peculiar quality. They are so flamboyant and pretentious, so impassioned and declamatory, and so mixed in their metaphors that in cold print they excite only amusement.[2] Daniel Webster, after revising Harrison's inaugural address, said: "It was a very stiff job. I killed off no less than fourteen Roman consuls." Any revision of the convention oratory of to-day would involve a terrific slaughter. Few resist the temptation to indulge in extravagant rhetoric; even seasoned politicians succumb. Here, for example, is Senator James A. Reed, known as a keen and resourceful debater, proposing the name of Champ Clark in 1912: "Behold the momentous change! The fires of continental liberty lighted upon our shores have swept round the world, consuming the citadels of arbitrary power, until they have reached the throne of the Manchus and the seraglios and fortresses of the Ottomans. The principles of the American constitution will soon be accepted as the fundamentals of all civilized government. Beneath its protection America has marched from triumph to triumph. Half a continent has been gained, transformed into homes, enriched with cities, glorified with temples of religion and seminaries of learning, and peopled with the greatest race of men who have lived since the sun first kissed the horizon of time. Beneath our constitution, all have been secure —no man so strong he did not need its shield; no wretch so weak he might not find refuge under its provisions." Or here is a passage from the speech in which Warren G. Harding presented the name of William Howard Taft in 1912: "We not only have wrought the most of liberty and opportunity for ourselves at home, but the firmament of the earth, occident and orient, is aglow with shining suns of new republics, sped to the orbs of human progress by the force of our example. What a sacred duty, then, to guard to-day, as ever, against any who seek to undermine what they

[1] Among the most famous nominating speeches may be mentioned those of Robert G. Ingersoll presenting the name of James G. Blaine in 1876; of James A. Garfield presenting the name of John Sherman in 1880; and of General Bragg presenting the name of Grover Cleveland in 1884. Ingersoll likened Blaine to "a plumed knight walking down the halls of Congress and throwing his shining lance full and fair against the brazen foreheads of the defamers of his country and the maligners of his honor." Bragg said of Cleveland that "we love him most for the enemies he has made"; and these words became a shibboleth in the campaign.

[2] See the extracts given by Ostrogorski, *op. cit.*, Vol. II, 265-267.

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cannot overthrow." Latterly, no doubt, there has been some improvement in taste. Franklin D. Roosevelt's speech on behalf of Governor Smith in 1924, or Theodore E. Burton's speech on behalf of President Coolidge, was a reasoned appeal which dealt with the personality and achievements of the candidate without introducing Ottoman seraglios or orbs of human progress.[1] But for the most part the orators still strain after calculated effects. They administer more and more potent stimulants to the emotions of the audience, hoping to precipitate at the close, when the name of the candidate is revealed, one of those remarkable demonstrations which have been styled epileptic fits.

"Synthetic" demonstrations on behalf of aspirants

The demonstrations, however spontaneous they may appear to the unpractised eye, are often as artificial as the devices of rhetoric that are supposed to evoke them.[2] Synthetic enthusiasm, Samuel

[1] Samuel M. Ralston of Indiana, who at one stage in the balloting seemed likely to receive the Democratic nomination in 1924, was nominated in a business-like speech of 239 words.

[2] The Spanish novelist Ibáñez has described the methods employed to instill enthusiasm in the early stages of the convention proceedings. "There is something original, purely American," he says (San Francisco *Chronicle*, June 10, 1920), "that I have never seen anywhere else. I mean the convention sergeant-at-arms, who is at the same time a cheer-leader and stimulator. This specimen of American life has won my genuine admiration. Last fall I attended the Harvard-Yale football game. I noticed that the attention of the public was entirely centered on the two opposing teams who struggled around the ball. My attention was elsewhere, another set of heroes caught my eye, the men who stood in front of the stands and led the singing and cheering of both sides like leaders of huge orchestras. The exhaustion of the players, the serious injuries which they frequently suffered, appealed to me less than the efforts of those injectors of enthusiasm, who ran up and down in front of the crowds with the agility of caged squirrels and shouted and sang, fanning the air with their clenched fists. I would have liked to see another game on the following day, to watch the cheer leaders. I never dreamed I would meet again such injectors of enthusiasm in a political convention on which depends the destiny of the first nation of the earth. But I found something that reminds me of the cheer leaders I watched last fall. When the delegates grow tired or the proceedings become dull a fellow slips up to the rostrum and signals to the orchestra. 'Come on,' he shouts to the delegates and the public, 'let's sing the first two verses of that fine old national hymn.' The fellow is a sergeant-at-arms, cheer leader, stimulator, and injector of enthusiasm. I don't want to criticize the great and venerable Republican party. It has had great men in the past. It has great men at the present. The very abundance of candidates that it now exhibits is a certain sign of intellectual strength and political vigor. But I beg leave to say that its cheer leaders are not worth a hang. The poor devils can't begin to compare with the cheer leaders I saw at the Harvard-Yale game last fall."

G. Blythe has called it, enthusiasm having exactly "as much spontaneity as a bowl of hard-boiled eggs."[1] The demonstration for Alfred E. Smith at Madison Square Garden will serve as an illustration. When Franklin D. Roosevelt reached the end of his speech nominating Smith, the signal was given. "The fingers pressed the buttons," says the New York *Times*.[2] "The contact was made. Volcanoes of sound burst forth, shrill, unearthly, and horrible. It was a screech of charging squadrons of ambulances and speeding hook-and-ladder trucks, a mingled racket which New Yorkers associate with falling buildings, six-alarm fires, elevated collisions, Black Tom explosions, and other great public calamities. . . . Men and women in the seats in the immediate path of this rush of sound acted as if they had been blown out of their seats. They leaped to their feet and staggered about, shell-shocked. Although the Garden was crowded and seats at a premium, scores rushed out and never came back. The great tidal wave of falsetto notes cleared a broad swath through the whole tier and maintained it for an hour and a half. . . . Each electrical screamer was worth several hundred throats. There was enough natural shouting and cheering to make one of the greatest demonstrations of its kind, but the great triumph was that of science. The electrical claque had come to its own."[3]

Their doubtful value

That synthetic enthusiasm accomplishes anything substantial, helps the cause of the candidate in any way, is open to question.

[1] "They raised the roof, bulged the sides, depressed the floor, and shook the rafters of the Garden with every sort of noise, from the soprano squeak of some golden-haired tots, especially placed to attract attention, to the bellow of a dozen tubas, the blare of a hundred trumpets, and the wild wails of a Fire Department siren. They marched, sang, shouted, squeaked, yelled and went into frenzied fits, fantoads, and catalepsies. They rang every welkin, woke every echo, clamored, brawled, bawled, and ballyhooed. They raised bedlam, raised pandemonium, and raised hell." Blythe is here describing an episode in the Democratic convention of 1924. Quoted from the New York *Herald-Tribune* in the *Literary Digest* of July 12, 1924.

[2] June 27, 1924.

[3] Scenes at the Baltimore and Chicago conventions of 1912 are described in *World's Work*, Vol. XXIV (1912), pp. 365-366. "When a telling speech was successfully shouted or a significant vote was cast," we are told, "they carried banners up and down and around the aisles; they reared mammoth pictures of candidates against the galleries; they sent up toy baloons, and tossed pigeons into the air; they carried a girl about the hall; men and women shied hats through the air; horns, whistles, and infernal contrivances without names contributed to the diabolical din. . . . Beforehand, no one could have imagined that the world contained so many foot-pounds of power. . . . Only a volcanic explosion could release such a noise."

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The spectators may be impressed. The stage-manager and the scene-shifters may take pardonable pride in their professional success. A certain town in Kansas measured its advance in civilization by the fact that the inhabitants had more automobiles than bath-tubs. By the same quantitative standards it was a proud achievement to prolong the Smith demonstration beyond the record of an hour and seventeen minutes which the McAdoo experts had established on the previous day. But delegates do not yield their votes to persuasion of that kind. At the conventions of 1912, we are told,[1] "straight through all the din men voted steadily for the man of their choice. Everybody was doing his best to stampede everybody else, but when it came to his own vote, he preserved his composure. . . . 'Demonstration' followed 'demonstration' and passed into 'counter-demonstration' without altering a vote. Uproar that shattered the voice of a new chairman every five minutes, and wore out fresh platoons of police every hour; the efforts of bands drowned under the vocal din; and the chromatic clamor of banners assailed the delegates and left them stubborn at their posts. At Chicago they stood pat to the end. At Baltimore they changed, but they refused to stampede. They changed slowly, and only under the slowly increasing realization that Woodrow Wilson was the right man."

The principle of "availability"

The convention is just as anxious to name a winning candidate as to write a winning platform. Victory is the objective. Rarely indeed do party leaders sacrifice victory to principle or to the desire to maintain their grip on the organization, as the Republican Old Guard leaders did in 1912. The candidate must be a man who has positive virtues that will attract support and negative virtues that will disarm opposition. The desired characteristics are summed up in the word "availability." On the negative side allowance is made for popular prejudice: no Catholic has ever been nominated, no Jew seriously considered for the nomination. Any breach of integrity in business relationships or political relationships, any departure from the most exacting standards of family life is an absolute disqualification.[1] Eminence

[1] *World's Work*, Vol. XXIV (1912), p. 366.

[2] Charges of corruption while a member of Congress, though indignantly denied, cost Blaine the Republican nomination in 1876; and, when he became the candidate in 1884 many Republicans, still believing him guilty, bolted the ticket. Ordinarily the mere breath of suspicion is enough to put a man out of the running.

may be a handicap; for the resolute man, possessing force of character and the courage of his convictions, moving towards his goal with little regard to the susceptibilities of his opponents, makes enemies as well as admirers. Theodore Roosevelt passed out of the presidential orbit in 1916 when he boldly preached the cause of the Allies. He pleased some and alienated others. The Republican party preferred an enigmatic candidate.[1]

It implies political experience

On the positive side availability implies the possession of an attractive personality, a sufficient command of speech to meet the exigencies of the campaign, a record of loyal cooperation with the party, and a fairly extensive training in politics. Nowadays political experience is, as it should be, a requisite. Politics is, after all, an esoteric art. It is possible that a business man or a military commander might be translated to political life without exposing himself to egregious blunders—possible, because natural aptitudes might save him; but his formed habits of thought and of human relationships render success unlikely. The only way to make sure is to insist upon an apprenticeship in politics; and the English arrangements, under which a man arrives at high cabinet office after fifteen or twenty years in the House and trial as an undersecretary, is much superior to our own. During the past generation the major parties have named thirteen different candidates. Seven had served as governors of their states: Cleveland, McKinley, Roosevelt, Wilson, Hughes, Cox, and Coolidge. Five others had held political office of some kind: Harrison as United States Senator for one term; Bryan as congressman for two terms; Taft as governor of the Philippines and secretary of war; Harding as lieutenant-governor and United States senator for one term; and Davis as state senator (two years) and congressman for one term and part of a second. Alton B. Parker is the one exception; he held only judicial office.

And residence in a "doubtful" state

Availability means something more. The candidate must not only exhibit all the prescribed virtues; his place of residence is also important. The parties, being each in undisputed possession of certain areas, depend for victory upon the result of the election in states where the contending forces are more or less evenly matched. Since a presidential candidate carries his own state three times out of four,[2] it has been the practice to select him from

[1] For a different view see A. W. Dunn, *From Harrison to Harding*, Vol. II, p. 320, where the influences that led to the nomination of Hughes are explained.

[2] In the fifteen elections since the Civil War the following candidates have

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one of the doubtful states. Since the close of the Civil War exceptions have occurred: in 1880, when the Democrats nominated Hancock of Pennsylvania; in 1884, when the Republicans nominated Blaine of Maine; and in 1924, when the Republicans nominated Coolidge of Massachusetts. During the same period the number of candidates selected from doubtful states has been, for the Republicans: Ohio, seven; Indiana, Illinois (which is now preponderantly Republican), and New York, two each; and for the Democrats: New York, eight;[1] Nebraska, three; New Jersey, two; Ohio, one. The preponderance of New York and Ohio on this list is due to the fact that they are populous states, the one having forty-five, the other twenty-four electoral votes. They have taken the place of Virginia, once known as the mother of presidents. Since the Civil War the door of the White House has been closed to all ten states of the Solid South. No Republican candidate can have the slightest hope, no Democratic candidate the slightest doubt, of receiving the entire electoral vote. Neither party would draw any advantage from the nomination of a Southern candidate.

The Unit Rule and the Two-thirds Rule

Unit rule in Democratic conventions

In the nomination of candidates the procedure of the two parties shows a marked divergence. In the Republican convention each delegate casts an individual vote; that is, as the name of each state is called, the chairman of the delegation announces its vote, subject to an individual poll if his statement is challenged. In 1924, for example, North Dakota's delegation stood seven for Coolidge and six for La Follette; and a poll was demanded not because the accuracy of the figures was disputed, but because the Coolidge supporters wished to escape any suspicion of being identified with an unpopular cause.[2] The right of the individual delegate to cast his own vote as he chooses has been recognized by

lost their own states: Greeley, New York, 1872; Hancock, Pennsylvania, 1880; Cleveland, New York, 1888; Harrison, Indiana, 1892; Bryan, Nebraska, 1900; Parker, New York, 1904; Taft, Ohio, 1912; Wilson, New Jersey, 1916; Cox, Ohio, 1920; Davis, West Virginia and New York, 1924. In 1904 and 1920 both parties chose their candidates from the same state.

[1] J. W. Davis is here classified as a New Yorker since he had not resided in his native state of West Virginia for some years.

[2] *Proceedings*, pp. 161-163. Only two other delegations were divided. So strong was the feeling against La Follette that the solitary Wisconsin delegate who voted for Coolidge was forced to exhibit himself on the platform. He afterwards took his seat among the Pennsylvania delegates.

every Republican convention from 1856 to the present time.[1] Democratic procedure, on the other hand, permits the whole vote of a state to be cast as a unit, irrespective of the wishes of the minority. The so-called "unit rule" applies to every vote taken in the convention, whether it is upon the approval of a committee report or upon the nomination of a candidate. There is one other noteworthy difference between Republican and Democratic procedure. The candidates for President and Vice-President are chosen by a simple majority vote in the Republican convention and by a two-thirds majority in the Democratic convention.

Its origin and development

The unit rule made its rudimentary appearance in the very first Democratic convention (1832).[2] It was then provided that "the majority of the delegates from each state designate the person by whom the votes for that state shall be given." This early rule did not compel unanimity; several delegations were divided. But the tendency was to cast a solid vote and thus increase the importance of the state as a factor in any combination. The rule gradually assumed more precise form.[3] The language employed in 1896 may be quoted in order to show exactly how the rule operated down to the time of its modification in 1912. "When the vote is by states the announcement of the chairman of a delegation is accepted as the correct vote of that delegation unless challenged by some member of it, in which case the delegation is polled in open convention. If the delegation is under unit instructions, the vote of the state is then cast as a unit with

[1] Carl Becker, "The Unit Rule in National Nominating Conventions," *Am. Hist. Review.*, Vol. V (1899), p. 75; Kleeberg, *op. cit.*, p. 153. This point deserves emphasis because some writers have fallen into error. Thus Dallinger (*Nominations for Elective Office*, p. 41) says that the unit rule became finally fixed in Republican procedure and was not successfully opposed till 1876. Ernest Harvier (New York *Times*, Dec. 16, 1923) makes a similar misstatement, substituting 1880 for 1876.

[2] On this subject the best guide down to the close of the last century is the article by Carl Becker, already cited (*Am. Hist. Rev.*, Vol. V, 1899), pp. 64-82.

[3] In 1860 it was provided (Becker, p. 67) that in any state, if the state convention had not directed how the vote should be given, the national convention would recognize the right of each delegate to cast his individual vote. This right, practically speaking, disappeared in 1872 and was not restored till 1896; for, according to the provision of 1872, "the chairman of each delegation shall rise in his place and name how the delegation votes, and his statement alone shall be considered the vote of such state." The chairman's announcement was to be conclusive. The majority could bind the minority, even when the state convention had not applied the unit rule.

the majority; if not, the vote stands as polled." The unit rule prevails, then, only when the state convention has applied it. But down to 1912 the right of the state convention to apply it could not be challenged successfully. This point was settled in 1904. When the Ohio vote was announced as 46 for Parker and a poll demanded, it was shown that 28 delegates were for Parker, six for Hearst, nine for McLellan, two for Cockerell, and one for Olney. One of the delegates, E. H. Moore, rose to a point of order. "*Mr. Moore*: I desire the ruling of the Chair upon the question whether or not the vote of Ohio can be cast as a unit. The district delegates are chosen in Ohio, not as they are in New York or Indiana, by delegates elected to the State Convention, but by Congressional Conventions held prior to the time of the holding of the State Convention. My point is that the State Convention therefore had no right to instruct these delegates. Second, the rule, as the chair will observe, is a modified one. It does not impose upon the delegates the necessity of voting as a unit. I desire the ruling of the Chair. The district delegates receive their credentials at the District Conventions, held at separate times, by delegates separately chosen, and in no wise hold their credentials from the State Convention. *The Presiding Officer:* The Chair overrules the point of order. By express rule of the Democratic Convention, the delegates come from a State and not from districts. Under the call for delegates to this Convention, each State is allowed as many delegates as it has Senators and Representatives, multiplied by two; and those delegates are the delegates of the State and not the delegates of the districts, no matter how chosen. And even if the call itself did not determine the point of order, the express rule of the Democratic National Convention does determine it. The point of order is overruled, and the poll of the Ohio delegation showing that Parker has received twenty-eight of the forty-six votes to which the State is entitled in this Convention, the vote of Ohio will stand as announced by the chairman of the delegation."[1]

[1] Another interesting question, which has arisen in several conventions, appears to have been settled finally in 1924. The Missouri delegation, bound by the unit rule, gave its 36 votes to McAdoo. When the poll was taken, eight delegates answered "Present," refusing to vote. It was contended that, while the majority might claim the Davis votes of three delegates, the eight delegates who abstained from voting could not be counted at all. The permanent chairman ruled (*Proceedings*, p. 346): "I entertain no doubt about this matter. I cannot believe that the contention made by the challenger can be sustained.

Its modification in 1912

Now the presidential primary, which affected the delegates from a dozen states in 1912, introduced a disturbing factor. A conflict arose between state law and party rule. The Republican practice of permitting every delegate to cast an individual vote was not affected. That practice did not at any time, of course, prevent all the delegates of a state from obeying the instructions of the state convention and voting as a unit; it merely safeguarded the rights of any delegate who chose to repudiate such instructions.[1] So now there could be no objection to a state law that instructed delegates by means of a state-wide preference vote. It was the California law, providing for the election of all the delegates on a general ticket and thus conflicting with the party requirement of election from congressional districts, that was condemned; and in 1913 the national committee, which had received authority to act in the matter, modified the rule so as to sanction the use of the general ticket. In the Democratic party, however, the unit rule was directly challenged. The Ohio state convention had applied the rule and instructed the delegates in favor of Judson Harmon. The question arose as to whether the state convention had any authority to bind district delegates who had been elected at the presidential primary under state law. There was a sharp difference of opinion on this point. The majority report

It seems to me altogether unreasonable that if there are twenty votes in a delegation and fifteen vote for A and five for B, the entire twenty votes must be cast for A, but if fifteen vote for A and five do not vote at all, that only fifteen votes are cast for A. That does not commend itself as a reasonable conclusion. The Chair therefore rules that the vote of the Missouri delegation will be recorded as reported by the chairman."

[1] Thus in 1876, when the Pennsylvania convention had applied the unit rule and instructed the 58 delegates to support a favorite son, two of them, refusing to be bound, cast ballots for Blaine. They were permitted to do so by the ruling of the chairman, which the national convention sustained by a vote of 395 to 354 (Kleeberg, *op. cit.*, pp. 155-157). In 1880 the bosses of Pennsylvania, New York, and Illinois laid ingenious plans to fasten the unit rule on the Republican convention, as part of a scheme to bring about the nomination of Grant. This strategic move was frustrated. The convention reaffirmed the settled practice of the past in the famous "Rule 8." This rule provided that: "In the record of the vote by states the vote of each state . . . shall be announced by the chairman, and in case the vote of any state . . . shall be divided, the chairman shall announce the number of votes for any candidate or for or against any proposition; but if exception be taken by any delegate to the correctness of such announcement by the chairman of his delegation, the president of the convention shall direct the roll of members of such delegation to be called and the result shall be recorded in accordance with the votes actually given." Becker, *op. cit.*, p. 79.

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of the rules committee—to which the controversy had been referred—held the instructions binding. But, after a spirited debate on the floor of the convention, a minority report, limiting the application of the unit rule, was adopted by 73 votes.[1] The modified rule now takes this form: "In casting votes on a call of the states, the chair shall recognize and enforce a unit rule enacted by a state convention, except in such states as have by mandatory statute provided for the nomination and election of delegates and alternates to national political conventions in congressional districts and have not subjected delegates so elected to the authority of the state committee or convention of the party, in which case no such rule shall be made to apply."[2]

Why the practice of the two parties differs

It is interesting to inquire why the Democratic party has always adhered to the unit rule and the Republican party always repudiated it. The explanation will be found, no doubt, in the diverging tendencies that have characterized the two parties. "The principle which is involved in this controversy," said a Kansas delegate in the Republican convention of 1876,[3] "is whether the state of Pennsylvania shall make laws for this convention; or whether this convention is supreme and shall make its own laws. We are supreme. We are original. We stand here representing the great Republican party of the United States, and neither Pennsylvania nor New York nor any state can come in here and bind us down with caucus resolutions." The Democratic position was thus stated by a Wisconsin delegate in 1884: "I know that in the Republican party—a party which believes that Congress and the Federal government have every power which is not expressly denied and that the states have hardly any rights left which the Federal government is bound to respect—they can adopt in their convention this idea that a state does not control its own delegation in the national convention. Not so in the convention of the Democratic party. We stand, Mr. President, for the rights of the states."

Two-thirds rule

The two-thirds rule has prevailed in Democratic conventions from the very beginning. It was adopted in 1832 with little or no discussion and readopted in 1835 by a majority of twenty-one votes, after being sharply criticized and at first defeated. Justification was found at the time in the "more imposing effect" of a nomination so made. In 1844, however, the purpose was to elimi-

[1] *Proceedings*, pp. 57 *et seq.*

[2] *Proceedings* of 1920, p. 85.

[3] Becker, *op. cit.*, p. 81.

nate Van Buren. He had a majority in the convention, but less than two-thirds; and after the early ballots his supporters abandoned him and ultimately turned to Polk. The case of Champ Clark in 1912 differed from that of Van Buren; Clark did not receive a majority vote till the tenth ballot.[1] On no other occasion has a majority candidate been denied the nomination. As a matter of fact a two-thirds majority can be built up almost as easily in the Democratic convention as a simple majority in the Republican convention; for the unit rule, as Ostrogorski observes, automatically assimilates minorities and "quickens the coagulation of the various elements in the convention." Since the Civil War the Democratic party has nominated fifteen candidates, seven of these on the first ballot, three on the second, and one on the fifth. The two-thirds rule, whatever reason prompted its adoption nearly a century ago,[2] came to be regarded as the palladium of the slave-holding interest in the South. The Southern states, so long as they held together, possessed an effective veto and could prevent the nomination of any candidate who was antagonistic to their "domestic institution." Times have changed. The South has no vital interest at stake. Now that the unit rule has been relaxed, nothing but the inertia of tradition perpetuates the two-thirds rule. Eight months in advance of the convention of 1924 there was talk of abrogating it,[3] and this became more definite as soon as the deadlock between Smith and McAdoo was foreshadowed.[4] Nevertheless, without debate or dissent, the convention adopted "the rules of the last Democratic Convention, including the two-thirds rule for the nomination of candidates."[5] This specific reference to the rule was designed to commit the delegates at the outset and to close the door to any move against it later on. A new movement looking to the abrogation of the rule was set on foot, in May, 1926, by the members of the national committee from Iowa. Several prominent Democrats, including John W. Davis and Josephus

Its abolition proposed

[1] On the first ballot Clark had 441, Wilson 324, Harmon 148, Underwood 117, and Marshall 31.

[2] It may be of interest to recall that the rules of the first national convention—that of the Anti-Masons—required a three-fourths majority for the nomination. Stanwood, *op. cit.*, p. 156.

[3] New York *Times*, Nov. 6, 1923.

[4] *Ibid.*, April 25, 1924.

[5] The adoption of the two-thirds rule had no effect upon the nomination. At the peak McAdoo lacked 21 votes of a simple majority; Smith, 182. See the recapitulation of the ballotings, *Proceedings*, pp. 974-979.

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Daniels, expressed themselves as favorable to a change, as did also a considerable number of committeemen.[1]

Nomination of the Candidates

Prolonged balloting unusual

Nomination of the presidential candidate has sometimes involved a prolonged deadlock. In 1852 the Democrats chose Pierce on the forty-ninth ballot; the Whigs chose Scott on the fifty-third. Striking instances have occurred in recent Democratic conventions, forty-six ballots being required in 1912, forty-four in 1920, and one hundred and three in 1924. On the last occasion, which stands by itself for the long persistence of the deadlock, the balloting continued for nine days.[2] These cases are far from being characteristic, however. During the past generation seven of the nine Republican candidates were nominated on the first ballot, Hughes (1916) on the third, and Harding (1920) on the tenth.[3] During the same period five of the Democratic candidates were nominated on the first ballot, Bryan in 1896 on the fifth.[4] It appears, therefore, that two times out of three the "favorite" wins on the first trial of strength, wins because he is the "general favorite" or "logical candidate." Against Coolidge in the last Republican convention only forty-four of the 1109 votes were cast—ten for Johnson and thirty-four for La Follette. Difficulty arises when there are two favorites contending on fairly equal terms or when the "field" combines against a single favorite, as it did to encompass the defeat of Van Buren in 1844 and Blaine in 1876.

"Favorite sons" and "dark horses"

The field consists for the most part of favorite sons, that is, of politicians who have won local, and perhaps at the same time, even national, prominence as governor of the state, or as United States senator, or as a member of the federal cabinet and who have in the convention the backing of their state with relatively little support elsewhere. Some favorite sons just fall short of being favorites from the national standpoint. Their availability on the

[1] See the New York *Times*, May 23 and 24, June 3, Aug. 12, and Sept. 17, 1926.

[2] There are only two other notable cases to be mentioned. The Democrats in 1868 nominated Seymour on the twenty-second ballot; the Republicans in 1880 nominated Garfield on the thirty-sixth.

[3] In the first nine conventions (1856-1888) the Republicans made their nominations four times on the first ballot and once each on the third (1860), fourth (1884), seventh (1876), eighth (1888), and thirty-sixth (1880).

[4] In 1868 Seymour was not nominated till the twenty-second ballot, but in the next five cases the first or second ballot was decisive.

ground of personal fitness and residence in a doubtful state gives them a standing with the newspapers and public as "presidential possibilities." They entertain lively hope of profiting by some happy turn of events which will put the favorite out of the running. Others are more obscure men, neutral in color, perhaps mediocre in intellect, and qualified chiefly by a reputation of being popular with all factions and quick to respond to the party whip. They are not avowed candidates; sometimes they are not even favorite sons in the sense of having the support of the delegates from their home state; indeed, they expressly deny all ambition, in order to create an atmosphere of good feeling and profit by the last will and testament of those who are killed off in the course of the balloting. Among these we find the "dark horses." James K. Polk (1844) was the first in our political history. Polk received no votes whatever until the eighth ballot and yet was nominated on the ninth. In 1852 Pierce was ignored till the thirty-fifth ballot, when Virginia gave him fifteen votes; on the forty-eighth he had only fifty-five votes; and then occurred the "stampede" which made him the choice of the convention on the forty-ninth ballot. The dark horse is not always a politician of second or third rank. Horatio Seymour, nominated by the Democrats in 1868, was one of the ablest leaders of his party.[1]

Their only hope is a deadlock

The hope of a favorite son or dark horse lies in the elimination of the favorites. Deadlock alone can give him his chance. If the tide can be stemmed, if the process of consolidating a majority behind one or other of the leading candidates can be arrested, it is then anybody's race. As each ballot is cast the managers hurry about, persuading, cajoling, imploring delegates to stand fast in their neutral position outside the lines of the major combat. But neutrality is not easy to maintain. Tremendous pressure is exerted on behalf of a candidate who has victory almost within his grasp. Alluring promises are made: a place in the cabinet perhaps, or a

[1] "On the twenty-first vote," says Stanwood (*op. cit.*, p. 326), "the contest was apparently narrowed down to Hancock and Hendricks, neither of whom was acceptable to New York. At this point a sensation was created. When the votes of a few states had been recorded at the twenty-second trial, some votes were given to Horatio Seymour, the president of the convention. Mr. Seymour promptly refused to be a candidate, but there was a hurried consultation, and the vote was persisted in. More votes were given to Seymour, and a 'stampede' began. . . . The changes of votes went on, amid the greatest excitement and enthusiasm, until he was made the nominee of the convention by 317 votes,—a full convention."

foreign embassy. The favorite son, never sure that a "break" or "stampede" may not take place at the next moment and shatter his cherished dreams of the White House, may well be tempted to exchange those dreams for something less imposing, but more substantial. He releases his delegates; others follow his example; and the deadlock is broken. It is not easy to keep the favorites in a pocket. Wilson, breaking through, won on the forty-sixth ballot in 1912; Cox, on the forty-fourth in 1920.[1] In the Republican convention of 1880, however, the long deadlock between Blaine and Grant was brought to an end by the sudden emergence of Garfield, a dark horse from Ohio. To the very end Grant held his delegates intact; but as soon as the break began Blaine's forces melted away, as did those of the favorite sons, including Sherman of Ohio. Again in the Republican convention of 1920 the favorites were eliminated, three of them on this occasion—Johnson, Lowden, and Wood; and the convention turned naturally to Harding, who alone among the favorite sons had the full attributes of availability.[2] In 1924, long after it had become apparent that neither Smith nor McAdoo could win a majority, let alone the two-thirds that the Democratic rules required, their supporters held together with the greatest constancy. The first signs of a break to Davis came on the ninety-fifth ballot. Davis gained slowly at first, then shot forward with accretions of a hundred votes at a time, and stampeded the convention on the hundred-and-third ballot. If there is but one favorite, he must win on the first ballot or succumb before the pooled resources of the favorite sons. Possible exceptions may be noted in the case of Tilden, who was nominated on the second ballot in 1876, and Hughes, who was nominated on the third in 1916; but Hendricks in the one instance and Weeks in the other might fairly claim to be regarded as fa-

[1] On the first ballot in 1920 votes were cast for twenty-three candidates, among whom were Bryan with one vote and Underwood with half a vote. There were three favorites: McAdoo, 266; Palmer, 256; and Cox, 134. Cox received 295 votes on the seventh ballot and passed Palmer; 404 votes on the twelfth and passed McAdoo. On the thirteenth ballot he fell behind McAdoo. On the thirtieth he passed McAdoo once more and thereafter moved steadily forward to the nomination.

[2] There was no mystery about the choice of Harding. Four years earlier, while acting as temporary and permanent chairman of the convention, he had been suggested as a dark horse. Since he was a genial, tractable man, satisfactory to the leaders and backed by the pivotal state of Ohio, it needed no secret cabal in room 211 at 2:11 in the morning to bring about his nomination. Dunn, *op. cit.*, Vol. II, pp. 397-399.

vorites, although the strength of each was far below that of the leading candidate.

Reasons for fluctuations in the balloting

The fluctuations of the vote in a protracted contest are the result of hidden maneuvers which the public can only dimly apprehend. The erratic movements of the barometer may well baffle and confuse all but the specialists, the trained observers of these strange meteorological phenomena. In the Democratic convention of 1924 the McAdoo vote rose and fell in the most perplexing fashion:

Ballot	Vote	Ballot	Vote
1	431	70	528
15	479	92	310
33	404	96	421
40	506	100	190
55	426	101	152

The Smith vote varied within narrower limits. Rising gradually from 241 on the first ballot to 312 on the seventeenth, thereafter it never exceeded 368 or fell below 307 till the hundred and first ballot. Then the greater part of the Smith forces passed over to Underwood. At different times favorite sons emerged from obscurity, made a rapid spurt, and then fell back into the ruck;[1] and towards the end Senator Walsh of Montana, permanent chairman of the convention, came forward as a dark horse.[2] Such shifts and changes are not fortuitous. Every move is calculated with a nice attention to its bearing on the higher strategy. Behind the scenes the manager for each candidate disposes of his forces with the cool detachment of a Ludendorff, now delivering an attack to test the strength of a particular salient or to create a diversion, now abandoning the front-line trenches as he awaits the outcome of negotiations for a new alliance, and at last massing all his resources for a final drive. "The wary tactician awaits his opportunity," says Bryce;[3] "he improves the brightening prospects of his aspirant to carry him with a run before the opposition is ready with a counter move; or if he sees a strong antagonist, he invents pretexts for delay till he has arranged a combination by which

[1] Glass of Virginia was carried to 78 votes on the eighty-second ballot; Ralston of Indiana to 97 in the fifty-fifth and 196 on the ninety-second; Underwood, whose previous maximum had been fifty, to 229 on the hundred-and-first and 317 on the next ballot.

