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Introduction

Broad economic interests clashed in national politics throughout the middle decades of the nineteenth century. These conflicts were mediated by local and national political institutions, particularly the party system and the federal allocation of power between the national and state governments. In terms of platform declarations and policy implementation, both the party system and government institutions more or less spoke the same language, executing a fairly transparent translation of economic interests into public policy. However, the logic and language of the great struggles dominating national politics were often garbled when transmitted into the electoral settings of the polling place. These settings were constructed out of material very different from that out of which the parties made policy in the state and national capitals. And they marshaled the attention and understandings of ordinary citizens whose concerns often were both different in quality and much more limited in scope. Many of the policy logics and disputes rending state legislatures and the federal Congress were simply beyond the event horizon of the individual voter.

Many elements entered into the construction of the local settings in which individual voters determined the fates of national parties. One of the most important was the sheer physicality of electoral practice, the arrangements through which citizen preferences were recognized and registered as official votes. Another was the social environment of the voter that determined how he aligned himself with others and thus distinguished between friend and foe. A third was the intermittent intrusion of national policy conflicts into the daily lives of citizens. For example, for many northerners, taxes and the draft were the most important ways that the Civil War materialized in their daily lives. Similarly, the tariff and the gold standard, along with the political reconstruction of the South, were at least imagined to be significant factors in the way the life chances of individual citizens played out after Appomattox. However, passions and interests at the polls were often related

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to one another in unusual ways; the typical voter placed himself within the political galaxy of American politics by combining his usually dim perception of national policy decisions with his often more pragmatic understanding of the orientations of local branches of the major parties as social and cultural institutions.¹

Some of the men who approached the polls in the middle of the nineteenth century were, of course, informed citizens who understood the relationship between government policies, the local and national political economy, and the great party organizations that competed in elections. They needed little encouragement to participate in politics; in fact, they often provided the material resources, in the form of money and social prestige, that fed party competition. Other men, those belonging to the larger middle classes of the nation, also comprehended the links between policy making and the processes of democracy. They, too, voluntarily turned out in large numbers. For these men, politics was about interests and parties; party platforms were primarily written to win their approval and support. Widely trumpeted by party newspapers published in the largest and smallest of American cities and towns, these platforms were material commitments connecting the interests of the politically aware and economically well-heeled to one or the other of the party organizations.²

Completing that connection were still other men, such as ward heelers, patronage employees, and saloon keepers, who comprised the bone and tissue of American parties. Because their interests were bound up even more closely and narrowly with the fate of their party, they subordinated personal opinion to the party cause. But they too were well aware of party policy commitments, particularly with respect to the ways in which platform planks could influence the working of an election. These party agents were very pleased when men spontaneously voted the party ticket in large numbers.

The task of these agents was to make certain that men came to the polls and voted for their candidates. And, in the middle of the nineteenth century, many

¹ On the primacy of “perceptions growing out of beliefs, experiences, and memories rooted in their home communities,” even for the orientation of individual voters toward national issues, see Joel H. Silbey, *The Partisan Imperative: The Dynamics of American Politics before the Civil War* (New York: Oxford University Press, 1985), pp. xiv–xv.

² In Michael F. Holt’s words, the antebellum “Whig and Democratic parties advocated specific policies in order to gain office. They attempted to enact those policies once elected. And they expended enormous effort to educate voters about what officeholders had done. Voters knew what the parties stood for in terms of both specific legislation and general goals. They could judge the expected results of those programs because of recent experience with both. And they responded in rational ways to the contrasting programs and party images presented to them.” *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1999), p. 83. While very well phrased, this description of the relationships among party organizations, public policy, and individual voting behavior applied only to a portion of the American electorate.

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adult men simply could not comprehend the broad relationships among party, policy, and their personal stakes in the national political economy. Illiterate, impoverished, and often culturally isolated from that part of American society that we might term the “public sphere,” many men came to the polls with little or no idea of how politics might significantly shape their lives. That they came to the polls at all often reflected the organizational activity of the party organization and, when studied in detail, the utilization of personal networks maintained by individual party agents. In some cases, these agents simply translated the policy commitments of their party into a popular vernacular with which the lumpen proletariat of democracy could resonate. As party agents repeatedly stressed, they were almost entirely indifferent as to which message was sent or received, as long as men went to the polls and voted the party ticket.

