Out in the Open:
The Emergence of *Viva Voce* Voting in House Speakership Elections

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1. Introduction

Antebellum American politics is noted for two conflicting impulses. The first was a *regional impulse*, in which conflict between competing sectional economic interests put the nation's political stability at risk. The second was a *party impulse*, in which political leaders tried to neutralize the first, by constructing common, trans-regional political institutions and practices, centered on a new form of political organization, the national political party.

These conflicting impulses were most often pitted against each other in Congress, particularly the House of Representatives. In this paper, we examine one of the most important settings for this conflict in antebellum America—election of the Speaker. In previous research (Stewart 1999, 2000; Jenkins and Nokken 2000; Jenkins and Stewart 2001), we have examined a number of episodes prior to 1861, in which protracted balloting for Speaker was the first order of business in the still-unorganized House of Representatives. In this paper, we examine the parliamentary innovation that lay beneath the speakership ballots of the 1840s and 1850s—the decision to ballot publicly for Speaker in the first place.

Until 1839 the House of Representatives elected the Speaker and all its other top officers, via secret ballot. Then, as now, election to the speakership required a majority vote of all House members present. If no one received a majority of ballots cast, balloting would continue until a majority winner

emerged. Of the 28 speakership elections prior to1839 (with the secret ballot), 8 required more than one round to elect a Speaker. Of the 12 speakership elections that occurred from 1839 to 1861 under *viva voce* (voice) voting, 6 required more than one ballot (Stewart 1999, Table 1).

As regional tensions mounted over time, these *viva voce* speakership battles became centerpieces of the ongoing struggle for control of the federal government by pro- and anti-slavery forces. The choice to use *viva voce* voting for Speaker may therefore have been the most important change to the House rules for the course of early American history—as important as the "previous question" innovation under Henry Clay. The immediate political effect was certainly great. As Leintz (1978, p. 76) put it:

> Constituents would now know whom their representative had supported, and congressmen would have to stop and think before backing a party candidate whose opinions were objectionable to the home folk. Party leaders would know exactly who had deserted. Congressmen pledged to back a candidate could no longer secretly break that pledge.

In doing our previous research, we have only obliquely confronted the question of *why* the House moved to public elections of the Speaker. Few political scientists and historians have even noted this important rules change, and as far as we know, no one has addressed *why* the change was made, and what the immediate consequences were.

Answering these questions is the goal of this paper. The preliminary answers we come to are these:

(1) The decision to institute *viva voce* election of the Speaker was an inadvertent consequence of party-building activities of the 1830s, in which the election of other officers, most notably the Printer, were as consequential as the Speaker. To the House

members acting *at the time*, the issue was not the speakership *per se*, but who would get the nation's largest printing contract, and therefore which party press organs would be publicly subsidized.

(2) The effect of instituting *viva voce* election of House officers made it more difficult to buck the parties' official candidates, in the short term. Although *viva voce* voting helped to cement party ties in the short term, in the long term it helped undermine these ties, by spotlighting non-partisan—i.e., regional—considerations in the choice of House leaders.

To reach these conclusions, this paper is divided into two major sections. We begin by filling in some background. In the following section (Section 2), we review the authority over the House (and perhaps over the rest of national politics) that House officers held during this time; we also set the political stage, by outlining the efforts by national political leaders to build a new type of political party in the 1830s. In Section 3 we examine efforts in the 1830s to change the election rules affecting House officers generally, focusing on four important moments: a failed attempt to institute *viva voce* voting in the 23rd Congress (1833–35); two attempts to change the rule in the 25th Congress (1837–39), the second one successful; and the last gasp of *viva voce* opposition in the 26th and 27th Congresses (1839–43). In this section we provide direct and indirect evidence that preferences for *viva voce* voting were tied to efforts to undergird, first, a national Democratic party, and then a (reluctantly) national Whig party. In Section 4 we conclude by offering some preliminary thoughts about the short- and long-term consequences of this new way of electing Speakers.

2. Historical and Political Background

A lasting effect of the War of 1812 was the destruction of the first major policy cleavage that animated national politics by polarizing Federalists and Republicans. In the aftermath of the War, American national politics devolved into a shifting landscape of issues and personalities that has received the ironic title of the "Era of Good Feeling." However, this period also witnessed the first significant injection of slavery into national politics, which raised the specter of southern secession for the first time.

With the dangers of regional polarization palpable, prominent political heirs of Thomas Jefferson worked to create a political party that knit together North and South by suppressing the slavery issue and emphasizing patronage and a list of less regionally-charged issues. Andrew Jackson democratized national politics through his presidential campaigns—especially the 1828 campaign—but his co-partisan Martin Van Buren is widely credited with being the organizational genius who conceived of a national political party built around political ambition, patronage, and weak allegiances to policy goals (Aldrich 1995). By the time Van Buren himself was elected president in 1836, the Democratic party had been developed into a sophisticated electoral machine, dedicated to the electoral success of its members at the expense of policy purity. Van Buren and his disciples had also succeeded in created an ethos among party followers at all levels such that political loyalty was transferred from individuals to the party organization (Silbey 1991).

This transformation was so great that the loosely-organized opposition to the Jacksonian juggernaut rapidly abandoned their allegiances to their particular brands of political belief (National Republican, Anti-Mason, etc.), to coalesce as a single political party—the Whigs—that also borrowed

the Democratic ethos of party-over-individual in political warfare, along with Democratic organizational strategies within the electorate.

To be clear, the Democratic and Whig parties that emerged in the 1830s each consisted of a core of political beliefs and goals that most adherents subscribed to. The Democratic party had grown up around the Jacksonian distaste for centralized economic power represented by the Bank of the United States; the Whigs had sprung up in support of a more activist commercial role for the federal government. Still, both parties were big tents, willing to endure internal strife so long as the organization could deliver the votes.

Which brings us to the organization of party machines. First the Democrats, then the Whigs, created institutions dedicated to coordinating electoral strategies in order to win as many votes as possible for the party up and down the ticket (Silbey 1991). This organization went far beyond convincing party members to swallow hard and support the party candidate at all costs—it also tapped public officials, elected and appointed, to fill campaign coffers. Money was shifted in national elections where the races were competitive and the money could do the most good. The parties also created campaign literature to instruct candidates on the party line and to educate followers on the sterling qualities of the parties' nominees and the nefarious character of the opposition.

Out of this activity came a predictable structure to national politics that had been missing for a couple of decades. One illustration of this is simply the well-known Poole-Rosenthal figures (Figure 1) for the 17th Congress (1821–23) to the 27th Congress (1841–43). Throughout the 1820s and 1830s, the grand structure of national politics moved from multidimensional spatial chaos to a remarkably sturdy unidimensional, partisan structuring of politics (Poole and Rosenthal 1997).

Anti-Jacksonians were slow to respond to the new political world inaugurated by the Democrats, and throughout the 1830s the opposition (first the National Republicans and then the Whigs) played catch-up. But as their opponents developed organizational capacity to do battle with the Democrats, the congressional electorate was expanded even as elections themselves became more competitive. This is illustrated in Table 1, which reports the nationwide vote summary in the congressional elections of the 1830s. Three things bear noting in this table. First, the number of people voting in congressional elections grew by over 60% between the elections of 1830–31 (22nd Congress) and the elections of 1838–39 (26th Congress).[1] Second, the number of party labels under which candidates ran was reduced substantially during this time. At the beginning of the decade, one congressional vote in six was cast for a candidate other than one of *three* major parties. By the end of the decade, only one congressional vote in two hundred was cast for a candidate other than one of the *two* major parties. Third, the electoral race tightened. When the decade began the Jacksonians enjoyed a ten percentage point advantage over the number-two party, the National Republicans. As the decade ended, the Democrats and Whigs were neck-and-neck nationally.

The tightening of congressional races and the trend toward two-candidate races is illustrated in Figure 2, which shows the distribution of the vote share of all candidates who ran for Congress in the 1830s. For any given Congress, the heaping around 50% represents the major, competitive candidates in most districts. Over these five Congresses, the share of the candidates well to the left of 50% almost totally vanishes. This represents the disappearance of third-, fourth- and non-party candidates, as races were increasingly becoming affairs simpy matching one Democrat against one Republican.

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1. Recall that there was no national Election Day for Congress during this period. We say more about this below.

Of course, this tightening of electoral fortunes was not solely due to the natural growth of the Whig electoral machinery to match that of the Democrats. Whig electoral fortunes were helped mightily at the end of the decade by the Panic of 1837, which precipitated what is arguably the longest-lived economic contraction in American history. The Panic of 1837 has been attributed to a host of financial actions taken in the closing months of the second Jackson administration. Most prominent of these was the so-called Specie Circular, which announced that the federal government would only accept gold or silver in payment of its obligations. This had the effect of causing the market for federal lands to collapse, bringing with it a host of over-extended state banks, and eventually money center financial houses.

Although the Specie Circular was issued mid-1836, its disastrous consequences did not come to full flower until the spring of 1837—after Van Buren had been inaugurated to succeed Jackson. With the New Orleans cotton market collapsing, mobs taking to the street in New York to raid warehouses, and eastern banks suspending the payment of specie, the electorate was naturally primed to punish the party responsible for the Panic, the Democrats.