[2] He received 52 votes on the hundredth ballot, 98 on the next, and then, in the final effort, 123.

[3] *American Commonwealth*, Vol. II, p. 199.

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that antagonist may be foiled. Sometimes he will put forward an aspirant destined to be abandoned, and reserve till several votings have been taken the man with whom he means to win. All these arts are familiar to the convention manager, whose power is seen not merely in dealing with so large a number of individuals and groups whose dispositions he must grasp and remember, but in the cool promptitude with which he decides on his course amid the noise and passion and distractions of twelve thousand shouting spectators."[1]

Selection of vice-presidential candidate

When the presidential candidate has been selected, the convention turns its attention, after a recess, to the office of vice-president. The proceedings are perfunctory. As the office is held in little esteem and even regarded as a fatal bar to future preferment in a political career, ambitious men can rarely be induced to accept it. As a rule, motives of expediency determine the choice. Preference is given to a doubtful state. The ticket is balanced, when the great prize has been awarded to the East, by choosing a Western man for the second place—Wilson of New Jersey and Marshall of Indiana, Hughes of New York and Fairbanks of Indiana; or, reversing the arrangement, Cox of Ohio and Roosevelt of New York, Harding of Ohio and Coolidge of Massachusetts. Or the object is to placate not so much some geographical region as a faction of the party which has reason to be dissatisfied with the presidential candidate or the platform. In 1924 William Jennings Bryan, still the "peerless leader" and oracle of many ardent Democrats, at first sulked in his tent and refused to picture

[1] Strange as it may seem, considering their open activity in the pre-convention campaign, avowed candidates cannot appear upon the actual scene of operations—the floor of the convention—without being held guilty of a breach of good taste. They usually remain at home, though in constant communication with the chief-of-staff over a special wire. In 1912, however, Roosevelt established himself in Chicago and at a critical moment was almost persuaded to take personal command of his supporters at the auditorium. Champ Clark made a secret journey from Washington to Baltimore in a fast car. He had planned a dramatic surprise. "He was going to appear alone in the back of the convention hall, and coming down the aisle he was going to demand the right to speak on a matter of personal privilege and clear himself of 'the infamous charges made by his traducers.' He would have appeared not only as a welcome sensation in a succession of weary ballots by the worn-out hundreds of delegates but also as a brave man, a figure, a hero; not only as a hero but as a martyr." Unfortunately a newspaper correspondent overheard, through an open transom, the rehearsing of Clark's speech in a hotel bedroom. The element of surprise was lost. The project had to be abandoned. *Behind the Scenes in Politics* (Anon., 1924), pp. 97-99.

John W. Davis in the rôle of popular tribune. His aloofness would bring disaster in the election; radical Democrats would pass over to the Progressives and give their support to La Follette. There was a hurried conference, in which Davis took part; and at the last moment, when the balloting was about to begin, a new name was presented to the convention. Bryan's brother became the vice-presidential nominee.

Republican difficulties in 1924

In that same year the Republicans gave much thought to the selection of a candidate for the vice-presidency. They did so, not merely because there was nothing else to think about,—President Coolidge having no serious rival for first place on the ticket,—but also because the potential importance of the office had been emphasized in two ways. In the first place the physical collapse of President Wilson and the death of President Harding had drawn attention to the constitutional significance of the vice-presidency; and in the second place the irruption of the Progressives under La Follette had raised some doubt as to whether the electoral college or the House of Representatives would be able to choose a president. The conditions were peculiar. It seemed possible, to some even probable, that La Follette would draw enough Republican votes in the West to deprive Coolidge of a majority in the electoral college.[1] In that case the House of Representatives would proceed to choose a President from among the three highest candidates—Coolidge, Davis, and La Follette. But the constitution provides that the House shall vote by states and that a majority of all the states shall be necessary to a choice. According to the party complexion of the House at that time the Republicans controlled twenty-three states and the Democrats twenty, the other five state delegations being equally divided and therefore unable to vote.[2] Apparently the required majority would be lacking; and therefore the vice-president, elected by the Senate from the two highest candidates, would succeed to the presidency.[3] This

[1] The New York *Times* in an editorial forecast (July 13, 1924) assumed that La Follette might get 62 electoral votes and Davis 207. Coolidge then—even with New York, Ohio, Missouri, and New Jersey—would be four short of a majority.

[2] These five were: Maryland, Montana, Nebraska, New Hampshire, and New Jersey. *Congressional Record*, April 17, 1924, p. 6762. The Republicans could count fully on only twenty states; for La Follette dominated the Wisconsin delegation and might be able to control the votes of Minnesota and North Dakota.

[3] But here again a difficulty arose. Neither party could command the

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may serve to explain why the Republicans desired a vice-presidential candidate of outstanding ability. They met with rebuffs. Senator Borah, mentioned in the press as acceptable to President Coolidge, definitely withdrew his name; so did Lowden of Illinois, who had been one of the presidential favorites in 1920. Nevertheless Lowden was nominated on the second ballot.[1] He declined the nomination, probably not without thoughts of a more distinguished honor in 1928; and the convention turned to Charles G. Dawes on the next ballot. The predicted deadlock did not materialize in the election. Coolidge swept the country outside of Oklahoma, Tennessee, and the Solid South. But once more, as in the days of Roosevelt, a vivid and picturesque personality gave the office of vice-president a certain prestige in the mind of the public.

Ostrogorski's criticism of the national convention

With the nomination of the vice-president the task of the convention is completed.[2] It has been a great spectacle. Few among the audience can have remained impassive through the succession of dramatic episodes or resisted the appeal to the senses of so much color and movement. As to whether the proceedings are appropriate to the serious business that is being discharged, serious alike to the party and the government, opinions will differ. The Russian Ostrogorski, as a detached but somewhat cynical observer, sums up his impressions in the language of disillusionment.[3] "At last," he says, "after a session of several days the end is reached; the convention adjourns *sine die*. All is over. As you step out of the building you inhale with relief the gentle breeze which tempers the scorching heat of July; you come to yourself; you recover your sensibility, which has been blunted by the incessant uproar, and your faculty of judgment, which has been held in abeyance amid the pandemonium in which day after day has been passed. You collect your impressions, and you realize what a colossal travesty of popular institutions you have just been witnessing. A greedy

needed majority of 49 votes. The balance of power rested with the two Farmer-Labor senators (Shipstead and Johnson) and the five members of the La Follette group (La Follette, Brookhart, Frazier, Ladd, and Norris.)

[1] On the first ballot the votes were distributed among fourteen persons. The leaders were: Lowden 413, Burton 288, Dawes 111, and Kenyon 95—all men of large caliber.

[2] Except that the Republicans elect at this stage committees to notify the candidates of their nomination, each state delegation naming a member. In Democratic practice these committees are elected at the same time as the other committees of the convention.

[3] *Op. cit.*, Vol. II, pp. 278-279.

crowd of office-holders, or of office-seekers, disguised as delegates of the people, on the pretence of holding the grand council of the party, indulged in, or were the victims of, intrigues and manœuvres, the object of which was the chief magistracy of the greatest republic of the two hemispheres,—the succession to the Washingtons and Jeffersons. With an elaborate respect for forms extending to the smallest details of procedure, they pretended to deliberate, and then passed resolutions settled by a handful of wire-pullers in the obscurity of committees and private caucuses; they proclaimed as the creed of the party, appealing to its piety, a collection of hollow, vague phrases, strung together by a few experts in the art of using meaningless language and adopted still more precipitately without examination and without conviction; with their hand upon their heart, they adjured the assembly to support aspirants in whose success they had not the faintest belief; they voted in public for candidates whom they were scheming to defeat. Cut off from their conscience by selfish calculations and from their judgment by the tumultuous crowd of spectators, which alone made all attempt at deliberation impossible, they submitted without resistance to the pressure of the galleries masquerading as public opinion, and made up of a claque and of a raving mob which, under ordinary circumstances, could only be formed by the inmates of all the lunatic asylums of the country who had made their escape at the same time. Here this mob discharges a great political function; it supplies the 'enthusiasm' which is the primary element of the convention, which does duty for discussion and controls all its movements. Produced to order of the astute managers, 'enthusiasm' is served out to the delegates as a strong drink, to gain completer mastery over their will. But in the fit of intoxication they yield to the most sudden impulses, dart in the most unexpected directions, and it is blind chance which has the last word. The name of the candidate for the Presidency of the Republic issues from the votes of the convention like a number from a lottery. And all the followers of the party, from the Atlantic to the Pacific, are bound, on pain of apostasy, to vote for the product of that lottery. Yet, when you carry your thoughts back from the scene which you have just witnessed, and review the line of Presidents, you find that if they have not all been great men—far from it—they were all honorable men; and you cannot help repeating the American saying: 'God takes care of drunkards, of little children, and of the United States!' "

PART V. ELECTIONS

CHAPTER XIX

CAMPAIGN METHODS AND FINANCE

THE presidential campaign, which may be regarded as typical of all campaigns, except that it is more elaborate, more intense, does not get fairly under way until the close of August.[1] The speech of acceptance, delivered by the presidential candidate in the middle of August, proclaims the opening of hostilities. Meanwhile the main lines of strategy have been decided upon, organization perfected, and the war chest replenished. Each party has set up headquarters, not only in Chicago and New York, but also in Washington and two or three other cities.[2] In addition to the large clerical force, the headquarters require the services of experts to staff the various bureaus, such as the speakers' bureau, the women's bureau, the labor bureau, and the colored voters' bureau. Money is needed at once, more and more of it as the campaign develops and the volume of business grows. Each separate branch of activity expands slowly or rapidly according to the success of the treasurer in accumulating material resources. Other units may mark time in July and early August and wait for marching orders; but the treasurer and his assistants are engaged in active service, foraging for supplies. An army is dependent upon its commissariat.[3]

Campaign headquarters

[1] The fact that many states hold their primaries in August is taken into consideration. Thus in 1920, according to the New York *Times* (July 27), the Republican national committee was "particularly anxious not to be involved in factional fights. This means not only that the national campaign will lag in states in which primaries are still to be held, but that men considered speakers of national reputation who are involved in political fights will be kept off the national platform."

[2] In 1924 the Republicans maintained headquarters in Chicago, New York, Washington, Boston, Denver, and San Francisco; the Democrats, in Chicago, New York, Washington, and Denver. (Donald Macgregor in New York *Times*, Sept. 7, 1924.) As to Washington, this being the permanent home of the national committee, the campaign organization is built round the nucleus of the regular office force. In Hanna's time Chicago superseded New York as the chief center of activity, but the Democrats in 1924 spent $633,452 through their offices in New York as against $54,150 in Chicago and $216,305 in Washington. See *Senate Report No. 1100*, 1925, p. 34.

[3] It must not be supposed that the national committee remains in a state of suspended animation between presidential campaigns. The activity of the

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National chairman in command

Responsibility for the direction of the campaign may rest with the presidential candidate. Roosevelt and Coolidge kept the determination of strategy in their own hands.[1] Usually, however, the chairman exercises a final authority, as Mark Hanna did in the McKinley campaigns, without being fettered by instructions or harassed by the necessity of submitting his decisions for approval. He does, of course, confer with the candidate and the executive committee; he seeks and takes advice from very quarter: from the elder statesmen of the party and the veterans of earlier campaigns; from shrewd politicians whose acquaintance with the situation in Indiana or Missouri will save him from becoming embroiled in some factional controversy; and from individual members of the national committee who, doing field service in their own states, help him to integrate the local campaign with the national campaign and secure the cordial coöperation of the local committees. The national campaign is something more than a colossal business enterprise; and the chairman must therefore have something more than executive talents of a high order, large vision combined with a mastery of detail, the ability to get sound information and to use sound judgment in applying it. He must know how to handle men. High-spirited, volunteer troops are likely to resent an authoritative tone, a word of command. The chairman must employ the arts of persuasion—patient, tactful, conciliatory methods. But the diplomatic manner need not imply infirmity of purpose or subservience to others. It is possible to give way gracefully in small things and reserve the substance of power. The chairman, with or without consulting the candidate, settles all questions of higher strategy, what issues shall be stressed, what reply made to a challenge from the other side. Surveying the whole theater of battle, at one moment he rushes reinforcements to repel an attack upon an exposed position, at another he concentrates his strength in a

committee in off-years has already been remarked in Chap. XI. The Republican treasurer, Mr. Upham, testified in 1920 that in the eighteen months preceding the convention the national committee had spent nearly $1,200,000 for headquarters, publicity, and general expenses. The chairman of the Senate investigating committee pointed out that there was no campaign then being conducted. Mr. Upham replied: "There was with Will Hays. . . . Yes, all the time. He had headquarters, active headquarters, in active operation, at Washington, New York, Chicago, and at San Francisco during all that time." *Hearings before the Sub-Committee of the Senate Committee on Privileges and Elections*, 66th Congress, 2d session, Vol. II (1921), pp. 2127-2128.

[1] See, for example, "Coolidge Dictated Campaign Policies," New York *Times*, Nov. 9, 1924.

doubtful state and strikes hard where the enemy's lines are wavering. Promptitude and energy are required; the shifting situation will not permit the delay involved in reaching a collective decision.

Campaign strategy

Publicity is the weapon that is chiefly employed; but it must be publicity of the right kind.[1] Money is thrown away in advertising goods that do not suit the popular taste or at least, by reason of ingenious representations, seem to do so. In offering the candidate and the platform to the voters, nothing is left to chance, no resource of salesmanship is neglected. Politics is a laboratory of applied psychology. In 1900 Hanna caught the popular fancy with the slogans, "Do we want a change?" and "Let well enough alone"; in 1916 Vance McCormick plastered the billboards of the country with the statement that President Wilson had kept us out of the war. We are told that "the presentation of President Coolidge as a silent, reserved man, an exponent of common sense and a faithful performer of his daily task, rather than a heroic or spectacular figure, was no accident or makeshift, but was a deliberate, well-calculated policy, for which the President himself was responsible."[2] Every campaign utterance, whether supplied to the press or delivered from the platform or broadcasted by radio, had to pass the censorship of an Advisory Publicity Board which worked under the President's direct authority.[3] The policy of the board deserves attention as illustrating the technique of a national campaign. In the first place there was an insistent emphasis upon

[1] In *Behind the Scenes in Politics* (1924) an anonymous writer has this to say (p. 38) of General Wood's primary campaign in 1920: "What happened was that he was taken out of the hands of experience and coddled in the lap of a group of amateurs who had captured him. It was a fine group—fine in character, fine in intentions, full of the earnest crusading spirit. It is a peculiar trait of such men . . . that they . . . have an exaggerated idea of the value of publicity. For an unknown candidate, publicity of the right kind may be essential; for a man like Wood, publicity of the wrong kind may be fatal. Wood was a national figure. Almost all the impressions he or his record could make, and almost all that publicity could hope to make, had been made."

[2] New York *Times*, Nov. 9, 1924.

[3] The Secretary of State (Hughes) submitted the advance text of his speeches to the board. General Dawes, the candidate for vice-president, was the only prominent speaker who gave the board any trouble. Relations became so strained that "when he came to New York to speak late in the campaign he absolutely refused to prepare his speech in advance or tell the Advisory Board what he intended to say. It turned out that he attacked the 'cowardly politicians' of his own party because they wished him to say this in one place and that in another." *Ibid.*

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one single issue. That issue was Calvin Coolidge and his achievements. "The keynote of the policy," says the New York *Times*, "was a constant reiteration of Coolidge, in order to make the President's name stand as a symbol for everything the voter desired in the way of stability, order, and prosperity." In the second place the Democratic candidate, John W. Davis, was practically ignored during the campaign. Finally, the board restrained Republican speakers from replying to attacks upon the President, from being drawn into controversy about the oil scandals, and from indulging in personalities.

Its main principles

Political strategy has never been more shrewdly devised. Perhaps President Coolidge may have pondered over the precepts of a book which appeared about this time, *Behind the Scenes in Politics*. The anonymous author, who draws his conclusions from a rich practical experience, lays down a number of fairly definite rules for the guidance of campaign managers. The first principle, he says, is to seize and maintain the lead. This may be done by refusing to meet an opponent on the ground he has selected and by transferring the issues, as Coolidge did, to a wholly new field. There is a great advantage in being able to ignore one's opponent. "If he throws out an issue which makes no particular splash in the pond of opinion, ignore it altogether." When Cox made his sensational charges in 1920 and declared that the Republicans were raising a "slush fund" of at least $15,000,000, Harding paid no attention; instead of falling into a panic, the chairman and treasurer of the national committee treated the charges as a fantastic invention. In 1916 there was a fatal weakness in Republican strategy. "Hughes talked about Wilson. Taft came out and talked about Wilson. Roosevelt came forth and talked about Wilson and Wilsonism. And now and then in calm pauses Wilson could come out onto the porch at Shadow Lawn and talk about Taft and Roosevelt—and Wilson. Nobody talked about Hughes." The Republicans had ignored what our anonymous author terms the "strategy of superior place." The candidate must be the principal figure.[1] To the public Hughes became vague and colorless, not only because Wilson ignored him, but also because Taft and Roosevelt, who spoke on his behalf, made the front page of the newspapers more

[1] "When good material of vital import is at hand it should never be left to subordinates, but seized upon and maintained by the candidate himself. A failure to do so was one of Hughes' lost opportunities in 1916." *Behind the Scenes in Politics*, p. 53.

often than he did. "Roosevelt, of all men, was capable of making the man he intended to assist appear by comparison meager and inadequate and feeble." Again, "it is necessary to good political strategy to keep the candidate dignified, restrained as to the use of charges, accusation and abuse of the opposition." The scandal story is as dangerous to the accuser as to the accused.[1] If a personal attack is levelled against the opposing candidate, care must be taken, for the purposes of the attack, to separate him from the rank and file of his party. He must be represented as betraying them, as forfeiting their confidence; otherwise, being themselves involved in the rebuke, they are confirmed in their party attachment.

Publicity: newspapers and billboards

The strategy of the campaign having been agreed upon, the next step is to get the ear of the voters. This proceeding requires money as well as intelligence. Enormous sums are spent upon publicity; in one way or another, directly or indirectly, almost the whole campaign fund is devoted to that purpose.[2] The most obvious instrument of publicity is the newspapers. The great majority of these have attached themselves to one of the major parties and give willing support to its cause throughout the campaign. The press bureau at headquarters, whose business it is to keep them supplied with ammunition, varies the character of its service with the importance of the newspaper. The correspondents of metropolitan dailies are furnished with the latest news and with advance copies of the candidate's speeches. Cartoons and articles, despatches and editorials go to six or seven thousand newspapers of intermediate grade. The rural weeklies receive a single or double

[1] "If the unsavory matter is brought forth or approved, even tacitly, by one who is a candidate he always appears to have soiled his fingers; and if he cannot complete proof he loses votes by the hour. On the other hand there is so much resentment growing up against a whispering campaign that sympathy bows toward the man against whom it is directed." Such was the case with Cleveland, Roosevelt, Wilson, and Harding. *Ibid.*, p. 56.

[2] This will appear from the itemized statement of campaign expenditure rendered by the chairman of the Republican national committee on Nov. 30, 1924 (New York *Times*, Dec. 1). Or see the article by Donald Macgregor in the *Times* of Sept. 7, 1924. Mr. Macgregor says: "About forty per cent of the money is spent for publicity; twenty per cent for campaign speakers; twenty-five per cent for the maintenance of headquarters in the various key cities; and the remaining fifteen per cent for miscellaneous and emergency purposes." But speakers are just as much an instrument of publicity as printed literature; and headquarters expense includes the mailing and shipping of propaganda literature.

sheet of campaign material, set up and printed under the direction of the bureau, or "patent insides," cast plates that can be used on their own presses. "In the Republican campaign of 1896," says Herbert Croly,[1] "country journals with an aggregate circulation of 1,650,000 received three and one-half columns of specially prepared matter every week. Another list of country newspapers with an aggregate weekly circulation of about 1,000,000 were furnished with plates, while to still another class were supplied ready prints." Latterly a great deal of attention has been given to advertising.[2] After all, the purpose of propaganda is to win new adherents and not merely to confirm the faith of the old, as the free publicity in party organs does. A paid advertisement carries the propaganda into neutral or hostile territory; it reaches voters whose sources of information may be limited or prejudiced. The cost is heavy; perhaps $1,500 or $2,000 for one page in a metropolitan newspaper and still more for a page in some magazines of very large circulation; and waste is inevitable, because party organs will naturally claim a share of the money that is being spent. The billboards were effectively used for the first time in 1916. "If he remembers the election of 1916," says Talcott Williams,[3] "the voter has in his memory the appearance of a big four-sheet colored poster of a happy home in peace and the legend, 'He has kept us out of war.' He recollects that there was no fence or wall so high priced and no highway or railroad so sequestered that he did not somewhere see a pictorial reminder of this declaration. . . . Great posters on billboards and buildings are the costliest form of publicity. In 1916 it did the work. 'He has kept us out of war' turned the tide." Four years later the Republicans spent $400,000 on posters.[4] On every side the eye was caught by the words, "Let us be done with wiggling and wabbling."

While the newspapers are the most effective medium of propa-

[1] *Marcus Alonzo Hanna* (1912), p. 217.

[2] "The campaign will utilize all mediums of modern advertising, including billboard posters, newspaper and magazine advertisements, and motion pictures," says the New York *Times* of July 28, 1920. "To-day's conference was to obtain Senator Harding's approval of the plan. It is understood the Senator's approval was not given until he, a newspaper advertising man himself, had placed his O. K. on the preliminary advertising matter."

[3] "The High Cost of Politics," *Century Magazine*, Vol. CII (1921), p. 409. In France, under the law of 1914, the communes must provide official billboards of stated size and allot an equal space to each candidate.

[4] Donald Macgregor in the New York *Times*, as cited.

Pamphlet literature

ganda, campaign managers set great store by pamphlet literature. Ever since the days of the Anti-Corn-Law League, which inundated England with millions of economic tracts year after year, all great popular agitations have had recourse to the same methods. The Anti-Saloon League, spending at one time $2,500,000 a year, ran its Westerville printing plant continuously, with three eight-hour shifts, and often dispatched carloads of literature on a single day.[1] Both great parties follow a similar plan of large-scale production. In 1920 the Republicans distributed 15,000,000 lithograph portraits of Senator Harding.[2] In 1900 seven million copies of McKinley's acceptance speech were printed, and eight million copies of Bryan's, the latter appearing in eleven different languages.[3] Herbert Croly has described Hanna's elaborate provision of literature in the first McKinley campaign. "This feature of the canvass," he says,[4] "increased in importance as it progressed, and finally attained a wholly unexpected volume and momentum. The greater part of the responsibility fell upon the Chicago headquarters, and this fact made the work performed at Chicago relatively more important that that performed in New York. Over 100,000,000 documents were shipped from the Chicago office, whereas not more than 20,000,000 were sent out from New York. In addition, the Congressional Committee at Washington circulated a great deal of printed matter. The material was derived from many sources—chiefly from Mr. McKinley's own speeches and from those which various congressmen had made at different times on behalf of sound money. A pamphlet of forty pages, dealing with the silver question in a controversial way, although one of the longest of the documents, proved to be one of the most popular. A majority of these pamphlets dealt with the currency issue; but towards the end of the campaign, as the effect of the early hurrah for Bryan and free silver wore off, an increasing demand was made upon the Committee for protectionist reading matter. Something like 275 different pamphlets and leaflets were circulated, and they were

[1] Wayne B. Wheeler, "The Inside Story of Prohibition's Adoption," New York *Times*, March 29, 1926.

[2] This was the estimate of Chairman Hays before the Senate investigating committee (*Hearings*, as cited, Vol. II, p. 1116). Campaign buttons, costing several cents apiece, are distributed by the million.

[3] "How the Republican National Committee Works for Votes," *Review of Reviews*, Vol. XXII (1900), pp. 549-555; and "The Management of the Democratic Campaign," *ibid.*, pp. 556-559.

[4] *Op. cit.*, pp. 216-217.

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printed in German, French, Spanish, Italian, Swedish, Norwegian, Danish, Dutch and Hebrew as well as English."

The campaign text-book

The pamplets are of the most varied character. Many of them take the form of speeches or documents reproduced from the *Congressional Record*. For the most part, the speeches are of the familiar sort. They were not actually delivered before the House or Senate, but prepared expressly for campaign purposes and included in the official proceedings of Congress through the courtesy of unanimous consent. The government reprints such speeches and documents at cost, without any limitation as to the number of copies, and sends them free through the mails under the frank of a senator or representative. The most interesting and informative publication of the national committee is the *Campaign Text-book*, a volume of four or five hundred pages that can be carried conveniently in the coat pocket. It is the *vade mecum* of journalists, platform speakers, and party revivalists. One finds in it an astonishing amount of information, supported at times by statistical tables and documents: the biographies of the candidates, their speeches of acceptance, the platforms of both major parties arranged topically in parallel columns for purposes of comparison, and the party record with respect to all important controversial questions. On account of the cost of printing and mailing it, the *Campaign Text-book* has a limited circulation; it is designed for the teacher rather than the pupil.

Over-emphasis upon literature and oratory

Casual observation suggests that a large part of the pamphlet literature finds its way to the waste-paper basket without being read. While a single sheet, bearing a few significant figures and a few striking phrases, may catch the attention of a busy man and set him thinking, extensive documents are laid aside for a period of leisure that never comes.[1] The ordinary voter contents himself with what he finds in his newspaper. One is also impressed with the waste of energy in speech-making. A shrewd and experienced campaigner has confessed that he cannot account for so much oratory. "I believe," he says,[2] "that audiences assemble in the main for curiosity and entertainment, and that their applause is

[1] The pamphlet literature of the Unionist and Labor parties in England shows a marked superiority over that of the Republican and Democratic parties in this country. This may be due to the fact that the publication department is conducted by a trained permanent staff. The English parties carry on a continuous propaganda; there is no sudden activity of the printing press in the period of the campaign.

[2] *Behind the Scenes in Politics*, pp. 64 and 70.

a bad measure of results in the effort to make votes by oratory. The most people take away is an impression of the orator as a man, a human being under a personality-inspection test, and the least they take away is any new belief. . . . The point I am making is that if a doctor had come on the stage and said that the candidate had a bone in his larynx and could not say a word, but that he wanted to smile and bow and hand the manuscript of his speech to the reporters, the work to be done would perhaps have been as well done as if the candidate had spoken for three hours." For the success of a speech is to be measured, not by its effect on the immediate audience, but by its effect on the millions of voters whom it reaches next day through the newspapers. Just as a speech in the British House of Commons is really addressed to the public outside, since members vote in obedience to the party whip, so in our presidential campaigns the audience hears the reverberations, but the projectile itself describes a parabola over their heads and lands in the offices of the Associated Press.

"Front-porch" speeches: McKinley, Wilson, and Harding

The "front-porch" campaign is based on a frank recognition of these facts. McKinley at his Canton home in 1896, Wilson at Shadow Lawn, and Harding at Marion demonstrated the advantage of this method as against the "swing around the circle" to which Bryan and Hughes and Cox resorted.[1] Every week, or several times a week, a band of pilgrims would arrive at Canton. So far as the public knew, these visits arose out of a spontaneous desire to meet the candidate. As a rule, however, they were instigated by Hanna, the group being carefully chosen to represent some important interest, such as the wholesale merchants or the railway brotherhoods. McKinley always insisted on having a preliminary conference with the chairman of the delegation. "When he appeared," says Croly,[2] "Mr. McKinley would greet him warmly and ask:

[1] Of the Republican campaign of 1896, Herbert Croly says (*op. cit.*, p. 214) that one of the major necessities was "the adoption of some measure which would counteract the effect of Mr. Bryan's personal stump tour,—a tour which covered a large part of the country and aroused great popular sympathy and interest. Of course the countermove was to keep Mr. McKinley's ingratiating personality as much as possible before the public; but the Republican candidate cherished a high respect for the proprieties of political life and refused to consider a competing tour of his own. It was arranged, consequently, that, inasmuch as McKinley could not go to the people, the people must come to McKinley. The latter abjured the stump, but when his supporters paid him a visit, he could address them from his own front porch. This idea was employed and developed to the very limit."

[2] *Op. cit.*, pp. 215-216.

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'You are going to represent the delegation and make some remarks. What are you going to say?' The reply would usually be: 'Oh! I don't know. Anything that occurs to me.' Then Mr. McKinley would point out the inconveniences of such a course and request that a copy of the address be sent to him in advance, and he usually warned his interlocutor that he might make certain suggestions looking towards the revision of the speech.[1] . . . Knowing as he did in advance just what the chairman would say, his own answer was carefully prepared. He had secretaries to dig up any information he needed, but he always conscientiously wrote out the speech itself. If it were short, he would memorize it. If it were long, he would read it. In consequence, his addresses to the American people during the campaign, beginning with the letter of acceptance, were usually able and raised him in the estimation of many of his earlier opponents. He made a genuine personal contribution to the discussion of the dominant issues and extorted increasing respect from general public opinion. As the campaign progressed and the strain began to count, Mr. Bryan's speeches deteriorated both in dignity and poignancy, while those of Mr. McKinley maintained an even level of sobriety, pertinence and good sense.''

The practice of presidents when candidates for re-election

President Coolidge made no partisan speeches during the campaign of 1924. Whenever he spoke, he refrained from alluding to political issues or to his position as the leader of the Republican party. Over the radio on the night before election he did no more than emphasize the obligation of voters to attend the polls. In holding aloof from partisan controversy he was following the tradition that McKinley established in the campaign of 1900. President McKinley explained his attitude to a prominent journalist. ''This is not going to be any such campaign as four years ago,'' he said.[2]

[1] ''In one instance, according to ex-Senator Charles Dick, a man took his speech to Canton, all written out, and at McKinley's request read it aloud to the candidate. After he had finished Mr. McKinley said: 'My friend, that is a splendid speech, a magnificent speech. No one could have prepared a better one. There are many occasions on which it would be precisely the right thing to say; but is it quite suitable to this peculiar occasion? Sound and sober as it is from your standpoint, I must consider the effect from the party's standpoint. Now you go home and write a speech along the lines I indicate, and send me a copy of it.' In this particular case, even the second version was thoroughly blue-pencilled until it satisfied the exigent candidate. Such a method was not calculated to produce bursts of personal eloquence on the part of the chairman of the delegation, but the candidate preferred himself to provide the eloquence.''

[2] A. W. Dunn, *From Harrison to Harding* (1922), Vol. I, pp. 347-348.

"There will not be visiting delegates or anything like that. I will not make speeches, save one or two late in the year. Four years ago I was a private citizen and the candidate of my party for President. It was my privilege to aid in bringing success to my party by making a campaign. Now I am President of the whole people, and while I am a candidate again, I feel that the proprieties demand that the President should refrain from making a political canvass in his own behalf, and I shall not engage in speech-making this year, save one or two occasions when I shall speak upon national questions rather than partisan politics." President Wilson, on the other hand, delivered a campaign speech at Shadow Lawn each Saturday afternoon and even made a few short trips to the West. "Every speech of President Wilson's," says Tumulty,[1] "was, to use a baseball phrase, a home run for the Democratic side. They were delivered without much preparation and were purely extemporaneous in character. The Republican opposition soon began to wince under the smashing blows delivered by the Democratic candidate. . . ."

Advantages of front-porch method

The advantages of the front-porch method are overwhelming. The candidate preserves not only his dignity but also his physical well-being. His speeches, instead of being hurriedly improvised, are prepared with deliberation; they are not echoes of something repeated a dozen times in the past; they have coherence and point, being in each case confined to the elucidation of a single issue. The newspapers, provided with advance copies, print the full text.[2] On the other hand, the swing around the circle is justified on the ground that, giving millions of people a chance to see the candidate in flesh and blood and to hear the actual tones of his voice, it emphasizes his personality and generates enthusiasm. Bryan began the practice in 1896.[3] He traveled 18,000 miles

[1] J. P. Tumulty, *Woodrow Wilson as I Know Him* (1921), pp. 215-216.

[2] "The moment Harding made up his mind to stick as closely as possible to the front porch he had tucked under his arm a whole collection of advantages over his opponent. Not the least of these, and I speak of it first, was that he did not have to make unprepared utterances or wear his good sense, his restraint and his own estimate of values into pathetic frazzles by being kept everlastingly trying to silver-tongue corporal's guards of listeners. When he was going to speak to a group the next morning he could hand the press correspondents a written speech to put on the wire the night before. Under these conditions there is no chance for the slips and breaks made by any man who is tired through talking." *Behind the Scenes in Politics*, p. 73.

[3] Before the Civil War candidates rarely made campaign speeches. The chief exception was General Winfield Scott (1852), whose progress through

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and delivered hundreds of speeches in twenty-nine different states. Roosevelt as vice-presidential candidate in 1900 and Taft in 1908 surpassed this record. Whether such exertions produce any adequate effect is open to doubt. "Of all performances," says Melville E. Stone,[1] "this is the most illusory and profitless." Of Bryan's peregrinations in 1896, Stone says that "the Associated Press men who traveled with him were greatly impressed, and told me of the millions who gathered to welcome the itinerant, the wild enthusiasm displayed, the certainty of his ultimate victory. I replied that they failed to take into account the human curiosity involved, that nine out of ten in the great crowds greeting Bryan would have been equally excited by a visit of a circus, and that McKinley, who was making one speech a week from his front porch at Canton, was really reaching the public mind as Bryan was not by the practice he had adopted. And so it proved."