Party agents seized on any device or tactic that might strengthen their ticket at the polls. When dealing with the lumpen proletariat of American democracy, these devices and tactics often included deception, petty bribery, and symbolic manipulation. But, most important, party agents relied on the ethnic and religious identities of these voters, both in distinguishing whom to encourage or discourage as voters and in translating party commitments into the common dialect of the masses.³

Party agents who worked the polling place were responding to the material interests of those who funded and otherwise supported their activities. At the same time, and somewhat paradoxically, these same party agents also exploited and thus enhanced the intense ethno-cultural competition and hostility that characterized much of American society. Only by recognizing the “swinging door” roles of these party agents, as both conductors and transformers of material economic interest in and around the ballot box, can we understand the simultaneous existence of both a robust ethno-cultural politics in the street and an equally vigorous preoccupation with economic interests in national and state legislative chambers. Because these party agents

³ What could be considered a typical “policy-related” discussion between a party agent and a voter was reported by Francis Rowley as he described how Rinaldo Craig came to vote for the Republican candidate in the 1866 congressional election in Mount Vernon, Ohio: “He [Craig] said that he didn’t care much who was elected, but that he would vote for Columbus Delano. Said if they would pay him a small sum he would vote for Morgan, provided his mother and step-father didn’t find it out. I told him I wasn’t buying votes myself. I thought that it was his duty to vote for Morgan, and that if he wanted to vote that way I thought he could vote without his mother finding it out. He said he was afraid that his mother would find it out. I told him to do just as he pleased; that it was his privilege. . . . I don’t know as I assigned any reason, particularly [in urging Craig to vote for Morgan]. I told him I thought by voting for Delano he was placing a negro on an equality with a white man.” Ser. Rec. (hereafter S.R.) no. 1313: Contested Congressional Election in the Thirteenth District of Ohio: Mis. Doc. (hereafter M.D.) no. 38, Pt. 2, p. 207. Columbus Delano vs. George W. Morgan, election held on October 9, 1866.

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dominated the American polling place, this book focuses almost exclusively on the very last stage of a political campaign: the act of voting on the day of election. This act must be retrieved from the historical record by examining the various temporal and social environments within which people went to the polls and then by reconstructing the ways in which they voted.

ELECTION CASES

The most detailed reports of the motivations and behavior of ordinary voters appear in hearings conducted in connection with contested congressional elections.⁴ Under the Constitution, both chambers of Congress are empowered to judge the qualifications of their members, including whether they were duly elected by their constituencies. Under that power, the House of Representatives heard hundreds of appeals by losing congressional candidates during the nineteenth century. In these appeals, the losing candidate would claim that misconduct of the election had cost him his seat and urged that the House overturn the result, seating him in place of the winner certified by his state. In most of these cases, the House conducted hearings in the congressional district from which the appeal was made. The losing candidate presented witnesses who testified that abuses had occurred; the winner attempted to rebut this testimony with his own witnesses. In all these hearings, the witnesses were sworn. In many of them, a local judge would preside over the proceedings. While there is abundant evidence of fraud and violence in the transcripts, equally relevant descriptions of routine or normal election practices frequently appear as well.⁵

Much of this description cannot be independently confirmed. A few accounts offered by witnesses are probably false, fabrications made of whole cloth intended to support the claims of the seated member or the challenging contender. Other witnesses probably exaggerated the events they recounted, particularly the significance or frequency of abuses in the conduct of elections. But most of the testimony appears to be the honest renderings of common men and, sometimes, women who, from all appearances, were not

⁴ These hearings were printed in the permanent Serial Record of the U.S. Congress as Miscellaneous Documents collected in the annual volumes of Reports to the House of Representatives. These are cited in this book by volume (e.g., "S.R. no. 1269" refers to volume 1269 of the Serial Record set), followed by the title of the contest (e.g., "Contested Congressional Election in the Eighth District of New York"), the number of the document (e.g., "M.D. no. 7"), and the contestants and the date of the election (e.g., "William E. Dodge vs. James Brooks, election held on November 8, 1864").

