The American Ballot Box in the Mid-Nineteenth Century

During the middle of the nineteenth century, Americans voted in saloons in the most derelict sections of great cities, in hamlets swarming with Union soldiers, or in wooden cabins so isolated that even neighbors had difficulty finding them. Their votes have come down to us as election returns reporting tens of millions of officially sanctioned democratic acts. Neatly arrayed in columns by office, candidate, and party, these returns are routinely interpreted as reflections of the preferences of individual voters and thus seem to document unambiguously the existence of a robust democratic ethos. By carefully examining political activity in and around the polling place, this book suggests some important caveats that must attend this conclusion. These caveats, in turn, help to bridge the interpretive chasm now separating ethno-cultural descriptions of popular politics from political economic analyses of state and national policy making.

Professor Richard Franklin Bensel has taught in the Department of Government at Cornell University since 1993. Before that, he served on the Graduate Faculty of Political and Social Science in the New School for Social Research. He is the author of three previous books: *Sectionalism and American Political Development, 1880–1980* (1984; awarded the Mark H. Ingraham Prize in 1984); *Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877* (1990); and *The Political Economy of American Industrialization, 1877–1900* (2000; selected by *Choice* as one of the “Outstanding Academic Titles of 2001” in economics and awarded the 2002 J. David Greenstone Prize by the Politics and History section of the American Political Science Association). He is a member of the American Historical Association, the American Political Science Association, the Economic History Association, the Organization of American History, the Social Science History Association, and the American Association for the Advancement of Science.
The American Ballot Box in the Mid-Nineteenth Century

RICHARD FRANKLIN BENSEL
Cornell University
# Contents

`Preface` ........................................... vii  
Chapter 1 Introduction ................................ 1  
Chapter 2 Structure and Practice of Elections .......... 26  
Chapter 3 Social Construction of Identity in Eastern Rural Communities ........... 86  
Chapter 4 Ethno-Cultural Stereotypes and Voting in Large Cities ................. 138  
Chapter 5 Frontier Democracy ........................... 187  
Chapter 6 Loyalty Oaths, Troops, and Elections during the Civil War .............. 217  
Chapter 7 Conclusion ..................................... 286  
Index ......................................................... 299
Preface

During the middle decades of the nineteenth century, the United States struggled through a long and bloody Civil War, settled much of the western prairie, and embarked upon a transition from an agrarian to an industrial society. During these two decades, Americans went to the polls, whether located in hamlets swarming with Union soldiers, wooden cabins so isolated that even neighbors had difficulty finding them, or saloons in the most densely populated sections of great cities. Their votes have come down to us as election returns reporting tens of millions of officially sanctioned and tabulated democratic acts. Neatly collated and arrayed in columns by office, candidate, and party, these returns are routinely interpreted as reflections of the preferences of the individuals composing the communities in which they were made out. Seen this way, we might conclude that the returns constitute unambiguous evidence of the existence of a robust democratic ethos. One of the purposes of this book is to suggest some important caveats that must attend this conclusion.

Most of the literature on mid-nineteenth-century politics has assumed that the electorate responded to the policy positions set down in party platforms. From this perspective, voters critically compared candidates and platform planks before choosing the alternative closest to their own personal tastes and policy positions.¹ Rational choice theorists, usually operating under strong assumptions characteristic of methodological individualism, are particularly prone to such interpretations. Party organizations wrote platforms and chose candidates precisely because they believed these platforms and candidates would attract voters.² In this rational and instrumental world, men first

² Barry Weingast provides a particularly apt example in his “Political Stability and Civil War: Institutions, Commitment, and American Democracy,” in Robert H. Bates
reviewed the offerings presented by the various parties, chose one of the parties to support, decided whether or not to participate in the election, and then voted or failed to vote, as the case might be.

Many voters undoubtedly behaved in just this fashion and thus composed an individually autonomous, rationally calculating citizenry as they made up their minds and cast their ballots. However, other men operated on less familiar models. Such men are not quite aberrations, but they are clearly secondary figures in most political accounts of the period. The largest group is the teeming mass of party loyalists who made parties into more or less sacred cultural icons. Such loyalists seldom compared party platforms or weighed the relative merits of candidates before casting their ballots. Other men fell out of their roles as autonomous, rationally calculating citizens when they accepted small bribes or favors in return for their vote. Although such exceptions are duly noted, the primary model, with its strong emphasis on the formation of individual preferences as the animating force behind electoral politics, still dominates most interpretations of American party competition.