Objections to the stump tour

Aside from the expense,[2] there are three main objections to the prolonged stump tour. In the first place, only a man of extraordinary endurance, a Bryan or a Roosevelt, can escape physical exhaustion.[3] There are "sleepless nights, the sudden arousings in

the country did little to recommend him to the people. He met disastrous defeat at the hands of Pierce, who remained silent and invisible at his home in Concord. Greeley (1872) took the stump in the Middle West. In 1884 James G. Blaine toured a number of carefully selected states, including Ohio, while his successful opponent, Grover Cleveland, attended to his business as governor of New York and delivered only two speeches.

[1] *Fifty Years a Journalist* (1921), p. 313.

[2] "Special trains almost invariably are required for the tour of a presidential candidate. The reason is that regular trains do not make sufficiently long stops at stations for proper rallies and speeches. And, in addition, the candidate, with the burden of the campaign on his shoulders, must have a minimum of annoyance and all the facilities for rest that can be provided. Special trains are expensive, requiring a hundred full-fare railroad tickets in addition to the charge for the rental of the cars. The cars rented are Pullman cars and are hired by the day. The railroad hauls them on a mileage basis. The candidate, usually, is provided with a private car equipped with kitchen and similar facilities. The other cars, sometimes two or three, in addition to baggage cars, are occupied by members of the candidate's staff of stenographers and others and the newspaper correspondents, who, incidentally, pay their own expenses. Some idea of the magnitude of this item in the national campaign may be had from the fact that the tour of James M. Cox, the Democratic nominee of 1920, who passed virtually all of the time on the stump, cost the Democratic National Committee $160,000." Donald Macgregor in the New York *Times*, Sept. 7, 1924.

[3] "Bryan himself had one panacea. He had the ability to fall asleep in a second. Three minutes' sleep on a bench here, three more minutes in a hotel lobby, half an hour curled up in a day coach, and before the twenty-four hours

the dark to catch some train that is going to some junction, the handshaking at mills (handshaking being, again, one of the hardest forms of work, when you have to shake hands with a thousand men at once), the hardship of constant travel even under the most favorable conditions, the complete change of weather conditions from day to day when the train is making an interstate jump, and all the things that go to wreck or damage severely the health of the victim."[1] Under these circumstances the candidate's speeches steadily degenerate in quality. Those he prepared weeks ago, now grown stale through repetition, fill him with nausea. He tries to be original and vigorous; and in his state of approaching collapse he sometimes lets fall some fatal phrase that hostile correspondents at once set humming over the telegraph wires. Roosevelt did not make such slips; but in the end he became converted, as he put it, "from the BB-shot class to the bullet class, and would in time hope to fire a few eighteen-inch missiles rather than use an atomizer from the back platform of a train."[2] Finally, it is impossible to secure the most effective newspaper publicity. The fragmentary remarks delivered from the tail-end of a car or the more formal speeches, in which the tired mind, incapable of developing new thoughts, traverses familiar ground, yield little copy to the correspondents.[3] "In brief, the presidential

were up he would have had, in one way or another, eight hours" C. W. Thompson, "Endurance Test of Presidential Aspirants," New York *Times*, Aug. 15, 1920. The hardship is relieved a good deal by a special car or a special train. "But Mr. Bryan used to insist on traveling in day coaches when he was a candidate, and he was merciless both to himself and those with him."

[1] Thompson, *op. cit.* See also *Behind the Scenes in Politics*, pp. 74 *et seq.*

[2] *Behind the Scenes in Politics*, p. 74.

[3] "I told Governor Hughes," says Melville E. Stone (*op. cit.*), "what was sure to happen with his 'touch-and-go' talking. He would arrive at a town in the evening, make a hasty speech, and move on. The reporters would make a hurried report to be handed to a telegraph operator at the next stopping place. The operator would probably be an incompetent. The report would necessarily be greatly abbreviated in order to secure transmission. On its receipt by a newspaper in the rush hour it would be again 'cut down,' so that when Hughes read the story in print he would probably be unable to recognize it as his own speech. On the other hand, if he would give me half a dozen well-prepared addresses a week in advance, so that I could mail them to our newspapers throughout the country, they would be put in type during the leisure hours in the newspaper offices and on the day of their delivery would be released by two or three words of telegraph. I told him how President Roosevelt had managed things, how he had given me his messages to Congress on some occasions six weeks in advance, so that they were

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tour is madness—stark, staring insane confusion. The time will come perhaps when the people of the country will be educated up to the point where a mere refusal of a candidate to enter such a certain folly will recommend him as one superior in wisdom to the good men and true who campaign themselves silly over the brass rail of a back platform."[1]

Appeals to special groups of voters

The candidates are not, of course, the only speakers. In 1896 the Republican national committee employed the services of fourteen hundred;[2] and in 1920 the number rose above 15,000,[3] still an insignificant fraction of the number engaged in state and local campaigns. They are for the most part volunteers, receiving from the committee only an allowance for expenses.[4] They include prominent senators and representatives, governors of states, members of the cabinet, and perhaps defeated candidates for the nomination who thus show that no ill-feeling survives the pre-convention campaign. Johnson and Lowden took the platform for Harding. In connection with the speeches or independently of them, parades and other colorful demonstrations are organized for the purpose of stimulating enthusiasm. On such occasions the campaign clubs which have been formed to promote the interests of the candidate give evidence of their attachment by marching in some kind of regalia or by furnishing vocal and instrumental music. The national chairman takes special pains to cultivate friendly relations with racial and religious groups. It is important to send among them speakers and literature that make precisely the right appeal. In 1916 the Democrats had to face a delicate situation with regard to the Catholic vote, Wilson's recognition of Carranza in Mexico having provoked resentment. On the other hand, the Mormons, for the first time since Hanna made his deal with them in 1900, returned to their former affiliation and voted

released and printed in Tokio and St. Petersburg on the morning after their delivery. But my advice was not accepted. The managers sent Governor Hughes on his journey. Things turned out as I knew they would."

[1] *Behind the Scenes in Politics*, p. 77.

[2] Croly, *op. cit.*, p. 216.

[3] These were the figures announced at the end of July. Women constituted a little over ten per cent. New York *Times*, July 27, 1920.

[4] See the statement of Will H. Hays, Republican chairman, before a Senate investigating committee. *Hearings*, as cited, Vol. I, p. 1115. Mark Hanna refused to accept Jonathan P. Dolliver of Iowa as the candidate for vice-president on the ground that he had taken a fee of $100 for each of his speeches in the campaign of 1896. Dunn, *op. cit.*, Vol. I, p. 340.

the Democratic ticket.[1] The Republicans counted on a solid German vote, which the German-American Alliance seems to have promised if any man but Roosevelt should receive the nomination. During the course of the campaign, however, a sudden shift occurred. "Long after the election," says Arthur W. Dunn,[2] "it was learned that the Democrats, through Senator Stone of Missouri and others, had been able to reach the leaders of German influence in the country."

Polling doubtful states

As the campaign progresses every effort is made to discover the drift of public sentiment. Doubtful states require the most attention. There significant social and economic groups—service clubs, factory employees, chambers of commerce—are polled and, after an interval of high-pressure propaganda, polled again. But far more reliable is the elaborate house-to-house canvass sometimes undertaken by an army of workers when the balance between the parties is supposed to be very even. Croly tells how, early in September, 1896, "a careful canvass of Iowa indicated a probable majority for Bryan" and how six weeks later, after speakers and documents had been poured into every town and village, "the results of another canvass convinced the committee that the state was safe for McKinley,"[3] The astute politicians are rarely misled. That they put forward extravagant claims, which are utterly discredited by the results of the election, does not imply any lack of skill in reading the political barometer. They profess optimism because optimism is contagious. Great interest is manifested in the Maine election which, for state offices, takes place early in September. Maine is a Republican state and, according to the calculations of political experts, should elect a Republican governor by a majority of 40,000 in a normal year. Any marked variation in the vote reflects a similar tendency in the country at large. As Maine goes, so the nation goes.[4] It cannot be said, however, that the Republican majority of only 37,000 in 1924 accurately forecast the Coolidge landslide.

[1] *Ibid.*, Vol. II, pp. 340-341. "Wilson would not have won without the Mormons. It would have been impossible for him to carry the Republican states of Utah, Idaho, Wyoming, and New Mexico without Mormon support."

[2] *Ibid.*, Vol. II, pp. 324 and 341.

[3] Croly, *op. cit.*, p. 216.

[4] "Both Sides Claim New England Vote," New York *Times*, Sept. 6, 1924; "Republicans Hail Maine as Portent," *ibid.*, Sept. 10, 1924.

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Campaign Funds[1]

Extent of campaign expenditures

How much mony is spent in the political campaign of a presidential year no one can tell. For the national party organizations figures are available. The federal Corrupt Practices Act requires committees that attempt to influence an election in two or more states to make a sworn return of receipts and expenditures. As to the funds handled by the state central committees, incomplete and perhaps misleading figures have been compiled for 1920 and 1924.[2] But we are left in the dark as to the transactions of district, city, and county committees. What we know about the campaign resources of political machines in great cities like New York and Chicago gives the impression that in the aggregate the local funds must be gigantic.[3] In measuring the party effort nationally these funds should not be ignored; for all propaganda concentrates upon the individual voter, who is likely to vote the Republican national ticket if he votes the Republican local ticket. The following statement of expenditures in 1920 and 1924 must be regarded, therefore, as covering only a part of the ground:

Campaign of 1920[4]

Committees	*Republican*	*Democratic*
National	$5,319,729	$1,318,274
Senatorial	326,980	6,675
Congressional	375,969	24,498
State	2,078,060	888,323
Totals	$8,100,738	$2,237,770

[1] On this subject see James K. Pollock, Jr., *Party Campaign Funds* (1926).

[2] Thus the special committee of the United States Senate on campaign expenditures reports the figures for 1924 "in so far as they have been ascertained" (Senate *Report No. 1100*, 1925, p. 24). Supposing that they are accurate, these figures represent only the sums that have passed through the hands of the state committees; no doubt still larger sums have been spent by the candidates for state office themselves or by friends acting on their behalf. Charles Willis Thompson, a veteran political correspondent, even suggests that the sworn statements of the national treasurer may not disclose the full amount spent (New York *Times*, Sept. 5, 1920).

[3] According to an investigation made in 1913 the Republican organization in Philadelphia raised on the average more than $300,000 a year from one single source—the assessment of public employees; in 1910 the amount fell little short of $500,000. M. L. Cooke, *The Political Assessment of Office-holders* (1913), cited by P. O. Ray, *Political Parties and Practical Politics* (ed. 1924), p. 213.

[4] These figures are taken from the report of the Kenyon committee: *Senate Report 823*, 66th Congress, 3rd session. For a criticism of the figures see Pollock, *op. cit.*, notes, pp. 26, 30, 32-33.

Campaign of 1924

Party	*National Organization*[1]	*State Organization*[2]	*Totals*
Rep.	$4,270,469	$2,357,315	$6,627,784
Dem.	903,908	564,023	1,567,931
Prog.	221,977	235,913	457,890

Disparity between the parties

The Republicans spent, then, over eight million dollars in 1920 and over six and a half million dollars in 1924. One is struck, first of all, by the disparity between Republican and Democratic resources.[3] Why should one party spend only a quarter as much as the other party? No one supposes that the Democrats are so popular that they need no publicity, or so efficient that they get a dollar's worth for twenty-five cents, or so virtuous that they reject the largesses of rich men. In 1920 they, like the Republicans, accepted checks from Edward L. Doheny and Harry F. Sinclair. In 1924 they received $50,000 from Thomas F. Ryan and almost half as much from Henry Morgenthau and Bernard M. Baruch.[4] The Democratic treasurer collects what he can. But he commands smaller resources mainly because the commercial and industrial wealth of the country—big business—has allied itself with the Republican party.[5]

[1] *Senate Report 1100* (1925), p. 2.

[2] *Ibid.*, pp. 25-26.

[3] Wilbur R. Marsh, treasurer of the Democratic national committee, declared in 1920 (*Hearings*, as cited, Vol. I, p. 532): "We have lost continuously because we did not have money enough to present the issues. There is no question about that." He added that Bryan never had a fund of more than $600,000 and that "he would have won the first time if they had not closed up headquarters practically."

[4] W. T. Raleigh contributed $28,000 to the La Follette campaign fund. For a list of all campaign subscriptions of $1,000 or more, see Senate *Report No. 1100* (1925).

[5] In 1904 the Democrats nominated a conservative candidate, Judge Alton B. Parker, and apparently expected large contributions from big business, which regarded President Roosevelt with some distrust. "We had been promised a campaign fund of four million dollars," a prominent Democrat told Arthur W. Dunn (*op. cit.*, Vol. I, p. 403). "The promise was made through Jim Hill of Minnesota, and we understood it came from J. Pierpont Morgan, who was backed up by big business men here in New York with whom he is in close relations. We were told, if we would nominate a safe and sane man on a sane platform, that that amount of money and probably more would be forthcoming as soon as the convention was over. Now, here we are [at the national committee meeting in New York], and we are told that the arrangement has failed. Morgan says he has made his deal with Roosevelt and that it is not likely that Parker can be elected, and they prefer Republicans in power anyway, if they can get along with them."

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Are the amounts too large?

Is $6,600,000 too large a sum for the legitimate purposes of a national campaign? Measured by English standards, apparently it is not. The English law of 1918 permits candidates to spend for each registered voter ten cents in a borough constituency and fourteen cents in a county constituency, together with his personal expenses and the salary of an election agent; and in addition to this the Central Office of the party may spend as much as it pleases in the general interests of the party as a whole, the law being concerned only with the outlay of individual candidates. In our presidential election of 1924 the Republicans spent, not counting local funds, twenty-two cents for every one of the 29,000,000 votes cast, but on the basis of the potential vote little more than half that sum. If the local expenditures, whatever they may be, are written off as roughly equivalent to the expenditures of the Central Office in England, then we may assume that the Republican scale did not rise much above the English maximum allowance.

Expenditure on publicity legitimate

Of course, this fact, while reassuring, cannot by itself justify a huge campaign fund. In England, as in the United States, critics ask why so much money is needed; the very magnitude of the sum creates a suspicion of impropriety in its use. Every one who has taken a hand in politics knows that even to-day votes are bought and sold and that when the parties are of fairly equal strength the purchasable vote is sometimes a decisive factor. But corruption of that sort is practised in the dark; the money is raised as secretly as it is spent. The law requires of the national committee, on the other hand, a rigid accounting. Its financial transactions are made public in a sworn and itemized statement; and we know that what the committee gets it devotes to one vital object—publicity. The campaign is a great selling campaign. The parties advertise their wares—platforms and candidates—just as the manufacturer of a breakfast food or shaving cream, seeking to gain a nation-wide market in the face of stiff competition, presents his case to consumers through the medium of newspapers and magazines. There may be waste, misrepresentation; or one party, without having a really superior product, may make larger sales simply because it has the resources for more extensive advertising. Such circumstances cannot be regarded as condemning publicity, however. Since it is the means of informing and educating the electorate, publicity is a desirable thing, of which perhaps there cannot be too much. He would be a rash man who contended that six millions or twelve millions was too large a sum for a national party to spend on an advertising campaign once every four years. The

Anti-Saloon League, which confines its energies to the propagation of a single idea, has an annual budget of two or three millions; and no one supposes that any part of it is diverted to corrupt purposes. The money that is used to debauch the electorate, as in the Michigan primaries of 1918 and in the more notorious Pennsylvania and Illinois primaries of 1926, does not come from the national committee.

Sources of the funds sometimes questionable

It is, indeed, not so much the size as the sources of the national campaign funds that occasions disquiet. Before the Civil War, and for some time after it, the parties depended on office-holders and office-seekers; for in a period when the victor seized the spoils of office the fears of the one class and the hopes of the other bound both alike to devoted party service.[1] They not only acted as the shock troops, but also provided the contents of the war chest. As a matter of course, by way of insuring their official lives, civil servants handed over a percentage of their salaries to the party organization; and in the opposite party those who coveted a share of the public pay-roll bought chances in the lottery by contributing to the campaign fund. But under the Civil Service Act of 1883 a federal employee cannot solicit from or pay to another such employee any political contribution,[2] and no one may solicit such a contribution on federal premises. In some of the states similar laws have been enacted; yet, notwithstanding such legislation, enormous sums are still collected from state and municipal office-holders in the form of "voluntary" gifts which it would be unsafe to withhold.[3] In the South, Republican politicians impose systematic assessments upon federal employees. "I do know," said a Republican congressman from Texas in 1926,[4] "that under a guise of voluntary party contributions tribute is levied by the 'organization' upon the salaries of many if not most of the federal appointees in Texas. The money collected is not used for legitimate party campaign expenses, but it goes into the coffers of the state organization for the building up of the patronage machine. . . . These demands are in the form of quarterly instalment notes." In 1921 a sum of almost $100,000 was collected in this way. Similarly federal patronage is sold. "I do not say that

Assessment of public employees

[1] See F. A. Ogg, "The Dollars behind the Ballots," *The World Today*, Aug., 1908, pp. 946 *et seq.*

[2] This prohibition against soliciting contributions, extended to senators and representatives and to candidates for election to either house, now forms a part of the Corrupt Practices Act of 1925.

[3] On the subject of political assessments see Pollock, *op. cit.*, pp. 113 *et seq.*

[4] H. M. Wurzbach, *Congressional Record*, March 3, 1926, p. 4647.

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all appointments are sold," said Representative Busby of Mississippi;[1] "I know some persons who are beyond reproach." Doubtless, a part of the money finds its way to the national committee. Senator McKellar has said that "in my own state of Tennessee it developed early in this Administration that every applicant for office was assessed by the Republican organization with a certain amount which it was claimed was to be paid over to the Republican National Committee in order to take care of the deficit. . . . It turned out that the same condition of affairs existed in Arkansas, South Carolina, and perhaps other Southern states at least."[2]

Levies on big business:

In the eighties business interests began contributing heavily to campaign funds, and in this disguised form purchasing favorable legislation and immunity from interference. In doubtful states they backed both parties. But in national politics, as beneficiaries of the protective tariff, they showed a preference for the Republican cause. Thus in 1888, when President Cleveland had committed the Democratic party to a revenue tariff, if not to free trade, the treasurer of the Republican national committee, John Wanamaker, appealed to business men in this way: "How much would you pay for insurance upon your business? If you were confronted with from one year to three years of general depression by a change in our revenue and protective measures affecting our manufactures, wages, and good times, what would you pay to be insured for a better year?"[3] The appeal met with complete success.

Hanna in 1896

In 1896 Mark Hanna, the national chairman, was still more favorably situated, because the Republican party stood not only for the protective tariff, but also for "sound money" as against free silver. "Inasmuch as the security of business and the credit system of the country were involved in the issues of the campaign," says Herbert Croly,[4] "appeals were made to banks and business

[1] "Dozens of instances of the sale of postmasterships, rural letter carrier positions, and other positions could be cited." *Congressional Record*, March 10, 1926, p. 5088.

[2] New York *Times*, March 30, 1924; reported in *Congressional Record*, April 17, 1924, pp. 6731-6734. "I found the National Committeeman from Tennessee, John W. Overall, receiving checks from applicants for Post Offices, rural carriers, and other offices, both civil service and those not under civil service. When it was found, on indisputable proof, that this sale of offices was going on, Mr. Overall denied that he got the money personally, and said it was being applied to the deficit of the Republican National Campaign Committee."

[3] Quoted in Beard, *American Government and Politics* (3d. ed., 1920), p. 175.

[4] *Marcus Alonzo Hanna*, p. 219.

men, irrespective of party affiliations, to come to the assistance of the National Committee. Responsible men were appointed to act as local agents in all fruitful neighborhoods for the purpose both of soliciting and receiving contributions. In the case of the banks, a regular assessment was levied, calculated, I believe, at the rate of one-quarter of one per cent of their capital, and this assessment was for the most part paid. It is a matter of public record that large financial institutions, such as life insurance companies, were liberal contributors. The Standard Oil Company gave $250,000, but this particular corporation was controlled by men who knew Mr. Hanna and was particularly generous. Other corporations and many individual capitalists and bankers made substantial but smaller donations. Mr. Hanna always did his best to convert the practice from a matter of political begging on the one side and donating on the other into a matter of systematic assessment according to the means of the individual and institution." The Republican campaign fund of 1892 had amounted to $1,500,000. It is sometimes said that Hanna raised in 1896 ten or fifteen millions.[1] According to the audited accounts of the committee the sum fell below $3,500,000. Four years later the collections approximated $2,500,000.[2]

Hanna in 1900

In 1900 Hanna "solicited and obtained support from Wall Street more explicitly and more exclusively than he had in 1896. The explicit recognition on the part of the contributors that they were paying for a definite service enabled Mr. Hanna still further to systematize the work of collection. The size of a contribution from any particular corporation was not left wholly to the liberality or discretion of its officers. An attempt was made with some measure of success to make every corporation pay according to its stake in the general prosperity of the country and according to its special interest in a region in which a large amount of expensive canvassing had to be done. In case an exceptionally opulent corporation or business firm contributed decidedly less than was considered its fair proportion, the cheque might be returned. There are a number of such cases on record. On the other hand, an excessively liberal subscription might also be sent back in part,—assuming, of course, that the committee had collected as much

[1] Thus Charles Willis Thompson in the New York *Times* (Sept. 5, 1920) says: "Mark Hanna spent $16,500,000, and there was no high cost of living in those days." Arthur W. Dunn (*op. cit.*, Vol. I, p. 194) says: "Who can tell? Whether it was ten or fifteen millions does not matter. All that was needed was raised."

[2] Croly, *op. cit.*, p. 323.

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money as it needed, or more. . . .[1] Mr. Hanna introduced some semblance of business method into a system of campaign contributions which at its worst had fluctuated somewhere between the extremes of blackmail and bribery. If it had been allowed to develop farther, the system might have become a sort of unofficial taxation which a certain class of business was obliged to pay, because in one way or another its prosperity and even its safety had become dependent upon the political management of the country. Even in the extreme form which it asumed in 1900, the system itself remained the natural outcome of a relation between business and politics which the politico-economic history of the country had conspired to produce and for which in a very real sense the mass of the American people were just as much responsible as were its beneficiaries and perpetrators. Mr. Hanna merely developed it, and removed from it, so far as possible, the taint of ordinary corruption. Just as the work performed by individuals on behalf of McKinley's first nomination was never paid for by the promise of particular offices, so these contributions were not accepted in return for the promise of particular favors. In one instance a cheque for $10,000 was returned to a firm of bankers in Wall Street because a definite service was by implication demanded in return for the contribution."[2]

Roosevelt's attitude in 1904

Theodore Roosevelt, while governor of New York, had encountered and combated the disguised purchase of political favors. As the presidential candidate in 1904 he took a firm stand against the Hanna methods. "Before the campaign ended," says J. B. Bishop,[3] "it was made clear to all men that the old view of con-

[1] "The Standard Oil Company contributed $250,000 in 1900, as it had done in 1896; and there was, I believe, only one other contribution received by the Committee of the same size. When the election was over the officials of the Company were astounded to receive a letter from the Committee containing a check for $50,000. They had contributed more than their share, and the surplus over and above the necessities of the campaign permitted the Committee to reimburse them to that extent. Incidents of this kind naturally increased the confidence of business men in the new management of the Republican party. Money was not being extorted from them on political pretexts for the benefit of political professionals. They were paying a definite sum in return for protection against political attacks."

[2] *Ibid.*, pp. 324-326.

[3] *Theodore Roosevelt and His Time* (1920), Vol. I, p. 312. "When the campaign opened a curious mental condition was revealed. The managers of the campaign made no request from people who had been most bitter in their denunciation of the President's policies. These at once complained that they had not been called upon, asking if failure to do so meant that they were

tributions had passed away and, so far as Roosevelt was concerned, a new one had taken its place." He did not place any limit on the size of the contributions; it was with their purpose that he was concerned. "It is entirely legitimate," he informed the chairman of the national committee,[1] "to accept contributions, no matter how large they are, from individuals and corporations on the terms on which I happen to know that you have accepted them, that is, with the explicit understanding that they are given and received with no thought of any more obligation on the part of the National Committee or of the National Administration than is implied in the statement that every man shall receive a square deal, no more and no less, and that this I shall guarantee in any event to the best of my ability. . . . We cannot under any circumstances afford to take a contribution which can be even improperly construed as putting us under an improper obligation." He therefore instructed Cortelyou to return to the Standard Oil Company a check for $100,000,[2] and to the Tobacco Trust, against which the government was about to bring proceedings, a check for the same amount.[3] Later, in his messages of 1905 and 1906, President Roosevelt urged Congress to enact a law forbidding corporations to make contributions for any political purpose.[4] The law of 1907 makes it unlawful for any national corporation or national bank to contribute money for the purposes of any election, and for any corporation whatever to contribute money for the purposes of an election in which any national officer is voted for. The efficacy of the law may be doubted;

to be proceeded against after election. One quite prominent financial magnate, who had been especially vehement in denunciation, called upon the managers, and asked: 'What does this mean? Why have I not been asked to contribute? Have I not just as much right to contribute as anybody else? Am I to be discriminated against after election?' These inquiries revealed in a striking manner the conception as to the nature of campaign contributions which had prevailed previous to Theodore Roosevelt in public office."

[1] *Ibid.*, Vol. I, p. 329.

[2] Roosevelt had been misinformed. The corporation had made no contribution. H. H. Rogers, one of the oil magnates, had, however, given his personal check for the same amount. This the treasurer of the committee retained, not wishing to offend Rogers. According to Bishop (*op. cit.*, Vol. II, p. 98), Roosevelt did not learn the truth of the matter till September, 1908. As to the controversy over the Harriman fund of $250,000 see Dunn, *op. cit.*, Vol. II, p. 41.

[3] Dunn, *op. cit.*, Vol. I, p. 401.

[4] *Congressional Record*, Dec. 5, 1905, p. 96, and Dec. 4, 1906, p. 22. In 1904 he had recommended a law against bribery and corruption in federal elections.

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for it does not prevent the officers of such corporations from contributing as individuals.

Large donations now condemned

Since that time the public conscience has grown more sensitive. The mere size of a contribution, nowadays, is enough to arouse suspicion and criticism. "Can any reasonable person," asks Senator McKellar,[1] "take the position that the contribution of hundreds of thousands of dollars to further the political fortunes of a candidate will not, in the ordinary course of events, influence the acts of such a person in the event of his election to office? . . . Can it be argued that in the giving of a fortune in bringing about the election of a certain candidate for office it is without some expectation of future reward? Can any one think that such gifts are gifts without strings to them?" In the course of an address delivered in the spring of 1924, Senator William E. Borah took a similar position. "So long as political parties seeking power or control of the government," he said,[2] "accept vast contributions from those who are interested in matters of legislation or administration, you will have sinister and corrupt and controlled government. In these days the government deals with all the vast concerns of business, coal, railroads, ships, oil, tariffs, and it is simply intolerable that political parties accept vast contributions from those vitally interested in these matters. It is still worse for the parties to go out and solicit contributions from such individuals. For, I repeat, these unusual sums are not given merely because of the common interest which partisans have in their parties. Both political parties have for years placed themselves in an indefensible position in these matters. It all leads to that sinister and subtle influence which does more to break down representative government than any specific instance or open bribe. Besides, the open bribe follows inevitably as a result of the former practice."

But small sums apparently insufficient

The parties cannot very well ignore the growing popular sentiment which these observations reflect. For some time, therefore, they have tended to emphasize the importance of small contributions from the rank and file.[3] In 1908 the Democrats fixed $10,000 as the maximum that would be accepted from any individual and

[1] *Op. cit.* Referring to the fact that two oil magnates, Doheny and Sinclair, contributed large sums to both parties in 1920, the Senator observes: "I don't believe any one will believe that these gifts were made with any other purpose than to do what is called in gambling parlance 'play both ends against the middle.' With those tremendous gifts to both parties, their idea was that they could get enormous returns, whichever way the election went."

[2] New York *Times*, April 7, 1924.

[3] Pollock, *op. cit.*, pp. 68-80.

invited every member of the party to give the sum of one dollar. The response proved discouraging. Eight years later, with a shrewdly devised plan of organizing committees in every town of more than 500 population, nearly a quarter of a million Democrats were persuaded to contribute small sums;[1] and in 1920, as a preliminary to sending out appeals, the treasurer prepared a list of half a million Democrats whose incomes would justify an expectation of their subscribing to the party funds. The Republicans, having had some success in collecting ten-dollar contributions in 1916, developed elaborate machinery for the popular financing of the next campaign.[2] They desired not only to work a real reform by eliminating the possible taint of improper obligations, but also to stimulate political interest, which was just as much the objective as the money itself. Contributions were limited to a maximum of $1,000.[3] To reach the masses, as in Red Cross or Liberty Loan drives during the war, a ways and means committee was set up in each state and, as far as possible, in each county. According to the plan, the national committee was to be the sole collecting agency; it was to finance the senatorial and congressional campaign committees and also refund to the state committees whatever proportion had been agreed upon. The arrangements varied in different states.[4] For the purpose of the drive the national treasurer fixed a quota for each state and its subdivisions, this quota being revised from time to time, but, according to the evidence of the chairman before a Senate investigating committee,[5] kept above the sum actually needed or anticipated. It was upon these tentative quotas that James M. Cox relied when he charged the Republicans with attempting to raise "not less than $15,000,000."[6] The plan succeeded fairly well, though it involved heavy expense in the employment of high-salaried professional collectors. Down to

[1] *Hearings,* as cited, Vol. I, pp. 535 *et seq.* and 1568 *et seq.*

[2] The plans, as described by the national chairman, will be found in *Hearings,* Vol. I, pp. 1081-1084.

[3] From Dec. 1, 1918, to Aug. 26, 1920, only 47 contributions exceeded that sum. The largest sum received after the holding of the national convention was $2,500. *Ibid.,* Vol. I, pp. 1102.

[4] Apparently the states received on the average forty per cent of the collections. *Hearings,* as cited, Vol. I, pp. 1187 *et seq.*

[5] *Ibid.,* Vol. I, p. 1083.

[6] See, for example, Cox's Wheeling speech of Aug. 14 (*Hearings,* I, 1070-1075). The Brooklyn *Eagle* had predicted the raising of $16,000,000 (*ibid.,* II, 1823). For a dispassionate discussion of the Cox charges see "The Campaign of 1920," *World's Work,* Vol. XLI (1920), pp. 9-14.

August 26, 1920, the treasurer received 30,904 contributions, averaging $92.30.[1] But in the next campaign little was heard about small contributions from the rank and file and nothing at all about any maximum limit. The Republican committee received 105 checks for $5,000 or over, three of them being for $25,000 and one for $50,000.[2]

[1] *Hearings*, Vol. I, p. 1103.

[2] The Democrats received 39 checks for $5,000 or over, the largest single contributor giving $50,000. Senate *Report 1100*, 1925, pp. 12-14, 20-21, and 23-24.

CHAPTER XX

CORRUPT PRACTICES ACTS [1]

THE national campaign funds are not employed, as they once were, in the vulgar forms of corruption, such as bribery and the purchase of votes. They are criticized, first, because of their source, large contributors often expecting a return of some kind from their investment; and, second, because of their disproportionate size, the Republicans having a marked advantage in this respect. "We have lost continuously," the Democratic treasurer declared in 1920,[2] "because we did not have money enough to present the issue. There is no question about that." As to the remedy, critics do not agree. In his message of 1907 President Roosevelt suggested an appropriation of public money for the use of the parties. "There is," he said,[3] "a very radical measure which would, I believe, work a substantial improvement in our system of conducting a campaign, although I am well aware that it will take some time for people so to familiarize themselves with such a proposal as to be willing to consider its adoption. The need for collecting large campaign funds would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties, an appropriation ample enough to meet the necessity for thorough organization and machinery, which require a large expenditure of money. Then the stipulation should be made that no party receiving campaign funds from the Treasury should accept more than a fixed amount

Public money for party use:

T. Roosevelt proposal

[1] On this subject see James K. Pollock, Jr., *Party Campaign Funds* (1926), pp. 180-289.

[2] *Hearings*, Vol. I, p. 532.

[3] *Congressional Record*, Dec. 3, 1907, p. 78. As to the efficacy of corrupt-practice legislation in general he said: "It is well to provide that corporations shall not contribute to presidential or national campaigns, and furthermore to provide for the publication of both contributions and expenditures. There is, however, always danger in laws of this kind, which from their very nature are difficult of enforcement; the danger being lest they be obeyed only by the honest, and disobeyed by the unscrupulous, so as to act only as a penalty upon honest men. Moreover, no such law would hamper an unscrupulous man of unlimited means from buying his own way into office."