To understand the extent of this electoral punishment, it is necessary first to take a small excursion into the electoral calendar of the nineteenth century. Until well after the Civil War, there was no single national congressional Election Day. The congressional election season stretched more than a full calendar year. The first House elections were typically held in August of even-numbered years; elections did not end until the fall of the following odd-numbered year. Furthermore, most of the New England states had a strict majority requirement for election to Congress; the failure of a candidate to sustain a majority in a race would result in another election a couple of months later—and so-on until a

candidate had received a majority. This had the effect of sometimes stretching the tail end of the congressional election season well past the convening of Congress itself.[2]

The interaction of the long electoral season with the congressional sessions is illustrated in Figure 3, which graphs the total number of congressional votes cast each month of 1836 and 1837 for the 25th Congress, which convened in special session called by Van Buren on September 4, 1837. The time series in the graph indicates the number of votes cast each month in a congressional election to elect members to the 25th House.[3] The very first votes were cast in elections held in Louisiana July 4–6, 1836. The very last votes were cast in Arkansas on October 2, 1837, after the 25th Congress had convened. Within this fifteen-month election window, there were two major electoral seasons, when the bulk of members were elected. The first was the fall season of 1836, during the inter-session recess of the 24th Congress, in which more than 800,000 votes were cast in the months of October and November.[4] The second was the summer season of 1837, immediately before the convening of the 25th Congress, in which 350,000 votes were cast in August.[5] (The small blip right after the adjournment of the 24th Congress is due to New Hampshire conducting its congressional elections in March 1837 and Virginia conducting its elections in April.)

Completing the graph, we have indicated both the constitutional extent of the 24th and 25th Congresses (March 3 of odd-numbered years) and the dates on which the House was actually in

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2. The record for congressional run-offs involved the 3rd district of Massachusetts in the election for the 22nd Congress. This election took 13 rounds and more than two years to resolve (Dubin 1998).

3. All election data for this paper were taken from Dubin (1998).

4. Georgia, Ohio, and Pennsylvania held their elections in October. Delaware, Massachusetts, New Jersey, and New York held their elections in November.

5. Alabama, Indiana, Kentucky, Michigan, North Carolina, Rhode Island, and Tennessee held their elections in August.

session. The 24th Congress held two sessions (December 7, 1835–July 4, 1836 and December 5,1836–March 3, 1837); the 25th Congress held three (September 4, 1837–October 16, 1837, December 4, 1837–July 9, 1838, and December 3, 1838–March 3, 1839).

This interleaving of congressional sessions and congressional election periods was typical of the antebellum period. The bulk of elections was usually held in the middle of the preceding Congress, which gave rise to the "lame duck session" following the fall elections of the even-numbered year. Still, some states preferred to elect their members right before Congress actually convened. Finally, the New England requirement for majority election often led to elections being held while Congress was in session.[6]

Returning now to the congressional elections for the 25th Congress, the Specie Circular had been issued by President Jackson in the summer of 1836. Although controversial, in the short term it was difficult to distinguish cries of economic distress due to the Circular from normal partisan sniping. That the Specie Circular did not present inordinate political problems was confirmed in the congressional elections held in the second half of 1836, which showed the Democrats ahead of where they had been in the second half of 1834.[7] But as the monetary effects of the Circular worked their way through the financial system in early 1837, political troubles mounted fast.

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6. The elections for the 25th Congress were different in one subtle way. The House traditionally convened the first Monday of December of odd-numbered years, in the "long session" of Congress. Therefore, Maryland usually waited until October of the odd-numbered year to elect its House members. However, Martin Van Buren called Congress into special session in August of 1837, requiring Maryland to hold its House elections early, in July.

7. Democratic candidates received 51.7% of the vote in second-half 1836 elections, compared to 49.3% in 1834.

Democrats took a beating in the summer 1837 congressional elections. Compared to 1835, when the Democrats held their own against the Whigs with 46.5% of the vote, they only received 40.5% of the summer 1837 vote. The end result was devastating for continuity among the Democrats, who had supposedly created a political machine dedicated to the electoral longevity of its members.

The summer drubbing also significantly diminished the margin for the Democrats in the 25th Congress—a margin that had already been dropping through the 1830s, but now had slipped to parity with the Whigs. The Jacksonians had started the decade with a 39-seat margin over their opponents in the 22nd Congress (Martis 1989, p. 91). When the 25th Congress convened, the margin was only 14 seats. Divisions over hard- and soft-money Democrats were such that it was not until James K. Polk was actually reelected Speaker (by a 13 vote margin) that the Democrats were assured of even nominal control over the chamber.

The role and power of House officers

Although most of the formal positions in the House are identical to modern offices, the details of House organization were such that the actual power and role of those officers was quite different. Then, as now, the top House officer was the Speaker. Well before the 1830s, the practice had emerged of the majority party presumptively taking the speakership. However, nomination by the caucus had not become institutionalized. Dissident caucus members could avoid being bound to support the caucus-nominated Speaker candidate in any case—directly, by missing the caucus meeting (a caucus member could not be bound by a meeting at which he was not in attendance), or indirectly, by simply refusing to vote for the caucus nominee (balloting for the Speaker was *secret*, after all).

While he was Speaker in the 1810s and 1820s, Henry Clay had used the recognition authority of the Speaker, along with a lightning-fast gavel, to partisan political effect (Stewart 1998). Combined with the "previous question" motion, which Clay also championed, the Speaker was *the* dominant player on the House floor by the 1830s. In addition, the Speaker had the right to appoint committees. Because of free-wheeling floor procedures (the practice of *special orders* governing the amendment of bills had not been developed by this time), committee stacking by the Speaker was most effective in applying agenda control to floor procedures. Thus, the Speaker had parliamentary advantages in keeping unwanted bills off the House floor and tactical advantages when any legislation was considered, but these advantages were not absolute, and even Clay himself (as Speaker and then in the rank-and-file) could get rolled if his policy majority was not large and solid.

Thus, although the Speaker was the most dominant House member of the time, he was not a dictator—regardless of the charges made by the partisan press (See Jenkins and Stewart 2000). Even the "strongest" of Speakers were significantly weaker than their late-nineteenth century counterparts; they were probably even weaker than the supposedly weak Speakers of the mid-twentieth century.

Below the Speaker in the formal House hierarchy were several officers, including the Clerk, the Sergeant at Arms, and the Printer. As the Jacksonian patronage system was perfected, these subordinate offices were more important than the speakership for party-building, since they directly and independently dispersed funds and controlled the details of patronage. Most relevant to this paper was the position of the Printer.[8]

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8. Our background understanding of early governmental printing, reflected in this section, is taken largely from Schmeckebier (1925), Mott (1941), White (1954), and Smith (1976).

The House Printer was responsible for printing and distributing House documents, including not only the *Journals* and other official publications (like committee reports), but also politically important texts, such as member speeches and executive messages. The contracts to print for both chambers were more valuable than most executive branch printing contracts (except for the Post Office) and were also more politically freighted. These contracts were all for the official publications of government. Reporting the debates of Congress was another matter, handled entirely privately until the *Congressional Record* was established in the 1870s.[9]

Even prior to the rise of Jackson, Representatives, senators, and their political hangers-on had grasped the political significant of the Printer's position. The printing contract itself was one of the largest business deals transacted between the federal government and a single contractor. In an era devoid of mass communication and few diversions, word from Washington about the people's business was eagerly awaited, distributed hand-to-hand, and discussed among neighbors just like episodes of *Survivor* or *Temptation Island* are today. The accuracy and attractiveness of congressional publications were important factors, as was the relative speed with which they could be distributed to the hinterland. As important as all of that, however, was the fact that official printing contracts provided a secure financial base for publishers whose primary business was producing partisan communications.

The Jacksonian democratization of electoral politics also brought with it an elevation of the politically-connected printer and the explosion of the party organ as a mode of informing and rallying

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9. Providing for the *verbatim* reporting of debates was separate, but related to, official printing. Several of the characters who emerge below as official Printers of Congress were involved at some time in private efforts to report the verbatim deliberations of Congress, which were then distributed among paid subscribers. These were Joseph Gales, Jr. and William Winston Seaton, who published the *Annals of Congress* (1789–1824) and the *Register of Debates* (1824–37) and Francis Preston Blair and John C. Rives, who published the *Congressional Globe* (1833–73).

the troops. When prominent state politicians were elected to a federal position, they often brought the local press to Washington, in an effort to better integrate state and local politics. It is not surprising, for instance, that three of the five members of Andrew Jacksons's "kitchen cabinet" were newspaper publishers.[10]

Table 2 reports the identity of the Printers of the House and Senate from 1819 to 1847, along with amounts paid to these printers under the congressional contracts. A series of congressional investigations over time, along with scholarly research, has suggested that over half the amounts paid were pure profit, available for political purposes (Smith 1976).

Turnover in the printership described in Table 2 provides a foretaste of the politics we will examine in the following section. Here, we comment on two general features of this turnover pattern.

First, throughout this period, both the House and the Senate went through several phases in how they chose the Printer. From 1800 to 1819, printers were chosen by the House Clerk and the Secretary of the Senate on a purely lowest-bid basis. A combination of factors—dissatisfaction with the quality of the printing under this system and a desire to benefit more politically-connected printers—led the House and Senate to pass a joint resolution in 1819, establishing a new system. Under this system, the House and Senate would set fixed amounts for printing, and then each chamber would separately elect a Printer by (secret) ballot. After the period covered by this paper, Congress

10. Amos Kendall (*Argus of Western America* [Kentucky]), Isaac Hill [*New Hampshire Patriot*], William B. Lewis, Andrew J. Donelson, and Duff Green [*St. Louis Enquirer; United States Telegraph*].

continued electing Printers in various ways[11] until the Government Printing Office was established in 1860, at which time all congressional printing became the business of the federal government itself.

Second, as Jacksonians began flooding Washington in the late 1820s, the choice of Printer became much more explicitly political. The churning of Printers reported in Table 2 is a reflection of this new reality. In general, the Printers chosen reflected the political sentiments of the majority party. However, political intrigue easily entered the picture, resulting in some Printers being elected through a combination of support for the minority party and dissident majority party members. The intrigue came from two directions. First, dissident Democratic factions were sometimes willing to ally with Jackson's opponents in selecting the Printer. (The dissidents could be either Calhounite nullifiers or pro-Bank Democrats.) Second, intrigue *within the two major parties* resulted in a flurry of behind-the-scenes activity, as prominent political operatives created new publishing ventures in an effort to win the congressional contract.

