1

Introduction

The hundred or so delegates arriving at California's state capitol in July 1865 for the Union Party's county convention came prepared for trouble. For weeks past, up and down the state, Republicans (who had temporarily taken up the "Union" label) had watched their local primaries and county conventions thrown into turmoil. Sacramento's primaries had been more disorderly than most, marred by charges of "ruffianism," bribery, and assorted frauds. Many blamed the bruising contest on a headstrong governor determined to land himself in the U.S. Senate. The so-called Short Hair faction championed his cause, meeting stiff resistance from a clique dubbed the "Long Hairs." Now, the two factions glared at one another from opposite sides of the Assembly Chamber.[1] The chair of the county committee called the delegates to order and brought up the first order of business, the selection of a temporary secretary. Each side of the room had a candidate for the post. Following a voice vote, the presiding officer announced that the position had gone to the choice of the Long Hairs. The proceedings immediately erupted into cacophonous bedlam. Short Hair delegates screamed for "fair play" and a formal ballot to decide the issue. They bombarded the chair with questions and motions. A few minutes later, when the chair's choice for secretary advanced toward the podium, a phalanx of Short Hairs blocked his path. Verbal ripostes gave way to shoving, pushing turned to punching, fisticuffs escalated to hickory canes. A reporter from the *Sacramento Union* looked on as the battle was joined.

[1] On the background to the contest see Winfield J. Davis, *History of Political Conventions in California, 1849–1892* (Sacramento, Calif., 1893), pp. 213–19. The term "short hair" implied that members of the group, described as San Francisco "roughs," had recently

A Typical Republican County Convention, A. D. 1890.

FIGURE 1.1. Denver's Republican primaries in 1890 resulted in a bitter fight between two factions dubbed the "Gang" and the "Smashers." The county convention included about 117 delegates elected on the Gang slate and 74 for the Smashers; 62 seats were claimed by both sides. Nothing approximating the violence depicted here occurred at the county convention, but the temporary chair's rulings on behalf of the Smashers did prompt the Gang to walk out and organize a separate Republican county convention. (*RMN*, Sept. 11, 1890, p. 1.)

"Spittoons flew from side to side like bomb shells. . . . Inkstands took the place of solid shot. Pistols were drawn and used as substitutes for clubs."[2] Those who had come unarmed grabbed the cane-bottomed armchairs and broke them over the heads of their antagonists. After five minutes of combat the Long Hairs retreated, some by way of the window, while others

served in prison where the cropped haircut was the order of the day. The presumably more respectable Long Hairs championed other senatorial aspirants.

[2] *Sacramento Union* quoted in The *San Francisco Evening Bulletin*, July 27, 1865, p. 2.

carried their bruised or unconscious comrades from the building. Each faction, whatever was left of it, organized a separate county convention and appointed competing sets of delegates to go to the state convention, appealing to the latter to sort things out.

The violence that marred the Sacramento County Convention was shocking even by California standards, but it was the aftermath of the political pandemonium that commands attention. Within a year, the same legislative chamber that had been the scene of battle (its chairs now bolted to the floor) witnessed the passage of the nation's first law to regulate the nominating process. Republican legislators – over the opposition of Democrats – pressed for state oversight of their party's often tumultuous proceedings. The "Porter Law" did not require much change in how political parties did business,[3] but it did mark a significant point of departure in the nation's political development. Political parties, the bane of the nation's first generation of politicians, had won recognition in the eyes of the state. In time, other states followed California's lead. Laws appeared around the nation in the 1880s outlawing fraud in primaries and conventions. Subsequent legislation converted party primaries into official elections and in doing so converted the Republican and Democratic organizations from private associations into semipublic agencies. Eventually the states replaced the party convention with what the political scientist Austin Ranney has dubbed "the most radical of all party reforms adopted in the whole course of American history."[4] The direct primary pushed party leaders aside and allowed the voters to designate their parties' candidates for elective office. The new system of direct nominations allegedly gave rise to the candidate-centered version of electioneering that would characterize American politics over the century that followed. The relationship between party nominating procedures and elective office-seeking strategies during the Gilded Age and the Progressive Era constitutes the core of the study that follows. Numerous scholars have argued that American politics at the turn of the twentieth century experienced a profound transformation in its processes and purposes. This work seeks to understand how much of that change was foreshadowed by Sacramento's belligerent Republican delegates.