While we know a great deal about the ways in which party organizations and candidates viewed the mass electorate in the nineteenth century, we know very little about how or why ordinary men participated in elections. Put another way, we know much more about the kind of strategies parties used in campaigns and the types of inducements they offered at the polls than we do about why ordinary men responded to these strategies and inducements. As in all things, men varied in their familiarity with the policy positions of candidates and party organizations. At one end of this distribution, many voters had only the dimmest understanding of what might have been at stake in an election. A few literally did not understand what they did when they voted. The focus of this book is on these ordinary men, many of whom...
rarely formed policy-related preferences, seldom studied party platforms, and could not recall the names of the candidates for whom they voted.

First, their experiences reveal the multitude of ways in which men were incorporated into American democracy. As seen below, public policy considerations had little, if any, relation to the social networks and understandings that shaped the behavior of many men at the polls. For many men, for example, the act of voting was a social transaction in which they handed in a party ticket in return for a shot of whisky, a pair of boots, or a small amount of money. While these transactions could be seen as simple bribery, the practices associated with these exchanges were, in fact, much more complex. As part of the social and political culture surrounding the polls, they were frequently embedded in long-term personal relationships between party agents and the men who voted; these relationships and their associated practices had become expectations in which, for instance, men came to think of themselves as Democrats because they were given things by men who worked for the Democratic party. Put another way, the men who were given things had become Democrats precisely because they had come to expect to be given things by Democratic agents at the polls. Such men were not so much bribed as rewarded for their votes. Other men came to the polls with friends and relatives who pressured, cajoled, or otherwise persuaded them to vote a particular ticket. Brothers, for example, sometimes “voted” their imbecilic siblings, in the process negotiating the necessary rituals for them (e.g., giving their names and residences to the judge of election). In other cases, fathers and brothers threatened “trouble in the family” if their sons and siblings voted wrong. In yet other instances, men belonging to ethnic and religious communities threatened their fellow countrymen and co-religionists with social ostracism if they transgressed party lines. Some employers, particularly landlords and farmers, watched how their tenants and employees voted, exploiting the asymmetries in their economic relationship. In army camps during the Civil War, soldiers often cast their tickets into cigar boxes and tin cups set down in front of the company commander’s tent. In many of those camps, to vote for the Democratic party was considered a treasonous slur on the valor of fallen comrades.

5 “Incorporation into a democracy” is defined here as the creation of links between a citizen and the act of voting such that a citizen comes to have some reason to vote. Such reasons can include moral obligation (e.g., sense of civic duty), petty bribery, party loyalty, or preferences with respect to public policies or candidates. What matters is that a citizen voluntarily participates in the rituals associated with voting.

6 Aside from the supposition that party allegiance was formed through interaction with party agents (and thus after at least the first gift of money or liquor), this interpretation is roughly compatible with that offered in Howard W. Allen and Kay Warren Allen, “Vote Fraud and Data Validity,” in Jerome M. Clubb, William H. Flanagan, and Nancy H. Zingale, eds., Analyzing Electoral History: A Guide to the Study of American Voting Behavior (Beverly Hills, Calif.: Sage, 1981), pp. 156–7, 166.
all these circumstances, men sometimes discovered subterfuges in which opposition party agents helped disguise, in one way or another, the ticket they cast at the polls. Those subterfuges themselves constituted social practices helping to shape the public space outside the voting window.

At many polling places, men were physically prevented from voting for a particular party. In some cities, for example, gangs ruled the polling place and violently attacked those who attempted to vote for the opposition. And during the Civil War, Union soldiers and state militia patrolled many civilian polling places with bayonets affixed to their rifles. Throughout the border states, many a “southern sympathizer” was violently evicted from polling places by soldiers whose ostensible duty was merely to keep the peace. In the frontier West, violence and intimidation similarly shaped elections. The isolation of polling places and the absence of thickly settled communities encouraged opportunistic subversion of the democratic process as men attempted to influence the siting of county seats on land they already owned and the granting of government contracts by elected territorial officials. In all these cases, the “formation of individual preferences” was a convenient fiction shrouding organized collusion and intimidation.