⁵ For a review of the literature and evidence on election fraud in the nineteenth century, see Howard W. Allen and Kay Warren Allen, "Vote Fraud and Data Validity," in Jerome M. Clubb, William H. Flanigan, and Nancy H. Zingale, eds., *Analyzing Electoral History: A Guide to the Study of American Voting Behavior* (Beverly Hills, Calif. Sage: 1981), pp. 154–83.

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equipped to understand the consequences of their testimony; even if they had been willing to twist the truth in favor of one of the contestants, these witnesses would not have known how to do so.

Many witnesses in fact corroborated, directly or indirectly, accounts given by witnesses for the opposition. In other instances, their simple narratives of how they came to be at the polls and what happened once they arrived bore only tangentially, if at all, on allegations of irregular or fraudulent election procedures. For some witnesses, merely reporting their experiences in a way that made sense to themselves, let alone their audience, was a struggle. Others were more aware of the political significance of the practices normally associated with the polling place; their narratives were probably accurate aside from the one possible violation to which their testimony pointed. In almost all cases, these ordinary men and women appear to have been more concerned with how they themselves appeared to the audience attending the hearing than with whether or not their testimony helped or harmed the contestant who had summoned them.

Aside from the testimony itself, there are several possible sources of bias in the hearings. One of these arises out of an imbalance in geographical and temporal coverage. Where elections were not contested, hearings were not held, and, thus, we have no testimony. Between 1850 and 1868, hearings were conducted in forty-eight contested elections (see Table 1.1). When printed as formal reports to the House, these hearings and the evidence associated with them occupy a little over 16,000 pages. In terms of temporal distribution, the evidence is fairly well balanced. The antebellum period, for example, is represented in fourteen contests containing just under 6,000 pages (29 and 37 percent, respectively). The Civil War years from 1861 to 1865 produced seventeen contests and 4,000 pages of testimony (35 and 25 percent). In the postwar period from 1866 to 1868, there were also seventeen contests, but the testimony, taking up over 6,000 pages, was more extensive (35 and 38 percent). Because the number of hearings and the pages of testimony gradually increased over the period, the evidence is slightly tilted toward the later years, particularly after the war ended.

In terms of spatial distribution, thirteen states and territories are represented in the hearings. Missouri led the list with twelve contests and over 3,500 pages of testimony (25 and 22 percent of the total, respectively). Pennsylvania and Kentucky were also overrepresented with Maryland, Ohio, and New York somewhat farther back. New England was seriously underrepresented and no contested elections at all emerged from the Deep South. While these might be serious problems, the balance between the nation's great sections was still fairly representative. Twenty-one of the contests and a little over 8,000 pages of testimony record behavior at polling places in the slave states (44 and 51 percent, respectively); the corresponding totals for the free states are, of course, the inverse (56 and 49 percent). In terms of urban-rural composition, hearings were held for elections in Baltimore, Boston,

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Table 1.1. *Temporal and Spatial Distribution of
Contested Election Hearings*

Temporal distribution		
Year	Number of election contests	Total number of pages in hearings
1851	1	291
1855	1	271
1856	1	175
1857	3	1,261
1858	3	1,487
1859	4	2,405
1860	1	95
1862	8	1,576
1863	2	388
1864	7	2,097
1866	5	2,519
1867	3	365
1868	9	3,391
<i>Summary by period</i>		
Antebellum	14	5,985
Civil War	17	4,061
Reconstruction	17	6,275
Grand total	48	16,321
<i>Spatial distribution (by state or territory)</i>		
Dakota	1	176
Indiana	2	481
Kentucky	5	2,798
Maryland	4	1,930
Massachusetts	1	80
Michigan	2	122
Missouri	12	3,642
Nebraska	2	251
New Mexico	2	497
New York	3	1,396
Ohio	4	1,920
Pennsylvania	9	3,007
Utah	1	21
<i>Summary by section</i>		
Slave	21	8,370
Free	27	7,951
Grand total	48	16,321

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Cincinnati, New York, Philadelphia, and St. Louis, as well as rural districts for almost all the states and territories on the list.