The nominating convention served as an important bulwark to Democratic, Whig, and Republican Party supremacy during the "party period"

[3] *Statutes of California* (1865–66), No. 359, pp. 438–40. The law is discussed in more detail in Chapter 5.

[4] Austin Ranney, *Curing the Mischiefs of Faction: Party Reform in America* (Berkeley, Calif., 1975), p. 18.

spanning the last two-thirds of the nineteenth century.[5] The caucus and the convention predated the U.S. Constitution,[6] but became important to the nominating process only during the Jacksonian Era. Politicians integrated local party meetings with county, state, and national nominating bodies into a "convention system." The organizational structure first took shape in the closely contested Middle Atlantic region. It advanced state by state during the 1820s and 1830s as electoral competition took hold around the nation. The convention system's appeal rested on the democratic principle of taking the nominating power away from cliques of political insiders and investing it in "the people." Voters empowered delegates to designate their parties' nominees for elective office in county or legislative conventions, or to select other delegates to attend congressional, state, or national nominating bodies. Political parties came to dominate American politics during the nineteenth century in part because the convention system bestowed legitimacy on their deliberations and imposed some order and discipline in a highly decentralized electoral environment. The convention system maximized a party's vote by ensuring but one party choice for every elective position. In addition, the partisan bodies called into being at various stages of the process provided opportunities for organization and publicity. The earliest nominating conventions were not so much decision-making bodies as they were public relations exercises designed to embellish a candidacy with the stamp of public approbation. "The convention owed its ascendancy to its superior ability to meet the theoretical and practical requirements of democratic politics: candidates nominated by conventions, wrapped in the mantle of popular sovereignty and backed by an organization no independent could equal, were likely to be elected."[7] The convention system brought structure to political parties and linked the parties more securely to the electorate.

[5] Joel H. Silbey, *The American Political Nation, 1838–1893* (Stanford, Calif., 1991), pp. 59–64.

[6] G. B. Warden, "The Caucus and Democracy in Colonial Boston," *New England Quarterly* 43 (Mar. 1970): 19–45. The convention concept can be traced back to England's "Convention Parliament" of 1660, which invited Charles II to take the throne after the death of Oliver Cromwell. See Edmund S. Morgan, *Inventing the People: Popular Sovereignty in England and America* (New York, 1988), pp. 94–95 and 107–21.

[7] James S. Chase, *Emergence of the Presidential Nominating Convention, 1789–1832* (Urbana, Ill., 1973), p. 292. On the spread of the convention from state to state during the 1820s, see Richard P. McCormick, *The Second American Party System: Party Formation in the Jacksonian Era* (Chapel Hill, N.C., 1966); Frederick W. Dallinger, *Nominations for Elective Office in the United States* (New York, 1903), pp. 4–45; Charles P. Spahr, "Method of Nomination to Public Office: An Historical Sketch," in *Proceedings of the Chicago Conference for Good City Government and the Tenth Annual Meeting of the*