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from any individual subscriber or donor; and the necessary publicity for receipts and expenditures could without difficulty be provided."

The Colorado plan

The proposal did not then, or later, commend itself to Congress. But in 1910 the Colorado legislature adopted it in a more rigid form than Roosevelt had suggested.[1] The statute provided that the state chairman of each political party should receive from the public treasury "a sum equal to twenty-five cents for each vote cast at the last preceding general election for the nominee for governor of that political party" and that he should transmit to each county chairman a sum equal to twelve and a half cents for each vote cast for the nominee in the county; that each candidate for office might contribute a sum not exceeding forty per cent of the first year's salary of such office; and that any other person or corporation contributing any money or property should be deemed guilty of a felony. This statute, manifestly at variance with a provision of the constitution which forbade the use of public money for sectarian, partisan, or charitable purposes, never went into effect. The state supreme court declared it unconstitutional in 1911.[2] It was expressly repealed ten years later. Whatever may be said about the principle involved, its application in this particular case,—so unfair to minor parties and new parties,—was clearly unreasonable.

Bryan's "national bulletin" rejected

In commenting upon the President's proposal, a writer in the *Independent* conceived the idea of publishing throughout the campaign an official daily bulletin, which would be distributed free of charge to every registered voter. All candidates would have access to the bulletin on equal terms.[3] Mr. Bryan recurred to this idea in 1920. He urged the Democratic convention to incorporate the following plank in its platform:[4] "We favor a national bulletin, not a newspaper, but a bulletin issued by the federal government, under the fair and equitable control of the two leading parties, such bulletin to furnish information as to the political

[1] Session laws, Chap. 141.

[2] In the case of *McDonald v. Galligan*. For the grounds of this decision I am indebted to Judge Ben B. Lindsey of Denver.

[3] James Mackaye, "The Substitute for the Campaign Fund," *Independent*, Vol. LXIV (1908), pp. 1142 *et seq.* "In this way," he says, "wealth, or the backing of wealth, would cease in great measure to be the determining factor in elections. The candidate who desired to represent public interests would have something like as fair a chance as he who desired to represent vested interests. . . ."

[4] *Proceedings*, p. 202.

issues of the campaign, editorial space and space for presentation of claims of candidates proportionately divided between the parties." Such a bulletin, he said,[1] "offers the only means by which the people can receive, through unpolluted channels, the information that they need." For "government by the consent of the governed is a mockery unless the people know to what they are consenting"; "the voters cannot vote intelligently unless they hear both sides"; and "any man of merit should be able to aspire to the highest office within the gift of the people regardless of whether he has a fortune himself or rich friends or is poor." The resolution was defeated without a roll-call.[2]

Publicity pamphlets

An official bulletin, in the modified form of the "publicity pamphlet," has made its appearance in a number of states. Attention has already been directed to its use in connection with the primary campaign.[3] For the purposes of the general election Florida, North Dakota, and Oregon distribute such a pamphlet, free of course, to all registered voters.[4] The Oregon law, dating from 1908, provides that the state executive committee of any political party "may file with the secretary of state portrait cuts of its candidates and typewritten statements and arguments for the success of its principles and the election of its candidates, and opposing or attacking the principles and candidates of all other parties." Independent candidates enjoy a like privilege. The material is printed in pamphlet form and mailed to the voters at least ten days before the election. For each page a charge of fifty dollars is made. The maximum allowance of space is two pages for an independent candidate and twenty-four pages for a political party.

The purpose of the Oregon law, as stated in the preamble, is, "as nearly as possible," to prevent the use of any means but

[1] *Ibid.*, p. 213.

[2] *Ibid.*, p. 261. Speaking against the resolution, Bainbridge Colby observed (p. 243) that the *Congressional Record*, which presents the case of both parties without discrimination, is "the most widely unread newspaper in the world."

[3] See *supra*, Chap. XVI, p. 423.

[4] But in North Dakota only in case there are initiated or referred measures to be circulated at the same time. Montana, South Dakota, and Wyoming have repealed laws providing for this form of publicity pamphlet. In another form, presenting the text of measures upon which the people are to vote and arguments for and against them, the pamphlet is used in eleven states: Arizona, California, Massachusetts, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, Utah, and Washington. See R. C. Brooks, *Political Parties and Electoral Problems* (1923), pp. 473-476; and *infra*, Chap. XXI.

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Their inadequacy

arguments addressed to the voters' reason. The spending of large sums of money in the elections "tends to the choice of none but rich men or tools of wealthy corporations to important offices, and thus deprives the people's government of the services of its poorer citizens regardless of their ability." The law proceeds, therefore, to set a very severe limitation upon expenditures. Beyond his contribution towards the cost of the statement appearing in the pamphlet, a candidate is restricted to a sum not exceeding ten per cent of one year's salary of the office he is seeking.[1] Ten per cent of the salary of governor is $750. Obviously such slender resources will not permit a candidate to make himself known to 300,000 voters scattered over an area of 96,000 square miles.[2] The voters may gaze upon his portrait; they may draw what conclusions they can from an election address which covers two, or at most three, pages of the publicity pamphlet. But, as a substitute for old-fashioned campaigning and the discussion of political issues as they take new form and significance, a single essay of one thousand words seems somewhat inadequate. Oregon's drastic solution of the campaign-fund problem over-emphasizes the value of the publicity pamphlet.

Statutory regulation of expenditures

The practice of the several states, in dealing with this problem of campaign expenditures, shows a marked diversity. Some statutes are rudimentary, other comprehensive; some, relying upon public opinion as the most salutary corrective, merely provide for the publication of receipts and disbursements, while others impose restraints on each specific abuse. Legislation is, indeed, still in the experimental stage. It began with a New York statute of 1890. By the end of the century seventeen states had, in some fashion, regulated campaign expenditures. But the regulation was neither comprehensive nor drastic. It was not till 1906, after Perry Belmont had drawn attention to the subject in a magazine article [3]

[1] "No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any political party or organization to promote the success of the principles or candidates of such party or organization, contrary to the provisions of this act. For the purposes of this act the contribution, expenditure or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employe, or fellow official or fellow employe of a corporation shall be deemed to be that of the candidate himself."

[2] It should be observed, however, that the candidate has previously conducted a primary campaign in which he may have spent fifteen per cent of his prospective salary.

[3] "Publicity of Election Expenditures," *North American Review*, Vol. CLXXX (1905), pp. 166-185.

and formed the New York Publicity Law Organization,[1] that the movement attained formidable dimensions. Even then it proceeded slowly for some years. Latterly there has been a steady approximation to the standards of the English Corrupt and Illegal Practices Act of 1883, which requires a sworn statement of receipts and disbursements, limits the aggregate sum that may be spent, forbids expenditure for certain purposes, and enumerates the objects upon which money may lawfully be spent. American statutes of this type are known as corrupt practices acts. These must be distinguished from statutes that penalize offences against the election law such as illegal voting (personation, repeating), bribery (the purchase of votes, etc.), undue influence (coercion or threats to persuade or compel a person to vote or refrain from voting in a particular way), tampering with the ballots, and falsifying the returns.[2] In the corrupt practices acts, notwithstanding their diversity, certain tendencies may be discerned.[3] An analysis and comparison would reveal the recurrence of a few characteristics which in a given statute may appear singly or in combination. Before examining these characteristics it may be well to emphasize, by concrete illustration, the varying scope of corrupt-practice legislation.

Illinois, Mississippi, Rhode Island, and Tennessee ignore the subject; other states give it scanty attention. North Carolina is one of the states that occupy an intermediate position.[4] The law of that state (1) requires every candidate in the primary election to file ten days before the primary and twenty days after it a sworn and itemized statement of "all money or other things of value that he has spent and knows to have been spent by any one else in his behalf, and all money that has been contributed to him directly or indirectly . . ., and the names of the contributors"; and further to swear that he has promised no money or thing of value in return for support. (2) The expenditure in behalf of

North Carolina law

[1] And, a few months later, the National Publicity Law Organization. See *Senate Documents* 89 (59th Congress, 1st session), 195 (59th Congress, 2d session), and 495 (62d Congress, 2d session).

[2] Compare, for example, in the Minnesota election law, "corrupt practices" as described in sections 567-607 and "penal provisions" as described in sections 610-631. But in some states the two types of legislation are brought together as "corrupt practices" or "offences against the elective franchise." Cf. North Carolina.

[3] The corrupt practices acts apply only to nominations in Arkansas, Florida, Idaho, South Carolina, Texas, Vermont, Virginia, and Washington.

[4] Election law, sections 112 and 144.

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such candidate must not exceed a sum equal to half the salary of the office he seeks or, in the case of the offices of governor and United States senator, a full year's salary. (3) Ten to fifteen days before the general election and within twenty days after it every candidate must file a sworn and itemized statement; but the law does not limit the amount that he may spend. (4) It is unlawful for any person to contribute or spend any money or thing of value in furthering the nomination or election of a candidate unless he reports the same immediately to the candidate or his campaign committee, so that it may be included in the sworn statement. (5) Finally, it is unlawful for any person to give or promise official patronage in return for political support.

The law of Wisconsin may be taken as an example of comprehensive and thoroughgoing regulation.[1] Only its main features can be given here. (1) The law requires publicity. Every candidate, the secretary of every personal campaign committee, and the secretary of every party committee shall, at a fixed time before and after any primary or election, file a sworn and itemized statement of receipts and disbursements,[2] this statement giving full details with respect to every sum of more than five dollars, express or implied obligations included; and every other person who, for political purposes, spends within one year an aggregate sum of more than fifty dollars shall also file a statement. No candidate shall make any disbursement except under his personal direction or through a party committee or through a personal campaign committee. The personal campaign committee may consist of one or more persons, appointed in writing by the candidate. The acts of every member "shall be presumed to be with the knowledge and approval of the candidate, until it has been clearly proved that the candidate did not have knowledge of and opportunity to disapprove the same." (2) The law imposes a limitation upon the amount that may be spent by or on behalf of any candidate for nomination or election: United States senator, $7,500; governor, $5,000; congressman, $2,500; minor state officers, $2,000; state senator, $400; state representative, $150; county and other local officers, a sum equal to a third of the annual salary of the office.

[1] Election laws, Chap. XII, Secs. 1-29.

[2] The law also concerns itself with non-party organizations which advocate or oppose any candidate, party, faction, or constitutional amendment. Any such organization must file a statement showing its purpose, the names and addresses of its officers, and the sources of its income; and also, before the primary and election, a statement of receipts and expenditures.

The candidate may in writing authorize a party committee or his personal campaign committee to spend any part of this sum. Only under such authority may the committees make any disbursements whatever. An exception is made in the case of the state central committee, which may spend an additional sum of $10,000 in the general interests of all candidates. (3) The law defines the purposes for which expenditures may lawfully be made. In the case of a committee these are: maintenance of headquarters and rental of halls; stationery, postage, clerical assistance at headquarters; printing and distribution of campaign literature; advertising; salaries and expenses of speakers; traveling expenses of committee members. In the case of the candidate they are: personal hotel and traveling expenses; postage, telegraph, and telephone; payments made to the state pursuant to law; contributions to party and personal campaign committees. If the candidate appoints no campaign committee, he may perform the functions otherwise assigned to it. The law also provides that no payment of any kind shall be made for services to be performed on the day of the primary or election, "or for any loss of time or damage suffered by attendance at the polls . . ., or for the expense of transportation of any voter to or from the polls." (4) Among miscellaneous provisions occur the following: that campaign literature shall bear the name and address of the author and of the candidate; that a newspaper or other periodical, printing paid political matter, shall label it "paid advertisement" and either state the charge made for it or give the name of the candidate on whose behalf it has been inserted; that no newspaper or other periodical or any one connected with it shall solicit or receive any compensation in return for political influence and that no person shall offer compensation therefor; and that no candidate shall directly or indirectly promote his interests by the offer of appointment to public or private office.

The chief legislative remedies: (1) publicity

The Wisconsin law combines the features that are most commonly found in corrupt-practice legislation. With few exceptions, the states require publicity, that is, the filing of a detailed statement of receipts and expenditures. This requirement usually applies not only to the election campaign, but also to the primary campaign; not only to the candidate, but also to his agent or personal committee and to the party committee. Thus the New York law (Sections 320-327) defines a political committee as a combination of three or more persons coöperating to aid or defeat a party, a principle, a measure, or a candidate. The treasurer

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of such a committee shall, within twenty days after the primary or election, file a sworn statement, accounting specifically for every sum of five dollars or more; and candidates shall file similar statements. Of course, the purpose of these requirements could be defeated, the sources and size of the campaign fund disguised, if friends of the candidate, without his authority, made outlays on his behalf. It is difficult to prevent such evasions. Various remedies have been devised. In New York any person who, directly or indirectly, contributes any money or other thing of value except to a candidate or committee, or disburses money except for personal expenses,[1] must file a sworn statement; so too in Nebraska, whenever an aggregate sum of more than twenty dollars is involved. Failure to file a statement is punishable by fine or imprisonment; the filing of a false statement, by imprisonment, frequently without the alternative of a fine.

In most cases—speaking broadly, in two-thirds of the states that provide for publicity—campaign accounts must be filed within a certain number of days (in Oregon fifteen, in Iowa thirty) *after* the primary or election. The voter, therefore, when he casts his ballot, does not know the facts; and yet the facts, if known beforehand, might affect his attitude towards a particular candidate or a particular party. In the presidential campaign of 1908 Mr. Bryan argued in favor of publishing the campaign accounts in advance of the election. In reply Mr. Taft said that, if such a course were followed, contributors would be unfairly criticized and their motives misrepresented. Post-election publicity would be sufficient, he added, to prevent the making of campaign contributions with the hope of some return in the shape of privileges and favors.[2] As far as federal law is concerned the controversy has been settled in favor of Mr. Bryan. It may perhaps be said that state legislation shows a similar tendency. The number of states requiring publication before as well as after the primary and election steadily increases.[3] The Nebraska law requires the treasurer of every committee to file a statement fifteen days before the

[1] Personal expenses include payments for traveling, preparing letters or other publications, stationery, postage, telegraph, telephone, and messenger service. New York election law, Sec. 322.

[2] *Outlook*, Oct. 10, 1908, p. 276; *Literary Digest*, same date, pp. 487-489.

[3] These states now are: Alabama, Arizona, Florida, Kentucky, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Texas, Utah, West Virginia, and Wisconsin. In five of these states the law applies only to the primary. See above, note, p. 517.

primary or election and a supplementary statement on each succeeding day.

(2) Limitation upon amount of expenditure

Thirty-six states limit the amount of money that may be spent by or on behalf of a candidate. The amount is usually expressed in a fixed sum or in a percentage of the salary attached to the office; less frequently it is based upon the number of voters. There is a marked difference in standards. Thus in Kentucky candidates may spend the following sums in the primary campaign and similar sums in the election campaign: for governor, $10,000; other state offices, $5,000; county offices, $1,000 to $2,500; state senate, $500; state assembly, $350. But in Minnesota, which has an electorate of almost precisely the same size, a candidate may spend in both campaigns together only $7,000 for the office of governor and $3,500 for other state offices. Again, in Iowa the amount is fixed at fifty per cent of the annual salary of the office for either campaign; and in Michigan, with an electorate one-fifth again as large, at twenty-five.[1] In California, a still more populous state, the percentage varies from five to twenty, according to the term of office.[2] The Missouri maximum, which applies to nomination, or election, or both, rests upon the last presidential vote, allowing $200 for the first 5,000 votes or less, four dollars for each additional hundred votes up to 25,000, and thereafter two dollars for each additional hundred. On the basis of the presidential vote of 1924 a candidate for the office of governor could spend $24,600 in his primary and election campaigns. This is four times the allowance made in Iowa and more than six times the allowance made in Michigan. For the same office New Jersey fixes the maximum at $50,000 for the primary and the same amount for the election.[3] In West Virginia the allowance is based upon the county as a unit. For state offices and Congress the candidate may spend $75 for each county in his primary campaign and a like amount in his election campaign; for the state legislature, $125 for each county.[4] In most cases the personal expenses of the candidate

[1] But in the Michigan primary campaign the percentage for the offices of governor and lieutenant-governor is fifty.

[2] This applies only to the election campaign. There is no limitation to the amount of expenditure in the primary.

[3] The amounts allowed for other offices in New Jersey are: U. S. senator, $50,000 in each campaign; congressman, $7,500; state legislature, five cents for each voter; county office, half the annual salary; delegate to the national convention, $10,000.

[4] In the case of county offices the allowance is $200 for each campaign; in the case of any other office, $50.

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are not included in the maximum; and these personal expenses—which in Nebraska cover payments for travel and subsistence, stationery and postage, letters and circulars, telegraph and telephone—may be stretched surprisingly far. The penalty for spending more than the amount fixed by law is either a fine, as in Kentucky, or the voiding of the candidate's nomination or election. According to the Nebraska law: "Any payment, contribution or expenditure, or agreement or offer to pay, contribute or expend any money or thing of value in excess of the limit prescribed in this article, for any or all such objects and purposes, is hereby declared to be unlawful and to make void the election of the person making it."

This requirement evaded

A quarter of the states—Pennsylvania among them—place no limitation upon the size of campaign funds. Their attitude does not, in most cases, imply any indifference to the evils of excessive expenditure. They prefer to use other methods—publicity and restraint upon the use of money for certain purposes. It is open to question, indeed, whether limitation by law, especially a drastic limitation that hampers legitimate campaign activities, can be really effective. Professional politicians, if they consider the law unreasonable, do not hesitate to evade it. The sworn statements, according to Frank R. Kent,[1] "never show the total receipts and expenditures." Under the Maryland election law (section 167) a candidate for nomination or election may, in addition to personal expenses, disburse no more than "ten dollars for each one thousand up to fifty thousand, and five dollars for each one thousand in excess of fifty thousand of the registered voters." In the case of the governor's office the amount would not exceed $3,500. Yet Kent declares that no governor in the past quarter of a century has been nominated and elected for less than $100,000 and that in most cases it has cost a great deal more.[2] The candidate or his campaign manager—some states require and others permit the appointment of a manager who shall control all receipts and disbursements—[3] may

[1] *The Great Game of Politics*, p. 113.

[2] *Ibid.*, p. 115.

[3] In New Jersey every candidate who is permitted to expend $500 or more must appoint a campaign manager; and all contributions must be paid to this manager unless the money is to be spent by a party committee in the election campaign. Candidates for nomination or election as governor, United States senator, or congressman are required to designate a bank or trust company as the depository of all funds and to deposit contributions within twenty-fours hours of their receipt.

subscribe to his statement with a fairly clear conscience because the unlawful expenditures have been made without his knowledge.

and futile, if party committees not included

Aside from such subterfuges, however, the very law that lays down the limitation may render it nugatory. The party committees, although they may stand aloof from the contest in the primaries, conduct the election campaign in the interest of all the party candidates; and, while the candidate for governor may be allowed to spend only a thousand or five thousand dollars, no restriction of any such kind may be imposed upon the state central committee, which is vitally concerned in his success. Thus the laws of Indiana and New Jersey expressly empower the party committees to raise campaign funds without limitation on their size.[1] Wisconsin, as already shown, has a different rule; the committees are limited in their expenditures; and those states which have framed their corrupt practice acts on the Wisconsin model—for example, Minnesota, Utah, and West Virginia—have adopted this rule. Thus Utah permits the state and county committees to spend a sum equal to twelve and a half cents for each vote cast in the last election of governor and in addition to spend only such sums as the candidates contribute out of the maximum allowed them under the law. Only in two other states—Nevada and New Hampshire—does the limitation of expenditures apply to party committees.

(3) Prohibition of certain expenditures

Whether or not the campaign funds are limited in amount, the law always forbids the spending of money for certain specified purposes. These purposes vary in number and character from state to state. It is usually declared unlawful to hire vehicles for the purpose of taking voters to and from the polls;[2] to hire assistants on primary or election day except for service as challengers and watchers; to subscribe to religious, fraternal, or charitable organizations unless the candidate has been a sub-

[1] "It shall be lawful, after any primary election," says the New Jersey law (Par. 509, Sec. 19), "for the state, county or municipal committee or organization of any political party or group of petitioners, to solicit and receive contributions in aid of any or all of the candidates duly nominated at any party primary or by petition." Except that contributions received on behalf of a particular candidate must be forwarded to his campaign manager, a committee "shall have power to expend such contributions in aid of the candidacy of all such candidates, or any one or more of such candidates, or for payments of any legitimate expenses of such committee" (Pars. 510, Sec. 20, and 511, Sec. 21).

[2] Exception is made in the case of aged or infirm voters. Massachusetts permits one vehicle, New York three vehicles, for each polling place.

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scriber for some time prior to the campaign; and, in the South, to pay the poll tax of another person. The possible scope of unlawful expenditures may be gathered from the provisions of the Utah corrupt practices law. In that state no person shall pay a newspaper or other periodical for the purpose of influencing its attitude towards a candidate or make any payment except for paid advertisements, which shall be so designated and for which compensation shall be according to the usual rates. No candidate shall make any bet or wager or become a party to any such bet or wager on the outcome of a primary or election. No payment shall be made for any loss due to attendance at the polls. No person shall pay for any personal services performed on primary or election day except by challengers and watchers. No person shall convey or furnish any vehicle for conveying or bear any portion of the expense of conveying a voter to and from the polls; but the committees of two or more parties may coöperate in conveying sick, disabled, aged, and infirm voters. No person shall pay or reward another person for the purpose of inducing him to be or refrain from being a candidate. No candidate shall make any payment to any religious, charitable, or other causes or organizations during the period of his candidacy.

(4) Enumeration of lawful expenditures

Besides outlawing certain activities by prohibiting expenditures upon them, the law frequently (that is, in twenty-eight states) enumerates the purposes upon which money may lawfully be spent. This is done in states like West Virginia which limit the size of campaign funds and in states like Pennsylvania which set no such limitation. It is done in California both for the election campaign, in which candidates may spend only a certain percentage of their prospective official salary, and for the primary campaign, in which candidates may spend as much as they wish. The New Jersey law provides that "no person shall expend any money or other thing of value or incur any liability in aid or furtherance of his candidacy for nomination for or election to any public office or party position or in aid or furtherance of the candidacy of any other person, or in opposition to the candidacy of any other person, for nomination or election to any public office or party position, for any purpose whatever except the following": advertising in newspapers or periodicals, in railroad cars, trolley cars, vehicles, airplanes, or by means of banners, electric signs, moving pictures, wireless; holding public meetings, this to include music and other entertainment; traveling expenses of agents

and their compensation; watchers at the polls; contributions to party committees as provided by law; headquarters and the necessary staff; telephone, telegraph, expressage; traveling expenses of the candidate; and the preparation, printing, and distribution of literature.[1] This list is exhaustive. Immediately afterwards, in forbidding certain expenditures, the act expressly provides that "the specific prohibitions contained in this section, or in any other portion of this act, shall not operate to permit, by implication or otherwise, the expenditure of any money or thing of value or the incurring of any liability for any purpose not specifically authorized by this act or to limit or in any way restrict the operation of the foregoing section."

(5) Limitations as to contributions

The corrupt practices acts are mainly concerned with expenditures. Except for the requirement of publicity they have little to say about contributions. There is only one provision that occurs frequently enough to be termed characteristic: almost all the states, taking example from the federal law of 1907, prohibit contributions by corporations.[2] In a few cases the aggregate sum that any individual may contribute is limited. Massachusetts and Nebraska fix the amount at $1,000; but, as Senator Lodge admitted in the course of a congressional debate, "There are all sorts of ways of evading these provisions of the law. . . . There are methods of giving a great deal more than a thousand dollars."[3] New Jersey permits no contribution whatever within five days of the primary or election.[4] In a number of states the civil service laws prohibit the assessment of public employees for political purposes. Nevertheless, such assessments are generally levied. "It is an interesting fact," says Kent,[5] "that even state and city

[1] Election law, Par. 598, Sec. 52.

[2] This prohibition now forms a part of the federal Corrupt Practices Act of 1925.

[3] *Congressional Record*, May 21, 1924, p. 9291. According to Senator Robinson the law is evaded "by the very simple process of dividing the contributions up so as to make them appear to be in conformity with the law when, in fact, they are in violation of the law."

[4] Nebraska permits no contribution of more than $25 within two days of the election.

[5] *Op. cit.*, pp. 122-123. The job-holder gets a letter informing him that his party is engaged in an important campaign and needs money badly. "No intimation of how much is expected is given in this letter. Usually the job-holder knows this without being told, or if he does not he finds out, and in order that there shall be no misunderstanding he is verbally informed by his precinct or ward executive. There are exceedingly few job-holders who fail to respond."

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officials protected by the merit system against attack from the politicians contribute as regularly and liberally as those outside of the classified service. Apparently this is due partly to their genuine interest in the party and partly to a feeling that, even when wrapped in the civil-service cloak, it is better to have the machine friendly." The assessment averages two per cent of the salary, according to Kent, and yields annually something like $250,000 in New York and $150,000 in Chicago.

Federal acts of 1910 and 1911

In 1910 and 1911 Congress passed two highly important corrupt practices acts, the second taking the form of an amendment to the first.[1] The act of 1910 [2] required publicity for election campaign receipts and expenditures. Any political committee, seeking in two or more states to influence an election at which congressional representatives were chosen, must, through its treasurer, file a sworn statement with the clerk of the House of Representatives within thirty days after an election. This statement must show the total of all receipts, the names and addresses of all persons contributing one hundred dollars or more, the total of all disbursements, the names and addresses of all persons to whom any sum of more than ten dollars had been paid, and the purpose of such payment. Expenditures for traveling, stationery, postage, telephone, and telegraph did not come within these provisions of the act.[3] The changes introduced by the act of 1911 may be sum-

[1] The act of 1907, which prohibited contributions from corporations, has already been mentioned. An act of 1918 (U. S. Statutes, Vol. XL, Part I, p. 1013) prohibited the buying of votes. It provided that whoever bribed any person "either to vote or withhold his vote or to vote for or against any candidate, or whoever solicits, accepts, or receives any money or other thing of value in consideration of his vote for or against any candidate for Senator or Representative or Delegate in Congress at any primary or general or special election shall be fined not more than one thousand dollars or imprisoned not more than one year, or both." In view of the decision on the Supreme Court in the Newberry case, discussed below, it is worth noting that the Senate inserted the word "primary" by a vote of 40 to 10. Of the power of Congress to regulate primaries, Senator Borah said, he felt very certain. "We might just as well understand now as later that the national government is going to assume practically complete control over elections." *Congressional Record*, July 6, 1918, p. 8760. This act was repealed in 1925. In a modified form it reappeared, however, as a part of the Corrupt Practices Act of 1925. It is no longer applicable to primaries.

[2] U. S. Statutes, Vol. XXXVI, Part I, pp. 822-824.

[3] Two years earlier Representative Samuel McCall had introduced a bill of similar import, which did, however, require publicity before as well as after the election. In order to secure its defeat in the Senate the Republicans introduced amendments. These so-called "Crumpacker amendments" made certain

marized as follows:[1] (1) *Publicity before election.* The treasurer of a political committee must file a statement not only within thirty days after the election, but also ten to fifteen days before the election, and a supplementary statement on each sixth day thereafter until the election. (2) *Candidates for House and Senate* also must file statements before and after the election. In the case of a candidate, for senator the date of the election was the date of the first vote cast by the legislature for the choice of a senator.[2] (3) *Primaries.* Candidates must file statements ten to fifteen days before and within fifteen days after any primary or convention at which a candidate for representative was nominated or a candidate for senator endorsed. (4) *Maximum expenditures.* No candidate for representative or senator might spend in the furtherance of his nomination and election more than the state law allowed or, in any case, more than $5,000 and $10,000 respectively; but personal expenses—for travel, stationery, postage, telegraph, telephone, and the preparation and distribution of letters, circulars, and posters—should not be considered a part of the sum and need not be included in the statement.

Unconstitutional as to senatorial primaries: the Newberry case

No feature of the act of 1911 aroused more controversy, during its passage through Congress, than the regulation of expenditures in primary campaigns. Is a primary an election within the meaning of the Constitution? Under article I, section 4, Congress has full power to regulate elections at which senators and representatives are chosen. That power has been exercised repeatedly by Congress and sustained by the Supreme Court.[3] But in 1911 senators and representatives from the South, where the Democratic primaries predetermine the results of the election, denied the existence of any federal authority to regulate primaries.[4] The consti-

acts (such as bribery and intimidation) punishable as federal offences and provided that the director of the census should furnish data for the enforcement of Sec. 2 of the Fourteenth Amendment, that is, for reducing Southern representation. See *Independent*, May 28, 1908, p. 1206; and *Outlook*, May 30, p. 225. The bill passed the House, but failed in the Senate.

[1] U. S. Statutes, Vol. XXXVII, Part I, pp. 25-29.

[2] The Seventeenth Amendment, providing for the direct election of senators, did not become a part of the constitution till 1913.

[3] In such cases as *ex parte* Siebold (100 U. S., 371) and *U. S. v. Mosely* (238 U. S., 383). The court even held in *ex parte* Yarbrough (110 U. S., 651) that Congress can regulate elections at which national officers are chosen quite independently of any express grant of power in the Constitution.

[4] *Congressional Record*, June 20, 1911, pp. 2310-2319; Aug. 17, pp. 4084-4102; and the speeches of Hardy, Sisson, and Stephens in the Appendix of the latter issue, pp. 62, 74, and 82.

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tutional question thus raised in congressional debates came before the Supreme Court in the famous Newberry case in 1921. Truman H. Newberry was elected senator from Michigan in 1918. He and more than a hundred associates or agents were convicted in the federal district court and variously sentenced to fine and imprisonment for conspiring to violate the federal corrupt practices acts. It was shown at the trial that disbursements of at least $195,000 had been made in Newberry's primary campaign, although the Michigan law (applicable under the federal statute) allowed a maximum of only $1,875, that is, twenty-five per cent of the senatorial salary. Upon appeal, however, the Supreme Court unanimously reversed the conviction.[1]

Opinions of the nine justices in that case

The nine justices agreed in the decision, but not in the arguments by which they reached it. (1) Justice McReynolds (Justices Day, Holmes, and VanDevanter concurring) held that a primary is not an election within the meaning of Article I, Section 4, of the Constitution, and that therefore the corrupt practices act of 1911 was unconstitutional so far as it affected primaries. (2) Justice McKenna held that the regulation of senatorial primaries exceeded the power of Congress as it stood in 1911, but reserved the question as to whether it would have been constitutional if enacted after the ratification of the Seventeenth Amendment. (3) Chief Justice White (Justices Brandeis, Clark, and Pitney concurring) held that the conviction should be set aside on the ground of prejudicial error in the trial judge's charge to the jury, but vindicated the authority of Congress to regulate primaries. Thus three different positions were taken: according to four justices, Congress had no power to regulate senatorial primaries before the Seventeenth Amendment and acquired none by its adoption; according to one justice, Congress had no such power before the amendment, but might possibly have acquired it through the adop-

[1] *Newberry v. U. S.*, 256 U. S., 232 (1921). The Senate seated Newberry in January, 1922, by a vote of 46 to 41, but included in its resolution this paragraph: "That whether the amount expended in the primary was $195,000, as was fully reported or openly acknowledged, or whether there were some few thousand dollars in excess, the amount expended was in either case too large, much larger than ought to have been expended." In November, 1922, Newberry resigned. But the amount spent on behalf of Newberry seems small indeed when compared with the colossal expenditures revealed in the summer of 1926 by an investigation of the senatorial primaries in Pennsylvania and Illinois. Approximately $2,500,000 was spent on behalf of three candidates for the Republican senatorial nomination in Pennsylvania. New York *Times*, June 19, 1926.

tion of the amendment; and according to four justices, Congress always had such power. A bare majority of the court held certain provisions of the Corrupt Practices Act of 1911 unconstitutional. But it was a minority of the court that denied altogether the propriety of regarding nomination as a part of the process of election. The scope of congressional authority still remains uncertain. If the question is reopened in the future, the views of Chief Justice White and Justice Pitney are as likely to prevail, it would seem, as the views of Justice McReynolds.[1] At the same time, the

[1] Certain passages from the opinions of Justices McReynolds and Pitney may serve to explain their diverging views. Primaries, said the former, "are in no sense elections for an office, but merely methods by which party adherents agree upon candidates whom they intend to offer and support for ultimate choice by the qualified electors. General provisions touching elections in constitutions or statutes are not necessarily applicable to primaries—the two things are radically different. And this view has been declared by many state courts. . . . If it be practically true that under present conditions a designated candidate is necessary for an election,—a preliminary thereto,—nevertheless his selection is in no real sense part of the manner of holding the election. This does not depend upon the scheme by which candidates are put forward. Whether the candidate be offered through primary, or convention, or petition or request of a few, or as the result of his own unsupported ambition, does not directly affect the manner of holding the election. Many things are prerequisite to elections or may affect their outcome—voters, education, means of transportation, health, public discussion, immigration, private animosities, even the face and figure of the candidate; but authority to regulate the manner of holding them gives no right to control any of these. . . . Birth must precede, but it is no part of funeral or apotheosis. We cannot conclude that authority to control party primaries or conventions for designating party candidates was bestowed on Congress by the grant of power to regulate the manner of holding elections. The fair intendment of the words does not extend so far; the framers of the Constitution did not ascribe to them any such meaning. Nor is this control necessary in order to effectuate the power expressly granted. On the other hand, its exercise would interfere with the purely domestic affairs of the state and infringe upon liberties reserved to the people."