Another possible source of bias is that these hearings were, in fact, held when elections were contested. Peaceful, routinely conducted elections have occasioned little comment throughout American history. In this respect, they are like many mundane, familiar aspects of social life; they become important, and thus recorded for posterity, only when they are spectacularly violated in one way or another. Then, and only then, is normal practice set down as a foil against which abuse is demonstrated. The fact that an election was contested usually meant that the challenger (and his allies) felt that he could present enough evidence of fraudulent practices either to overturn the official result or, at least, to embarrass the opposition. However, this selection bias pertains only to the challenger's side in the hearings because the victor usually strove to present voting practices and the conduct of election officials as more or less normal. In some cases, the victor would impeach the results in precincts that the challenger had carried; in such instances, the contestants would trade positions on whether or not the election was routinely conducted.

For the most part, however, we are not interested in the merits of the contest. What is important is how witnesses described what a normal election should look like, the physical and sociological setting in which the polling place was located, and the actual texture of transactions between voters, party agents, and election officials. There is thus little reason to take sides in these contests (e.g., judging whether or not the challenger presented a strong case). But we can and should reject testimony that was effectively refuted by other witnesses. However, because witnesses were under oath, they appear to be quite reliable, at least in the sense that their testimony was not often convincingly challenged by the opposition.

In sum, the evidence that can be drawn from the hearings is neither perfectly distributed spatially or temporally nor entirely free from bias. These flaws, however, are strongly countered by what they do contain: extensive, detailed accounts of the personal experiences of ordinary voters in and around the mid-nineteenth-century polling place. As evidence for a social history of democracy, the testimony contained in these hearings is simply unmatched in the vast archives of American political development.⁶

⁶ Although the hearings also contain hundreds of pages of additional evidence such as the names recorded in poll books and official notices associated with the appearances of witnesses, most of the testimony is narrowly focused on the experiences of ordinary voters as they approached the voting window or loitered in the immediate vicinity of the polling place. Aside from isolated anecdotes in personal memoirs or the rare entry in diaries, there is just no other source of such information in the historical record. For a few of the rare descriptions to appear outside the contested election hearings, see Kate Kelly, *Election Day: An American Holiday, an American History* (New York: Facts on File, 1991), chaps. 7–9, and Robert J. Dinkin, *Election Day: A Documentary History* (Westport, Conn.: Greenwood Press, 2002), sec. IV.

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AMERICAN DEMOCRACY

This examination allows the construction of a theoretical framework resting on the actual *practice* of elections, especially the procedures and routines of voting.⁷ Analysis of this practice begins by focusing on three aspects of the polling place. The first is the *physical setting*: the kind of building in which the voting is done, the type of neighborhood in which the polling place is located, and where the ballot boxes are situated with respect to election officials and voters. A second, equally important aspect of the polling place is the *sociological composition* of the community in which the voters reside: the ethnic and racial identities of the residents, the type of economy from which they draw their livelihoods, and whether or not the average voter can read or write. Here we should also include the conditions under which the election is conducted; the most important of these conditions involve social violence in the form of guerrilla raids, civil war, urban riots, racial and ethnic persecution, and military rule. Violence in and around the polls was not rare in the nineteenth century, and this dimension cannot be ignored in setting out our framework.

The third and last element that must find a place in our analytical framework is the *laws* regulating elections.⁸ These include the statutes determining voter eligibility, empowering election judges and clerks, and shaping the way in which voters indicate their choices of candidates. Such laws structured the act of voting by formally defining the boundary between legitimate and illegitimate practice at the polls. For various reasons, however, these laws compelled election officials to exercise broad discretion in the determination of voter eligibility and other aspects of the election process.⁹ The exercise

⁷ By examining the material practice of voting, this book attempts to fill a void in both American political historiography and general democratic theory. In David Grimsted's words, "Interest in what and whom parties represented, or in why particular groups voted as they did, has absorbed historical attention, and almost no consideration has been given to the mechanics of the process." *American Mobbing, 1828–1861: Toward Civil War* (New York: Oxford University Press, 1998), p. 183.

⁸ For an exhaustive survey of electoral laws in this and other periods of American history, see Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000).