The timing of the choice of Printer is an important detail in what follows. When the federal government retired to Washington in 1800, Congress found itself in a village with little publishing capacity. In respond to this situation, it passed a law that allowed the *expiring* Congress to provide for the printing needs of the *next* Congress. Under this arrangement, the House Clerk and the Secretary of the Senate were allowed to advertise for bids for the printing needs of the following Congress, nine months in advance of the new Congress convening. Thus, a Printer (or Printers) could be given

11. A minor exception to this generalization was an experiment with awarding the bidding contract to the lowest bidder, from 1846 to 1852.

sufficient time to assemble the needed equipment and personnel before Congress returned for its next legislative session.

The reasoning behind this administrative quirk eventually disappeared—Washington became a publishing center—but the timing of the choice of congressional Printers did not change. The resolution of 1819 that provided for the election of Printers by the two chambers required the Printer to be elected by the *prior* Congress, during the lame duck session.

Needless to say, this provision of the law became quite controversial as the political importance of congressional Printers increased and the Jacksonian/Democratic grip on Congress loosened. In some cases, opponents of this arrangement could just force the issue by drawing out the end-of-Congress balloting, forcing the election into the following Congress. (See the following section for examples.) Some members of Congress took the more direct route, however, agitating for a change in the rule about when the Printer would be elected. Such agitation in the House becomes the focus of most of the analysis in the following section.

3. The *Viva Voce* Question

The question of how House officers would be elected arose in four Congresses in the 1830s and 1840s. As we demonstrate in this section, although in the end this contention would result in a most significant change in how the Speaker of the House was elected, the issue itself was raised almost exclusively by focusing on the mode of electing the Printer. Therefore, the narrative and the statistical analysis that follows focus heavily on the politics of congressional printing.

In this section we focus on four Congresses when the issue of how to elect House officers was contested on the House floor: the 23rd Congress (1835), the 25th Congress (1839), the 26th Congress (1839), and the 27th Congress (1841). To help in keeping the partisan sentiments of Printers straight, we have included a scorecard in Table 3.

3.1 23rd Congress: Francis Blair calls foul

Along with the Jacksonian tidal wave that washed over Washington in the late 1820s came the beginning of an explicit tie between deeply political publishing and congressional printing. Duff Green, one of Jackson's closest confidants and publisher of the *United States Telegraph*, had been installed as Senate Printer in the 20th Congress (1827–29, elected at the end of the 19th Congress), adding the House contract in the 21st Congress (1829–31, elected at the end of the 20th Congress). Green had no problem gaining reelection as Printer in both chambers at the end of the 21st Congress (for service in the 22nd, 1831–33). However, soon after his reelection, Green was involved in the publication of a series of letters that marked the public break between Calhoun and Jackson—an episode that also revealed Green to have shifted loyalties away from Jackson, toward Calhoun.

In turn, this break had led loyalists to Jackson and his new vice president, Martin Van Buren, to form a new publishing venture, led by Francis Blair, named the *Globe*. As the 22nd Congress drew to a close, attention within official Washington turned to the choice of Printers for the next Congress. Friends of the administration were naturally eager to depose Green from his position as congressional printer, in favor of the new official party publisher. In the end, balloting for House Printer came down

to a race between the three major publishers in town: Green (pro-Calhoun); Blair (pro-Jackson); and Joseph Gales, Jr. and William Winston Seaton (pro-Whig), publishers of the *National Intelligencer*.

On the first day of balloting (February 14, 1833), ten ballots were inconclusive. (See Table 4.) The last ballot of the day found Blair eight votes short of a majority, although on one ballot (the 8th), he had received precisely half the ballots, and thus was denied election by a single vote. Overnight, nullification supporters of Green and Anti-Masons (who had started voting for Thurlow Weed and then split their vote) agreed to shift support to Gales and Seaton, apparently in return for a promise that administration opponents and Anti-Mason would support Green for Senate Printer when the vote was held in that body the following week. Thus, Gales and Seaton started the second day of balloting with the lead for the first time, eventually garnering the necessary majority on the fourth ballot of the day.

The Jackson administration was politically devastated, knowing they would start the second term with congressional Printers hostile to administration plans, even though both chambers were nominally made up of administration supporters. Blair himself was financially devastated, having been induced to start a publishing enterprise, now without the assumed congressional subsidy to support it.[12] Blair canvassed his political allies in the 22nd House, inquiring how they had voted. He eventually concluded that he had been rightfully elected Printer, by a majority of at least one. Blair was inclined to press his case at the start of the 23rd House, but his supporters were eventually unwilling to back him up when the House next convened.

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12. Blair and Rives began the *Congressional Globe*, a (roughly) verbatim report of the debates of Congress at the start of the 23rd Congress, in part to financially support the enterprise until an official congressional contract could be secured.

Blair's supporters would press the case indirectly, however. As the 23rd House was drawing to a close, attention began to be drawn to the choice of a Printer for the 24th House. On December 24, 1834, Rep. John Reynolds (Jacksonian, Ill.) moved that, "hereafter, in all elections made by the House of Representatives for officers, the votes shall be given *viva voce*, each member, in his place, naming aloud the person for whom he votes" (House *Journal*, 23-2, p. 129). Reynolds first moved on January 14, 1835 that the House Rules be suspended for the consideration of his resolution. Although Reynolds received a majority on the roll call vote that followed (93–87), it was less than the two-thirds required to suspend the rules. However, the resolution was taken up by the House on Saturday, January 24, 1835, with debate carrying over to the following Monday. In the end the matter was dropped, as opponents of the measure used delaying tactics to push the House into considering other business. Before the House went on to other business, it defeated a motion made by Davie Crockett (Anti-Jackson, Tenn.) to table the resolution, on a 102–113 vote. Analysis of these two roll call votes helps to illustrate the partisan and factional divisions that lay behind selection of House officers in general, and the Printer in particular.

Tables 5 and 6 provide the basis of the analysis of these votes. Table 5 simply shows the cross tabulation of party membership and voting to consider the Reynolds resolution and later to table it. Note that particularly on the motion to table, the vote was largely along party lines, with the three non-Jacksonian "parties" strongly in favor of tabling and the Jacksonians against tabling. Still, there was a split in the ranks among the Jacksonians.

What explains this rift? In Table 6 we have analyzed Jacksonian voting on these two votes, as a function of the two D-NOMINATE dimensions.[13] The voting patterns among the Jacksonians are entirely consistent with the standard story that has been associated with this episode. Among nominal Jacksonians it is likely that the most susceptible to entreaties from the opposition were those in sympathy with one of two opposite policy impulses—a slightly more pro-business feeling (toward the right of the space) or a sentiment more favorable to Calhoun's nullification theories (toward the top of the space).

Overall, the non-Jacksonian "parties" and the Jacksonian factions behaved toward the Reynolds resolution in a way consistent with their own bargaining positions. The interests of Jackson loyalists were transparent: install the party's official printer as the House Printer. To that end, they favored a public vote for all House officers, so that potential defectors could be more easily compelled to toe the party line. The Nullifiers, Anti-Masons, and wavering (nominal) Jacksonians were the most likely to be involved in partisan intrigue to deny Jackson loyalists their plans. They overwhelmingly supported keeping balloting for House officers secret, undoubtedly to facilitate such intrigue.[14]

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13. In the 23rd House the first dimension strongly distinguished Jacksonians on the "left", with Anti-Jacksonians and Anti-Masons on the "right" and Nullifiers in the center. The second dimension placed the Nullifiers on one end of the dimension ("Up"), the Anti-Masons at the other ("Down"), and the larger Jacksonians and Anti-Jacksonians in the middle. Thus, dimension 1 can be thought of as a nascent partisan dimension splitting members along economic preferences; dimension 2 can be thought of as defining dedication to states rights and the Union.

14. The position of (nominal) Jackson loyalists and disloyalists is perhaps made even clearer if we divide Jacksonians into four equal sets, based on whether they were above or below the median of the two dimensional D-NOMINATE scores for the party. Almost all of the defectors from the Reynolds resolution among the Jacksonians were those to the "northeast" of the typical Jacksonian, which is the location of most Nullifiers, and thus the members most interested in continuing the patronage of the pro-Calhoun Duff Green as Printer.

3.2. 25th Congress: First attempt

Because of the extended debate over *viva voce* voting at the end of the 23rd House, the business of electing a Printer for the 24th House (1835–37) was not completed before the close of the final session. Thus, for the first time in nearly two decades, an incoming House would have the opportunity to select its own Printer. This was especially important, as the Jacksonians had scored a convincing victory in the elections to the 24th House. As a result, James K. Polk was elected Speaker, and Blair and Rives were chosen as House Printer, both by large margins on the first ballot (*Congressional Globe*, 24-1, p. 3).[15] Thus, Blair had his redemption, but he would not enjoy it for long. The summer-fall congressional elections of 1837 were devastating for the Jacksonians, and the anti-Jacksonian forces in the 24th House were able to prevent the chamber from electing a new Printer for the succeeding House. It was therefore apparent to all that Blair and Rives would have a difficult time being reelected when the 25th House (1837–39) convened.

The Jacksonians' fears were realized when, on the first day of the 25th House, Polk was reelected as Speaker by a slim three-vote margin on the first ballot.[16] On the following day, September 5, 1837, after receiving the President's message, the House turned to the election of the Printer. When the balloting commenced, three leading candidates emerged: Blair and Rives, Gales and Seaton, and Thomas Allen, a 24-year old lawyer from New York City and publisher of the *Madisonian*.

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15. While the 23rd House ran out of time to elect a Printer for the succeeding House, the Senate was a different story. The 23rd Senate made the election of a Printer for the 24th Senate a priority, and eventually elected Gales and Seaton after 17 ballots.