The waning of the party period not coincidentally brought an end to the nominating convention in most states. Between 1900 and 1915, the shortcomings of the nomination process occupied the attention of many prominent scholars, crusading journalists, and several eminently practical politicians. The list of prominent academics who interested themselves in the subject included the historians Carl Becker and Charles A. Beard, the economist John R. Commons, and the founder of modern-day political science, Charles Edward Merriam.[8] They placed their faith in a system of direct primaries, investing the electorate with the final authority in designating a party's choice of nominees. Arguments over the merits of direct nominations filled up many pages of the popular and scholarly press. Direct primaries were widely prescribed as an antidote to boss rule during the Progressive Era. Supporters of the reform insisted that they had to battle entrenched party interests to put the new nominating procedures in place. "It is well known history," testified the author of Colorado's direct primary law in 1923, "that these changes in our election laws were secured against the bitterest opposition of old-time politicians who were unwilling to surrender their long enjoyed privileges, including their power to manipulate conventions, nominate officials, and control legislation for the benefit of themselves and of the special interests they served."[9] All but a handful of states had abolished the convention system by World War I.

As it was the reformers who seemingly emerged victorious in the contest over nominating procedures, it was their version of events that initially found its way into the history books. Alan Ware has aptly titled these early works documenting the origins of the direct primary as "heroic." They portray progressive reformers bringing democracy to a corrupt and boss-ridden political system that mostly served powerful, corporate

National Municipal League [1904], ed. Clinton Rogers Woodruff (Philadelphia, 1904), pp. 321–27.

[8] Charles A. Beard, "The Direct Primary Movement in New York," *Proceedings of the American Political Science Association* 7 (1910): 187–98; Carl Becker, "The Unit Rule in National Nominating Conventions," *American Historical Review* 5 (Oct. 1899): 64–82; Charles Edward Merriam, "Some Disputed Points in Primary Election Legislation," *Proceedings of the American Political Science Association* 4 (1907): 179–88. Commons's interest and involvement in the movement is documented by his presence at the National Conference on Practical Reform of Primary Elections; see its *Proceedings of the National Conference on Practical Reform of Primary Elections, January 20 and 21, 1898* (Chicago, 1898), p. 23.

[9] Edward P. Costigan, "Remarks of . . . at Austin Texas, Feb. 9, 1923," Box 38, "General Personal" file, Edward P. Costigan Papers, The Archives at the University of Colorado at Boulder Libraries.

interests.[10] The exposés of muckraking journalists combined with the political leadership of Wisconsin's governor Robert M. La Follette to galvanize public opinion and force legislatures to take action. These narratives fit neatly into an interpretive framework that viewed the progressive movement as a revolt by middle-class citizens who felt threatened by mammoth corporations and political machines answerable to no one. The direct primary stood out as one of many reforms of the era "awakening the people to a widespread interest in participation in political affairs."[11] The direct election of U.S. senators, the secret and official ballot, voter registration laws, women's suffrage, and limitations on corporate campaign contributions all helped wrest power from the hands of venal, political manipulators.

Scholarly interest and support for the direct primary cooled in the years following its implementation. Inevitably perhaps, the new electoral device did not live up to expectations. Voter turnout in primaries often proved anemic. The costs of running for office skyrocketed, and it was hard to make the case that the voters had selected a better class of elected officials.[12] By midcentury, the direct primary's reputation suffered further as it became associated with perceived deficiencies in the American political system. In the wake of the New Deal, scholars had come to harbor a renewed respect for the Democratic and Republican organizations. "Political parties created democracy," affirmed the political scientist E. E.

[10] Alan Ware, *The American Direct Primary: Party Institutionalization and Transformation in the North* (Cambridge, U.K., 2002), p. 15. Works in this genre would include Ransom E. Noble, *New Jersey Progressivism Before Wilson* (Princeton, N.J., 1946), pp. 130–35; and George L. Mowry, *The California Progressives* (Berkeley, Calif., 1951). Buttressing this historiographical outlook on the Progressive Era was the odious reputation of Gilded Age politics made famous by such works as Matthew Josephson, *The Politicos, 1865–1896* (New York, 1938); Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (New York, 1948), pp. 211–39; and Morton Keller, *Affairs of State: Public Life in Late Nineteenth Century America* (Cambridge, Mass., 1977), pp. 238–83.