Justice Pitney said: "Why should 'the manner of holding elections' be so narrowly construed? An election is the choosing of a person by vote to fill a public office. In the nature of things it is a complex process, involving some examination of the qualifications of those by whom it is to be made; some opportunity for the electors to consider and canvass the claims of the eligibles and some method of narrowing the choice until one finally secures a majority, or at least a plurality, of the votes. . . . If the preliminary processes of such an election are to be treated as something so separate from the final choice that they are not within the power of Congress under this provision, they are for the same reason not within the power of the states. . . . For if this section of the Constitution is to be strictly construed with respect to the power granted to Congress thereunder, it must be construed with equal

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pronounced public sentiment against fresh assertions of federal authority at the expense of the states has restrained Congress from enacting a new law as to primaries; and without any law the Senate, being judge of the qualifications and election of its members, may refuse to admit those who have sought to buy their way in; or it may, having admitted them, expel them by a two-thirds vote.

The corrupt practices act of 1925

Meanwhile the legislation of 1910 and 1911 has been repealed and then reënacted in a somewhat different form and without any reference to primaries. The Corrupt Practices Act of 1925 applies exclusively to elections. The definition of a political committee has been extended so as to include any branch or subsidiary of a national organization, even though its activities may be confined to a single state. This brings within the purview of the act, for example, the various state branches of the Anti-Saloon League. The treasurer of such a committee shall file statements with the clerk of the House in March, June, September, twice before any general election, and also on the first day of January, when the statement shall cover the whole preceding year. The same rule must be followed by any person who spends fifty dollars or more (aside from contributions to a political committee) for the purpose of influencing an election in two or more states. Candidates for election to the House or Senate must file statements before and after the election. The maximum expenditures of such candidates shall not exceed the sums fixed by state law or in any case exceed either (1) $10,000 in the case of a seat in the Senate or $2,500 in the case of a seat in the House or (2) "an amount equal to the amount obtained by multiplying three cents by the total number of votes cast in the last general election for all candidates for the offices which the candidates seek," provided that such an amount shall in no case exceed $25,000 for the Senate and $5,000 for the House.

strictness with respect to the power conferred upon the states. The election of senators and representatives in Congress is a federal function; whatever the states do in the matter they do under the authority derived from the Constitution of the United States. . . . But if I am wrong thus far,—if the word 'election' in article I, section 4, of the Constitution must be narrowly confined to the single and definitive step described as an election at the time the instrument was adopted,—nevertheless it seems to me clear that primary elections and nominating conventions are so closely related to the final election, and their proper regulation so essential to effective regulation of the latter, so vital to representative government, that the power to regulate them is within the general authority of Congress."

CHAPTER XXI

THE OVERBURDENED VOTER

Government by consent

IT IS an axiom of democracy that government should be conducted in conformity with public opinion. In using the term "public opinion" we usually mean, not a unanimous conclusion which the people reach through a process of conscious reasoning from the facts, but the desire or will of the majority.[1] The majority may not be intelligent or wise; mere numbers do not imply sound information or shrewd judgment. Yet, according to democratic principles, the minority must give way or at least express its displeasure in nothing more forcible than protest and argument.

Popular will expressed through the ballot

The popular will manifests itself in a variety of ways: through the press, the pulpit, the platform; through organized groups like the American Bankers' Association, the W.C.T.U., or the American Farm Bureau Federation. Under any form of government such agencies may exert great influence. Even the autocrat is sensitive to the opinion of his subjects; he courts their approbation. Far more anxiously does the governor of a state or the representative in Congress watch the evidences of the trend of popular opinion, because they help him to foretell how the ballots will be cast on election day. Under the democratic régime public opinion, or the popular will, is formally expressed and measured in periodic elections. The people assert their control through the ballot. In our community or in any other democratic community it is a matter of vital concern that the process of election should be so devised as to facilitate that control.

The American ballot too complex

What have we done in the United States to make the ballot effective? "Nowhere has the 'sovereign voter' received more adulation than in the United States," says Dr. Charles A. Beard,[2] "and nowhere has the power of sovereignty been more frittered away in futile agitations and the collateral incidents of practical politics. We have rightly felt that there was something gratifying and inspiring in the spectacle of the common people rising to the height of self-government; and we have paid wordy tribute to the

[1] See Chap. IV.

[2] *American Government and Politics* (4 ed., 1924), pp. 517-518.

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power of the ballot; but we have made little effort to ascertain what the ballot can really do. We have apparently assumed that it can do everything, from deciding who among ten thousand should be clerk of a municipal court to prescribing what should be done with the surface dirt removed from a street by a public contractor. For more than a century we have been adding burdens to the ballot, until the outcome of the tendency is the paralysis of the very control which popular election is supposed to afford." Many other competent observers have expressed themselves in a similar sense.[1]

The voter's task too heavy

What are the burdens that have been thrust upon the voter and that have paralyzed his control over government? We are concerned now with elections; but the preliminary activities of the voter cannot be ignored entirely. His task only culminates in the election. Beforehand he must register and, if he takes a serious view of his civic duties, participate in the primary. Registration, nomination, and election are all elements in a single process. Within the space of a year the Chicago voter is expected to register twice and go to the polls five times;[2] he has to pass judgment on the candidates for some fifty different offices. In some counties of Illinois no less than seventy offices are filled at one election. In the general election of an off-year the Texas ballot bears the titles of forty-odd offices, including those of public weigher and of hide and animal inspector. The number varies from state to state, twenty or thirty not being at all uncommon. The primary ballot is still longer, because at the primary the voters not only nominate candidates for public office but also elect party committeemen. In the New York primary of March 26, 1912, a Democratic ballot was fourteen feet long.[3] To vote a split ticket involved placing

[1] For example, Albert M. Kales. *Unpopular Government in the United States* (1914); Richard S. Childs, *Short Ballot Principles* (1911); Elihu Root, *Addresses on Government and Citizenship* (1916); and Nicholas Murray Butler, "The Discontent with Democracy," *Senate Document 55* (68th Congress, 1924). "The simple fact is," says President Butler, "that we Americans have created so much electoral and governmental machinery that we cannot get any effective governmental product. . . . It is axiomatic that the more frequent the elections and the more numerous the elective officers, the more difficult it is to give quick and effective expression to the people's will through the instruments of government. It is a fallacy to suppose that it is democratic to elect a large number of public officers; it is simply a public nuisance."

[2] H. W. Dodds, "Removable Obstacles to the Success of the Direct Primary," *Annals of the Amer. Acad.*, Vol. CVI (1923), p. 19.

[3] *Short Ballot Bulletin*, April, 1924, p. 1.

a mark before each of 590 names within a time limit of three minutes.

Illustrations from various states

Besides the multiplicity of elective offices the ballot often bears another burden. Legislative measures and constitutional amendments are submitted to the electorate by initiative and referendum. Thus, at a general election in Colorado sixteen measures, on the average, are submitted to the voters, who choose some thirty public officers at the same time. A ballot listing fifty-two offices and eighteen measures faced the voters of Portland, Oregon, in 1920. No less than forty-eight measures appeared upon the San Francisco ballot. A newspaper of that city declared that not ten thousand of the 210,000 voters would be qualified to vote intelligently on election day.[1] "In fact, how can the voter inform himself? In respect to the proposed State laws there has been prepared a document of sixty-three pages of fine print containing the text of the proposed law, the text of the law as it now exists for purposes of comparison, and brief arguments for and against the proposed law. Each voter will get a copy of this document a few days before the election, but if he had six months and nothing else to do he could not form any sound judgment upon the merits or demerits of the whole list. As to the twenty-eight city ordinances and charter amendments the voter is vouchsafed no information whatever. He cannot in a single instance give an intelligent guess as to the change in existing law proposed to be made. He is not told whether the proposition is submitted by the supervisors or by initiative petition or referendum." In 1926 the Los Angeles ballot listed forty-five offices and fifty-eight measures.

English practice different

Over-emphasis upon the principle of election is peculiar to the United States. Elsewhere the doctrine prevails that popular control can best be secured by electing very few public officers and by concentrating power and responsibility in their hands. Thus, English voters choose, always at separate times, a member of the House of Commons, a county or borough councilor, a rural district or urban district councilor, two borough auditors, and in parishes with a population of more than 300, parish councilors. They do at the present time choose guardians of the poor also; but the government has announced its intention of abolishing these offices so as to simplify local administrative machinery and still further reduce the number of local elections.[2] The English ballot is no larger than an ordinary post-card; and the voter's task con-

[1] San Francisco *Chronicle*, October 6, 1920.

[2] *Gleanings and Memoranda*, Vol. LXIII (1926), pp. 79-80.

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sists in placing a mark after the name of one of the two or three candidates for a single office. He knows what he is doing, because the campaign has brought the personalities and policies of the candidates for that single office into bold relief. If things go wrong, he can hold the councilor or the local member of the House of Commons responsible.

Multiplication of elective offices in the United States

According to the American doctrine, on the other hand, power and responsibility are dispersed. This doctrine is not a corollary of the federal plan of government; it does not appear in Canada or Australia. Nor can it be attributed chiefly to the separation of the executive and legislative departments, which this country has perpetuated from the eighteenth century. After all, the people can hold the president responsible for the conduct of the national administration; for he appoints his subordinates. Likewise, the governor of New Jersey, appointing all state and many county officers, can be held to account. But the common practice of the states, since the time of Andrew Jackson, has been to substitute election for appointment in the case of executive, administrative, and judicial officers. A century ago, with the introduction of manhood suffrage, the enfranchised masses were bent upon making their control of the government effective. They, or the politicians who regimented them and set them in motion, felt it essential to purify the government services, to drive out the old governing class—the men who secretly or openly resisted democratic pressure—and to keep them out. Elective offices and short terms supplied the means.

Its justification impossible

No doubt these features of Jacksonian democracy served their special purpose at the time. As temporary expedients, emergency measures, they might be justified. But, in view of their ultimate effect in impairing that popular control which they were designed to secure, no respectable excuse can be found for their perpetuation. Apologists find none. They conjure up visions of tyranny, as a warning against the concentration of power, and take refuge in vague appeals to the patriotic emotions. Thus, in the course of a speech in which he described the federal government as an "imperial despotism" and advocated the election of postmasters, marshals, district attorneys, and collectors of internal revenue, Congressman Moon of Tennessee said:[1] "Why should the inferior judges of the United States be given a life tenure? Whenever you vest in a man judicial power, arbitrary and discretionary, as

[1] *Congressional Record*, Jan. 15, 1914, pp. 1726-1730.

is vested in a federal judge, he ought to be subject to removal at the close of his term. Nearly all of your states elect the judiciary, and it challenges comparison most splendidly with the federal judiciary. The state judiciary comes from the people, known of the people, and by the people, and has some sympathy with the masses. That is untrue in the federal jurisdiction. . . . The ballot box and the abandonment of the governmental clerical life is our only safe remedy. This government, if it shall ever advance to the position that our forefathers destined it to hold, must be brought down to the control of the people. We must revere the institutions of the Republic, have the same pride in its history and in its traditions that we have in the commonwealth in which we live. The American citizen must live with the flag above him and the Constitution pressed to his heart, ever providing in love and devotion for the defence of the honor and glory of the greatest people known to the annals of time."[1] It is with language of this sort that the American people, so shrewd in business and yet so fond of panaceas in politics, are drugged into acquiescence. Business, touching each man intimately, has to pass the test of concrete results. Politics is at best a remote concern, almost an abstraction;[2] and

[1] A family resemblance will be discovered in these remarks delivered before the Kentucky constitutional convention in 1890: "Now, I find a strong feeling in this convention to give the governor of this commonwealth vast and almost unlimited power, to make him a sort of autocrat here for four years. Some delegates are urging that he must appoint judges of the courts, that he should appoint all the state officers of this capital. If that is right, why not take another step down? Let him appoint our county court judges, let him appoint our county court and circuit court clerks, let him appoint our magistrates; yes, let him become the mighty ruler in this great commonwealth, clothed with that power which alone belongs to the people, and which every lover of liberty in America should cherish. Yes, give him one power, and soon he will step forward and ask for an increase of that power. I love our form of government. I love it for its glory, its beauty, and its grandeur. I love it for what it has accomplished; but while I love it, I loathe in the deepest recesses of my heart any effort whatever that will go in the direction of taking from the people of Kentucky the right to choose their officers. I hold the taking of such a right from them is an innovation of the right which every man in this broad land should cherish. Let us, gentlemen of the convention, maintain our rights. Let us stand up boldly and let no man rob us of a single right."

[2] "Yet these public affairs are in no convincing way his affairs," says Walter Lippmann (*The Phantom Public*, 1925, p. 13). "They are for the most part invisible. They are managed, if they are managed at all, at distant centers, from behind the scenes, by unnamed powers. As a private person he does not know for certain what is going on, or who is doing it, or where he is being carried. No newspaper reports his environment so that he can

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the citizen, attracted by the sound principle of popular control through election, does not readily perceive the fatal effects of exaggerating the principle.

Its practical effect

And yet his experience on election day brings him face to face with the realities of his futile situation. Without actually having the printed ballot in his hands, he cannot enumerate the twenty or thirty offices which are to be filled, let alone name the candidates who are running for those offices.[1] If he cannot name the candidates, still less can he express any opinion as to their fitness. Speaking of his experience in the small borough of Princeton, Woodrow Wilson said in 1909:[2] "I vote a ticket of some thirty names, I suppose. I never counted them, but there must be quite that number. Now I am a slightly busy person, and I have never known anything about half the men I was voting for on the ticket that I voted. I attend diligently, so far as I have light, to my political duties in the borough of Princeton—and yet I have no personal knowledge of one half of the persons I am voting for. I couldn't tell you even what business they are engaged in—and to say in such circumstances that I am taking part in the government of the borough of Princeton is an absurdity. I am not taking part in it at all. I am going through the motions that I am expected to go through by the persons who think that attending primaries and voting at the polls is performing your whole political duty." The voter may express an intelligent choice for president and governor, congressman and mayor, perhaps; but for the most part, knowing little about the offices and less about the candidates, he must accept the party slate, itself the haphazard product of the direct primary, or expose himself to the most absurd mistakes. In Cleveland a blacksmith led the vote as candidate for chief justice of the Ohio supreme court simply because his name resembled that of a well-known probate judge; and two candidates were actually elected to the municipal court because of a similar confusion of

grasp it; no school has taught him how to imagine it; his ideals often do not fit with it; listening to speeches, uttering opinions and voting do not, he finds, enable him to govern it. He lives in a world which he cannot see, does not understand and is unable to direct."

[1] Years ago, at a dinner in New York, the writer was seated between the Democratic president of the board of aldermen and a prominent Republican—a former judge and a future candidate for governor. The question arose as to what judicial offices were to be filled at the general election two or three days later. These gentlemen, although active in the campaign, had to confess the uncertainty of their information.

[2] Quoted in Beard, *op. cit.*, p. 521.

names.[1] The voters of Winthrop, Massachusetts, once elected an imaginary candidate.[2] In Philadelphia a certain Clarence Boyd, a purely fictitious character, was elected as inspector of elections. "The man who appeared and performed his duties came from outside the state, so that when wanted later by the courts on account of frauds which he perpetrated while in office, he was not obliged to go to the inconvenience of changing his domicile."[3]

The boss appoints

Ordinarily the voter, recognizing his helplessness, votes the straight ticket. He transfers responsibility from himself to the party. It may be argued, of course, that as a member of the party he took a hand in drawing up the ticket; he cast a ballot in the primary. But what he actually did in the primary, perhaps, as to minor offices at least, was to transfer responsibility from himself to the party organization, which had considerately come to his assistance with a prepared slate. The direct primary has been represented as a means of circumventing the machine. In fact it originated in what Walter Lippmann calls the "homeopathic fallacy," the assumption "that adding new tasks to a burden the people will not and cannot carry now will make the burden of citizenship easily borne."[4] In the folds of the long ballot, whether on primary day or on election day, the boss is hidden. The voters make a gesture of electing public officers; too often they are merely rati-

[1] R. E. Cushman, "Non-Partisan Nominations and Elections," *Annals*, as cited, p. 89.

[2] *Short Ballot Bulletin*, April, 1912. Commenting upon this election, the Northampton *Herald* (Feb. 28, 1912) recalled the eulogy of an imaginary candidate by the Springfield *Union*. "The claim was jokingly made that the *Union* would praise and support the devil were he nominated on the Republican ticket. As the result of a wager, the Pittsfield *Journal* stated that Bill Dryer of Richmond had been named for representative. No such man existed, but a few days later there appeared in the *Union* an editorial notice extolling the good qualities of William Dryer, Esq., of Richmond."

[3] R. S. Childs, *op. cit.*, p. 34. "In theory," says Childs, "the people of Clarence Boyd's district should have studied the relative qualifications of the various candidates and chosen the one who met with their approval. In a community where no man knew all his neighbors, however, the fact that Clarence Boyd did not exist was not discoverable by the methods of inquiry that are available to the average voter. The fact that there was absolute silence on the part of Clarence Boyd during the weeks prior to the election excited no suspicion. Candidates for the office in question never make a campaign, for the ample reason that no one would ever listen if they did. Nothing but the discovery of a plot for fraud would attract attention to such a picayune contest."

[4] *The Phantom Public* (1925), p. 38.

fying appointments that the boss has made.[1] The practical effect of over-emphasizing the principle of election, says Henry Jones Ford,[2] has been "to convert a system of responsible appointment into a system of irresponsible appointment. It is obviously impossible for people to select officers for innumerable places except by some means of agreement and coöperation, which means is obviously supplied by the activity of the political class. It may be laid down as a political maxim, that whatever assigns to the people a power which they are naturally incapable of wielding takes it away from them."

The people are "naturally incapable" of electing twenty or thirty—or, it may be, fifty—public officers on the same day. They are incapable of being even mildly interested in the obscure offices which confront them on the ballot. Why should they be bothered with state printers and veterinarians, bailiffs and clerks of court, public weighers and statisticians? Candidates for such offices make no campaign. If they showed themselves, no one would look; if they talked, no one would listen. All they need is the backing of the machine, a place on the party ticket. Most of these officers are administrative officers, who have nothing whatever to do with the determination of policy. How can the electorate measure their technical qualifications? The electorate, so far as it is competent at all, can express a preference for a particular policy or for a particular candidate who embodies that policy, but it cannot pick a good state treasurer or state engineer. In 1912 the treasurer and engineer of New York were re-nominated and reëlected, although a single term had been the rule. Such public confidence might be interpreted as a reward for efficient and honorable service. Shortly afterwards, however, both men were haled before a grand jury. The treasurer hanged himself; of the engineer the grand jury declared that he was not fit to hold any public office. From the standpoint of popular interest technical offices are always obscure, says Richard S. Childs;[3] "and the same is true of any clerical or purely administrative post. What, for instance, can the candidate for the post of state treasurer do to demonstrate

[1] Commenting upon revelations in the trial of Joe Cassidy, boss of Queens County, New York, who was convicted of selling a judicial nomination, the *Short Ballot Bulletin* observed (Feb., 1914): "And so, since the people will not do it, somebody must do the selecting. The judges in New York, it appears, are really appointed now! *In that case why not let some responsible person, like the governor, do the appointing?*"

[2] *The Rise and Growth of American Politics*, p. 299.

[3] *Op. cit.*, p. 36.

his superiority over rival claimants for the position? He can claim that he will be honest and systematic and intelligent—but so can his rivals. If the accounting system of the state is out of date he can promise reform—but he can't stir the people to strenuous partizanship on his behalf by talking about book-keeping. Nothing he can do can alter the fact that there is little or nothing in the state treasurership that will fire the imagination of a million voters."

Separation of elections no remedy

Popular control cannot be a reality as long as the ballot is loaded with administrative, judicial, and minor political offices. Recourse to appointment is the only solution. To separate national, state, and local elections is desirable in order to avoid a confusion of issues and more particularly to avoid the subordination of state and local politics to national politics. But the voter does not, thereby, find his burden made any lighter. He is constantly being summoned to the polls. The Pennsylvania constitution of 1873 provided that municipal elections should occur in February, state and county elections in the fall; that the governor should be chosen for a four-year term in off years (i.e., midway between presidential elections), the state treasurer every odd year, and the auditor every third year. Illinois has carried the plan still farther; in some parts of the state elections occur seven times each year, and in other parts ten times in each period of two years. What is gained in one way, by reducing the size of the ballot and simplifying the issues at any given time, is more than counterbalanced by the expenditure of so much energy, not to speak of money, in repeated campaigns and pollings. The voter stands aloof; the professional politicians become still more necessary in the operation of such complicated machinery. Pennsylvania simplified her arrangements in 1901, fixing the term of state and county officers at four years and providing that state elections should be held in off years, municipal and county elections in odd years.

Slow progress of reform

The necessity of reform has been emphasized by some of the most eminent figures in political thought.[1] The late Charles W. Eliot described the short ballot as "absolutely the gist of all constructive reform"; Woodrow Wilson described it as "the key to the whole problem of the restoration of popular government in this country." His opponents in the presidential campaign of 1912, Taft and Roosevelt, expressed similar views. No one of authority

[1] See the opinions quoted in *The Short Ballot*, a pamphlet issued by the National Municipal League, 261 Broadway, New York City.

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can be quoted against them; no serious argument has been offered to confute them. That reform has made such little progress, outside the field of municipal government, must be attributed less to the interested opposition of machine politicians than to the delusions of "mystical democrats," as Walter Lippmann styles them—the men who are unwilling to set any bounds to the competence of the people. Progress there has been. Here and there terms have been lengthened. Here and there a few state officers, once elective, are now appointed by the governor; indeed, under a recent amendment to the New York constitution the people now elect only the governor, lieutenant-governor, comptroller, and attorney-general among the state officers. It is in the cities that the most notable advance has been made. Something like a revolution has taken place in the last twenty years. Almost everywhere a shorter ballot has been introduced. Where the mayor-and-council system persists, the mayor appoints the heads of departments; where the commission plan has been adopted, the five commissioners serve as departmental heads, their subordinates being appointed; and under the city-manager plan, now applied in more than three hundred and fifty cities, the council appoints a city manager, who in turn appoints his subordinates. On the other hand, almost nothing has been done to reclaim county government from the jungle.[1] It is only in recent years that explorers have charted that dark continent and revealed the disastrous consequences of incoherent organization and divided responsibility.

The Initiative, Referendum, and Recall

Direct legislation complicates the ballot

But during the period in which the short ballot movement was making headway in the cities and appointment was being substituted for election,[2] the progressives throughout the country were bending their steps in an opposite direction. They were hurrying, as they believed, towards the same goal; they too wished to make government responsive to the popular will; but they pursued a very different route, one that ultimately seemed to carry them

[1] By constitutional amendment California, Maryland, and Montana have granted the counties home rule—that is, the right to determine their own form of government. In 1923 New York did the same for the counties of Westchester and Nassau. The constitutions of Louisiana and Nebraska do not fix the type of county government.

[2] Richard S. Childs, of New York, gave the movement its name and founded in 1909 the Short Ballot Organization, with Woodrow Wilson as president. In 1921 the Organization was consolidated with the National Municipal League.

far from the desired objective. Their unmeasured confidence in the people led them to believe that the cure for democratic sickness was more democracy, that the long ballot should be made longer still, and that, if the people could not choose worthy representatives, they should take the business into their own hands. Representative party conventions gave way to the direct primary; the initiative and referendum appeared as a means of supplementing and overriding the representative legislature. Theoretically, the direct primary and direct legislation, as instruments of popular control, possess great merits; in actual practice they sometimes justify the high hopes that were reposed in them. The general effect, however, has been unfortunate. In the first place, they have added to the burdens of an overburdened electorate. In the second place, they have distracted attention from the fundamental reform, from the necessity of simplifying the task of the voter and of concentrating power and responsibility in the hands of a few elected officers whom the people can really choose and control. In 1909 Woodrow Wilson said: "Simplify your processes, and you will begin to control; complicate them, and you will get farther and farther from their control."[1] But three years later, as a candidate for the presidential nomination, he was preaching the progressive gospel and advocating fresh electoral complications. In the same year Theodore Roosevelt, addressing the Ohio constitutional convention, placed the short ballot in the first article of his political creed and then proceeded to recommend an enlargement of the ballot by means of the initiative, referendum, and recall.

Its widespread adoption

The initiative provides a means whereby a certain percentage of the voters (in Oregon eight) may draft a measure and submit it to the electorate.[2] Under the referendum a certain percentage of the voters (in Oregon five) may require the submission of bills that have passed the legislature.[3] Both these instruments of pop-

[1] "Elaborate your government; place every officer on his own dear little statute; make it necessary for him to be voted for; and you will not have a democratic government." Quoted in Beard, *op. cit.*, p. 522.

[2] In a number of states the legislature must be given an opportunity to accept or reject the measure. A popular vote takes place only in case the legislature rejects it. This form of the initiative is called the "indirect" as opposed to the "direct initiative" in which the legislature is not consulted.

[3] This is the "mandatory referendum." When the legislature, on its own initiative, submits measures to popular vote, the term "optional referendum" is used. For the ratification of constitutional amendments the referendum had come into general use before the middle of the last century.

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ular legislation are found together in eighteen states, situated mainly in the western part of the country;[1] the referendum alone in Maryland and New Mexico. South Dakota led the way in adopting the initiative and referendum (1898). Utah and Oregon followed soon afterwards. In the years 1908-1912, when the progressive movement reached its apogee, the gospel of direct democracy spread rapidly and gained some converts outside the West.[2] At that time controversy grew bitter: extravagant claims were made on behalf of the new system; equally extravagant criticisms were directed against it.[3] But, as the impulse spent itself and the forward movement ceased, the passions that had been aroused subsided. To-day few would dream of contending that the initiative and referendum, in their actual operation, menace the principle of representative government. They are commonly regarded as a weapon held in reserve, as a gun behind the door, which may prove highly useful in time of emergency. But would such an emergency be likely to arise if we had a manageable ballot; if, for example, following the Canadian plan, the voter's task in a state election was confined to selecting one candidate for membership in a single-chambered legislature? Unfortunately, those who clamored for popular control shut their eyes to the reason for its absence. Instead of simplifying the task of the voter they elaborated it. There is no reason to suppose that, with this added burden, the voter will express his opinion on measures any more intelligently than he expresses his opinion on candidates.[4] He is not so much inter-

Its failure to interest the electorate

[1] These states are: South Dakota (1898), Utah (1900, 1917), Oregon (1902), Nevada (1904), Montana (1906), Oklahoma (1907), Maine (1908), Michigan (1908), Arkansas (1910), Colorado (1910), California (1911), Arizona (1911), Idaho (1912), Ohio (1912), Nebraska (1912), Washington (1912), North Dakota (1914), and Massachusetts (1918). In all but five of these states (Maine, Montana, South Dakota, Utah, Washington) constitutional amendments may be submitted by popular initiative. New Mexico adopted the referendum in 1911, Maryland in 1915.

[2] See C. A. Beard and B. E. Shultz, *Documents on the Initiative, Referendum, and Recall* (1912).

[3] See D. F. Wilcox, *Government by All the People* (1912); J. Boyle, *The Initiative and Referendum: Its Follies, Fallacies, and Failures* (1912). For a thorough and unbiased examination of the system as it has worked in Oregon, see James D. Barnett, *The Operation of the Initiative, Referendum, and Recall in Oregon* (1915).

[4] Albert M. Kales (*op. cit.*, p. 120) observes: "The placing on the ballot at any election of a number of acts to be initiated or approved on a referendum adds more burdens to the already greatly overloaded voter. He must now read over the acts, study their details, and understand the ultimate effect or possibilities of certain clauses. The legislation to be considered by the

ested in measures. In Colorado the average vote cast for measures in 1910 was 36 per cent of the highest vote cast for any office; in 1912, 33 per cent; in 1914, 49 per cent; in 1916, 63 per cent; in 1918, 57 per cent; in 1920, 63 per cent; in 1922, 59 per cent; and in 1924, 67 per cent.[1] Statistics show, for those who do vote on measures, a disposition to play safe by voting "no." In 1922 no less than 97 of the 135 measures submitted in nineteen states were rejected.[2] Between 1910 and 1918 the Oregon voters rejected 97 of 140 measures; the California voters rejected 55 of 108.[3]

The publicity pamphlet

The voter commits himself, not to the policy alone, but also to the specific details of each proposal. Even with the help of campaign oratory and newspaper comment he may find it hard enough to form an opinion as to the general implications of a dozen or more measures.[4] Without studying the texts he may be completely misled by disingenuous representations. Missouri and Nevada make no provision for publicity. In Michigan the text of the proposed measures is posted at registration and polling places; and the secretary of state sends a concise statement of the purpose, nature, and effect of the measures to every newspaper, asking it to give the statement the widest possible publicity. In Colorado the text

> voter may be of relatively small importance to the majority of the voters, or the desire of the majority for the general object may be so great that the means are not to be considered. The ballot may contain counter propositions and additional acts under the same subject. When these occasions arise, one thing we may be certain of: the average voter will be most densely ignorant of what it is all about. Who, then, in the usual case will have the privilege of directing him how to vote? Why, of course, the same organization that directs the voter regularly how to cast his ballot for candidates for office. . . . The initiative and referendum, then, while they may at times give the righteous a desirable advantage, will in normal conditions place in the hands of the extra-legal government the opportunity to secure the passage of undesirable laws or to defeat good ones. . . ."

[1] The percentage for 1924 is taken from the "Record of Political Events," *Pol. Sci. Qu.*, Vol. XL (1925), p. 86; that of 1922 from Judson King, *The American Voter as a Lawmaker* (undated pamphlet issued by the National Popular Government League), p. 15. The other figures are given by R. C. Spencer, "Activities of the Colorado Electorate," *Am. Pol. Sci. Rev.*, Vol. XVII (1923), pp. 101-108. According to Mr. King the percentages varied (in 1922) from 58 in Maryland to 92 in North Dakota.

[2] King, *op. cit.*, p. 14.

[3] Hazel Rasmussen, *Initiative and Referendum: Election Statistics* (compiled for the Wisconsin Legislative Reference Library in 1919, but not printed).

[4] For the eighteen states having the state-wide initiative and referendum the average number of measures in 1922 was seven. In Missouri 19 were submitted; in California 30. King, *op. cit.*, p. 13. Complete data for 1924 will be found in the *Pol. Sci. Qu.*, as cited, pp. 84-99.

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of the measures, in Oklahoma the text and arguments on either side are published in the newspapers at public expense. The other states, except Arkansas, distribute publicity pamphlets to all the voters. The California pamphlet consists of two parts. In the first part appears the ballot number and ballot title of each measure (the ballot title expressing its purpose in not more than one hundred words) and arguments of not more than five hundred words prepared by the proponents and opponents.[1] In the second part appear the text of each measure and the existing provisions of law. The parts of the proposed measures differing from the existing provisions are distinguished in print in such a way as to facilitate comparison. In California, Massachusetts, Ohio, and Washington the whole cost of the pamphlet falls upon the state. Elsewhere those who prepare the arguments pay the cost of the paper and printing.[2] In Oregon and Nebraska any individual may contribute arguments of any length, except that in case of an initiated measure only the person or group filing the petition may do so.

Its value

The publicity pamphlet undoubtedly serves a useful purpose. It affords the voter an opportunity to get precise information and to discharge conscientiously a task for which he is not very well equipped. In California, according to Professor Buell,[3] its educational value has been "untold"; it is "driving out the old crowd consciousness which the boss so mercilessly exploited" and "putting in its place a group consciousness with an independent will of its own." Professor Barnett, in Oregon, is less ready to discover miracles. "The extent to which the voters in general make use of the pamphlet," he says,[4] "is very uncertain. The size of the document as well as other difficulties certainly discourage many voters and keep them from reading it at all. Probably not one person in hundreds reads the whole pamphlet or any considerable part of it even in a cursory manner, much less makes a thorough study of much of its contents. But the pamphlet is used a great deal for reference to supplement other sources of information, and has probably had most of its usefulness in this direction. Moreover,

[1] If the constitutional amendment or other proposition is submitted by the legislature, its author and another member of the same house prepare the affirmative argument; a member of the minority, appointed by the presiding officer, prepares the negative argument.

[2] In 1914 this charge amounted to $34.13 for each page of the Oregon pamphlet (Barnett, *op. cit.*, p. 93). North Dakota imposes a charge of $200 a page.

[3] "Democracy in California," *Outlook*, Vol. CXXIX (1921), p. 178.