16. Polk's margin in the 24th House Speakership race was 19 votes.

Allen was the new kid on the block. He was an avowed Democrat, albeit a "soft-money" Democrat and a proponent of centralized banking, and his *Madisonian* had emerged to compete with the *Globe* for Democratic support. Allen was often seen in the company of Senators Nathaniel P. Talmadge (N.Y.) and William C. Rives (Va.), two members of Jackson's "conservative" Democratic opposition, and rumors abounded as to their role in the *Madisonian*'s funding. Nevertheless, Allen claimed allegiance to Jacksonian tenets, *except* on the issues of banking and finance.

Not surprisingly, the election of a Printer did not go smoothly. Five ballots were taken, with Blair and Rives running neck-and-neck with Gales and Seaton, each duo falling about 10 to 15 votes short of victory. (A breakdown of the balloting appears in Table 7.) Allen ran a distant third, but garnered enough support to prevent either of the other two candidates from winning. Late in the afternoon, it was clear to all that a majority decision would not be forthcoming, and adjournment was moved and agreed to, 118-112.

The following day, September 6, would be even more contentious. The day opened with several proposals: one to suspend balloting until the third week in September, one to award printing contracts to the lowest bidder, and one to split printing duties between the *National Intelligencer* (Gales and Seaton) and the *Madisonian* (Allen) until the Printer election was resolved. Each issue produced an inspired debate; finally, all of the propositions were laid on the table (with no recorded roll-call vote), and the House resumed the balloting for Printer. Three additional ballots were taken, without producing a majority winner. A pattern was developing, however, as Gales and Seaton's vote total gradually declined, in favor of Allen.

Preparations for a ninth ballot had begun when proceedings digressed once again. Initially, the digression seemed harmless enough, as adjournment was moved unsuccessfully, and a proposal to install Blair and Rives as Printer until a victor emerged was offered and failed. Then, Rep. Ratliff Boon (Dem., Ind.) shook up the chamber by offering a resolution that "the vote of the members" in the election of a Printer "shall be given *viva voce*" *(Congressional Globe*, 25-1, p. 13). Rep. John Patton (Dem., Va.) then declared that the principle of *viva voce* voting should be extended to the elections of *all* House officers, and indicated that he was preparing an amendment to Boon's resolution to that effect.[17] Before Patton could follow through, however, Rep. Horace Everett (Whig, Vt.) moved quickly to table Boon's resolution, and the yeas and nays were ordered. Everett's tabling resolution failed, by a count of 91-131, with the vote breaking down largely along party lines. As was the case in the 23rd House, the Jacksonians opposed tabling 7-114, while the Anti-Jacksonians supported tabling 84-17 (Whigs 74-16, Anti-Masons 6-1, and Nullifiers 4-0, respectively).

Patton then moved forward with his amendment, which elicited a vigorous debate. Patton and Rep. James Bouldin (Dem., Va.) argued for *viva voce* voting in *all* cases, in response to "the right of constituents to know all the public acts of their representative" (*National Intelligencer*, Sept. 7, 1837). Rep. George Briggs (Whig, Mass.) considered the resolution "entirely unnecessary, and expressed his unfeigned astonishment at the introduction of such a measure, after [the House] had been going on with the [secret] ballot for two days." And, in response to the arguments of Patton and Boulding, Briggs stated that if "constituents could not trust [members] to act in a case like this, the days of the republic

17. Patton made a similar effort in the 24th House, moving that the Speaker be elected *viva voce*. After some debate, Patton's motion was laid on the table without a roll-call vote (*Congressional Globe*, 24-1, pp. 2-3).

were indeed numbered" (*Congressional Globe*, 25-1, p. 13). Rep. William Dawson (Whig, Ga.) reiterated Briggs's sentiments and believed that the amendment's only purpose was to "harness gentlemen who were a little chafed, and seemed unwilling to draw in the old yoke" (*National Intelligencer*, Sept. 7, 1837). Finally, after a lengthy debate by an assortment of members, the House moved to postpone consideration of the resolution until the following day.

On September 7, the action started again. Boon resubmitted his resolution, now with Patton's amendment attached to it. However, the momentum from the previous day had eroded. Jacksonian congressional leaders had convened the prior evening and decided to postpone consideration of *viva voce* voting for the time being. Thus, Rep. John Clark (Dem., N.Y.) took to the floor and announced that while he supported *viva voce* voting and felt "no desire to disguise [his vote choices] from the House, or from his constituents," he "thought it better to take some other opportunity to consider it" (*Congressional Globe*, 25-1, p. 15). Clarke then moved to lay the resolution and amendment on the table, to which the House, refusing the yeas and nays, agreed.

Voting for Printer commenced once again, and while the ninth ballot did not prove to be conclusive, Gales and Seaton continued to lose ground to Allen. The next two ballots saw this trend continuing, until, on the fourth ballot of the day (and the twelfth overall), Allen was elected Printer with a bare majority.

Why did Allen emerge victorious? Simply put, for pragmatic reasons. It had become clear to the Whigs after the first day of balloting that the "conservative" supporters of Allen, while opposed to Blair and Rives, would not switch their allegiance to Gales and Seaton. That is, despite their break with Jackson, the Conservatives could not bring themselves to vote for a Whig candidate. Thus, the Whigs

determined that Gales and Seaton could not be elected and switched their votes (slowly, over the course of several ballots) to Allen, their second-best candidate. While Allen still espoused general Democratic tenets, he and his conservative backers *did* support Whiggish banking and finance policies.

Interestingly, Allen, while securing the lucrative House printing contract, did not have the printing equipment necessary to fulfill the duties of the position. The *Madisonian* had begun operations only three weeks prior to the opening of the special session of Congress, and was at the time only published semi-weekly. As a result, Allen entered into an agreement with Gales and Seaton to use the *National Intelligencer*'s printing press, until that time as he could acquire the requisite machinery to perform the job himself (*National Intelligencer*, Sept. 8, 1837). Smith (1977, pp. 157-58) posits that "presumably this plan was considered and agreed upon before the final ballot in the House and could have given the Whigs an incentive to vote for Allen."

The question, however, remains: Why did Jacksonian leaders forestall the *viva voce* voting movement and allow the public printing to fall into Allen's hands? It was, after all, abundantly clear at the time that *viva voce* voting was being debated that the Whigs had begun to shift their support to the *Madisonian*.

As it happens, the dynamics of the Printer debate were part of a much larger Jacksonian intrigue.[18] Since the Panic of 1837, the administration Democrats had been working to resolve the schism in their ranks over banking and financial issues. At the time the House was dealing with its Printer election, the Senate was debating a new subtreasury bill. During the course of the debate, Sen. John Calhoun (Dem, S.C.) had offered an amendment to the bill, which would have tilted it

18. See *Calhoun Papers* (vol. XIII, pp. 544-73) and Niven (1988, pp. 230-31) for a description of this intrigue.

considerably toward the hard-monied interests of the Democratic party. Van Buren felt that accepting the amendment was the best course of action, as it would have appeased Jackson and a majority of his coalition, but knew that concessions would have to be made to the soft-monied Conservatives in the House, lest the amended bill fail.

Thus, he instructed his House deputies to sacrifice Blair and Rives and allow the Printer election to proceed, knowing that the Whigs were shifting their support to Allen and the *Madisonian*. Van Buren hoped that the "gift" of the public printing, along with pressure applied by Speaker Polk and Churchill Cambreleng, Chairman of Ways and Means, would line up enough Conservative support to pass Calhoun's bill. Presumably, rank-and-file members like Boon, Patton, and Bouldin were not privy to Van Buren's plotting when they pushed for *viva voce* voting on September 6 and threatened the intrigue that was developing. By September 7, however, they were made *very* clear about the behind-the-scenes details, and put up no resistance as the Jacksonian majority allowed the *viva voce* voting resolution to be tabled quickly and quietly.[19]

3.3. 25th Congress: Second attempt

The *viva voce* voting matter was not taken up again until the start of the third session of the 25th Congress. The summer-fall congressional elections of 1838, which had taken place between the second and third sessions, were not kind to the Democrats, as their share of seats in the subsequent Congress was reduced by four (Martis 1989, pp. 94-95; Dubin 1998, pp. 120-22). Given their

19. In the end, Van Buren's intrigue failed, as Conservatives would not accept Calhoun's amendment, and the subtreasury bill was defeated by thirteen votes.

already tenuous majority status, administration leaders were now poised to revisit *viva voce* voting and squelch the Conservative movement within their ranks.

Their first attempt would be a modest one. On the opening day of the session—December 3, 1838—the Speaker announced that he had been notified of the death of the House Clerk, Colonel Walter S. Franklin. In keeping with precedent, John Milligan (Whig, Del.) moved a resolution to proceed directly to the election of a new Clerk. Breaking precedent, Rep. George Dromgoole (Dem., Va.) then moved an amendment, to provide that the election be *viva voce*. After some initial confusion as to whether Dromgoole's motion was in order, the House proceeded to vote on the amendment (with Dromgoole calling for the yeas and nays). The *viva voce* amendment passed 119-91, with Democrats voting 98-5 in favor, while Democratic opponents voted largely against (Whigs 18-77, Anti-Masons 0-6, Nullifiers 3-1, and Independents 0-1, respectively).

The House then proceeded to the election of a Clerk *viva voce*. A number of Democratic candidates were put forth, many of whom because of state or regional affiliations, but the major party candidates were Hugh Garland of Virginia, nominated by Dromgoole, and M. St. Clair Clarke of the District of Columbia, nominated by Rep. Thomas Corwin (Whig, Ohio). A first ballot was then taken without producing a majority winner, as the vote was split nine ways, leaving St. Clair Clarke, the top vote-getter, 51 votes short of election. A second ballot was also inconclusive, as seven candidates split the vote; however, St. Clair Clarke was gaining momentum and fell just 17 votes short of election. Prior to the third ballot, the administration leaders turned the screws, and the names of five candidates for Clerk, who had garnered substantial regional support from Democratic factions, were withdrawn by the members who had nominated them. Thus, only two candidates — Garland and St. Claire Clark —

remained, and on the third ballot, Garland, the administration's candidate, won election by a bare majority (*Congressional Globe*, 25-3, p. 2).