There is a second reason we should be particularly interested in these ordinary men, men for whom the act of voting was not a simple transformation of a personal issue preference into an instrumental vote on government policy. Many men, in fact, had only a rudimentary sense of the grand policy issues at stake in national and state elections. If those issues had been the only reason they went to the polls, turnout would have been much, much lower than it was.

Instead, the polling place was usually congested with milling throngs of men waiting for their turn to vote or, having voted, simply enjoying the public spectacle. Many of these men were “floaters” who waited for one or the other of the parties to offer them something in return for their vote. Mark W. Summers, The Plundering Generation: Corruption and the Crisis of the Union, 1849–1861 (New York: Oxford University Press, 1987), p. 57.

7 Many men, in fact, tarried at the polling place before and after they voted, both creating the public spectacle that made the polling place exciting and demonstrating the attraction that spectacle held for ordinary voters.

8 On the polling place as the setting for social activities associated with election day, see William E. Gienapp, “Politics Seem to Enter into Everything: Political Culture in the North, 1840–1860,” in William Gienapp, Thomas B. Alexander, Michael F. Holt, Stephen E. Maizlish, and Joel H. Silbey, Essays on American Antebellum Politics, 1840–1860 (College Station: Texas A&M University Press, 1982), pp. 46–7. Many men, in fact, tarried at the polling place before and after they voted, both creating the public spectacle that made the polling place exciting and demonstrating the attraction that spectacle held for ordinary voters.
these themes were publicly contested in ways that dramatically reinforced the ethno-cultural alignments of men and parties, the physical arrangement of the polling place—provided more than the material setting in which men negotiated their transactions and intimidated their neighbors. That same setting also gave rise to practices that strengthened the ethno-cultural flavor of the American party system.

Even though the polling place was populated by men who conceived of their political identities in ethno-cultural terms, it was also the site in which the great political economic issues of the day, such as secession, slavery, and civil war, were decided. From that perspective, there is an obvious disjunction between, on the one hand, the way in which men conceived of themselves as they voted and, on the other, the great policy consequences of their votes. Only close study of the social practices and organization of the polling place can allow us to bridge this chasm.

9 The emergence of ethno-cultural characteristics as important constitutive elements in party competition occurred some decades after the parties themselves had formed. As Richard P. McCormick has described, the party system was initially founded by ambitious political leaders who exploited the passions of an electorate that tended to focus on the presidential contest (in particular, Andrew Jackson and his competitors) as an aligning template for organizational development. This template at first only incidentally incorporated ethno-cultural characteristics into party identity and tactics. Second American Party System: Party Formation in the Jacksonian Era (Chapel Hill: University of North Carolina Press, 1966), esp. pp. 329–56. Although the suggestion cannot be elaborated on here, ethno-cultural themes in party competition in and around the polling place probably emerged and were certainly reinforced by the growing anonymity of the electorate in subsequent decades as a consequence of suffrage expansion, urbanization, and population growth. These developments would have made the stereotyping of prospective voters—men who were personally unknown to party agents—almost a necessity as party challengers attempted to prevent or at least to limit illegal participation by the opposition.

10 In what Ronald Formisano described as “their first party contest,” Michigan Democrats and Whigs fought over whether or not aliens would be allowed to vote if they had taken out their first papers (indicating that they intended to become naturalized citizens but were not yet naturalized). He notes that this issue was also salient in Illinois, Iowa, and Wisconsin. In all these cases, both the suffrage itself (as a public dispute between the parties) and enforcement of the eligibility requirement (as a practice in and around the polling place) would have provided an initial tilt to the parties, either toward (in the case of the Democrats) or against (for the Whigs) foreign-born ethnic minorities and, by association, Catholics. Once set in motion, party agents would have accelerated this tilt by aiding or obstructing men as they negotiated the procedural hurdles associated with their approach to the voting window. The Birth of Mass Political Parties, Michigan, 1827–1861 (Princeton, N.J.: Princeton University Press, 1971), pp. 81–97. On the ethno-cultural origins of the American party system more generally, see pp. 3, 56–86, 102–18, 128–38. For the theoretical foundations of the ethno-cultural interpretation of nineteenth-century American politics, see pp. 9–12.