[4] *Op. cit.*, p. 95.

the arguments in the pamphlet are published in condensed form by newspapers, and thus reach many voters." There is also another important aspect. The case for or against a particular proposal can be laid before the electorate at a very low cost. In the North Dakota pamphlet of 1919 the Independent Voters' Association took eleven and a half pages at two hundred dollars a page to combat the program of the Nonpartisan League. "We haven't money enough," they said, "to publish a large number of newspapers every week and publish and distribute booklets by the hundred thousands as the leaders of the Nonpartisan League are doing. Therefore, we must depend largely upon space in this pamphlet for the purpose of presenting our side to the people. It costs less to use several pages of space in this pamphlet than to publish wagon loads of newspapers and booklets." The North Dakota pamphlet runs a little over eight hundred words to a page. Where the argument is limited to three hundred words, as in Ohio, or five hundred, as in California, it can contain little more than assertions and generalizations. And yet it is upon the arguments that the voter must depend. To him, untrained in the subtleties and peculiar implications of legal phraseology, the text of a measure by itself will be obscure, perhaps utterly unintelligible.

The recall

Closely associated with the initiative and referendum in the progressive scheme of popular rule was the recall. The recall made its appearance in the charter of Los Angeles as early as 1903. Later, when many cities adopted the commission plan of government, it was introduced as a check upon the very extensive powers of the commissioners. In 1908 Oregon, in 1911 California, and in the following years eight other states[1] applied it to all elected officers. In Louisiana, Michigan, and Washington judges are not subject to the recall;[2] in Kansas alone appointed officers

[1] Arizona, Colorado, Nevada, and Washington in 1912; Michigan in 1913; Kansas and Louisiana in 1914; and North Dakota in 1920. The legislature of Idaho has not implemented the constitutional amendment providing for the recall.

[2] Colorado adopted in 1912 the "recall of judicial decisions," which Theodore Roosevelt had advocated in the same year. The constitution provides (Article VI) that when the state supreme court holds a statute invalid under the state or federal constitution the decision shall be subject to popular approval or disapproval if, within sixty days, five per cent of the voters file a petition demanding a referendum. The state supreme court, however, declared this provision unconstitutional in so far as it affected decisions in which state laws were held to violate the federal constitution. *People v. Western Union Telegraph Company* (198 Pac., 146, 1921). But apparently the

are. In Oregon twenty-five per cent of the voters may file a recall petition, setting forth their complaint against the officer.[1] If he resigns within five days, the vacancy is filled according to law. Otherwise a special election takes place within twenty days, the officer against whom the recall has been invoked being himself a candidate. On the ballot, in not more than two hundred words, appears a statement of the reasons for demanding the recall and also a statement of the officer's defense. No officer is subject to recall proceedings until he has held office for six months,[2] or a second time unless the petitioners pay into the public treasury the cost of the first recall election. The arrangements in other states vary as to certain details. For example, the percentage of voters who must sign the petition varies from ten in Kansas and San Francisco to fifty-five in the commission-governed cities of Illinois; in California it is twelve for a state-wide office,[3] twenty for a district office, and twenty-five for a city or town office. The period of immunity, usually six months, varies from three to twelve. In Louisiana and North Dakota an officer cannot be subjected to recall proceedings a second time; in Colorado the second recall petition must be signed by fifty per cent of the voters as compared with the twenty-five per cent required on the first occasion; but usually the Oregon plan is followed. The most marked variation occurs in the machinery of the recall. Thus in Michigan the voters first decide whether the officer shall be recalled. If they decide in the affirmative, then at a second election, held within thirty days, they proceed to fill the vacancy, the recalled officer being one of the candidates if he so desires.[4] In California, Colorado, and other states the voters do both things at the same election. The ballot presents the question of recalling the officer; and the voters answer "yes" or "no." It also presents a list of candidates for the office (among whom the officer involved does not appear); and the

recall might still be invoked if a state law were held to violate the state constitution.

[1] Barnett, *op. cit.*, pp. 191-218, describes the operation of the recall in Oregon.

[2] A member of the legislature is immune from the recall only till the end of the fifth day of the first legislative session after his election.

[3] But the petition must be signed by one per cent of the voters in each of at least five counties.

[4] The arrangement is similar in Kansas, where, in case the recall is voted, "a vacancy shall exist to be filled as authorized by law"—that is, by election or appointment.

voters indicate their choice. If the verdict has been in favor of recall, then the leading candidate succeeds to the office.

Criticism of the recall

As in the case of the initiative and referendum, the adoption of the recall really amounts to a confession that, under the existing system of elections, the people are incapable of choosing honest and efficient public servants. It is the wrong kind of remedy, a cathartic in place of a prophylactic. Any doctor who understood the patient's constitution would have prescribed a reduced diet of elections. The recall is a homeopathic cure, which, if taken in large enough doses, would seriously aggravate the complaint. Fortunately it has been used with less freedom than the initiative and referendum, on the average perhaps not more than half a dozen times a year throughout the country. For the most part it has been directed against city and county officers. But in 1921, during the fierce struggle between the Nonpartisan League and the Independent Voters' Association, the governor and two other state officers were recalled in North Dakota; and next year two members of the Oregon public utility commission were recalled. Although incompetence and misconduct are the most common grounds set forth for invoking the recall, personal animosities, factional cleavages, the clash of business interests, and other sordid motives sometimes lie behind the charges. Professor Barnett has given illustrations from the experience of Oregon.[1] Fear of the recall, it is said, operates upon the unscrupulous public servant as fear of the penitentiary does upon the potential felon. Perhaps it does. Perhaps, too, the aggressive and threatening attitude of some organized group intimidates the honest man into subservience. He knows that the somewhat negative, somewhat unsubstantial good-will of isolated voters, which the faithful performance of his duties over a short period of six months or a year may possibly gain for him, will count for little against the machinations of a compact, disciplined minority. The recall is simply the reincarnation of the Jacksonian myth that short terms and frequent elections keep

[1] *Op. cit.*, pp. 194 *et seq.* Thus, the mayor of Junction City was charged with being inefficient, immoral, untruthful, and arbitrary; but the influential motive was "the hostility of certain property holders caused by the mayor's action in opening streets which they had illegally closed." In another case, where illegal diversion of public funds was charged, "the real cause of the recall movement was simply a factional fight waged by two banks and their supporters." In still another case "the real motive for the movement was revenge against the judge for his part in protecting the county treasury against some of the 'recallers' and in disappointing others of them in their hopes for appointment to office."

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power in the hands of the people. Power of a certain kind it does keep in their hands: the power of official life and death, exercised blindly, without discrimination, and without justice. It takes more than a few months for a man to find himself, to learn the ropes of the new office and establish a record on which he may fairly be held to account. Indirectly, however, the recall has had a beneficent effect. Commission government, with its concentration of powers and its relatively long terms of office, would never have made such headway in Western cities, had not the recall been introduced to allay the apprehensions of "mystical democrats."

INDIFFERENCE OF THE ELECTORATE

Effect of long ballot:

The long ballot and the frequency of elections are peculiar features of American politics. These peculiarities arise in part from the separation of executive and legislative powers, still more from the unnecessary multiplication of elective offices. In other countries the electorate choose at different times the members of the national and local legislative bodies, which, in turn, choose the executives. At a national election any Canadian, in voting for a member of Parliament, is through him voting for Meighen, the Conservative leader, or King, the Liberal leader, as the future prime minister of the Dominion; and all he is asked to do at that particular election is to place one mark on the ballot, express his choice between rival candidates for a seat in the House of Commons. His interest is concentrated upon national issues; his verdict is given by a single vote. On the other hand, the American is distracted and baffled by the multitude of obligations that are laid upon him. In Utah or West Virginia, for example, he casts a vote not only for presidential electors, congressman, and United States senator, but also for twenty or thirty state and local officers. "What is the reluctant and dumfounded voter going to do," asks Senator Fletcher,[1] "when he finds himself in the voting booth with a ballot a foot long containing the names of candidates who are total strangers to him, confronted by a list of amendments he has never seen before and on all of which he has five minutes to make a decision? A voter would have to be an intellectual Sandow to vote intelligently on the complicated propositions that we put up to him to-day."

(1) Confuses voter

(2) Keeps him from voting

Now the long ballot does something more than confuse the voter, deprive him of the power of expressing an informed opinion,

[1] *Congressional Record*, June 28, 1926, p. 12194.

and reduce his gestures in the polling booth to futility. It discourages him from voting altogether. There can be no question that he has met with discouragement of some kind. The story of his abdication has become familiar enough. According to the census of 1920 there were 54,128,895 adult citizens in the forty-eight states. Of these 26,657,574, or forty-nine per cent, participated in the presidential election of 1920; 20,579,191, or thirty-eight per cent, in the congressional elections of 1922.[1] The number rose to a little more than 29,000,000, or fifty-three per cent, in the presidential election of 1924. In making use of these figures, of course, the peculiar situation in the Solid South must be held in mind. There, by ingenious constitutional arrangements, the negroes are disfranchised; there, too, the overwhelming preponderance of the Democratic party leaves the white man little incentive to attend the polls on election day. The significance of these conditions may be gathered from the fact that in the presidential election of 1920 only nineteen per cent of the adult citizens of the Solid South voted; and four years later still less than twenty per cent. For the remaining thirty-eight states the percentages were fifty-six and sixty-two respectively. But the percentage for 1924, being based upon the census of 1920, stands in need of revision. If the number of adult citizens (potential voters) increased by five per cent during the interval, then in the thirty-eight states only fifty-nine per cent—three adults in every five—voted. This figure, especially when taken in conjunction with the energetic get-out-the-vote agitation that proceeded throughout the summer and autumn, reveals a startling apathy on the part of the electorate.[2]

To some extent this indifference merely reflects the disillusionment with democracy that now characterizes western civilization

[1] *Ibid.*, April 18, 1924, p. 6914.

[2] In their valuable study on *Non-voting: Causes and Methods of Control* (1924), C. E. Merriam and H. F. Gosnell are concerned with the Chicago election of 1923 in which only 723,000 of the 1,400,000 potential voters took part. They conclude (p. 34) that 44.3 per cent of the absentees abstained through indifference or inertia; 25.4 per cent through physical difficulties, such as absence from home or illness; 12.6 per cent through legal and administrative obstacles, such as lack of the residential qualification or inferior facilities for voting; and 17.7 per cent through disbelief in voting, such as opposition to woman suffrage or disgust with politics. No doubt indifference was the real cause of abstention in many cases where other explanations were given to the investigators; for, in the first place, an active desire to vote would have prevailed over some of the alleged obstacles; and, in the second place, wishing to escape an indictment for civic apathy, men are disposed to seize upon any convenient alibi.

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Apathy relatively greater in United States

everywhere. Robert Michels, with his eyes on Europe, observes that "among the citizens who enjoy political rights the number of those who have a lively interest in public affairs is insignificant. . . . The majority is content, with Stirner, to call out to the state, 'Get away from between me and the sun!'"[1] Elihu Root, with his eyes on America, says that a large part of mankind regard government as "a function to be performed by some one else with whom they have little or no concern, as the janitor of an apartment house whom somebody or other has hired to keep out thieves and keep the furnace running."[2] According to Bryce, whose acquaintance with modern governments was unrivaled, the splendid hopes of the apostles of democracy have been rudely shattered. "The lapse of years," he says,[3] "has given us a fuller knowledge. It is time to face the facts and be done with fantasies. . . . The proportion of citizens who take a lively and constant interest in politics is so small, and likely to remain so small, that the direction of affairs inevitably passes to the few." It is not in the United States alone, then, that the disquieting symptoms of apathy have been observed. The phenomenon is world-wide. But one would expect it to be less obvious in the United States, where democracy was first established and where the masses are best equipped both with education and with material possessions. As a matter of fact political apathy, as measured by the election returns, is more pronounced in the United States than in other countries. In France and Germany eighty per cent or more of the electorate go to the polls; in Canada seventy per cent. In 1924 thirty-eight per cent of the whole population of Great Britain voted; only twenty-seven per cent of the population of our forty-eight states. If allowance must be made for the peculiar conditions of the Solid South, an offset is found in the fact that British women, who considerably outnumber the men, exercise the franchise only at the age of thirty and under special conditions, and that more than a million registered voters had no

[1] *Political Parties* (1915), p. 49.

[2] *The Citizen's Part in Government* (1907), p. 5. "The greater number of citizens," says Simeon Strunsky (New York *Times Book Review*, Oct. 25, 1925), "have simply shrunk from the duty to understand everything into a state of indifference and golf on election day. The conscientious and unhappy minority sweats blood over the 'facts' about the League of Nations and the 'facts' about the Chicago Drainage Canal, and ends by not understanding."

[3] *Modern Democracies*, Vol. II, p. 549. See also the passage commenting on Spanish conditions, p. 601.

opportunity of going to the polls because no contest occurred in thirty-two constituencies.

The "jungle ballot" responsible in part

Why is it that the American electorate, second to none in intelligence and saturated with a long tradition of democratic politics, ranks so low in a comparison with other electorates? Is there some peculiar condition that operates as a deterrent? Is there some factor whose presence or absence will serve to account for an apparent anomaly? The answer has already been suggested. The American voter does too little because he is asked to do too much. If he goes to the polls, he gets lost in the "jungle ballot"; he can hardly escape a feeling of utter futility. Ready as he may be to choose the next president of the country, what does he know about the candidates for the office of assessor or constable or clerk of the circuit court? It may be argued that, having formed a definite opinion about the presidency, his interest in that conspicuous and important office should attract him to the polls, even if he cares nothing about constables and assessors; that his interest in one direction cannot be counteracted by his apathy in the other. He is, indeed, more likely to vote in presidential years than in off years. Election statistics make this very clear. But the complicated machinery of registration, nomination, and election, grinding away year in and year out, all its noises blending into one disagreeable note, has a cumulative effect. In self-defence the voter may close his ears, become oblivious to it all, very much as the New Yorker ceases to hear the commotion of the Sixth Avenue elevated railway.

Suggested remedies

The most obvious remedy for electoral indifference is to simplify the electoral processes. What are some of the changes that experience seems to recommend? In the first place, personal registration is no more necessary in this country than it is in France or England. In the second place, the direct primary is quite superfluous; under a system of nomination by petition, with a second election in case no candidate received a majority vote in the first, no substantial interest of any voter would be prejudiced. In the third place, there is no reason why power and responsibility should not be concentrated in the hands of a few elected officers instead of being dispersed and lost among a host of officers whose election is little more than a form. But although simplification is recommended by experience as the obvious remedy, it meets with little encouragement among the politicians. They rely upon homeopathy or autosuggestion. Ignoring the cause of the malady, they treat

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its superficial manifestations or they persuade the voter to tell himself, morning and night, that it is his sacred duty to attend the polls. Tinkering with symptoms may, of course, afford a certain amount of relief. If the absentees complain of inferior voting facilities, let better polling places be selected and let them be kept open for longer hours. It will then be discovered whether the excuse is genuine or a mere cloak for apathy.

Absent-voters' laws

On this point absent-voters' legislation should prove illuminating.[1] Forty-six states now permit certain classes of persons to vote in spite of their absence from home on election day.[2] Vermont was the first state to extend this privilege to civilians.[3] A law of 1896 provided that, upon presenting a certificate to show that he was qualified to vote in his own town, a voter could cast a ballot for state-wide officers in any other town of the state. The new idea, neglected for a time, was eventually adopted by Western progressives. Kansas led the way. As early as 1901 that state had enacted an absent-voting law for railroad employees. Ten years later an amendment brought within the scope of the law all voters who might be absent by reason of their business or occupation. This set the West in motion. Five states enacted statutes in 1913; eight, in 1915. The movement spread to the South and, a little later, to the East. But while the principle of absent voting has been established in almost all the states, its application varies a good deal. It applies most commonly to persons who, by reason of their business or occupation, are absent from the county at the time of the primary or election. These may be termed the normal or standard provisions. Some statutes deviate from them by specifying, as in the case of New York and Kansas, the election alone or, as in the one case of South Carolina, the primary alone. With respect to the cause of absence, Minnesota and North Dakota impose no limitation

[1] The progress and character of this legislation have been described by Professor P. O. Ray in occasional contributions to the *Am. Pol. Sci. Rev.* See especially Vol. VIII (1914), pp. 442-445, and Vol. XII (1918), pp. 251-261. Simon Michelet, *Absent Voting in the 48 States* (1926), issued by the National Get-Out-the-Vote Club, Washington, D. C., is inaccurate. I have had the privilege of reading in manuscript Helen M. Rocca's *Brief Compilation of the Laws Relating to Absent Voting*, which will shortly be published by the National League of Women Voters.

[2] All the states but Kentucky and Connecticut.

[3] During the Civil War state laws permitted absent-voting by soldiers in the field.

of any kind,[1] while four states (Maryland, New Jersey, Pennsylvania, and Rhode Island), going to the opposite extreme, specify military and naval service alone. The Michigan law, after enumerating seven classes of persons (such as commercial travelers and railroad employees) who may become absent voters, adds: "Or (8) any person necessarily absent while engaged in the pursuit of lawful business, or (9) any person who, on account of physical disability, is unable, without another's assistance, to attend the polls." Twelve other states extend the privilege of absent voting to those who suffer from illness or physical disability.

How they work

With regard to the time and method of voting, the statutes fall into two fairly well-defined groups. The characteristics of one group, composed of nine states,[2] may be illustrated by the provisions of the Kansas statute. On election day, after making an affidavit at any polling place within the state, the voter is entitled to receive and mark a ballot in the usual manner. Both the affidavit and the ballot—the latter bearing the name of the absent voter and the number of his election district—are mailed to the appropriate officer in the county where the voter resides. This plan is open to criticism, perhaps, on the ground that the identity of the voter is known to those who count the ballot,[3] and also on the ground that the voter, since he does not receive the ballot of his own county, cannot vote for local offices unless he happens to remember the names of the candidates and writes them in. The Iowa statute belongs to the second group, composed of thirty-three states. If the voter is absent or expects to be absent from his home county by reason of his business or if he is prevented from going to the polls because of illness or physical disability, he applies for a ballot not more than twenty days before the election, his application taking the form of an affidavit. He receives by mail a ballot and envelope.

[1] The only limitation in twenty-four states is that the absence shall be "unavoidable." In eighteen other states only specified reasons for absence are recognized—for example, the requirements of the voter's business or occupation.

[2] Arkansas, Colorado, Florida, Kansas, Missouri, New Mexico, Oklahoma; and California and Louisiana, which differ from the others as to the method of voting.

[3] The law enjoins secrecy upon these officers, however. It is worthy of notice that in the second group of states, where the identity of the voter is not disclosed by the ballot itself, there are methods by which the party workers can get around the safeguards of secrecy. As to North Dakota see the observations of Judge Andrew A. Bruce, *The Nonpartisan League* (1924), pp. 98-99.

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Having marked the ballot and having subscribed to an affidavit that appears on the reverse side of the envelope, he inserts the ballot and transmits it in a carrier envelope to the county auditor or the clerk of the city or town, as the case may be.[1] On election day the precinct judges compare the application affidavit with the affidavit on the envelope. If they are satisfied that the signatures correspond, that the applicant is a duly qualified voter, and that he has not already voted in person, they open the envelope and deposit the ballot, still folded, in the ballot box.

Not of practical importance

The purpose of the absent-voting laws merits commendation; their theoretical importance cannot be questioned. It is well known that whenever an election occurs, in cities at least, a considerable proportion of the voters will be kept away from the polls because they have temporarily left their homes. An investigation in Chicago seems to show that this proportion is about five per cent.[2] If these absentees really wish to vote, the opportunity should be given. But do they really wish to vote? The available figures suggest something quite different. New York City has a potential electorate of more than 2,300,000; and yet in 1922 only 329 persons out of a possible 115,000 took advantage of the absent-voters' law; in 1926, only 471.[3] Chicago has a potential electorate of 1,400,000; and yet in 1923 only 226 persons out of a possible 75,000 took advantage of the absent-voters' law.[4] Moreover, the persuasion of election district captains rather than the interest of the individuals themselves may have been responsible for these votes.[5] To say that many voters are ignorant of the existence of the

[1] He may, however, apply in person for a ballot, before leaving home, and mark it immediately in the office of the auditor or clerk.

[2] Merriam and Gosnell (*op. cit.*, pp. 34 and 63-72) show that one-ninth (11.1 per cent) of the non-voters explained their abstention on the ground of absence from home. The non-voters constituted about half of the potential electorate.

[3] New York *Times*, Oct. 28, 1926.

[4] Merriam and Gosnell, p. 234. It is not clear from the context whether the 226 votes were cast in Chicago alone or in the whole state.

[5] Indeed, the extent of electoral apathy cannot be measured by an investigation as to why people refrain from voting. It is almost as important, and still more difficult, to find out why people do vote. Civic interest is not the only motive. Some vote in order to escape criticism; others, out of friendship for the election district captain or one of the candidates; others again, because they are paid to vote; and so on. No one will voluntarily incriminate himself when he is questioned. We may suspect the purchase of many thousands of votes in the Pennsylvania primaries of 1926; but there is no way of reaching even a vague estimate as to how many were purchased.

law or discouraged by its requirements is merely to adduce further evidence of apathy.[1]

Proposed remedies for non-voting: (1) Persuasion

How strange it is to contemplate, on the one hand, the enthusiasm with which state legislatures welcomed the principle of absent voting and, on the other hand, the meager results obtained! Is there not more than a suggestion that what American politics needs is not a greater opportunity to vote, but a greater interest in voting? According to a very prevalent belief, the lack of interest is not due to any defects in the electoral mechanism. It is due to an abnormal and selfish disposition of mind. The stay-at-home citizen is represented as a slacker who evades his civic obligations and thereby betrays his country. Opinions differ as to the best methods of correcting his conduct. Some propose that he should be converted to a better frame of mind by something akin to religious revivalism, by an appeal to his dormant emotions of patriotism; others, that, since voluntary enlistment has failed, the state should resort to conscription. The first proposal led to the founding of the national Get-Out-the-Vote Club in the summer of 1924. The club's purpose, as disclosed in its constitution, is to enroll active workers, coöperate with other civic bodies, and promote a campaign of education throughout the country; "and likewise to engage in active and direct measures to secure the registration of voters, to get voters to the polls and aid absentee voters in casting their ballots, and to devise such measures and enlist funds necessary thereto for efficiently carrying out the above purposes."[2] Similar movements have been launched since that time. One organization seeks to persuade every qualified person to sign a pledge that he will register and participate in all primaries and elections. If such an appeal to dormant civic virtue succeeds at all,—some people resent interference with what they regard as their private affairs, not to speak of the superior pose of the uplifters,—its effect is not likely to persist. Emotional fervor declines; the old influences reassert themselves. "Neither now nor at any future time," says Max Stirner,[3] "will 'sacred duty' lead people to trouble about the state, just as little as it is by 'sacred duty' that they become men of science, artists, etc."

But if the citizen, standing aloof, refuses to assume the respon-

[1] One of the chief reasons for the repeal, in 1926, of the New Jersey civilian absentee-voting law was the fact that so few took the trouble to avail themselves of it.

[2] *Literary Digest*, Aug. 23, 1924, p. 15.

[3] Quoted by Robert Michels, *Political Parties* (1915), p. 49.

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(2) Compulsion

sibilities of his citizenship, should not the state require him to do so? Compulsory voting is by no means an untried device.[1] It has succeeded, apparently, in Belgium.[2] Its recent adoption by some of the smaller European states and by the Commonwealth of Australia, where a fine of $10 is imposed for failure to register or vote, may foreshadow its general acceptance.[3] Already, in the United States, the constitutions of Massachusetts and North Dakota have been amended so as to permit the introduction of the compulsory system.[4] What will be gained by its introduction? It is presumed that the voter will more seriously consider responsibilities which he can no longer escape, that he will become impressed with the importance of his civic relationships, and that the mere mechanical act of voting will stimulate an interest in politics. Less happy results are quite as possible, however. The citizen may resent compulsion. He may come to regard his political rights, not as a privilege, but as a hateful burden. The vote that he casts —if he does not emphasize his resentment by leaving the ballot blank—may reflect nothing but lack of interest and lack of knowledge. In a word, the state can mobilize the electorate at the polls, but it cannot make the electorate think; it can manufacture more votes, but not more intelligent opinions. "The commendable craze of dragging people to the polls to vote against their wills is

[1] Freemen were compelled to attend the English hundred-moot and shire-moot under the penalty of heavy fines; and a similar practice prevailed in Merovingian France and in the towns of medieval Holland (H. Spencer, *Political Institutions*, 1882, p. 430). In several American colonies (for example, Rhode Island and Maryland) some form of compulsion existed (McKinley, *The Suffrage Franchise in the Thirteen English Colonies*, pp. 73, 270, 308, 430; Bishop, *History of Elections in the American Colonies*, pp. 100-101.) Belgium was the first modern state to adopt compulsory voting (1893). Spain followed in 1908. It has spread to Czechoslovakia, Denmark, Holland, Hungary, and Luxembourg in Europe; to Argentina, Honduras, Mexico, and Salvador in Latin America; and to New Zealand, Australia, and several Australian states.

[2] T. H. Reed, *Government and Politics of Belgium* (1924), pp. 56-57. The penalty is: for the first offence, a fine of one to three francs; for the second offence in six years, a maximum fine of 25 francs; for the third offence in ten years, public posting of the voter's name; and for the fourth offence in fifteen years, disfranchisement for ten years and incapacity to receive public preferment of any kind.

[3] See Joseph Barthélemy, "Pour le vote obligatoire," *Revue du droit public*, Vol. XL (1923), pp. 101-167. In the Australian election of 1926 more than 93 per cent of the eligible voters went to the polls.

[4] The voters of Oregon defeated such an amendment in 1920 by 131,603 votes to 61,258. The Massachusetts amendment of 1918 carried by only 7,735 votes.

not going to get us anywhere," says Senator Fletcher,[1] "unless the conscripted voters know why they are voting and what they are voting for."

[1] *Congressional Record*, June 28, 1926, p. 12, 193.

CHAPTER XXII

THE CONDUCT OF ELECTIONS

Early methods of voting

THE secret Australian ballot, now generally employed in American elections, and its mechanical equivalent, the voting machine, are comparatively recent innovations.[1] During the colonial period, it is true, vote by ballot prevailed in New England and in Delaware, Pennsylvania, and South Carolina, the ballot being simply a written paper of any kind; and by the middle of the last century printed ballots were used in all but three of the states.[2] But the ballot of the seventies and eighties was not an official ballot.[3] It was printed and distributed by the party committees or candidates, the law going no further than to require the use of white paper and to prescribe, in some cases, a maximum and minimum size.[4] The voter received the party ticket outside the polling place. Up to the moment of his handing it to the election judge, who put it in the ballot box, he was kept under close observation. He could not "scratch the ticket"—that is, cross out any name and write in another or paste over any name the printed sticker of an independent candidate—without being detected. The lack of secrecy encouraged bribery and intimidation. Moreover, the law set up no adequate safeguards against "floaters," men who went from one district to another, casting ballots in the names of qualified voters ("personation") or voting more than once in the same election ("repeating"). At moments of disorder and confusion, deliberately instigated for the purpose, the ballot box would be stuffed with handfuls of ballots.[5] The expense involved in printing ballots

[1] The Australian ballot was first used in Kentucky and Massachusetts in 1888; the voting machine in Lockport, New York, in 1892.

[2] Missouri adopted the printed ballot in place of *viva-voce* voting in 1863; Virginia, in 1867; and Kentucky, in 1891. But Kentucky had introduced the Australian ballot for Louisville three years earlier.

[3] E. C. Evans, *A History of the Australian Ballot System in the United States* (1917), pp. 6-16.

[4] See, for example, the Alabama law of 1876 in A. C. Ludington, *American Ballot Laws* (1911), p. 12.

[5] Sometimes tissue-paper or "pudding" ballots were printed. With or without the connivance of election judges, several of these could be folded

and in hiring workers to distribute them acted as a bar to independent candidatures. "What we call machine politics," said Henry George, "springs from the cost of elections."

The Australian Ballot

The Australian ballot: its essential characteristics

The repeated exposure of abuses and the growing volume of complaint created a strong sentiment in favor of reform. The Australian ballot—which had been adopted first by Victoria in 1856 and two years later by New South Wales, South Australia, and Tasmania—[1] was advocated as the proper corrective. The Australian ballot is official and secret. It has four essential characteristics: (1) It is printed by public authority and at public expense; (2) it is a blanket ballot, bearing the names of all candidates who have been nominated according to law; (3) it can be obtained only within the polling place and from the officers who conduct the election; and (4) it is marked in the absolute secrecy of the polling booth, folded there to conceal the marks, and publicly deposited in the ballot box. These are the essentials. In the detailed specifications, of course, deviations of type occur. In the effort to preserve secrecy and prevent fraud safeguards have been developed which vary in different countries as they do in the different states of the American Union. Sometimes, for example, a detachable, numbered stub serves to prevent the voter from substituting one ballot for another in the polling booth. Sometimes, too, by a method that does not impair the secrecy of the vote or the canvass, means are provided for identifying the ballots of fraudulent voters whenever the validity of an election is attacked. There are also various ways of arranging the names of the candidates. They may be grouped under the appropriate office-titles in alphabetic order or in an order determined by the voting strength of the parties that have nominated them; or they may be segregated in successive columns, each of which takes the form of a party ticket. In the United States the party nominees are usually identified by the name of the party, less often by the party emblem as well; in England or Canada no party designation is permitted. What may be called the normal

together and voted as a single ballot. Occasionally trick ballots were printed, bearing the name and emblem of one party and the names of its opponent's candidates.

[1] It spread to New Zealand in 1870, Queensland in 1874, and Western Australia in 1877. England adopted it in 1872 and Canada soon afterwards. J. H. Wigmore, *The Australian Ballot System in the Legislation of Various Countries* (2d. ed., 1889).

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method of marking the ballot is to place a cross opposite the name of one candidate for each office or opposite the names of two or more if two or more are to be elected to that office. Sometimes, by making a single cross, it is possible to vote a straight party ticket. Under a scheme of proportional representation the voter may be invited to express not only a first choice, but also a second and third choice among the several candidates for election to the same office. In some parts of the country the paper ballot has been discarded in favor of the mechanical ballot. The voting machine seems destined to become an increasingly important factor in American elections.

Its first appearance in the United States, 1888

First among the states, Kentucky enacted an Australian ballot law in February, 1888. This applied only to municipal elections in Louisville, because the constitution prescribed *viva-voce* voting in all state elections. On the Louisville ballot the names of the candidates were grouped in alphabetic order below the title of the appropriate office. Hence the term "office-group ballot," which is commonly employed to-day. No party designation of any kind followed the names. As in Australia and England, party had no official status. The law took no cognizance of what party conventions or caucuses might do: all candidates alike secured a place on the ballot by filing a petition with fifty signatures. Nowadays ingenuous reformers, introducing this type of ballot as a remarkable new invention, speak of it as "non-partisan." But it is the only kind of ballot that has been used in England; and in English elections party lines are drawn more closely than anywhere else in the world. At the present time four states—Florida, Mississippi, Tennessee, and Virginia—exclude party designations in the same way. With them the purpose is, apparently, to confuse the ignorant negro in his effort to vote the Republican ticket. A very different purpose—the elimination of party politics—explains the spread of the non-partisan primary and election. This so-called non-partisan system has been extended to the nomination and election of judicial and local officers in numerous states and to members of the legislature in Minnesota. This development has already been discussed (in the chapters on nominations), and its significance emphasized.

The "non-partisan" ballot

Its significance

Its significance lies in the fact that the reformers, traveling without sextant or theodolite, have got badly lost. They are moving in a direction quite the opposite to what they imagine it to be. They are destroying the cumbersome direct primary, which they

profess to admire, and liberating from statutory restraints the parties, which they seem to regard with suspicion and dislike. In spite of its name the non-partisan primary is, or tends definitely to become, an election. If it is not an election, why should the law provide, more and more frequently, that any candidate who receives a majority vote is thereby not only nominated but elected? In other cases, it is true, the two highest candidates must stand in a second election; but the second election is simply a means of obviating minority choices (as was the *ballottage* in France and Germany before the World War) and might conceivably be abandoned in favor of a preferential ballot at the first election. In fact, the so-called non-partisan system, except for its safeguard against minority choices, is the system inaugurated by the English ballot law of 1872 and the Kentucky ballot law of 1888. That all the candidates are brought forward in the non-partisan primary by petition and that the law deliberately ignores the existence of parties does not prevent the parties from reaching an agreement beforehand and concentrating their strength behind certain candidates. Indeed, the parties regain their old voluntary character and break free from the detailed prescriptions of the direct primary laws which now regulate their membership, their organization, and their processes.

The Massachusetts ballot, 1888

The non-partisan features of the ballot used in England and the English colonies did not suit American conditions. While quite appropriate to the election of a few municipal officers in Louisville, it would have left the voters utterly helpless when faced with the task of filling twenty or thirty offices at a general election. The voters, knowing little about the multitude of candidates, must take the party label as their guide—substitute party responsibility for their own personal responsibility. When Massachusetts enacted in May, 1888, the first Australian ballot law of general application,[1] this circumstance was frankly recognized. The law defined party as an organization casting a certain percentage of the aggregate vote and recognized party nominations when certified by the presiding officer of the convention or caucus. It also provided that the name of the candidate should be followed by the name of the party which had nominated him. Independent candidates might also be nominated by petition. The ballot was to be of the office-group type; that is, the names of all candidates were to appear in alphabetic order under the title of the office which they

[1] It did not, however, apply to town elections.