[11] Allen Fraser Lovejoy, *Robert M. La Follette and the Establishment of the Direct Primary in Wisconsin, 1890–1904* (New Haven, Conn., 1941), p. 8.

[12] Karl F. Geiser, "Defects in the Direct Primary," *Annals of the American Academy of Political and Social Science* 106 (Mar. 1923): 31–39. This issue of the *Annals* includes a number of studies on the workings of the reform in Wisconsin, Iowa, New York, Maine, Indiana, South Dakota, and California. Other monograph-length works include Ralph Simpson Boots, *The Direct Primary in New Jersey* (New York, 1917); Boyd A. Martin, *The Direct Primary in Idaho* (New York, 1947); James K. Pollock, *The Direct Primary in Michigan, 1909–1935* (Ann Arbor, Mich., 1943); Victor J. West, "Round Table on Nominating Methods: The Development of a Technique for Testing the Usefulness of a Nominating Method," *American Political Science Review* 20 (Feb. 1926): 139–43; Ware, *Direct Primary*, pp. 227–54.

Schattschneider, "modern democracy is unthinkable save in terms of the parties."[13] They connected the voters to their elected officials and held the latter accountable for their actions, thereby making government more responsive to public opinion. Yet, scholars drew sharp contrasts between the Democratic and Republican parties in the United States and their European counterparts. Whereas elections in other Western democracies were fought over issues dividing the parties, those in the United States revolved instead around the personal qualities of the candidates. The relatively weak and "irresponsible" political parties in the United States did not offer the electorate meaningful choices or seek to implement a partisan agenda once in power. The American Political Science Association's "Committee on Political Parties" issued a much-heralded report in 1950 detailing many of these deficiencies in the party system. It traced the problem back to the nation's unique political institutions and practices, most notably the direct primary. "[T]he inability of party organizations in the United States to control the party in government . . . begins with the failure to control the nominations."[14] "The direct primary has been the most potent in a complex of forces pushing toward the disintegration of the party," complained one scholar.[15] Since the APSA's report in 1950, the candidate-centered character of electoral politics in the United States has become ever more apparent.[16] Television, electioneering consultants, and campaign finance laws have all greatly exacerbated a condition many trace back to the direct primary. A call for a revival of the political

[13] Ranney, *Mischiefs of Faction*, p. 5

[14] Frank J. Sorauf, *Party Politics in America*, 2nd ed. (Boston, 1972), pp. 228–29; Committee on Political Parties of the American Political Science Association, "Toward a More Responsible Two Party System," *American Political Science Review* 44 (Sept. 1950): 15–84. Not all political scientists believed that American political parties were in need of repair. Many concurred that parties in the United States lacked a level of programmatic content equivalent to like bodies in Europe, but they believed that such flexibility was appropriate or inevitable given the nation's political institutions and culture. See Leon D. Epstein, *Political Parties in the American Mold* (Madison, Wis., 1986), pp. 30–37.

[15] David B. Truman, "Party Reform, Party Atrophy, and Constitutional Change: Some Reflections," *Political Science Quarterly* 99 (Winter 1984–85): 649.

[16] Scholarly concern about candidate domination over the electoral process and the consequent decline of political parties became paramount only in the 1970s. The spread of presidential primaries surely played a role in bringing the phenomenon to scholarly attention. See Martin P. Wattenberg, *The Rise of Candidate-Centered Politics: Presidential Elections of the 1980s* (London, 1991), pp. 156–65; Hedrick Smith, *The Power Game: How Washington Works* (New York, 1987); Alan Ware, *The Breakdown of Democratic Party Organization, 1940–1980* (Oxford, 1985), pp. 143–74; John F. Bibby, "Party Organizations, 1946–1996," in *Partisan Approaches to Postwar American Politics*, ed. Byron E. Shafer (New York, 1998), pp. 151–60.

convention (sometimes tinged with nostalgia) appeared in the scholarly literature and popular press.[17]