⁹ Election officials usually had at least some knowledge of the laws under which voting was to be conducted but tended to skirt formality whenever that seemed to conflict with community custom. At many polling places, however, books or pamphlets containing election laws were available, and those dissenting from the decisions of officials could and did make use of them. Even in these cases, appeal to the letter of the law was not always effective. For an example, drawn from the voting near Fort Randall in the Dakota Territory in 1862, see S.R. no. 1199: Contested Delegate Election from the Territory of Dakota; M.D. no. 27, pp. 64–5. *J. B. S. Todd vs. William Jayne*, election held on September 1, 1862. In addition, some judges of election were illiterate and thus

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of this discretion, embedded in the social understandings of the community in which the voting took place and influenced by the partisan interests of the officials themselves, often determined whether and how individual men participated in elections.

THE PHYSICAL SETTING OF THE POLLING PLACE

Almost all polling places in the United States are now located in government buildings, often schools. In the nineteenth century, there were far fewer government buildings than there are today, and for that reason, most elections were held in privately owned structures. The one almost universal exception was the county courthouse, in which was located the polling place for what was usually the largest town in the county. But in the country, where most of the people in the United States lived, voting was conducted in barns, private homes, country stores, and churches – almost anything that could separate voters from the election officials and the ballot boxes they tended. On the frontier, where buildings were even harder to find, votes were sometimes cast in sodhouse saloons, sutler stores near army forts, the front porches of adobe houses, and temporary lean-tos thrown together at desolate desert crossroads. In the larger cities, fire stations, warehouses, and livery stables were commonly used. One of the most common venues was liquor establishments.¹⁰ In some saloons, cloth sheets would be raised around the area in which voting was done so that patrons could drink while the election was held. Such an arrangement made an election noisy and, sometimes, violent.

Most of the polling places in large cities such as St. Louis were public buildings such as stores, factories, engine houses, city halls, or court houses. While private homes were sometimes used, larger structures were preferred (see Table 1.2). These polling places also had more formal names and

incapable of reading the laws under which they were to conduct the voting. In these instances, traditional custom must have exercised a particularly strong influence on the proceedings. See, for example, S.R. no. 1200: Contested Congressional Election in the Third District of Missouri: M.D. no. 43, pp. 21, 23, 88. James Lindsay vs. John G. Scott, election held on August 3, 1863. At one Philadelphia precinct, the Republican inspector admitted that he could neither write nor read “writing” but claimed he could read printed tickets. He signed his testimony with his mark. S.R. no. 1431: Contested Congressional Election in the Fifth District of Pennsylvania: M.D. no. 7, p. 89. Caleb N. Taylor vs. John R. Reading, election held on October 13, 1868.

¹⁰ Saloons were the most important gathering places for immigrants in the mid-nineteenth century and thus were primary centers for their political mobilization as voters. For this reason, many immigrant political officeholders owned drinking establishments, and, at least in New York, almost nine of every ten polling places in immigrant neighborhoods were saloons. Tyler Anbinder, *Nativism and Slavery: The Northern Know Nothings and the Politics of the 1850s* (New York: Oxford University Press, 1992), p. 145.

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Table 1.2. *Precinct Locations in St. Louis City and County,
August 1859 Election*

1. St. George’s Market-house
2. Coal scales, at the intersection of Gravois Road and Arsenal Street
3. Phoenix engine-house
4. J. Haupt’s house, corner of Park and Second Carondelet avenues
5. Convent Market-house
6. House opposite Snyder’s soap factory
7. Central House
8. Politz’s House
9. School-house at Bridgton
10. William Berry’s, in Manchester
11. City Hall, in the city of Carondelet
12. Mehl’s store
13. Drienhoefer’s
14. Washington engine-house
15. Gambel Market-house
16. Powell Sink’s
17. White’s house at Crere Coeur Lake
18. Court-house, Fifth Ward, city of Saint Louis
19. Barthold’s house
20. Market Street House
21. Brown’s Store
22. State tobacco warehouse
23. House opposite the Olive Street House
24. Virginia Hotel
25. School-house
26. Whitehill’s lumber yard
27. Beehler’s meat-house
28. Wiles’ stable
29. Biddle Market
30. Mound engine-house
31. Mills’s house
32. James Horton’s house, Gravois mines
33. The Abbey, on Saint Charles road
34. George Sappington’s
35. The Harlem House
36. John Stephens’s, Normanby post office

Source: S.R. no. 1062: Contested Congressional Election in First District of Missouri: M.D. no. 8, p. 17. Frank P. Blair, Jr., vs. J. R. Barrett, election held in August 1858.