Fresh from victory and feeling their oats, the administration Democrats set their sights higher. On December 6, Dromgoole rose once again and submitted an amendment to the House rules, which stated that "in all cases of election by the House the vote shall be taken *viva voce*" (*Congressional Globe*, 25-3, p. 17). Thus, Dromgoole was in effect revisiting the Reynolds amendment from the 23rd House. Pursuant to House rules, the amendment was required to lie over one day for consideration. On December 10, Dromgoole's amendment was considered, and a heated debate arose. Henry Wise (Whig, Va.) took the floor and declared that he "considered this resolution a direct attack upon the independence of the House and the freedom of its elections, as it would have the effect of applying the screws to doubtful members, so that they might sometimes be made to vote for party against their own convictions or predilections" *(Niles' National Register*, Dec. 15, 1838, p. 249). Dromgoole responded that he had offered the amendment because he believed it "in accordance with the fundamental law of his own state, and as an essential accompaniment of the democratic principle of accountability to the constituent body" (*Niles' National Register*, Dec. 15, 1838, p. 249). Moreover, he hoped that "no Representative would oppose it because he wished to vote in secret and skulk away from accountability, or because he desired to conceal his conduct from his constituents" (*Congressional Globe*, 25-3, p. 20).

Rep. Francis Pickens (Nullifier, S.C.) replied to Dromgoole's remarks by agreeing with his general notion of representation, but argued that "there was a wide distinction between the responsibility [members] owed to their constituents for the exercise of law-making power and that of

choosing their mere ministerial officers" (*Congressional Globe*, 25-3, p. 20). He went on to state, "let a man here dare to express the convictions of his heart, separate from party ties and party allegiance, and what would be the consequence? He trembles under it with more fear than any of the voters of France in the worst days of Jacobin rule" (*Niles' National Register*, Dec. 15, 1838, p. 250). Rep. James Pearce (Whig, Md.) followed by claiming that "the people desired no such accountability as that asked for [by Dromgoole] in unimportant matters of this kind" and argued that if the resolution were adopted, "I shall feel that it makes me the subject of a most exact and unscrupulous discipline, because I know that the power of party can condescend to the smallest, most unimportant, and contemptible matters" (*Niles' National Register*, Dec. 15, 1838, p. 250). Rep. John Reed (Whig, Mass.) agreed with Wise, Pickens, and Pearce that the intent of those advocating *viva voce* voting was not to promote democracy, but "to rally party feeling, and concentrate and drill it, and bring it to bear in all its force in every election, however trivial" (*Niles' National Register*, Dec. 15, 1838, p. 250).

After additional debate, Rep. Edward Stanley (Whig, N.C.) moved to lay the whole subject on the table, to which Dromgoole demanded the yeas and nays, which were ordered. The tabling attempt failed 81-125, with Democrats voting 5-98 against and Democratic opponents voting 76-28 in favor (Whigs 68-26, Anti-Masons 5-0, Nullifiers 2-2, and Independents 1-0, respectively). Rep. William Montgomery (Dem., N.C.) then rose and stated that in view of the shortness of the current session, the large degree of business before the chamber, and the extent to which the various merits of the subject had been debated, he demanded the previous question, which was seconded, and the main question (on the adoption of Dromgoole's resolution) was ordered, with Dromgoole once again calling for the yeas and nays (*Congressional Globe*, 25-3, p. 20). The vote on *viva voce* voting passed, 124-84,

with Democrats voting 96-5 in favor and Democratic opponents voting 28-79 in opposition (Whigs 26-71, Anti-Masons 0-6, Nullifiers 2-1, and Independents 0-1, respectively).

After a lengthy struggle, Van Buren and the administration Democrats had won. Voting in *all* House elections would henceforth be public.[20]

A more systematic analysis of the *viva voce* voting dynamics appears in Table 8. The four major votes from the 25th House are presented: the first tabling attempt, the extension of *viva voce voting* to the election for Clerk, the second tabling attempt, and the extension of *viva voce* voting to all House elections. As the results show, first-dimension D-NOMINATE scores explain nearly all of the variance in the individual vote choices on all four votes. Unlike the previous *viva voce* analysis in the 23rd House, however, the second-dimension D-NOMINATE scores provide no additional explanatory power. We attribute this change to the transformation of partisan dynamics during the 1830s. During the 23rd House, a coherent opposition to the Jacksonians had not yet developed, and distinctly sectional issues played a larger role in the voting decisions of individual members. By the 25th House, the Whig party had become more coherent as an organization, and former sectional issues were now integrated directly in the ideological schism between the two parties. This is reflected in the D-NOMINATE first dimension, which had become a distinctly partisan dimension by this time (Poole and Rosenthal 1997, p. 40).

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20. Dromgoole would strike again later in the session. On January 14, 1839, he proposed a resolution to amend House rules by substituting *viva voce* voting in *all* cases in which the secret ballot had been standard (like committee elections, voting for President and Vice-President, etc.). Two days later, Dromgoole asked for a suspension of the rules so that his resolution could be considered, but the vote failed to obtain the two-thirds majority necessary for suspension (*Congressional Globe*, 25-3, pp. 117, 121).

What Table 8 does not explain directly, however, is the small group of Whigs that tended to side with the Democrats on the roll calls dealing with *viva voce* voting. While the size of this group was relatively small (ranging from 20-25 percent of the underlying Whig population), it was critical to the subsequent success of the *viva voce* legislation. Table 9 replicates the Table 8 analysis, but is restricted solely to the Whig coalition. As the results show, those Whigs who supported the Democratic position on the four *viva voce* votes (nay on the two tabling measures, yea on the two extension measures) were to the left-hand side of the Whig distribution on the NOMINATE first dimension. In other words, they were closer ideologically than most of their Whig brethren to the Democrats.

That the Democrats showed more internal discipline than the Whigs on this issue is consistent with the historical view of the two parties. The Democrats were a much more cohesive organization than the Whigs, with older, more established connections between state, local, and national party units. The development of the Whig organization had been a "best response" by the disparate anti-Jacksonian groups of the early- to mid-1830s, and lacked the ideological "glue" that held the Jacksonian organization together. Moreover, unlike the Jacksonians, who relied upon the design of institutional commitments to achieve partisan success, it was, as Aldrich (1995, p. 135) states, "more the personal commitment and leadership of moderates ... that held the Whig alliance together." Thus, those Whigs with more Jacksonian policy leanings did not feel compelled to vote with their party on the *viva voce* voting legislation, because, presumably, they feared an electoral backlash more than any sorts of sanctions by party leaders.

3.4. 26th Congress: Viva voce voting remains

While the *viva voce* voting issue seemed to draw to a close at the end of the 25th House, some additional fireworks lay ahead. The congressional elections of 1838–39 had further leveled the partisan playing field, as the gap between the Whigs and Democrats had shrunk from 28 seats in the 25th House to 16 seats in the 26th House (Martis 1989, pp. 94-95).[21] Adding to the tensions, an election dispute over the New Jersey delegation threatened to shrink this gap even more, and delayed the organization of the House for several days.[22] Once balloting commenced for Speaker, regional blocs in both parties proved unwilling to support moderate candidates for Speaker who were from the other region. After eleven rounds of balloting over two days, this deadlock eventually led to a coalition of convenience, in which the Whigs settled on one of their own with Jacksonian leanings, Robert M. T. Hunter of Virginia, who was able to draw enough support from Calhounite Democrats to eke out a six-vote victory.

The Whigs had finally scored a significant blow, and, sensing the Democrats reeling, went for the knockout. On December 20, 1839, after more discussion involving the election dispute in New Jersey, the House turned to the election of its remaining officers, at which point Rep. Josiah Hoffman (Whig, N.Y.) rose and proposed that the standing rules of the previous House be adopted, *except* the rule that called for *viva voce* voting in all House elections. Rep. Robert Craig (Dem., Va.) responded by offering an amendment to Hoffman's resolution, which would strike out the *viva voce* voting exception. This produced yet another impassioned debate.

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21. According to the *Niles' National Register* (Nov. 30, 1839), this gap would likely have been even smaller, had a temporary economic recovery from the Panic of 1837 not occurred.

22. New Jersey elected its six House members on a general ticket. Roughly fifty votes separated the (eventually-victorious) Democratic slate from the Whig slate. The parliamentary bickering preliminary to actually voting for Speaker witnessed one tie vote and virtually no roll call settled with more than a five-vote margin.

At first, both Whigs and Democrats took their standard positions from the previous House. Rep. Leverett Saltonstall (Whig, Mass.) argued that *viva voce* voting was objectionable "because it had the tendency to effect a party organization." Rep. Hiram Hunt (Whig, N.Y.) followed by contending that *viva voce* voting was introduced not for democratic reasons, but "for the purpose of enabling the party in the majority to put upon gentlemen the party screws." Rep. John Bell (Whig, Tenn.) concurred, stating that the secret ballot was necessary "to protect [members] from the influence of the Executive." Rep. Jesse Bynum (Dem., N.C.) shot back that "the idea that we should not vote *viva voce*, through fear of Executive influence, is ridiculous," while Rep. John Weller (Dem., Ohio) stated that "he was not afraid to let his constituents be the judge of his conduct." Finally, Rep. David Petrikin (Dem., Penn.) wondered "if it is not disappointed ambition—the mortification of a defeated party, which powerfully influences those who now ask to destroy the *viva voce* principle" (quotes from *Congressional Globe*, 26-1, pp. 69-73).