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were seeking. Indeed, the "office-group ballot" is equally known as the "Massachusetts ballot."

The Indiana ballot, 1889

Next year, 1889, Montana, Rhode Island, and Wisconsin adopted the office-group type of ballot. Indiana, however, followed a different plan, and one that has been more widely imitated. Upon the Indiana ballot each party has a separate column, just like the ticket of pre-Australian days, the name of each candidate of the party being printed under the appropriate office-title. At the top of the column appear the party name and emblem (the Republican emblem in that state being an eagle; the Democratic, a rooster) and under them a circle. Now, in marking the Massachusetts ballot the voter can vote a straight party ticket only by placing a cross in the square opposite the name of every candidate endorsed by the party; but in marking an Indiana ballot he can vote a straight party ticket by making a single cross in the circle at the head of the party column. The office-group ballot, more generally favored by reformers, encourages independent voting, since a split ticket can be voted as easily as a straight ticket. The party-column ballot, more generally favored by politicians, capitalizes the voter's inertia in favor of party regularity.

Present status of the Australian ballot

The movement that had begun in Kentucky and Massachusetts made rapid headway. Thirty-two states used the Australian ballot in the presidential election of 1892. Since then the number has increased to forty-four. The most recent recruits are: New Mexico (1919), where separate party tickets had previously been printed by public authority and entrusted to the parties for distribution; Tennessee (1921), where the Australian ballot had previously been used only in counties and towns of a certain population; and Missouri (1921), where only one essential feature of the Australian system, the blanket ballot, had been wanting.[1] In 1922 Georgia enacted an optional law. It becomes effective in any county when two successive grand juries have recommended its adoption. Among the remaining three states South Carolina is the only one that has made no approach of any kind towards the Australian system. The law simply requires that there shall be three separate ballots, one for federal offices, one for other offices, and one for measures; that the ballots, written or printed, "shall be of plain white paper and of such width and length" as to contain the names of the

[1] Before 1921 the voter had received the separate (official) ballots of all parties, selected one of them in the booth, erasing some names and writing in others if he wished, and finally deposited that ballot in one box and the discarded ballots in another box.

candidates or the measures; and that they shall be properly folded and put in the ballot box. According to the North Carolina law separate party ballots shall be printed by the state or county authorities and delivered to the election judges at least three days before the election. There is no provision for polling booths. Delaware has polling booths and an official blanket ballot; moreover, while in the booth, the voter must place his ballot in an official envelope, which the election officers have endorsed with their names. But although the ballots may be obtained in the polling place, they may also be obtained and marked outside. "It shall be lawful for any voter to secure a ballot at any time from the chairman of the various political parties or from any other source whatsoever and to mark the same at any time and at any place, and to carry the ballot which he has marked to the designated polling place . . . and there to vote the said ballot in the manner heretofore prescribed." Some states, in adopting the Australian ballot, have permitted exceptions in local practice. Thus, the Minnesota law is optional as to towns and villages of less than 5,000 population, and the Maine law as to all town meetings.

Four different types used:

Forty-six states (if Georgia be included) print an official blanket ballot which possesses, except in the case of Delaware, all the four essential characteristics of the Australian system. Four ballot types may be distinguished: the Massachusetts or office-group ballot, the modified Massachusetts, the Indiana or party-column ballot, and the modified Indiana. (1) The Massachusetts type is found in thirteen states.[1] Variation in form mark the New York ballot, on which the party emblem as well as the party name appears opposite the name of each candidate;[2] and also the ballots of Florida, Mississippi, Tennessee, and Virginia, on which no party designation of any kind appears. In Tennessee the names of the candidates are arranged in alphabetic order, but in the three states of the Solid South the Democratic nominees can always be identified by the fact that they are given the first position.[3] Elsewhere the names are arranged in alphabetic order or in accordance with the vote cast by the candidate's party in the last election. Less

(1) The office-group type

[1] Arkansas, California, Florida, Kansas, Maryland, Massachusetts, Minnesota, Mississippi, Nevada, New York, Oregon, Tennessee, and Virginia.

[2] The party emblem to the left of the candidate's name, the party name to the right Only one other office-group ballot—that of Colorado—bears party emblems; and the Colorado ballot belongs to the modified Massachusetts class.

[3] This practice is somewhat disguised in the Virginia law which says that the names shall appear "in due and orderly succession."

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frequently the names are rotated, as in California. To vote a Massachusetts ballot a cross must be placed in the square opposite the name of the candidate selected. Virginia alone prescribes a different method. There the voter "shall draw a line with pen or pencil through the names of the candidates he does not wish to vote for, leaving the title of the office and the name or names of the candidates he does wish to vote for unscratched." (2) Three states use the modified Massachusetts ballot: Colorado, Nebraska, and Pennsylvania. They provide facilities for voting a straight party ticket. At the head of the Colorado ballot appear the names and emblems of the various parties, followed by blank squares. By putting a cross in one of these squares the voter votes a straight ticket;[1] but he may proceed afterwards to split the ticket by placing crosses in the squares opposite the names of candidates who have been nominated by other parties or by independent groups. The two other states follow the same plan, except that emblems are not used and that the party circles in Nevada and the party squares in Pennsylvania appear on the left margin of the ballot. The modified Massachusetts ballot is still less favorable to independent voting than the Indiana or party-column ballot. After putting a cross in the party circle of an Indiana ballot the voter can rapidly glance down to the column to see whether any particularly objectionable candidate should be scratched; but with the office-group arrangement a survey of all the candidates entails time and trouble.

(2) The modified office-group type

(3) Twenty-six states use the Indiana ballot, half of them placing at the top of each column not only the party name and circle, but also the party emblem.[2] There is no settled practice as to the order in which the party columns shall appear. In Wisconsin the order is alphabetic (Democratic, Republican, Socialist, etc.);

(3) The party-column-type

[1] This feature of the Colorado ballot dates from 1923. Formerly there appeared in the same place the words: "I hereby vote a straight . . . ticket, except where I have marked opposite the name of some other candidate." The voter could write the name of his party in the blank space. Under the new arrangement the party emblem appears not only at the top of the ballot, but also after the name of each party candidate.

[2] The thirteen states using emblems are: Alabama, Delaware, Indiana, Kentucky, Louisiana, Michigan, New Hampshire, New Mexico, Ohio, Oklahoma, Rhode Island, Utah, and West Virginia. The thirteen states using no emblems are: Arizona, Connecticut, Idaho, Illinois, Iowa, Maine, Missouri, North Dakota, South Dakota, Texas, Vermont, Washington, and Wisconsin. The Socialist Labor party is the only one that has the same emblem in all the states—an arm and hammer in the position of striking. The most common device of the Republican party is an eagle; of the Democratic party, a crowing rooster.

in Michigan and Ohio it is determined by the state-wide vote of the parties; in Iowa and Illinois the matter is left to the discretion of the officer who prints the ballots, and this is the rule in Kentucky and Delaware, except that the latter gives the first column to the party polling the highest vote and the former gives the Democratic party first place and the Republican party second.[1] Independent candidates appear in a column to the right, arranged in alphabetic order, or they may have a series of separate columns. As to the method of marking the ballot, a straight ticket is voted either by putting a cross in the party circle or a cross in the square opposite every name in the column; and a mixed ticket is voted either by putting a cross in the party circle and a cross opposite any name or names in other columns or simply by leaving the party circle blank and putting a cross opposite the name of each favored candidate.[2] The Texas ballot is peculiar in the fact that it has no party circle; a straight ticket may be voted only by running a pen or pencil through all other tickets. The voter splits the ticket by running a line "through the names of such candidates as he shall desire to vote against in the ticket he is voting and by writing the name of the candidate for whom he desires to vote in the blank column and in the space provided for such office; . . . unless the names of the candidates for which he desires to vote appear on the ballot, in which event he shall leave the name not scratched." (4) Four states have the modified Indiana ballot: Georgia, Montana, New Jersey, Wyoming. This differs from the pure Indiana type in having no party circle. The only way to vote a straight ticket is to place a mark after the name of every candidate in the selected party column.

(4) The modified party-column type

Schemes of Minority Representation

The Illinois ballot deserves special mention because, in the election of members of the lower house of the state legislature, the principle of the cumulative vote has been adopted. The political antagonism between the northern part of the state, where the Republicans predominated, and the southern part, where the Democrats predominated, suggested the introduction of this system

Cumulative voting

[1] New Jersey (modified Indiana) determines the order by lot.

[2] There are variations from the normal practice. In Idaho and Utah, for example, when the voter puts a cross in the party circle and then splits the ticket by putting a cross opposite some name in another column, he must further draw a line through the name of the rejected candidate in his own party's column.

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of minority representation more than fifty years ago. Three members of the lower house are elected from each senatorial district. The voter has three votes. He may concentrate these upon one candidate (in order to ensure his doing so the minority party may make only one nomination) or distribute them among two or three candidates. By putting a cross in the party circle he gives one vote to each of three candidates if the party has nominated three, one vote and a half to each of two candidates if the party has nominated only two, or three votes to one candidate if only one appears upon the party ticket. His votes are similarly concentrated or distributed when he puts a mark opposite the names of one, two, or three candidates appearing on his own or some other party ticket; and it then makes no difference whether or not he has put a cross in the party circle. The satisfactory working of the cumulative vote requires some arrangement by which each party can limit the number of its candidates; otherwise, because of the voter's disposition to vote a straight ticket and because of the difficulty of persuading him to follow instructions, the strongest party would in most cases secure all three seats. The Illinois law provides, therefore, that each party shall elect a senatorial district committee and that this committee shall determine the number of legislative candidates to be nominated in the April primary. The cumulative vote is used for the nomination as well as for the election.

Proportional representation

The Illinois plan does prevent a party that possesses a numerical superiority of less than three to one from making a clean sweep of all three seats. It does minimize the danger of political cleavage between the Democratic and Republican sections of the state, which single-member constituencies had previously emphasized. But it does not go so far as to allocate representation in strict accordance with the relative strength of parties. Theoretically, no doubt, the legislature should reflect, in proper perspective, the various bodies of opinion in the electorate. This is the chief argument of those who advocate some plan of proportional representation—[1] on the continent of Europe the "list plan" and in English-speaking countries the "Hare plan." Proportional representation is based upon large electoral districts, returning perhaps half a dozen, perhaps ten or fifteen members;[2] in fact,

[1] See books entitled *Proportional Representation* by J. R. Commons (1907), J. H. Humphreys (1911), and Hoag and Hallett (1925). But see also George Horwill, *Proportional Representation: Its Dangers and Defects* (1926).

[2] Under the Italian law of 1919 the Naples district returned 17 members; the Turin district, 19; and the Milan district, 20.

the larger the district is, the more perfectly the system works. Under the list plan (which may assume many different forms) each party puts forward as many candidates as, with its estimated voting strength, it can hope to elect. The voter, receiving a blanket ballot, simply marks the ticket of his choice. This is sometimes called the "double simultaneous vote," for by the single mark the voter has given his support to the party ticket and at the same time expressed his preference for the candidates of the party in the order in which they appear on the ballot.[1] The candidates at the bottom of the list, no matter what their personal popularity may be, have no chance of being elected if the party vote falls below expectations. Proportional representation of this type has spread over a great part of continental Europe. Aside from the countries in which some form of autocracy now prevails, the only important exceptions are France, Hungary, and Poland.[2]

The "list plan"

Under the Hare plan the candidates appear in alphabetic order, without any party designation, under the office-title. The voter marks a first choice and then a second choice and other choices, using the numerals 1, 2, 3, 4, etc. If the candidate whom he prefers develops little strength and cannot be elected, the vote is not lost; the second or third choice comes into play. Hence the term "single transferable vote." At the polling place the ballots are sorted, tied in separate bundles according to the first choices expressed, and sent to a central counting station. There the counting officers determine, first, the total number of valid ballots and, second, the electoral quota, that is, the smallest number of votes that will certainly entitle a candidate to election. If there were one seat to fill and 10,000 votes cast, then the quota would be 5,001—half the number plus one. The rule is, therefore, to divide the total number of votes by the number of seats to be filled plus one and then to add one to the result of the division. In a six-member constituency, when 140,000 votes have been cast, the quota is 20,001. In the third place, the quota having been found, all candidates whose first-choice votes equal or exceed the quota are awarded seats. The fourth step is to transfer from the successful candidates their surplus votes, the votes they received in excess of the quota. For example, if the quota is 5,001 and Smith has received 6,000, then 999 ballots must be transferred to the candidates

The "Hare plan"

[1] In Belgium he may also express his preference for a candidate who does not appear at the top of the list.

[2] For a list of the countries that have adopted proportional representation see *Proportional Representation Review*, July, 1925, p. 87.

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marked as second choices. Either the 999 ballots are taken off the top of Smith's pile or else, after all second choices on the 6,000 ballots have been tabulated, it will be found just how many of the 999 should go to each candidate. Experience has shown that where a large number of ballots is involved substantial justice is done by selecting the surplus ballots at random. In the fifth place, if these added votes have given any one the quota, he is declared elected and his surplus distributed. Then if no candidate has the quota, the low man is dropped and his ballots transferred to the next choices indicated on them. This procedure continues until all the seats are filled.

Advantages of proportional representation

The advocates of proportional representation make out a very persuasive case. They guarantee fairness, justice, an opportunity for every considerable group to make its influence felt according to its numbers. They show how, under prevailing arrangements, the strongest party carries each district,—even though it may command much less than half the votes,—completely shutting out its opponents, indeed, virtually disfranchising them. They offer a means whereby relatively insignificant groups can exact their legitimate share of representation. No vote is wasted. If, among half a dozen Republican candidates, one proves to be hopelessly out of the running, his ballots are transferred to a second Republican or, again, to a third who thereby reaches the electoral quota. If another candidate, through personal popularity, attracts half or three-quarters of all the Republican votes, he keeps only enough of them to secure his election, passing on the surplus to the aid of his fellow-candidates. The bribery that now occurs in doubtful districts, often determining the result of an election, would disappear under the Hare plan, because the parties would no longer be faced with the alternative of complete victory or complete annihilation through a slight fluctuation of the vote. Americans would get rid of the vexatious direct primary. With the single transferable vote it would make no difference how many candidates came forward in the hope of winning partisan support. No matter how scattered at the outset, Republican or Democratic votes would be made effective in the end.

In spite of its attractive appearance proportional representation has made little progress in English-speaking countries.[1] American

[1] As to the various parts of the British Empire, P.R. has been applied in Great Britain to the election of nine university members of Parliament and to Scotch educational authorities; in the Irish Free State and Northern Ireland, to parliamentary elections (and some local elections in the former); in Aus-

The "Hare plan" in the United States

experiments have been confined to the election of a few city councils or city commissions. In Kalamazoo, Michigan, and Sacramento, California, the experiments were halted by the courts, which found the Hare plan unconstitutional;[1] in West Hartford, Connecticut, by the action of the legislature (1923). At the present time four cities use proportional representation: Ashtabula, Ohio, which adopted the plan in 1915, Cleveland (1921), Cincinnati (1924), and Boulder, Colorado (1917).[2] The commissioners are elected from a single district, except in Cleveland. The slow progress of proportional representation in this country may be attributed to a variety of causes. For one thing the long ballot stands in the way. Proportional representation can be applied only to the election of legislative bodies and plural executives; and since the existing system, or something like it, must be retained in the case of assessors and constables, secretaries of state and governors, the introduction of proportional representation would aggravate the complexity of our electoral arrangements. Again, the Hare plan not only involves an elaborate process of counting the ballots, in which deliberate or accidental errors may easily occur, but also seems to confuse the voters. In the Ashtabula election of 1920 thirteen per cent of the voters cast improperly marked and therefore invalid ballots.[3] No doubt, the chief complaint against proportional representation is that it tends to create, preserve, and solidify minor groups. In continental Europe this complaint carries less weight; the numerous parties (except the strongest among them) welcome an electoral device that encourages particularism. But where the two-party system prevails there is a tendency to look askance at the Hare plan and regard it as an instrument of disruption. As things stand, agreement among the various sections of a party is reached before

tralia, to the legislative elections of Tasmania and New South Wales; in New Zealand, to the election of three city councils; in South Africa, to the election of the Senate and the council of East London; in Canada, to the election of the councils of nine western cities and the legislative members of three; in India, to the election of a few members of local and national legislative bodies; and in Malta, to the election of Senate and Assembly.

[1] As to Kalamazoo see *Wattles v. Upjohn*, 179 N. W., 335 (1920); as to Sacramento, *People v. Elkins*, 211 Pacific, 34 (1922).

[2] As to Ashtabula, see R. C. Atkinson "Ashtabula's Third 'P.R.' Election," *Nat. Mun. Rev.*, Vol. IX (1920), pp. 9-12; as to Cincinnati, *Proportional Representation Review*, Jan., 1926, pp. 4-22; and as to Cleveland, *ibid.*, Jan., 1924, pp. 3-39, and Helen M. Rocca, "How Cleveland's First Proportional Representation Ballots Were Counted," *Nat. Mun. Rev.*, Vol. XIII (1924), pp. 72-77.

[3] Atkinson, *op. cit.*, p. 12.

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the election and submitted to the people; under proportional representation, some contend, the various parties and groups would reach an agreement after the election, as occasion might require it, and secretly, by dubious log-rolling methods. In spite of theoretical objections the existing electoral system is defended on the ground that it commonly gives one party a clear majority in the legislature, permitting the party to take its own line and assume responsibility for what it does.

Preferential voting

The system of preferential voting, to which reference has already been made in connection with the primaries, has not encountered so much opposition. The parties have no reason to fear it, as they apparently fear proportional representation. Instead of giving special encouragement to minorities, it provides a means —perhaps somewhat artificial—of building up a majority in support of the successful candidate. The candidates are grouped alphabetically under each office-title without party designations of any kind. The voter expresses his first preference by placing a cross in the first of three columns opposite the name of one candidate; his second choice is marked in the second column; any number of third choices in the third column; but each preference must be expressed for a different person. That candidate wins who has a majority of all the first choices; or, failing that, a majority of the combined first and second choices; or, finally, the largest number of all choices. This is the "Bucklin plan," originating in Grand Junction, Colorado. Various other methods of counting ballots have been employed. According to the "Ware plan," if no one has a majority of first-choice votes, the low man is dropped and his ballots assigned to the second-choice candidates. This procedure continues until some candidate secures a majority. Thus, the Bucklin plan gives the voter several votes, all of which will be counted if no candidate has a majority of first-choice votes or of combined first-choice and second-choice votes. The Ware plan makes use of the single transferable vote, the transfer occurring whenever (as the low man is dropped) the vote would otherwise be wasted. Occasionally a different weight is given to successive choices; for example, the first choice may count as one vote, the second as half a vote, and the third as a third of a vote.

Its progress in the United States

Alabama and Florida have adopted the preferential ballot for their primaries. Otherwise its use is confined to municipal elections. It made its first appearance in Grand Junction little more than fifteen years ago and has spread to sixty or seventy cities, some

of them places of considerable size, like San Francisco, Newark, Jersey City, Denver, and Toledo. Aside from its primary object of securing election by absolute majority, the preferential system has two marked advantages. In the first place, notwithstanding the fact that the majority may scatter their votes among several candidates, who represent substantially the same policies or interests, and that the minority may concentrate their votes on one candidate, the majority is likely to win; for the counting of second and third choices will bring about a concentration. In the second place, the direct primary can be abolished. Precisely as in the case of proportional representation, there is no necessity of limiting the number of candidates, of securing before election day some agreement within each party or between different shades of non-partisan opinion as to the support of a single candidate. The process of elimination is accomplished through the expression of successive preferences. Or at least it would be accomplished if the voters always expressed such preferences. Unfortunately, experience has shown that many voters mark only a first choice. They do so either through inertia, or because they find no alternative candidate who suits them, or because they see a decided advantage in concerted abstention. It is clear that, under the Bucklin plan, if A receives 100 first-choice votes, B 75, and C 50; and if A's ballots yield no second choices, while B's and C's yield 76 for A, A will be elected; and it is equally clear that he would not have been elected, at that stage anyway, if his supporters had marked a second preference for B or C. The Bucklin plan lends itself to manipulation.

Minor Variations in the Ballot

Detachable stubs

While all Australian ballots possess certain common characteristics, they vary a good deal in detailed arrangements, as when the office-group type is used for the purposes of proportional representation or preferential voting. All are official; they are printed by public authority. In three-fourths of the states an official endorsement appears on the back of the ballot in such a position that it will be in full view when the ballot is properly folded for voting. Thus, on the back of a Massachusetts ballot we read: "State Election, Tuesday, November 2, 1926. Official Ballot. Lynn, Ward 4, Precinct 2," this being followed by the facsimile signature of the secretary of the commonwealth. The official endorsement does not, however, prevent ballots from being stolen; and the theft of a single ballot opens the way to the "Tasmanian

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dodge'' or ''endless chain.'' The vote-buyer marks the stolen ballot and the vote-seller substitutes it, in the polling booth, for the ballot that he received from the election inspector. The blank ballot, constituting proof that the corrupt bargain has been fulfilled, passes into the hands of the vote-buyer, who repeats his former proceeding. The best safeguard against the ''Tasmanian dodge'' is the detachable, numbered stub, for which approximately half the states provide. The stubs are numbered consecutively. When the voter receives a ballot, the number is set opposite his name in the register; when he returns the ballot, a comparison of register and stub will show whether the right ballot is being voted. The stub is detached before the ballot is put in the box. Occasionally—as in Colorado, Kentucky, Ohio, and Oregon—the ballot has two stubs. Thus, in Ohio the ballots are bound together in books;[1] and the main stub, which bears the consecutive number of the ballot, is left in the stub-book as each ballot is detached. The clerk enters upon the main stub the name and residence of the voter and upon the secondary stub his registered number. The main stub accounts for the use of the ballot; the secondary stub serves to identify the ballot before it is voted. In those states which do not use the detachable stub an unsatisfactory alternative is found in the requirement that one or more of the election judges shall write his name or initials on the back of the ballot before it is handed to the voter.

Means of identifying tainted ballots

The numbered stub affords a guarantee against substitution; at the same time, having been detached, it does not betray the identity of the voter when the ballot is being counted. But should there not be some means of determining what ballot a particular person voted? If the validity of the election is attacked because of personation, false registration, or bribery, should not the tainted ballots be identified and thrown out? In a few of the states this can be done. Thus, in Nevada ballot and stub bear the same number; and, since this number appears opposite the voter's name in the register, a means of identification is provided. Somewhat similar provisions occur in the laws of Missouri and Texas.[2] The Colorado ballot has a black square in the upper left-hand corner. An election judge writes on the reverse side of the square the

[1] Among the few states that require the ballots to be bound together in books (an excellent safeguard against theft) are Arizona, California, Kentucky, Nevada, and Pennsylvania.

[2] The Texas ballot has no stub. When the ballot is delivered for voting, the election judges inscribe the consecutive number on its back and in the poll book. In Missouri ballot and stub bear the same number. On the stub,

consecutive number of the ballot, which likewise appears in the register, and then turns and pastes down the corner, so that the number becomes invisible. The seal may not be broken except in the case of a contested election. Under the Nevada plan, apparently, any one who has made a note of the voter's number can identify his ballot when the count takes place. Under the Colorado plan identification at that time is impossible.[1]

Sample ballots

Although the Australian ballot is "official" and can be obtained only inside the polling place, this does not preclude the printing and distribution of facsimiles. In view of the portentous size of the American ballot it is, indeed, very desirable that the voter should have an opportunity of studying it. He does not get that opportunity in the polling booth. If any other voters are waiting for admission to the booth, he must mark his ballot within a stated number of minutes, usually five.[2] Within such a short period he can give little thought to the selection of twenty or thirty candidates. Unless he is already familiar with the ballot, he may even become confused in the mechanical act of marking crosses. Two states—California and New Jersey—provide that a sample ballot shall be mailed to every registered voter in advance of the election. A few other states furnish sample ballots upon application.[3] Thus, in Oregon the county clerk before election day and the precinct judges on election day shall supply applicants with such ballots "in reasonable quantities." Wisconsin has a similar rule—though the supply is limited to ten per cent of the number of

which is afterwards preserved in the stub-book, the voter's registered number is written; on the back of the ballot its number in the order in which it has been received, this number being also entered in the poll book. Thus, a double means of identification is provided.

[1] In England the ballots are numbered consecutively and bound together in stub-books, the same number appearing on each ballot and on the stub or counterfoil from which it is later detached. This arrangement makes it impossible for the voter to cast any ballot but the one he received from the presiding officer. In the second place, the voter's registered number is endorsed on the stub. This does not betray his identity to the counting board; but, in case the election is controverted and bribery established, it does enable the court to discover the tainted ballots by comparing the number on the stub with the number in the poll book.

[2] Five minutes is the period fixed in a great majority of the states; seven in Maryland; ten in California, Maine, Minnesota, Nebraska, and Nevada. The shortest period is two and a half minutes, in Virginia. Kentucky and Pennsylvania allow three minutes.

[3] As an interesting aspect of civic education, it may be noted that in 1925 South Dakota and Vermont provided that sample ballots should be supplied to high school students.

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official ballots—and provides also that party committees may, at their own expense, order a larger supply. The newspapers, of course, can be used as a medium of publicity. Minnesota simply authorizes them to print facsimiles of the ballot. In Wisconsin the county or city clerk is required to publish twice in at least two papers a facsimile of the ballot or, if voting machines are used, a diagram showing the ballot that appears on the face of the machines together with instructions for operating them. In Nevada only one publication in the newspapers is required. Most of the states do not provide, however, either for publication or for general distribution of sample ballots. As a rule ten or twelve sample ballots are sent to each polling place, one to be posted in each booth, the others to be prominently displayed on the walls of the room. Sample ballots are described as such in bold-faced type and are further distinguished from the official ballots by being printed on paper of a different color.

The use of separate ballots

The Australian ballot is a blanket ballot in the sense that all candidates duly nominated for a particular office are given a place upon it. But the term "blanket ballot" does not imply the use of only one ballot at a general election. There might be a separate ballot for each office. The states have not developed a common practice. Some, like Colorado and New Jersey, put everything on one ballot—candidates for all offices, measures of all kinds. Others qualify this arrangement by providing a separate ballot for presidential electors, as in Virginia, or for constitutional amendments and other measures, as in Illinois. Minnesota uses four different ballots which are voted in ballot boxes of corresponding color: a white ballot for state-wide offices, a pink ballot for state-wide measures, a red ballot for city offices and city measures, a lavender ballot for city charters or charter amendments, and a blue ballot for all other offices and measures. New York and Wisconsin use five ballots; Vermont, seven.[1] In Ohio the voter may receive as many as eleven separate ballots at the same election. Perhaps, as he carries this interesting collection into the polling booth, he may dimly realize what a grotesque imposture the theory of democratic competence, thus exaggerated, has become. He has little time for speculation, however. All the ballots must be marked within the space of five minutes.

[1] For presidential electors, congressmen, U. S. senators, state officers, county officers, justices of the peace, and members of the general assembly.

The Voting Machine

How the voting machine works

Whatever safeguards may be devised, the Australian ballot can never be quite immune from manipulation. "It is well known by those who have conducted elections," says J. H. Zemansky, registrar of elections in San Francisco,[1] "that, with the paper ballot, a free ballot, a secret ballot, a fair count, or an honest election can be secured only on rare occasions, when conditions are favorable and large sums of money paid to persons to watch the count." As compared with the paper ballot, the voting machine has many points of superiority. It does not, of course, eliminate all forms of fraud. It offers no guarantee against false registration or personation. If there is collusion among the election inspectors, the machine may be tampered with before the opening of the polls and votes cast for particular candidates in imitation of the practice of ballot-box stuffing. But otherwise each vote will be recorded secretly as it is cast and the totals for each candidate registered inside the machine, where they cannot be seen till the polls are closed and the hidden counters inspected. Complicated as the mechanism may be, the actual process of voting is simple enough. As the voter enters the booth and closes the curtain behind him, the machine is automatically unlocked for his use. Its face takes the form of a ballot, bearing the office-titles, the names of the candidates, and the party designations. Above each name is a lever; by pulling it down the voter indicates his desire to vote for that candidate. An interlocking device makes it impossible for him to vote for more than one candidate under the same office-title. If, upon reconsideration, he desires to change his vote, he may do so; for it is only when he leaves the booth, opening the curtain to do so, that the votes are all recorded, the levers brought back to their normal position, and the machine relocked. At the time of recording a vote for any candidate the machine also adds it to the total that appears on his "counter." The counter compartment is concealed by plates. At the close of the polls these are unlocked by two keys (each of a different pattern and each held by an inspector of a different party) and the results of the election read off the counters. Of course, the machines are not all of the same type; and a machine may be modified to suit the requirements of the

[1] *Transactions* of the Commonwealth Club of California, Vol. XVII (1922), p. 385.

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office-group or party-column ballot, with or without facilities for voting a straight ticket.

Its advantages over the paper ballot

The voting machine possesses incontestable merits: (1) It surrounds the voter with absolute secrecy. There is no possible way of finding out how he voted. His ballot cannot be marked for identification, because there is no ballot except on the face of the machine. (2) Nor can he cast a void or defective ballot; the machine will not permit him to do so. (3) The act of voting takes relatively little time. This may be gathered from the fact that when a paper ballot is used the voter is commonly allowed five minutes in which to prepare it and that when a machine is used New York allows three minutes, New Hampshire two, and all the other states one. (4) The count is automatic and continuous. The returns for each election district are known five minutes after the closing of the polls; the county or city returns an hour or two later. The complete returns for Buffalo, second largest city in New York, have been published in a newspaper within one hour.[1] (5) The machine counts accurately, just like any cash register; and, being locked after the totals have been read off, it preserves the record for future reference in case of an election contest. The accuracy of the count is a vital matter. With the paper ballot all sorts of abuses develop at this point; not only do the counting officers grow tired and careless as their work continues hour after hour, but the vote for one candidate may be deliberately attributed to another by the election judge who handles the ballots or entered opposite the wrong name on the tally sheets by other judges; or, again, ballots may be voided by the surreptitious use of a lead pencil. (6) The substitution of the voting machine for the paper ballot effects a considerable saving of public money. The number of election districts (and therefore the outlay for polling places) can be reduced; the actual reduction in Seattle amounted to forty per cent; in Binghamton, New York, to thirty-four per cent; in Yonkers, to twenty-six per cent.[2] There is a saving in salaries, not only because fewer election officers are required, but also because they serve for shorter hours, the machine relieving them of the whole burden of the count.[3] No official ballots need be printed except for the face of the machine. It may be added

[1] T. D. Zukerman, *The Voting Machine* (Political Research Bureau of the Republican County Committee, New York, 1925), p. 51.

[2] *Ibid.*, p. 59.

[3] The law of New York fixes the daily pay of election inspectors at $15 if paper ballots are used and at $10 if machines are used.

that in election contests the recount occupies hours instead of weeks or months and therefore involves a merely nominal expenditure. The aggregate saving is by no means negligible. In the election of 1920 the cost per vote in Iowa averaged for counties that used voting machines 18 to 21 cents and for counties that used paper ballots 40 to 77 cents; in Seattle it averaged 12.4 cents with machines as against 28 cents with paper ballots eight years earlier.[1] It has been estimated that New York city will save $383,000 a year by introducing machines, a sum that will pay for the machines in less than six years.[2]

The extent of its use

It seems strange that, with all these manifest advantages, the voting machine should not have become in the polling place as common a feature as the cash register in the retail store. How far it still is from supplanting the paper ballot will appear from a cursory review of legislation and practice in the several states. The laws, it should be observed, are optional; that is, they merely authorize the county or city to adopt any voting machine that complies with certain specifications and has been approved by some central authority such as the secretary of state or an *ad hoc* commission. Mandatory provisions are found in the laws of three states only: applying to counties of more than 36,000 population in Indiana, to counties of the first class (of which there is none at present) in Montana, and to cities of the first class (New York,[3] Buffalo, and Rochester) in New York. Altogether twenty-four states have authorized the use of the voting machine, the first being New York in 1892 and the last Virginia in 1922.[4] Five have

[1] "Voting Machine Comes to New York," New York *Times*, Sept. 6, 1921.

[2] Zukerman, *op. cit.*, pp. 61-62. The machine's expectation of life has not been computed. Buffalo is still using machines that date back to 1899.

[3] As to New York City, the introduction of the machines has been delayed by proceedings in the courts. However, under a decision of the appellate division of the supreme court, which upheld the secretary of state in contracting for machines on behalf of the city, nearly seven hundred machines were used in the election of 1926. These appear to have given great satisfaction. New York *Times*, Oct. 14, and Nov. 3, 1926.

[4] New York, 1892; Massachusetts and Michigan, 1893; Connecticut, 1895; Indiana, Minnesota, Nebraska, Ohio, 1899; Rhode Island, 1900; Kansas, Maine, Wisconsin, 1901; New Jersey, 1902; California and Illinois, 1903; Iowa, 1906; Montana and Utah, 1907; Colorado, 1908; New Hampshire, Washington, Oregon, 1913; Maryland, 1914; and Virginia, 1922. The Pennsylvania legislature has enacted no law, though empowered to do so by a constitutional amendment of 1901.