Whether they endorsed or deplored the direct primary, much of the past literature has understood reform as something imposed on political parties from without.[18] In more recent years, however, historians and political scientists have paid closer attention to the ways the major parties used reform to protect their own interests. V. O. Key, Jr., and others have argued that direct nominations served as a mechanism to ensure one-party rule. Parties that enjoyed majority status in a state made the direct primary the main arena of political contests, rendering all other parties and the general election almost irrelevant. Key's insight certainly seemed applicable to the Democratic monopoly on power across the Solid South as well as to Republican rule in many northern states prior to the 1930s.[19] Key's work anticipated the "new institutionalism" that characterizes much current political history, especially as practiced by political scientists. This approach to American politics argues that political parties and the politicians who run them are fully capable of using reform to their advantage.[20] The adoption of the official or secret ballot around

[17] The APSA's model nominating system retained the direct primary, though closing it off to all but persons who affiliated with the party. It proposed to precede the primary with a convention (or "party council") where party leaders could issue a collective judgment on prospective nominees and consider a platform. See Committee on Political Parties, "More Responsible Two Party System," pp. 72–73. See also Herbert McClosky, "Are Political Conventions Undemocratic?" *New York Times Magazine*, Aug. 4, 1968, p. 10; Ranney, *Mischiefs of Faction*; Nelson W. Polsby, *Consequences of Party Reform* (Oxford, 1983); Arthur Schlesinger, Jr., "Faded Glory," *New York Times Magazine*, July 12, 1992, p. 14; Tom Wicker, "Let Some Smoke In," *New York Times Magazine*, June 14, 1992, p. 34.

[18] Arthur S. Link and Richard L. McCormick, *Progressivism* (Arlington Hts., Ill, 1983), p. 32; Ranney, *Mischiefs of Faction*; Bibby, "Party Organizations," p. 152; Michael E. McGerr, *The Decline of Popular Politics: The American North, 1865–1928* (New York, 1986); Martin Shefter, *Political Parties and the State: The American Historical Experience* (Princeton, N.J., 1993), pp. 76–81; Eric Falk Petersen, "The Adoption of the Direct Primary in California," *Southern California Quarterly* 54 (Winter 1972): 363–78.

[19] V. O. Key, Jr., *Politics, Parties and Pressure Groups*, 5th ed. (New York, 1964), pp. 375–76; and see his essay "The Direct Primary and Party Structure: A Study of State Legislative Nominations," *American Political Science Review* 58 (Mar. 1954): 1–26. See also E. E. Schattschneider, *The Semi-Sovereign People* (New York, 1960). Other scholars have called into question the cause-and-effect relationship between direct nominations and electoral competition, an issue discussed more thoroughly in Chapter 4.

[20] Paul Pierson and Theda Skocpol, "Historical Institutionalism in Contemporary Political Science," in *Political Science: The State of the Discipline*, ed. Ira Katznelson and Helen V. Milner (New York, 2002), pp. 693–721. See also, in the same volume, Karen Orren and Stephen Skowronek, "The Study of American Political Development," pp. 722–54.

1890 is cited as one such episode. State regulation of the ballot became a means to inhibit maverick candidates, third parties, and independent action on the part of the electorate.[21] Most recently, the political scientist Alan Ware has challenged the conventional account that credits reformers with forcing the direct primary on urban, party machines.[22] Party regulars took up the measure to better administer an increasingly unwieldy nomination process, especially in the more densely populated cities.

The present work elaborates on Ware's argument with the insight of the new institutionalist framework. Attention focuses on the role of elective office seekers in the restructuring of the nomination process. It argues that past studies have put the cart before the horse by treating the origins of the candidate-centered campaign as an unintended consequence of direct nominations. A fundamental premise shaping the analysis that follows maintains that before one could implement or even imagine a direct primary, one first needed to have candidates. When the convention system was in its prime in the 1880s it compelled ambitious office seekers to maintain a low profile. The nominating process took hardly any official notice of candidates and deplored the very existence of "chronic office seekers." Delegates assumed responsibility for recruiting the best candidates for each office following the oft-repeated dictate that "the office should seek the man." Party leaders used these partisan conclaves to quietly negotiate a slate of nominees for an array of offices that would satisfy all the party's factional elements. Almost no one considered it feasible to expect voters to choose candidates for major offices without knowing who the "available men" were.