While Saltonstall, Hunt, and Bell's sentiments still reflected those held by a wide majority of Whigs in the 26th House, a change was occurring. In response to the party's electoral rise in recent years, a number of Whigs had begun pushing for greater party discipline. As a result, *viva voce* voting, which had been the Democrats' weapon to keep party members in line, now began to appeal to Whigs as well. This is reflected in the statements by Whigs later in the debate. For example, Rep. Caleb Cushing (Whig, Mass.) contended that "the Whigs ought to go for the *viva voce* system, because that was the popular principle." Rep. Julius Alford (Whig, Ga.) followed by stating that he "had ever been taught to believe the *viva voce* mode of voting was the most Republican in principle, and was sorry to see his friends opposing it." Moreover, in response to the claims of his Whig colleague Bell, Alford

"thought that the Executive possessed as many charms as terrors, and preferred the open manly mode of voting *viva voce*" (quotes from *Congressional* Globe, 26-1, p. 74).

Upon completing his statements, Alford called the previous question on Craig's amendment to strike the *viva voce* exception from Hoffman's resolution, which was seconded, and the yeas and nays were called. The amendment passed 142-86, with Democrats voting 115-2 in favor and Whigs voting 25-78 in opposition (Anti-Masons and Conservatives voted 0-6 and 2-0, respectively). The breakdown of the voting, for the full House and separately for the Whigs, is presented in Table 10. Again, in terms of the full House, the explanatory leverage comes from the first NOMINATE dimension, reflecting that viva voce voting fit squarely in the ideological division between the two parties. As for the Whigs, while a push was beginning for acceptance of *viva voce* voting as a way of firming up party discipline, it was not yet reflected in voting for the Craig amendment. That is, Whig support was still small and coming exclusively from the left-hand portion of the party distribution (closest to the Democrats).

3.5. 27th Congress: Secret balloting's last stand

The 27th House was the high point for the Whig party. By 1840, the Panic of 1837 had steadily evolved into a full-blown depression, and the national electorate had pointed the finger of blame at the Democrats, the party in charge during the economic spiral. As a result, the Democrats were swept out of national government in the elections of 1840-41, as the Whigs captured not only the presidency, but also both chambers of Congress, by wide margins: William Henry Harrison trounced Van Buren 234-

60 in the Electoral College, while the Whigs picked up 7 seats in the Senate and a whopping 33 seats in the House (Martis 1989, p. 31).

Thus, as the 27th House assembled, the Whigs found themselves in an unfamiliar role. They had been used to fighting and clawing with the Democrats as the minority party, and thus had grown accustomed to using the range of dilatory tactics available to their station. Now, as the majority party, they were the *initiators* of legislation, and, consequently, could focus on the passage of their own partisan agenda. Thus for the Whigs, the need for strict party discipline became a priority for the first time, and was the leading topic of conversation in the Whig caucus.

The degree of Whig party discipline would be challenged immediately in the new House. On May 31, 1841, the first day of session, proceedings began harmlessly enough, as the Clerk called the roll, after which Rep. Hiram Hunt (Whig, N.Y.) moved that the House proceed to the election of a Speaker *viva voce*. Rep. Lewis Williams (Whig, N.C.) then rose and moved to amend Hunt's resolution by striking out *viva voce* and inserting "by [secret] ballot" instead. The previous question on Williams' amendment was called and seconded, and the yeas and nays, as requested by Rep. Thomas Hopkins (Dem., Va.), were ordered. Williams' amendment failed by a vote of 67-153, with Democrats opposing 4-80 and Whigs also opposing 63-72.

Thus, as the voting indicates, while there was far from a consensus within the Whig ranks, a majority of Whigs now preferred *viva voce* voting to the secret ballot, as a way of instilling party discipline. And, with the Democrats' continued opposition to the secret ballot, *viva voce* voting remained the norm in speakership elections. An analysis of the voting appears in Table 11. As in previous Congresses, the explanation of the vote remains squarely lodged in the ideological division

between the two parties, as reflected by the first NOMINATE dimension. However, the shifting preferences of the Whig party produces a poorer overall model fit than in prior Congresses. Looking only at Whig voting reveals this partisan transformation. In the past, only the left-hand quarter of the Whig distribution supported *viva voce* voting. Now, support for *viva voce* lies slightly to the *right* of the center of the Whig party distribution (as reflected by the positive coefficient on the first NOMINATE dimension), suggesting that policy preferences of the party median had changed to reflect the new strategic reality.[23]

Now in the majority, the Whigs had flip-flopped on *viva voce* voting, thereby adopting the party-discipline measures first instituted by the Democrats. The transition to greater party discipline would not be quick and easy, however, as a large portion of Whig members did not get on board immediately. The Speaker election went smoothly enough, as Rep. John White (Whig, Ky.) was elected by a 10-vote margin on the first ballot. However, the election for Clerk stalled when Rep. Daniel Barnard (Whig, N.Y.) offered an amendment to make the balloting secret, rather than *viva voce*. After some comments by Barnard and Rep. Henry Wise (Whig, Va.), the question was taken on the amendment, and it failed (without a recorded roll-call vote).

And while no additional formal attempts were made by the anti-*viva voce* forces within the Whig party on this question, their sentiments were made clear by the biting sarcasm of Rep. John

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23. One detail we have been unable to incorporate into this analysis as of yet is the effect of electoral turnout on the net shift in Whig sentiments about *viva voce* voting from the 26th to the 27th Congresses. The Whigs in the 26th Congress who did not return to the 27th opposed the Craig amendment 6–29 (17% voting yea) while those who did return to the 27th opposed it 19–48 (28% voting yea). Thus, there was a slight tendency among returning Whigs to be more amenable to *viva voce* voting. However, this different is not statistically significant at traditional levels ($p < .21$), and it washes away completely when D-NOMINATE values are included as controls. However, there is a complicated relationship between the timing of individual election dates and partisanship that we have not allowed for here, which we will in future revisions.

Quincy Adams (Whig, Mass.), in a floor speech on June 1, 1841. Adams rose and was reported as stating:

> ... from the one vote given yesterday [on the secret ballot], he should apprehend that [the Whigs'] opposition to Executive power was beginning to melt away something like the ice in the dog days. If he might take that vote as a standard, he did not think that the Whigs would be so distinguished for their opposition to Executive power as they were a year ago. It might probably, therefore, be convenient for them to take the name Democrats; and probably, in the change of things, the Democrats of last year would become the Whigs. So far at least as Executive power went, he thought that was likely to be the case (taken from the *Congressional Globe*, 27-1, p. 9).

4. Conclusion: The Effects of *Viva Voce* Voting

Throughout the decade of the 1830s, the House of Representative wrestled with the degree to which the rules for choosing its officers would make that choice a central part of national partisan politics. To House members making decisions at the time, the principal concern was printing and publishing. Yet for the future of the nation, the more consequential effect was in choosing the Speaker.

4.1. Effects of viva voce *voting on choice of Printer*

Moving to *viva voce* voting did have one immediate effect on the choice of Printer. Once the *viva voce* procedure survived the onslaught from the Whigs in 26th House, the election of Printer was fairly straightforward, and occurred along party lines. Indeed, the election of Printer did not experience any of the cross-party intrigue that had affected the election of Speaker earlier in the Congress. The states rights Democrats who threw the speakership election to Hunter returned to the Democratic fold, supporting the official party organ for Printer, even though it had been established because of a break between their patron Calhoun and Jackson. The election of Clerk went the same way, and it was the

Democrats, not the Whigs who had nominally organized the House, who dominated floor politics for the rest of the Congress (see Stewart 2000).

The election of Printer went this way for the relevant future, which was the next decade-and-a-half. By that time, the attentions of partisan leaders who were trying to keep their parties together as intra-regional coalitions had switched to less subtle devices than the propaganda infrastructure.

4.2. The effect of viva voce *voting on speakership elections*

The ultimate motivation behind this paper was not to understand how Printers were elected in the 1830s, but how Speakers were elected in the 1840s and 1850s. Viewed one way, making the election of Speaker public had precisely the effect that its supporters desired: it was impossible for House members to hide from the consequences of their ballots, and therefore impossible for them to avoid political pressure over the choice of Speaker. Viewed another way, the *viva voce* election of Speakers had exactly the opposite effect in the long term, compared to what was desired. Jacksonian supporters of *viva voce* voting assumed that the partisan era they had ushered in was here to stay, in precisely the way that Jackson and Van Buren (especially) designed. Thus, they assumed that by casting light on votes for offices like Speaker, party leaders could exert more effective control over the rank-and-file in controlling the reins of government.

What these supporters of *viva voce* voting did not count on was the power of the regional divisions that were growing up in the country. (It is telling that the battle over *viva voce* voting happened in parallel with the House battle over the "gag rule.") In the end, the daylight that shone on

speakership elections highlighted regional animosities just as much as partisanship. It became more difficult to elect Speakers and organize the House than before the onset of *viva voce* voting.

Over the next twenty years, *viva voce* voting would be the most important strategic reality facing party leaders as they arranged the House for business every two years. It induced both parties to choose "regional moderates" as their nominees for Speaker, whereas Speakers prior to *viva voce* voting had been chosen for their parliamentary skills, even if they were regional zealots (see Jenkins and Stewart 2000). Whenever one of the parties had a comfortable margin in the House, this allowed the most cross-pressured of majority party House members to abandon their party on the speakership election without serious consequences. However, whenever the party division was close, choosing a Speaker became nearly impossible—to the point that the membership considered adjourning the 34th House, to reconvene after new elections.

Therefore, in the long term, *viva voce* voting interacted in an interesting way with the two conflicting impulses identified at the opening of this paper. In coming years, speakership elections deadlocked because inter-party factions were unable to reach across partisan lines to resolve deadlocks through building intra-party coalitions. To the degree this was true, *viva voce* voting reinforced the party impulse, by making public partisan heterodoxy. At the same time, speakership votes were fed into the maw of the *regional press* that emerged in future years, making it difficult for inter-party coalitions to remain cohesive, as well. Thus, *viva voce* voting also reinforced the conflicting regional impulse.