11 Ever since the emergence of the ethno-cultural interpretation of nineteenth-century voting some four decades ago, the literature on nineteenth-century American politics has been almost schizophrenic. On the one hand, policy conflict has been viewed as the primary force driving party competition at both the federal and state levels as
Preface

Despite the importance of voting to the emergence and development of American democracy, actual voting acts and the physical and social settings in which they took place have been little studied. One explanation for this inattention is that scholars have often taken them for granted. From this perspective, voting is and was so routinized as to constitute nothing more than a banal background for competition between parties and ideologies. However, any notion that the nineteenth-century polling place had the often tomb-like quiet and well-behaved placidity of modern precincts must be immediately dismissed.

Although some people were killed at the polls, most violence took the form of pushing and shoving that did not cause serious injury. But violent threats and physical obstruction, including the covert display of weapons, were apparently very common, so common that a routine rebuttal for charges of election excesses was that voting had always been conducted under such conditions. In rural areas, violence and intimidation extended far beyond the immediate vicinity of the polling place and the hours when the polls were actually open. Because rural voters were thickly embedded in their legislative divisions over slavery, secession, the tariff, and the banking system shaped and reshaped alignments in the party system. On the other hand, popular participation in elections has been viewed as driven by ethnic and cultural loyalties, the latter having little to do with policy contention after the voting is completed. For examples of the literature from the policy perspective, see Stephen Skowronek, Building a New American State: The Expansion of Administrative Capacities, 1877–1920 (New York: Cambridge University Press, 1982); Daniel P. Carpenter, The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862–1928 (Princeton, N.J.: Princeton University Press, 2001); Elizabeth Sanders, Roots of Reform: Farmers, Workers, and the American State, 1877–1917 (Chicago: University of Chicago Press, 1999); Gretchen Ritter, Goldbugs and Greenbacks: The Antimonopoly Tradition and the Politics of Finance in America, 1865–1896 (New York: Cambridge University Press, 1997); and Richard Franklin Bensel, Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877 (New York: Cambridge University Press, 1995) and The Political Economy of American Industrialization, 1877–1900 (New York: Cambridge University Press, 2000). For an exhaustive review of the ethno-cultural literature, see Ronald P. Formisano, “The Invention of the Ethnocultural Interpretation,” American Historical Review 99 (1994): 453–77. Formisano suggests, first, that “ethno-cultural” scholarship has strongly, almost exclusively focused on electoral politics, to the exclusion of policy decisions and implementation and, second, that the lowest common denominator underlying ethno-cultural scholarship may have been a rejection of economic explanations of political behavior. Even so, most ethno-cultural historians have conceded at least some role for economic interest in nineteenth-century political behavior. See, e.g., Lee Benson, The Concept of Jacksonian Democracy: New York as a Test Case (New York: Atheneum, 1966), pp. 85–9, 140–50, 155–64, 290–1, 300. On the ethno-cultural foundation of antebellum politics, see Joel H. Silbey, The Partisan Imperative: The Dynamics of American Politics before the Civil War (New York: Oxford University Press, 1985), pp. xv–xix, and, more generally, Paul Kleppner, The Third Electoral System, 1855–1892: Parties, Voters, and Political Cultures (Chapel Hill: University of North Carolina Press, 1979).
communities, they inevitably carried their social and political histories to the polls with them. Their neighbors, serving as party observers or election judges, knew their names and political leanings and were thus able to dispense with stereotyped physical appearance and ethnic accents that, in the larger cities, served as proxies for partisan affiliation. Retribution could also be delayed for days or even weeks after an election because the voter, whose ballot had been monitored at the polls, could be located even after he had returned home. This also meant that retribution could be credibly threatened well before the election was held. Thus, unlike cities where the politicization of the community was largely restricted to the immediate proximity of the polling place on election day, rural areas could be effectively politicized for much longer periods and over much greater distances.