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repealed their laws.[1] The Ohio law was declared unconstitutional. Of the remaining eighteen states seven do not use the machine at all;[2] and six others use them only to a very limited extent—[3] California and Montana, for example, in one county. On the other hand, machines easily preponderate over paper ballots in Connecticut and New York, having been adopted by local areas that contain in the former sixty-three per cent of the population and in the latter seventy-five per cent of the population outside of the metropolis.[4] The percentage for the whole of New York state, when the metropolis has at last complied with the mandatory law, will be not far short of ninety. For Washington the percentage is fifty; for Indiana, forty-five. In Iowa twenty of the ninety-nine counties have adopted machines.

Objections to the voting machine

In these five states the paper ballot has been put on the defensive; its survival is at stake. The voting machine, widely used and thoroughly tested, seems to have given ample proof of its adequacy. How, then, explain the reluctance of other states to adopt it? Corrupt politicians cling to the existing system. Inertia and conservatism act as an obstacle to any change of settled habits. Occasionally damaging scandals have attended the purchase of machines. It was alleged, during the course of a legislative investigation in 1913, that more than $200,000 had been spent to secure a Chicago contract involving five times that amount; and this circumstance is in a large measure responsible for the fact that machines have not been used in Illinois. There are, however, more formidable grounds of objection. First of all, machines of the best type cost upwards of a thousand dollars; and communities having fifty or a hundred or five hundred election districts may well hesitate before making so large an outlay. The machines may pay for themselves in eight or ten years, it is true, by lowering the cost of elections. On the other hand, they may become obsolete or require expensive alterations because of changes in the election law.[5] No

[1] New Jersey, 1911; Utah, 1917; Colorado, Nebraska, Rhode Island, 1921.

[2] Illinois, Maine, Maryland, Massachusetts, New Hampshire, Oregon, Virginia.

[3] California, Kansas, Michigan, Minnesota, Montana, Wisconsin.

[4] Zukerman, *op. cit.*, p. 34. The percentage for New York is taken from the New York *Times*, Sept. 6, 1925.

[5] The disuse of machines in Minneapolis was occasioned by amendments to the election law that required the printing of paper ballots so that any voter might use them if he preferred that method of voting or if he could not gain immediate access to the machine. This hybrid system proved both expensive and confusing. At one time—ten years ago—machines were used in

machine can meet the requirements of proportional representation. In the second place, there is prejudice, vague distrust, and unfounded criticism to overcome. The voter may be suspicious of the machine itself—since his votes are recorded secretly, he has no means of knowing that they actually are recorded—or of the election judges, who might ring up a few votes on their own account when not under observation. He overlooks the fact that, under the old system, paper ballots can be tampered with, the ballot box stuffed, and the count falsified; and that the modern machine not only performs its task with unerring precision, but also obviates crooked manipulation except when all the election judges and the watchers are in collusion.

Finally, some communities have had unfortunate experiences with defective machines or with good machines operating under adverse conditions. Thus, voters may be kept waiting in line, not by reason of any fault in the machine, but because the election district is too large; or they may become confused through lack of time. With respect to the Chicago election of 1912 the court held that, though an intelligent person might, the average voter could not "understandingly" vote a split ticket, on the machines provided, within the one minute that the Illinois law allows. Twenty-five years ago, in the period of mechanical experiment, there were on the market machines that broke down frequently and revealed numerous defects. The recollection of discarded machines and wasted investments still persists in the cities of Rhode Island and Massachusetts. To-day voting machines of standard make are as reliable as commercial adding machines. It is highly significant that those who oppose their introduction can bring forward no convincing evidence to the contrary.[1]

Polling Places and Election Boards

The precinct or election district

In each election district or precinct—an area created solely for the convenience of voters—there is a polling place. Until the close of the eighteenth century, and still later in Delaware and

Wisconsin by areas containing thirty per cent of the population. They have been abandoned almost everywhere because the legislature has prescribed the use of paper ballots for the submission of certain county measures.

[1] See, for example, Ernest Harvier, "Case Pro and Con of Voting Machines," New York *Times*, March 31, 1925. Harvier instances the failure of machines to work accurately in three districts of Elmira, N. Y., almost twenty years ago. His only additional evidence is taken from the experimental use of machines in two districts of New York City in 1915.

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Virginia, the town in New England and the county elsewhere formed the electoral unit; and a freeholder might have to ride thirty or forty miles to cast his vote at the county court house.[1] Nowadays, with a polling place for every four or five hundred voters,[2] the distances are negligible, even in rural districts.

Use of public buildings

Ten or fifteen years ago, contrary to the practice in Europe, public buildings were rarely used as poling places.[3] The county board, or whatever public authority might be in charge, rented appropriate quarters. The actual selection, however, often rested with the precinct committeeman. Thus, in New York City an understanding developed, according to which the Democrats had the disposal of this patronage in all odd-numbered election districts; the Republicans, in all even-numbered districts. The city paid $60 for the use of a room during the four days of registration, the day of the primary, and the day of the election. The election district captain might reward a faithful adherent by designating his barber shop or tailor shop; or he might extort ten or even twenty-five dollars from the shop-keeper in the way of graft.[4] In any event he showed no concern over the dinginess or inadequacy or inconvenience of the room he selected. According to a report of the commissioner of accounts,[5] the party workers sought "to distribute patronage of over $125,000 annually where it will do the organizations most good." In recent years the practice in most of the

[1] G. D. Luetscher, *Early Political Machinery in the United States* (1903), pp. 26-30.

[2] For a description of the precinct see Chap. XII.

[3] Worcester, Mass., was a notable exception. There public buildings had been used since the eighties. Boston and Los Angeles adopted the practice after the close of the first decade of this century; and at about the same time a few Western communities began to experiment with the use of school houses.

[4] See *Report* of the commissioner of accounts, Sept. 4, 1915. A barber gives the following testimony (pp. 35-36): "He says, 'Well, Mr. ——, you want to have the polling places for election?' I says, 'Yes, why not?' He says, 'If you want to have the polling place in your place, then it is worth for you to pay the money—you take the money and you pay to me.' I told him, 'Why should I give you all the money?' He says, 'Because I give to the club.' Then he told me, 'All right, I make you for $25. You give me $25 and the rest is for you.' . . . He says, 'Give me now $15 and the $10 you give me the day of election.'" This barber, discovering that others had paid a smaller amount, held back five dollars. "'All right,' said the election district captain, 'I'll fix you in the election, because you wouldn't have no more polling place.' . . . I didn't have it any more because he took it away from me."

[5] *Ibid.*, p. 35.

states has undergone a marked change. The election law sometimes makes the use of public buildings mandatory. Thus, in Michigan cities the polling places must be located "in school houses, police stations, or other permanent structures owned and controlled by the municipality, wherever such buildings are so located as to be convenient for the election in such precincts and wherever there is space in such buildings which may properly be utilized for the purpose of polling places"; and in New York, if such a building is not designated, then the board of elections must enter in its minutes a statement of the reason. Sometimes, as in New Jersey and Wyoming, the law is merely permissive.[1] Many Californian municipalities, favored by a mild and dry climate, erect tents, with wooden flooring, in the streets. Some years ago the Los Angeles City Club advanced these arguments in favor of using public property and church property:[2] that it would save money, improve the environment of elections, instruct children in the duties of citizenship when school houses were used, enforce the idea of the sanctity of the ballot when church property was used, and make the location of the polling place better known.

Polling booths and ballot boxes

Across the front of the room that is used as a polling place runs the guard-rail. Outside the rail there must be room for a certain number of prospective voters—ten in Pennsylvania and New York—and for duly accredited watchers and challengers. Admission within the rail is strictly limited to the presiding officers, one watcher for each party and perhaps for each candidate, and (usually) twice as many voters as there are polling booths.[3] The police sometimes stand just outside the rail, as in Pennsylvania, and sometimes outside the room, as in Tennessee. One booth is provided for every seventy-five or hundred voters, as shown by the last election or the present registration.[4] The ballot boxes, which must be placed in plain sight of persons outside the guard-

[1] In New Jersey the board may select a public building even if it lies outside the election district.

[2] "Urge the Use of Our Schools as Polling Places," New York *Times*, Jan. 25, 1924.

[3] This is the rule in Michigan and New York, for example. In Illinois two voters in excess of the number of booths are admitted, in Minnesota three, in Colorado four.

[4] In Oregon for every forty voters; in Colorado, Utah, and Wisconsin for every fifty; in Iowa for every sixty, etc. No booths are provided in Washington if less than twenty-five persons voted at the last election; in Utah and Wyoming if less than fifty voted; and in Texas unless the city has a population of 10,000 or more.

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rail (but in New York at least six feet away from it) are generally made of wood.[1] They have a hinged lid, fastened by a lock or perhaps by two or three locks,[2] and, in the lid, a slot just large enough to admit a single folded ballot. Although the boxes must be opened and inspected before voting begins, they may be stuffed later on, and all the more easily because the contents of the boxes cannot be seen. New Jersey had made a distinct advance in prescribing glass sides. The wire-mesh construction used in Italy would seem to afford a still better safeguard.

The precinct election board

The precinct election board consists of three inspectors or judges. That is the general rule. In New York and New Jersey there are four inspectors; in North Carolina and Oregon, only two. The same board frequently conducts the registration of voters and the primary; and such a continuity of personnel is highly desirable, because it not only gives these officers a more thorough acquaintance with the law and greater confidence in discharging their duties, but it also enables them more easily to detect personation and other forms of fraud. The board sometimes has the assistance of ballot clerks or poll clerks: two clerks in Nebraska, Virginia, and Wisconsin, for example; three in California and Oregon. The New York law provides for two clerks whenever paper ballots or two machines are used; but in the metropolis the clerks are employed only to assist in counting the votes after the polls have closed. Almost invariably the board is bi-partisan. When there are three inspectors, not more than two of them belong to the same party; and the two clerks must belong to different parties. In New York the board is equally divided; and each side appoints one of the clerks. Some exceptions to this bi-partisan arrangement may be found. Thus, in Detroit the three inspectors are chosen by lot, irrespective of party affiliation. In certain of the states of the Solid South there is, practically speaking, only one party; and perhaps the silence of the law on this point, as in South Carolina, may be taken to mean that customarily the members of the board are all Democrats. The Michigan law is equally silent, the city council or township board having the power to appoint any three voters of the precinct. Minnesota has established tri-partisan boards.

How it is appointed

The appointment of the inspectors (judges) lies most frequently with the local board of elections or with the local legislative body

[1] In Wyoming they may take the form of canvas pouches; in Oregon, of canvas or leather pouches.

[2] Kentucky requires two lockers of different patterns; New Jersey, three. Each key is in the possession of a different member of the election board.

(county or town board, municipal council). In Nebraska the clerk of the district court appoints, unless the county has a board of elections; in Oregon the judge of the county court. According to the Oregon plan the judge, having made tentative selections from a list furnished by the county clerk (unless he finds the list unsatisfactory), has the names posted in his office for a period of three months. During that interval any voter may file remonstrances or suggestions; and upon these the judge holds hearings before he confirms the appointments or makes changes. His freedom of choice is limited only by the fact that he must not confine his selections to a single party. So in New Jersey the county board of elections draws freely from an eligible list of voters who have applied for employment and stated their party affiliation. Such a personal statement affords only a dubious guarantee of good faith. In most of the states the chairman of the county committee of each party submits a list of nominees for each precinct, the list containing three names in North Carolina, six in Utah, eight in Kentucky, and ten in Nebraska. Presumably the first names on the list will be accepted unless specific objections arise. In practice the appointing authority acts on the advice of the county chairman, the chairman on the advice of the assembly district or ward leader, and he in turn on the advice of the election district captain (precinct committeeman). This is the normal arrangement even when the law does not require the appointing authority to make its selections from party lists.

Danger of corruption

Now, from the standpoint of the purity of elections, the inspectors hold key positions. If they are corrupt, the devices of the Australian ballot and the voting machine will be of little avail. The assumption that, in the interests of their party, corrupt Republican inspectors will frustrate the designs of corrupt Democratic inspectors and themselves be subject to a like restraint does not always hold good. The two party machines may have reached an understanding. Perhaps they agree to trade presidential votes for senatorial votes or a seat in Congress for a seat in the state assembly; or they decide to count out a winning candidate of some minor party. An investigation of one election district in New York City revealed the following facts:[1]

Candidate	*Official count*	*Actual vote*
Republican	27	41
Democrat	330	135
Socialist	87	273

[1] New York *Times*, March 2, 1924.

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Such coöperation between the major parties, in districts where the minor parties are strong, has been very common in New York, as in many other communities.[1] Innumerable illustrations might be given. Judge Lindsey has told how a henchman of the Republican boss of Denver carried $20,000 to the Democratic Club one night and "dickered about how much we ought to pay per majority per precinct."[2] In one of the precincts, which did not have more than one hundred legal voters, the returns showed that 726 votes had been cast. "On election day," says Judge Lindsey, "the election 'judges'—appointed to guard the ballot boxes by the same men who lowered the assessments and rebated the taxes of corporations—were given the lists of 'phony' names registered in their precincts; and the judges would check off the fraudulent names on their poll books and for each name deposit a ballot in the ballot box in support of the System! Could anything be simpler? Certainly nothing of the sort was ever more barefaced. I have seen typewritten lists of these 'phony' names that were made out at the Democratic Club and furnished to the Democratic workers, so that no election judge might make the mistake of depositing a ballot for any voter who might later appear at the polls to vote for himself." Referenda on woman suffrage were apparently defeated, ten or fifteen years ago, by ballot-box stuffing and other fraudulent devices.[3] Failing a bi-partisan agreement, the inspectors of one party may play a lone hand. They may arrive at the polling place before the hour fixed by law, set the clock back fifteen minutes, stuff the ballot box, and elect each other chairman

[1] "This connivance or combination against the common enemy gave rise to bartering between the major parties even in districts where the influence of the minor parties was practically nil. But particularly in districts where one of the major parties was strong and the other comparatively weak, the weaker would trade its influence and support for the influence and support of the stronger party in other districts where the weaker party was strong, in order that the prestige of the two major parties might continue unimpaired in those districts where the influence of one or the other was predominant. . . . This trading of support assumed such proportions that in some elections where the outcome was doubtful the election officers of the two major parties entered into agreements by which one group would close its eyes to cheating in behalf of the candidate of the other party for one office in exchange for the other party's 'support' of its candidate for another office in the same district." *Report* of the Honest Ballot Association (1918), p. 3.

[2] Lindsey and O'Higgins, *The Beast*, pp. 158-160.

[3] Catt and Shuler, *Woman Suffrage in Politics*, pp. 170 *et seq.*

of the board and inspector in charge of the registration book.[1] The other inspectors, arriving late (by the clock) find the board organized and the ballot box locked. Conscientious officers, subjected to intimidation, keep quiet about irregularities because of downright physical fear.[2]

Qualifications required of election inspectors

How can such abuses be prevented? By appointing men of high character, intelligence, and courage, no doubt. According to the "mystical democrats" the people alone can be trusted to choose wisely. Nevertheless, Pennsylvania is the only state in which the inspectors are elected.[3] There the results are anything but satisfactory. As the voters pay no attention to this obscure office and as the machine candidates always win, the election is merely a polite form. In a number of states the law lays down the qualifications for appointment. In Nebraska the election judges must be of good character and approved integrity, well-informed, literate, and qualified as voters in the precinct; in Utah "competent and trustworthy" voters; in Kentucky "discreet" voters; in Nevada "capable and discreet" voters. More often the only requirement, in addition to qualification for the suffrage, is an ability to read, write, and speak English. Occasionally candidates are expressly debarred. New York also disqualifies any one who has been convicted of a felony and not restored to citizenship and (with certain exceptions) any one who holds public office or is employed by a public officer. On the other hand, the members of the town board are sometimes required to serve as inspectors; in Minnesota they serve for the precincts in which they reside; in Wisconsin they serve in only one precinct if there is more than one. In Michigan townships the election board consists of one supervisor,

[1] This happened in a New York election district. One of the inspectors had previously been indicted for election frauds in the same district, but under an assumed name. New York *Times*, March 2, 1924.

[2] Thus, in the course of a legislative investigation, a Republican inspector testified: "They told me and Schall that if we didn't mind our steps we would be thrown into a near-by cellar. They also threatened to give us the works." New York *Times*, February 7, 1926. In another case a witness said: "I knew if I offered any objection or refused to sign I would get beaten up. . . . I would rather be convicted of a crime than beaten up by that bunch there." New York *Times*, March 2, 1924.

[3] One election judge and two inspectors are elected, each inspector being entitled to appoint one clerk. In order to obtain a bi-partisan board the law provides that a voter may vote for only one inspector. But Pennsylvania is predominantly Republican; and an election district captain, by instructing the voters, can sometimes get control of the whole board, clerks included.

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the township clerk, and the justice of the peace whose term will first expire.

Written examinations to test them

The New York law requires the inspectors to have a general knowledge of the duties of their office. In cities the board of elections tests the extent of this "general knowledge" by written examinations. Whatever may be the case now, the written examinations have been in the past a complete imposture—"farcical," to use the language of an official investigator. "Several inspectors and clerks testified," we are told,[1] "that a written list of answers was handed to them by the same official who gave them the examination paper. . . . The examination papers show that in scores of cases all the answers are identical, word for word, ditto mark for ditto mark. One man who evidently had received the wrong examination paper copied a list of answers which did not correspond in any respect with the questions on his paper. Although the fraud was obvious, the paper was accepted and the candidate declared to be qualified." Under a New Jersey law of 1911, since repealed, the civil service commission was required to examine candidates—recommended by the party chairmen—as to their general competence, intelligence, and knowledge of the election law. From the list of persons thus qualified the county board of elections selected by lot two Democrats and two Republicans for each precinct.[2] No doubt the civil service commission is a more reliable examining body than the board of elections. But against any elaborate and strict system of examinations there is a fatal bar. High-grade applicants will not come forward. Why should they be attracted to a job that will yield three, five, or at most fifteen dollars a day for a few days' employment when, without compensation, they must spend long nights in studying the half-intelligible details of the election law and then journey to the board offices for an examination that they may not pass?

Difficulty of getting competent inspectors

The boss will push men forward when he has some sinister end in view—hire some one to pass the examinations for them, perhaps. But competent recruits are hard to find. Though New York City pays an inspector three times as much as Nevada does and five times as much as Oregon, the president of the board of elections has had to advertise for applicants. He has expressed the opinion that the legislature may be compelled to make service ob-

[1] *Report* of the Commissioner of Accounts, September 4, 1915.

[2] Any voter could appeal from the board to the court of common pleas. In case of an improper appointment, the judge could declare a vacancy and fill it.

ligatory.[1] According to the registrar of elections in San Francisco, it is impossible to secure competent people for half the places.[2] Employers will not grant leave to bank clerks and insurance clerks, who are admirably qualified. "In some instances, when a clerk has been sworn to serve as an election officer, he has been dismissed when he returned to work on account of being absent. This is in violation of the law, but I am unable to secure assistance from the city attorney in these matters." Obviously the position must be made more attractive. First of all, the duties should be lightened, either by use of the voting machine or by recourse to a central count, this to begin late enough for the employment of clerks and business men. Secondly, one man, instead of three or four, should be given control of the polling place, as in Omaha, and paid a high wage. Finally, once having been appointed, he should hold during good behavior, performing his duties in election after election until his voluntary retirement.

Casting and Counting the Ballots

Hours of voting

The polls open at five-thirty A.M. in Ohio and at nine in Wyoming. Six or seven is a more usual hour. The closing time varies from four o'clock in Kentucky and Michigan to nine in Minnesota. Most frequently the polls remain open for a period of twelve hours,[3] so that the election board, which then proceeds to count the votes, may be continuously employed for sixteeen or eighteen hours or more. The hours should be so fixed as to enable laborers to vote before they leave for their work or after they return from it. In most of the states, however, election day is a legal holiday; and the laws also quite generally provide (as in Colorado, California, Iowa) that an employee is entitled to an absence of two hours, without deduction of pay, for the purpose of voting—in Kentucky four hours and in Minnesota an unspecified time. A similar provision was declared unconstitutional in Illinois.

Proceedings before the polls open

Half an hour before the opening of the polls the inspectors meet at the polling place. Under the provisions of the New York law they post on the walls the sample ballots and instruction cards, arrange the furniture and supplies so as to be convenient for use, see that the booths are properly equipped, unlock and

[1] New York *Times*, Nov. 2, 1924.

[2] *Transactions* of the Commonwealth Club of California, Vol. XVII (1922), p. 385.

[3] Nine hours in Michigan; ten in Illinois, Kentucky, and Nebraska; fourteen in Wisconsin cities; and fifteen in Minnesota cities.

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inspect the ballot boxes to make sure that they are empty, and then lock them up again "in such a manner that the watchers and the persons just outside the guard-rail may see that the boxes are empty when re-locked." The board organizes by appointing one inspector to deliver the ballots to voters, a second (of opposite political faith) to receive them from voters, and the remaining two to have charge of the registers. If a voting machine is used, the inspectors meet three-quarters of an hour before the opening of the polls. They open the counter compartment of the machine, examine every counter carefully, and allow the watchers to do likewise. They must sign a certificate showing that the keys have been delivered to them in a sealed envelope, that the number on the seal of the envelope corresponds with the number on the seal of the machine, that all the counters have been set at zero, and that the ballot labels have been placed on the face of the machine. If any counter does not register zero, they must notify the official custodian; and if he does not arrive in time to make the necessary adjustments, then they shall post a statement, giving the number of the counter and the number of votes registered on it, these votes to be subtracted from the total votes at the time of the canvass. One inspector is appointed to have charge of the machine; the others have charge of the registers.

Challenging voters

As each voter applies for a ballot, his name is announced and the stub-number of the ballot he receives entered in the register. In New York and a few other states he must sign his name, this signature being compared with the one recorded at the time of registration. There may be some ground for suspecting the alleged qualifications of the applicant. Any member of the board who entertains such a suspicion must, and any voter of the precinct may, challenge his right to vote. He is then put under oath and interrogated, this fact being noted in the register. If he swears that he is entitled to vote, he is usually allowed to do so, but in some cases only when the majority of the board are satisfied. In Kentucky, if the sheriff or one of the inspectors or party watchers desires it, two witnesses on each side may be examined under oath. New Jersey follows a similar plan. There, having heard the evidence, the board may reject the applicant and, on the demand of any citizen, issue a warrant for his arrest; but a court may, in summary proceedings, grant him a petition of right which will entitle him to vote. There should be some means of identifying the ballot cast by a suspected voter—something that cannot be

done when voting machines are used; his lack of qualifications may later be established. Very few states provide any such means of identification. It has already been noted that Colorado, Missouri, Nevada, and Texas number all the ballots. In the case of challenged voters the laws of Michigan and Oregon require an inspector to put the voter's poll-book number on the back of the ballot; but in Michigan the number is covered with a piece of gummed paper and may not be revealed unless the voter is convicted of perjury or shown not to have been a qualified voter or unless he agrees in writing.

Party "watchers"

The board, being bi-partisan, is not likely to be much concerned about protecting the interests of minor parties or of independent candidates. The inspectors may even act in concert, giving effect to some trade or dicker between the party bosses or using illicit methods to defeat a particular candidate or a particular measure. They may stuff the ballot box, accept fraudulent votes, or count the votes fraudulently.[1] To obviate such abuses each party and independent nominating body—perhaps each candidate as well—is permitted to have an accredited agent or watcher inside the guard-rail and one or more immediately outside.[2] The watcher is entitled to be present not only while the polls are open, but also beforehand, when the ballot boxes or machines are inspected, and afterwards, right up to the time when the returns and the ballot boxes have been handed over to the police. He has the right to inspect all records and to challenge any voter. Of course, he may be there for a purpose not contemplated by the law. In a certain New York district two brothers served as watchers under assumed names. One was a pugilist and tough who had been indicted several times. "He commanded the strong-arm squad and directed all the movements of the bulldozing battalions,"

[1] In one New York assembly district it was proved that 1124 of 2781 votes were fraudulent. More than 700 registered voters, recorded as having voted, volunteered information that they had not gone to the polls. Six election officers were sent to the penitentiary and sixteen fined. New York *Searchlight* (published by the Citizens Union), September 15, 1914.

[2] The practice varies. Kentucky, Minnesota, and Nebraska authorize only one watcher for each party; New Jersey and Wisconsin, two for each party and each candidate; Colorado, one for each party inside the guard-rail and two for each party and each independent nominating group outside the guard-rail. Utah allows only the two strongest parties to have one "watcher" each inside the rail; outside the rail each party or nominating group may have two "challengers." In Ohio the election district captain of each party whose candidates appear on the precinct ballot may appoint two watchers.

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says the New York *Times*.[1] "His associate did the handiwork at the ballot box and at the books. When some one protested, one of the Tammany men present said: 'If you says that again, I will punch you in the nose.' "

Their difficult position

The watcher cannot be effective unless he has had previous experience and knows the election law thoroughly. He should have a personal description of every registered voter; and he should be able, in any emergency, when he feels the need of physical assistance or is not sure of his rights, to telephone to a central office. He must know definitely what the law allows him to do, because ridicule and threats will be used to discourage his activities. An inexperienced person is easily deceived. The repeater does not slink in furtively, an obvious impostor; he drives up in a splendid car, perhaps, wearing the apparel of a substantial citizen, and is greeted deferentially by friends on the election board, who convey the impression that he is a well-known and respected resident of the precinct. The watcher's attention may be distracted. He may be advised to keep an eye on some shady character who is lurking about the doorway, or he may be lulled to a sense of security by the atmosphere of good-fellowship and by everybody's obvious anxiety to make this election the purest one on record. Some one produces money for cigars; and, since the inspectors have their duties to perform, the watcher goes to the tobacco shop around the corner. A good deal may happen in those few minutes. He may not have, or appear to have, a pugnacious disposition. An ugly customer, whose general appearance is that of an assassin, stands at the doorway for ten minutes, eyeing him malevolently, then saunters over to the rail and, as the watcher may well imagine, asks the chairman of the board whether a black-jack or a sandbag will be sufficiently effective. This may be all play-acting. But enough has happened in the past to make a man who values his skin a bit doubtful of the wisdom of seeing the thing through.[2]

[1] March 2, 1924.

[2] In New York City thirteen watchers employed by the Honest Ballot Association were assaulted and sixty-two ejected from polling places at one election. *Report of the Honest Ballot Association* (1918), p. 9. The Association was founded in 1912 for the purpose of preventing election frauds. Next year it employed a staff of forty-seven detectives and 1467 field workers, the latter gaining admission to the polling places as the certified watchers of independent candidates, minor parties, or even the Republican party. These watchers were given a certain amount of instruction and equipped with printed manuals. On the days of registration they entered an elaborate description of each voter in a book provided for that purpose. Their work was

The voter receives a folded ballot and retires with it to the polling booth. There he prepares it, using pencil, pen, or stencil as the law may require.[1] If he spoils the first ballot, he may apply for another; two others successively in Colorado, Iowa, Utah, and Wisconsin; three others in Minnesota, Nebraska, and Oregon. But in Oregon the inspectors must prepare the fourth ballot under his direction; and in Minnesota they must do so in the case of the third ballot unless he swears that he can read English. An illiterate voter or a voter who is, through physical disability, prevented from marking his own ballot may have the assistance of two inspectors of opposite political faith. He must swear to the fact that he is illiterate or disabled; and a memorandum must be entered in the register or poll-book, showing that he has been sworn and that the officers whose names are given assisted him.[2] No one will dispute the propriety of this arrangement, at least so far as disabled persons are concerned. But the privilege of receiving assistance may be abused; it facilitates bribery. A bribed voter who wants to mark his ballot before witnesses may appear at the polls with his arm in a sling. Such a man will hardly demur at taking an oath; and in a few states a mere declaration is sufficient.[3] Having prepared the ballot, with or without assistance, the voter folds it so as to expose the official endorsement on the back and hands it to an inspector. The number on the stub or, if no stub is used, the initials of the inspectors on the back of the ballot will show whether it is the ballot actually handed to the

supervised by a captain (also paid) in each assembly district and by a headquarters staff that included ninety-three lawyers. The Association presented that year evidence of 325 cases of election crimes; but its chief service then was, as it now is, the prevention rather than the punishment of fraud.

[1] The voter may use either pen or pencil in Illinois, Ohio, Texas, and Virginia. More frequently a black lead pencil is prescribed, as in New York; black or blue in Michigan; blue in Nebraska; indelible in Minnesota and Oregon. In Wyoming lead pencils must be used "whenever it is practicable. . . ; ink should not be used if it can be avoided." Colorado prescribes ink. A stamp or stencil takes the place of pen and pencil in five states: California, Kentucky, Louisiana, Nevada, and Oklahoma.

[2] In addition the inspectors are sometimes required to certify on the back of the ballot that it was marked with their assistance. This is the rule in Colorado, Michigan, Nebraska, Utah, and Wisconsin.

[3] So in Pennsylvania, Oregon, and Wisconsin; but in the last two states an oath may be required if the board suspects the declaration. In some states (for example, Minnesota and Pennsylvania) the applicant may be assisted by any voter of the precinct whom he may designate.

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voter. If he is satisfied that there has been no substitution, the inspector puts the ballot in the box.

Counting the votes

When the polls close, the count begins. If a machine has been used, this involves no more than opening the counter compartment and reading off the totals. With paper ballots, on the other hand, the count may occupy five or ten hours. Complicated questions arise. As the chairman takes up each ballot in turn and announces the votes recorded on it, a watcher or inspector may raise objections. The rules as to what constitutes a valid vote are not always easy to apply. Is a cross mark valid when it consists of three or four intersecting lines, or of curved lines, or when it is half inside and half outside the square? Is the irregularity intended to identify the ballot? Disputes arise. There may be prolonged wrangling. Two clerks or inspectors tally each vote upon an official sheet, announcing at the same time the person to whom it is credited. Mistakes are made, more and more mistakes, as the night advances. When the weary clerks add up their tallies and compare their totals with the number of voters shown by the poll book, they find a discrepancy. The task has to be done all over again. No wonder they are so often ready to accept the help of a practised election district captain. He alone can pull them out of the morass and make an adjournment before sunrise possible. Watchers who were alert enough at seven in the morning grow somewhat apathetic towards midnight. Some queer transactions are likely to occur.

Special counting boards

An election board that has already served continuously for twelve hours can hardly be expected to give satisfactory service for another five hours or more. Fatigue stands in the way of an accurate canvass. Recently a dozen states have adopted a new system.[1] They have established double election boards.[2] The receiving board does everything except count the votes. The members of the counting board arrive at the polling place a few hours after the opening of the polls.[3] As soon as a certain number of ballots have been cast (twenty in Oregon), they take charge of the box and, retiring to another room, proceed to count and tabulate

[1] These states are: Colorado, Idaho, Iowa, Kansas, Michigan, Missouri, Nebraska, Oklahoma, Oregon, Texas, Utah, and West Virginia.

[2] For precincts in which a certain minimum number of votes were cast in the last election—that number is 300 in Iowa, 200 in Kansas, 100 in Oregon, Nevada, and West Virginia.

[3] Two hours in Oregon, five in Iowa, and four in Kansas, Nebraska, and West Virginia.

the votes. Later they obtain a new supply of ballots by exchanging this box for the duplicate box which the receiving board has used during the interval. Under this method the count should be completed soon after the closing of the polls; and yet less soon than might be expected, because a heavy vote is cast in the last hour or two. The double election board involves difficulties, however: first, in securing adequate quarters; and, second, in filling the additional places with competent men. The latter problem is solved by the system of central counting. This system, long familiar in England, has succeeded well in San Francisco and under a law of 1921 may be extended to any county or city-and-county in California. The ballot boxes are taken from the precincts to a central station, where the count begins after seven in the evening.

The central count

The result of an election can generally be forecast by the time the morning newspapers go to press. Although many precincts have not yet reported, the experts, interpreting available figures, can reach an estimate that serves well enough unless the election is very close. But the official canvass occurs later, perhaps two or three days or a week later in the cities and counties. Most frequently the county board of supervisors or the county board of elections conducts the canvass; in Wyoming the county clerk and two justices of the peace selected by him and belonging to different parties; in Wisconsin the county clerk, and two others of different parties selected by the governor;[1] and in North Carolina one inspector from each precinct elected by the board of inspectors. The returns compiled by the county canvassing board, so far as these relate to officers to be chosen from the state at large or from districts larger than a county, are sent to the state canvassing board. This board is usually composed of three state officers: the secretary of state, treasurer, and attorney-general in Wisconsin; the secretary of state, treasurer, and auditor in Wyoming. There are numerous exceptions, however. The governor and four members of the senate conduct the canvass in New Jersey; the governor and four members of the state board of elections, in North Carolina.

County and state canvassing boards

[1] The governor selects from a list that includes the county judge, the register of deeds, the justices of the peace, and the county board.

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