Finally, the path of the *viva voce* election rule illustrates again an interesting, recurring dynamic concerning rules changes in Congress. Narrowly considered, arguing over adopting the *viva voce* rule

is an example of Riker's "heritability problem"—the tendency of procedural matters to "inherit" the substantive considerations that give rise to them. In this case, what motivated the *viva voce* voting controversy was not the simple principle of publicly declaring one's support for House leadership—rather, the controversy was over how strong parties would be.

At the same time, once the rule had been put into place, future House members, and other players in national politics, began to consider a wider range of ramifications of the *viva voce* rule. As players in national politics gained experience with life under the *viva voce* rule, those motivated more by regional considerations, rather than party principles, recognized the potential that public votes for Speaker could excite regional passions, and therefore (ironically enough) *undermine* the very partisan system that its original supporters initially desired.

Therefore, the larger story of *viva voce* voting is cautionary to students of institutional change. The original motivation behind institutional transformation may end up getting buried under the new, unanticipated possibility that the transformation opens up. That was certainly the case here, and is likely the case in other circumstances, too.

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Figure 1. D-NOMINATE scores for the House, 17th Congress (1821–23) to 27th Congress (1841–43).

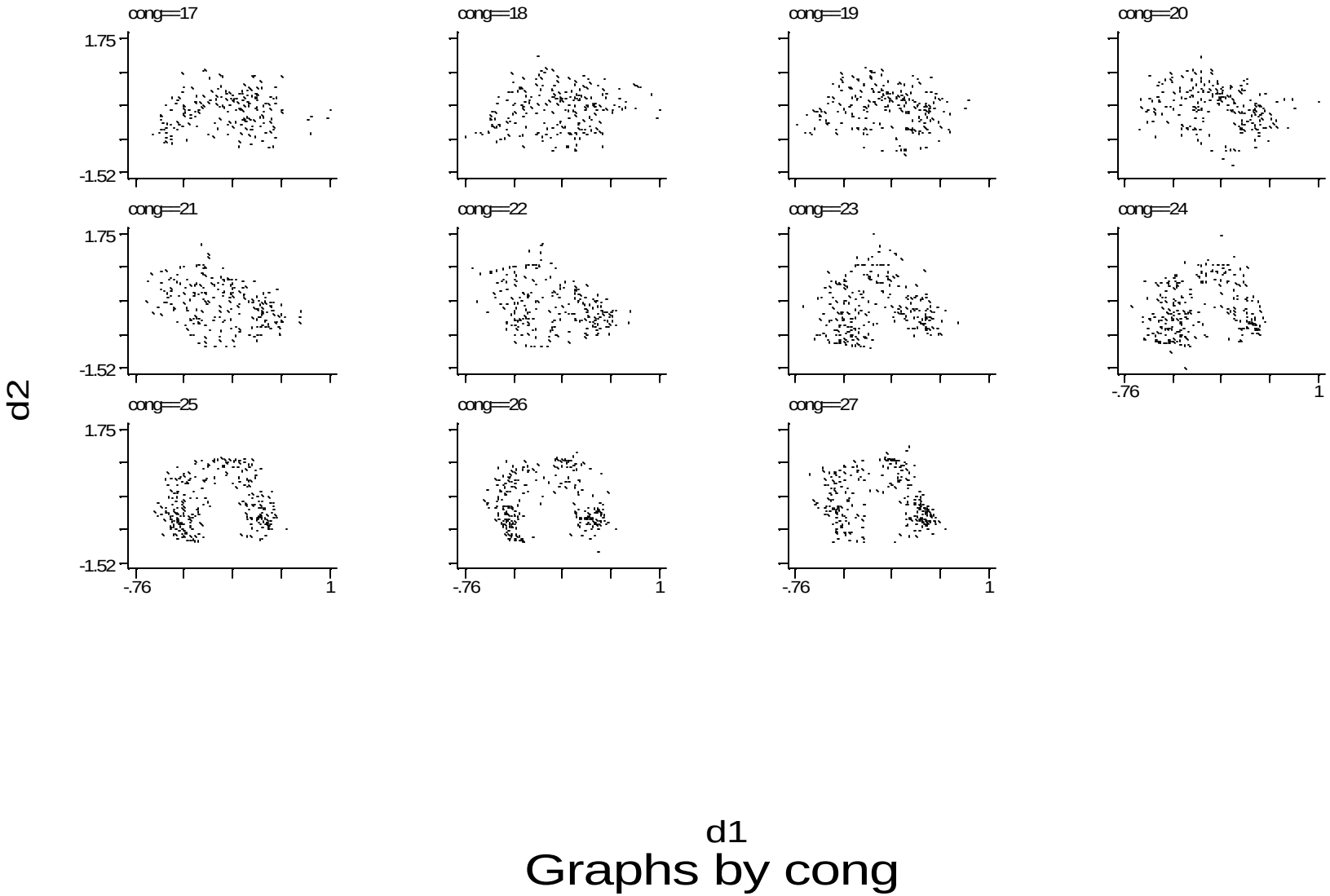
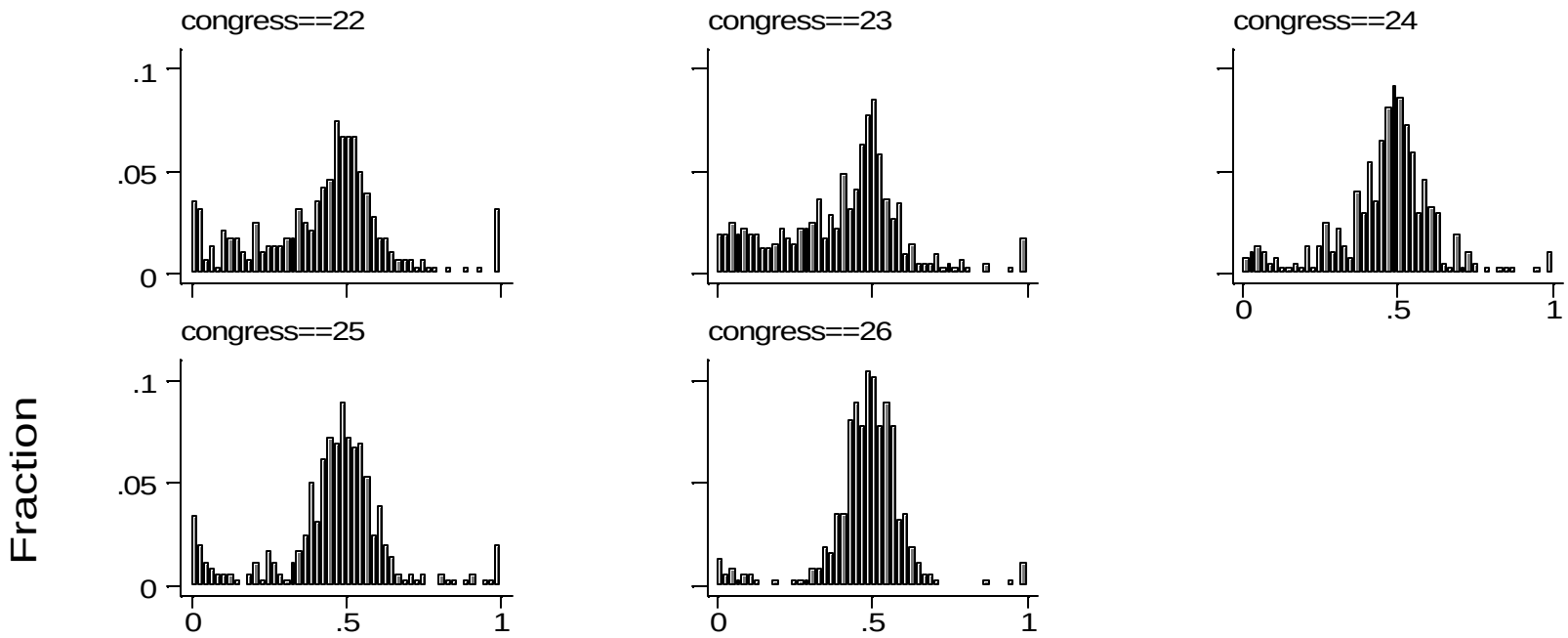


Figure 2. Distribution of candidate vote shares for House elections of the 1830s.



Histograms by congress

Figure 3. Election timing for the House of Representatives, 25th Congress.