Because party agents in large cities were unacquainted with most of the men who approached the polls, partisans often relied on ethnic identities in order to separate supporters and opponents. This reliance in effect transformed national policy issues into contests between ethnic and religious communities. For example, in late antebellum St. Louis the sociology of voting transformed an issue-centered political competition between “free soil” and proslavery partisans into a social confrontation between “Germans” and “Irishmen” in and around the polls. In the broadest, most abstract perspective, what injected popular passion into the election was federal policy toward human bondage, but at the polling place, this translated into the social identification of “Germans” (universally considered to heavily favor “free soil” territorial policies) and “Irishmen” (just as heavily “proslavery”). Since partisans on both sides relied on the ascriptive characteristics of potential voters, these characteristics became the local basis of what was a much larger and more abstract ideological contest.

It is likely that these differences between city and country influenced the underlying political allegiances of voters as well. In St. Louis, for example, abuse at the polls by “Irish” Democrats probably turned more than one proslavery German away from the Democrats and toward “free soil” nativists. This tendency would have reinforced the ethnic coloration of the major parties in areas where anonymity was fairly high. In rural areas where anonymity was low, the tendency would have been toward political uniformity, turning communities into one-party bailiwicks.  

While Germans in St. Louis (and Missouri generally) overwhelmingly favored “free soil” policies, this was not the case in other American communities. Germans in Iowa, Michigan, and Pittsburgh, for example, probably inclined toward the Democratic party. In Illinois and Minnesota, on the other hand, they were probably at least as Republican as the remainder of the electorate. Frederick C. Luebke, ed., Ethnic Voters and the Election of Lincoln (Lincoln: University of Nebraska Press, 1971), pp. 108–9, 123–4, 173–4, 180, 209; Michael Fitzgibbon Holt, Forging a Majority: The Formation of the Republican Party in Pittsburgh, 1846–1860 (New Haven, Conn.: Yale University Press, 1969), pp. 4, 356–7, 359–60, 367–8.
The significance of the way in which American men voted transcends the history in which they lived. Students of comparative politics, for example, sometimes discern at least a distant parallel between the United States during the nineteenth century and contemporary nations currently undergoing transformation from agrarian to industrial societies. The social and political stresses associated with industrialization appear to have a certain commonality, among them the emergence of working-class claims on wealth, the intensification of ethnic competition, and the subordination of the public weal to economic development. Furthermore, violent conflict in and around the polls, corruption, and a general politicization of society also seem to characterize contemporary industrializing nations attempting to combine democracy and development. There is at least a limited sense in which the earlier American performance can serve as a benchmark for these contemporary nations, allowing us to form expectations about what can be reasonably expected and about the long-term consequences of various election pathologies where they do emerge. We can also see that formal election procedures are not ever sociologically or politically neutral; certain groups and interests are favored and others disarmed by the rules themselves. The policy stakes are perhaps higher during industrialization than at most periods in a nation’s history, adding to the concatenation of passion, interest, and identity congregating in and around the polling place.

When I first conceived of this project, I thought it would be possible to reconstruct a generic “act of voting” that could serve as a modal description of what I anticipated would be comparatively minor variations in particular times and places. Put another way, I believed that I could construct an “ideal type” of the voting process that, although it changed over time, would still anchor a general analysis of voting in America in the middle of the nineteenth century. This would have been a basically democratic model against which fraud, intimidation, and corruption could have been identified as pathologies. I still believe that such a model has utility, but much of its utility lies in the fact that it was so seldom approximated. In fact, our modern conceptions of democracy are largely anachronistic intrusions when transplanted into the nineteenth century.

Many citizens so strongly believed in the principles that drew them into the political process that any and all means of achieving victory were justified. Ballot stuffing and intimidation were thus interpreted as means of adjusting the franchise in such a way that the only legitimate (and thus democratic) outcome would occur. For example, in different times and places, the participation of immigrants, Catholics, and southern whites in elections were all seen as perversions of the franchise, perversions that could be corrected only by making certain that their votes would not constitute a majority of those cast at the polls. But these views were never hegemonic; encouraged by their leaders and sponsors, immigrants, Catholics, and southern whites still voted.
Their stubborn participation, despite the hostility of a large portion of public opinion, compelled the resort to fraud and intimidation. If these groups had peacefully acquiesced in their disfranchisement, these extraordinary methods of adjusting the outcome of elections would not have been necessary. And this set up what may have been the most fundamental contradiction in nineteenth-century American democracy, a contradiction arising out of the incompatibility of two basic principles of the period’s politics. One of these was that the influence of social groups over the outcome of elections should somehow be weighted by their comparative characteristics, such as relative loyalty to the national government, ethnic identification with American nationality, or approximation to the Anglo-Saxon racial stereotype. The other principle was that the election process should accurately count and report all votes properly cast at the polls.