Of course, it was never quite so simple nor the candidates quite so passive as the partisan press would have it. Prospective nominees and their friends worked quietly behind the scenes, but found their scope of action bounded by party customs intended to promote harmony. Beginning at the local level, candidates mounted progressively more aggressive and

[21] Peter H. Argersinger, "'A Place on the Ballot': Fusion Politics and Anti-Fusion Laws," in *Structure, Process and Party: Essays in American Political History*, ed. Peter H. Argersinger (Armonk, N.Y., 1992), pp. 150–71; John F. Reynolds and Richard L. McCormick, "Outlawing 'Treachery': Split Tickets and Ballot Laws in New York and New Jersey, 1880–1914," *Journal of American History* 72 (Mar. 1986): 835–58.

[22] Ware, *Direct Primary*. Historians of the current day offer a more complex narrative outlining the origins and impact of the direct primary. See Richard L. McCormick, *From Realignment to Reform: Political Change in New York State, 1893–1910* (Ithaca, N.Y., 1981), pp. 243–47; Philip R. VanderMeer, *The Hoosier Politician: Officeholding and Political Culture in Indiana, 1896–1920* (Urbana, Ill., 1985), pp. 35–36.

disruptive campaigns to capture nominations for minor offices. Candidates for gubernatorial or congressional seats were more coy about making their ambitions known, but by 1900 even they had learned that it paid to be assertive in promoting one's availability for party honors. The appearance of "hustling candidates" contesting primaries and conventions coincides with new modes of electioneering introduced around this time; candidates and even parties toned down their strictly partisan appeals to capitalize on issues or personalities during the general election.[23]

The appearance of a more visible and active body of elective office seekers posed a special problem for the convention system. Candidates recruited scores of paid and unpaid agents, traveled extensively to meet with local notables, took a more active part in conventions, and, most importantly, worked to elect delegates committed to their candidacy. Primaries became more popular and conventions more unruly as aspirants struggled for control. It became more difficult for parties to function in their accustomed manner – as was demonstrated in Sacramento as early as 1865 and less spectacularly elsewhere in the decades that followed. Although cities often served as the settings for ugly political brawls inflicting open wounds on the parties, this was not precisely a problem of adapting the nomination process to function in a more urbanized setting. The hustling candidates who dominated and manipulated primaries and conventions posed a bigger challenge for party managers. The rapid and relatively uncontroversial adoption of the direct primary represented an effort by officeholders and party officials to adapt the electoral system to an increasingly candidate-centered political culture. Legal and institutional changes did not give rise to the nation's more candidate-centered electoral system; rather, candidate domination of the nominating process required a new set of rules encompassed by the direct primary and other reforms to follow.

Any study of American politics, particularly one focusing on its electoral machinery, must take account of the federal governing structure and the decentralized and multilayered character of its political parties. Like most progressive measures, the direct primary was an issue for state

[23] McGerr, *Decline of Popular Politics*; Philip J. Ethington, "The Metropolis and Multicultural Ethics: Direct Democracy Versus Deliberative Democracy in the Progressive Era," in *Progressivism and the New Democracy*, ed. Sidney M. Milkis and Jerome M. Mileur (Amherst, Mass., 1999), pp. 195–96; Richard Jensen, *The Winning of the Midwest: Social and Political Conflict, 1888–1896* (Chicago, 1971), pp. 165–77; Thomas R. Pegram, *Partisans and Progressives: Private Interest and Public Policy in Illinois, 1870–1922* (Urbana, Ill., 1992), p. 155.