Attempts to resolve this contradiction produced a vague, ever-shifting boundary between what were considered legitimate and illegitimate means of shaping the outcome. Social and economic intimidation, for example, was publicly deplored but otherwise tolerated when carried out by private citizens. However, when exercised by public authorities, particularly federal troops, this same intimidation made the American public much more uncomfortable. Complicating matters even further, many of the most powerful private citizens donned public robes on election day, serving as election judges and clerks. Conversations between these men-as-judges and their...
neighbors-as-voters were often a mixture of quasi-official rulings and threats of private retribution, the latter extending well beyond proceedings in the immediate vicinity of the polling place on election day.

This study begins in 1850 because, as Richard P. McCormick noted, the transition from the second to the third American party system occurred at about that time. I originally intended to continue the analysis into the 1870s or beyond but later chose to stop in 1868 for several reasons. The most important was that I uncovered much more geographical and temporal variation in election practices than I had expected. To fully present the evidence that I had unearthed, I had to contract the scope of the study. The second reason was that southern elections during Reconstruction were, even given this variation, just very different from southern elections before the war or northern elections at any time. Practices in and around the southern polling place constituted a kind of social and political war between white Democrats and black Republicans in which the polling place was merely one site of conflict. For these reasons, only northern contests were analyzed during the postwar period and the study ends in 1868 when southern states began to reenter the Union.

I began telling stories of mid-nineteenth-century elections to friends and colleagues well before the first page of this book was written. In fact, one of my guidelines in reducing these narratives to a formal text was their reactions to tales of polling place debauchery and intrigue. Some of the most important conversations arose in connection with a presentation to the Institution for Social and Policy Studies at Yale. Later, both Karen Orren and Stephen Skowronek, in their editorial roles, pushed me to combine these individual anecdotes into a generalized account. As one of the reviewers for Studies in American Political Development, Walter Dean Burnham pressed me in the same direction. All three are among the most important reasons I am happy to call American political development my home. Fabrice Lehouq generously offered to read the entire manuscript and then, even more generously, gave me advice on how to place the work in a more comparative frame. Although I have not been able to follow up on his suggestions in this book,

15 McCormick, Second American Party System, pp. 13–14. More importantly, 1850 generally marked a change in many parts of the United States between what might be called “neighborhood” and “mass society” polling places, a transition that took place even earlier along the northeastern seaboard. Richard P. McCormick, The History of Voting in New Jersey: A Study of the Development of Election Machinery, 1664–1911 (New Brunswick, N.J.: Rutgers University Press, 1953), pp. 122–3. However, even in the late 1860s much of the nation still voted in rural or small town communities in which most adult males were known to those attending the polls.

16 The result was “The American Ballot Box: Law, Identity, and the Polling Place in the Mid-Nineteenth Century,” Studies in American Political Development 17 (Spring 2003): 1–27. Although some of the text is reprinted in the present volume, most of this article contains narrative accounts that are not duplicated here.
I do believe that cross-national comparison of polling place organization and behavior would be a wonderfully colorful and theoretically rich project.

While Kathleen O’Neill, Greg Huber, and John Lapinski also pressed me on one point or another, my sternest critic was undoubtedly Michael Fitzgibbon Holt, which was exactly why I wanted him to read the earliest complete draft. I am certain that I have not entirely met the very high standards he set for me (and meets himself), but he nonetheless saved me from many errors and unsustainable conclusions. At Cambridge, Lew Bateman was a consistently supportive and helpful editor, even as he tried to restrain my verbosity. I hope he succeeded. And, for the second time in as many books, Stephanie Sakson has exquisitely refined my text. There are still a lot of things I do not understand about the English language. Through it all, Elizabeth and Seth listened to the stories I unearthed from the bowels of Olin Library. If these accounts now become part of the tapestry of American political development, they will deserve much of the credit. Particularly for “D-e-l-n-o-w.”