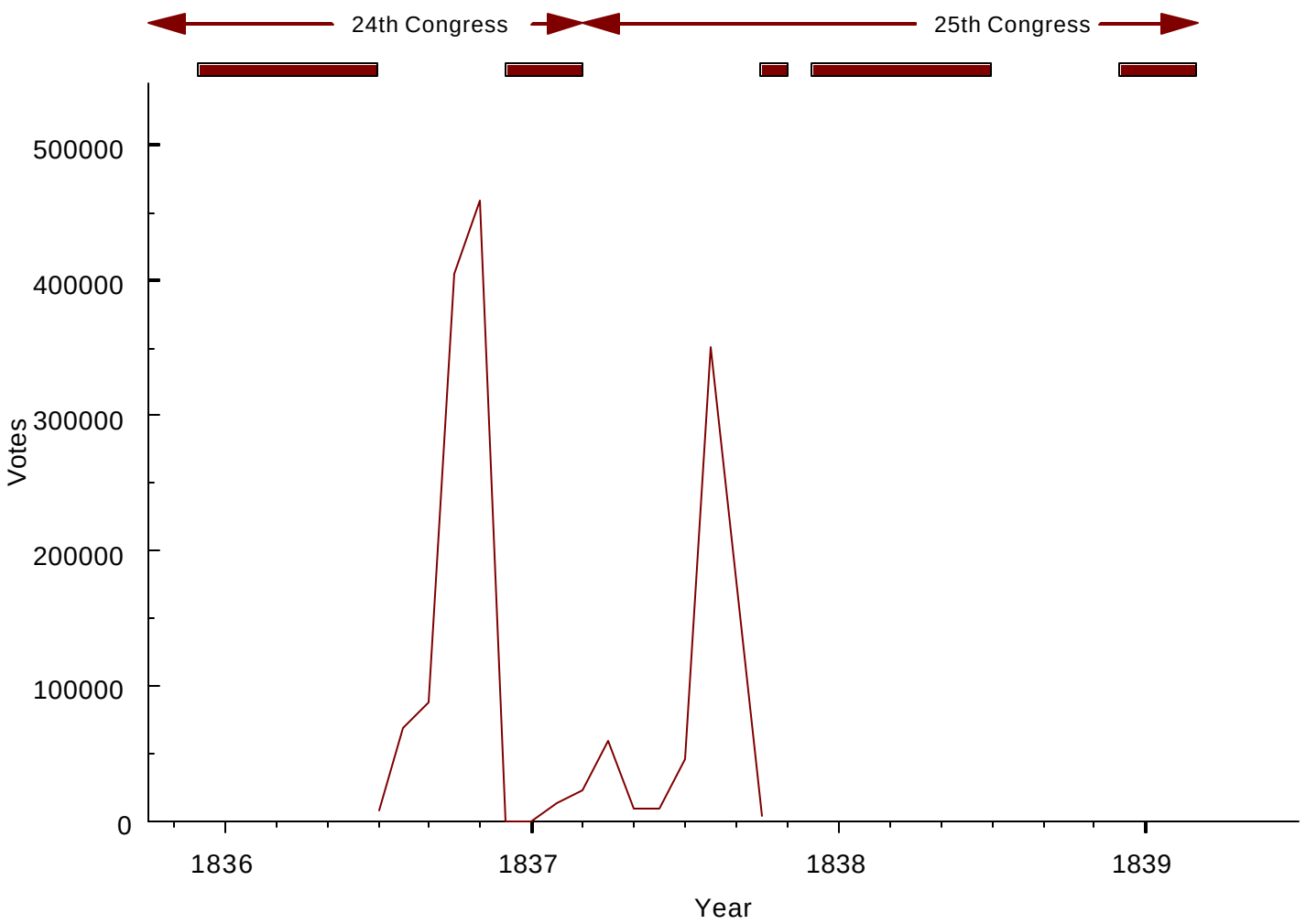

24th Congress
25th Congress
500000
400000
300000
200000
100000
0
Votes
1836
1837
1838
1839
Year

Table 1. Votes Cast for House Candidates, 22nd–26th Congress.

	Percentage (and Total Number) of National Votes						
	Nat. Rep	Anti-Mason	Whig	Jacksonian	Democrat	Others	Total
22	32.4%	12.7%		42.6%		13.2%	
(1831–33)	412,740	167,281		560,133		173,953	1,314,107
23	21.6%	14.8%			45.6%	18.0%	
(1833–35)	325,271	221,661			685,695	269,783	1,502,410
24			43.7%		48.1%	8.2%	
(1835–37)			755,895		832,686	142,579	1,731,160
25			46.9%		48.5%	4.6%	
(1837–1839)			785,869		812,998	76,390	1,675,257
26			49.5%		49.8%	0.6%	
(1839–1841)			1,068,901		1,074,947	13,650	2,157,498

Source: Dubin (1998).

Table 2. Congressional Printers, 1819–1847

		House			Senate		
Cong.	Years	Pty. Control	Printer	Amt. Paid	Pty. Control	Printer	Amt. Paid
16	1819–21	Rep.	Gales & Seaton		Rep.	Gales & Seaton	
17	1821–23	Rep.	Gales & Seaton	$228,837	Rep.	Gales & Seaton	$91,857
18	1823–25	—	Gales & Seaton		—	Gales & Seaton	
19	1825–27	Adams	Gales & Seaton		Jack.	Gales & Seaton	
20	1827–29	Jack.	Gales & Seaton	$62,154	Jack.	Duff Green	$32,249
21	1829–31	Jack.	Duff Green	$66,050	Jack.	Duff Green	$28,247
22	1831–33	Jack.	Duff Green	$108,566	Tie.	Duff Green	$34,152
23	1833–35	Jack.	Gales & Seaton	$144,092	Anti-J.	Duff Green	$92,244
24	1835–37	Jack.	Blair & Rives	$128,291	Tie	Gales & Seaton	$40,035
25	1837–39	Dem.	Thomas Allen	$192,078	Dem.	Blair & Rives	$88,588
26	1839–41	Dem.[a]	Blair & Rives	$111,078	Dem.	Blair & Rives	$76,601
27	1841–43	Whig	Gales & Seaton	$259,920	Whig	Thomas Allen	$40,791
28	1843–45	Dem.	Blair & Rives	$169,486	Whig	Gales & Seaton	$182,737
29	1845–47	Dem.	Ritchie & Heiss	$185,407	Dem.	Ritchie & Heiss	$82,940

Source: Smith (1977), pp. 250–251. Party control taken from Martis (1989).

[a]Although Democrats nominally controlled the House, a Whig was elected Speaker.

Table 3. Major publishers and their relationships to newspapers and political officials, 1819–47.

Publisher/printer	Newspaper	Founded	Partisan affiliation	Congressional Printer	
				House	Senate
Joseph Gales and William W. Seaton	*National Intelligencer*	1800	Official organ of the Jefferson, Madison, and Monroe administrations; moved toward the Whigs (esp. Webster) under Jackson; official organ of Harrison admin.	1819–29, 1831–35, 1841–43	1819–27, 1835–37, 1843–45
Peter Force	*National Journal*	1823	Official organ of J.Q. Adams administration	—	—
Duff Green	*United States Telegraph*	1826	Campaign and administration organ for Jackson. Transferred support to Calhoun in 1831	1829–1833	1827–1835
Frances Preston Blair & John C. Rives	*Globe*	1830	Official organ of Jackson and Van Buren administrations	1835–37, 1839–41, 1843–45	1837–41
Thomas Allen	*Madisonian*	1837	Official organ of John Tyler	1837–39	1841–43
Thomas Ritchie & John P. Heiss	*Union*	1845[a]	Official organ of Polk	1845–47	1845–47

Source: Smith (1977), pp. 249–51.

[a]The *Globe* was sold in 1845 and renamed the *Union*.

Table 4. Balloting for House Printer, 23rd Congress, February 14–15, 1833.

	February 14, 1833										Feb. 15, 1833			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Blair	88	93	96	95	93	97	96	98	97	95	90	91	90	94
Gales & Seaton	60	69	77	78	80	79	78	78	83	84	91	94	93	99
Green	25	25	20	16	14	14	14	12	14	11	7	3	2	1
Greer & Won	8	3												
Weed	12	7		1		1	1		1	2				
Reguet	5	4	5	10	8	7	5	4	6	5	7	5	2	1
Royall	1													
Blackmore						1								
Blank ballots	4		3	4		6	9	4	4	5	4	3	2	2
Total	203	201	201	204	195	205	203	196	205	202	199	196	189	197
Required	102	101	101	103	98	103	102	99	103	103	100	99	95	99

Source: *Register of Debates*, pp. 1725–26.

Table 5. Voting to consider Reynolds resolution under suspension of the rules and to table Reynolds resolution, 23rd Congress.

	Suspend Rules and Consider Reynolds Resolution			Table Reynolds Resolution		
	Yes	No	Total	Yes	No	Total
Anti-Masons	3	19	22	19	1	20
Anti-Jacksonians	6	46	52	58	2	60
Jacksonians	84	17	101	17	110	127
Nullifiers	0	5	5	8	0	8
Total	93	87	180	102	113	215

Table 6. Voting on Reynolds resolution (23rd Congress) among Jacksonians

	Consider Reynolds resolution	Table Reynolds resolution
D-NOMINATE first dimension	-1.05 (0.93)	3.31 (1.12)
D-NOMINATE second dimension	-0.99 (0.28)	1.44 (0.38)
Constant	0.74 (0.27)	-0.75 (0.29)
N	101	127
Ps. r2	.20	.43
LLR	-36.62	-28.70

Table 7. Balloting for House Printer, 25th Congress, September 5-7, 1837.

	September 5, 1837					September 6, 1837			September 7, 1837			
	1	2	3	4	5	6	7	8	9	10	11	12
Blair & Rives	103	103	103	100	104	107	101	101	104	105	102	101
Gales & Seaton	100	102	101	103	100	93	81	68	48	21	8	9
Allen	22	22	23	22	23	27	42	53	70	99	111	113
Blank ballots	4	2			1	3			3	2	2	1
Scattering	1	1	1	2			4	5	3	2		1
Total	230	230	228	227	228	230	228	227	228	229	225	225
Required	116	116	115	114	115	116	115	114	115	115	113	113

Source: *Congressional Globe,* 25-1, pp. 11, 13, 15-16.

Table 8. Logit analysis of voting on *viva voce* voting legislation, 25th House

	Table *viva voce* resolution First Attempt	Extend v*iva voce* voting to election for Clerk	Table *viva voce* resolution Second attempt	Extend *viva voce* voting to all House elections
D-NOMINATE first dimension	7.818*** (0.775)	-10.146*** (1.466)	8.466*** (1.001)	-9.072*** (1.083)
D-NOMINATE second dimension	0.753 (1.066)	0.231 (1.466)	-0.984 (1.063)	1.338 (1.190)
Constant	-0.436 (0.240)	0.826* (0.414)	-1.010*** (0.293)	1.015*** (0.304)
N	222	209	207	208
P^2	101.86***	55.32***	71.52***	70.59***
LL	-62.17	-43.99	-55.68	-53.08
Pseudo R^2	0.59	0.69	0.60	0.62
% Corr Pred	86.94	93.30	88.89	88.94
PRE	0.681	0.844	0.716	0.726

Note: Cell values represent logit coefficients, with White-correct standard errors in parentheses.

*p<.05; **p<.01; ***p<.001

Table 9. Logit analysis of Whig voting patterns on *viva voce* voting legislation, 25th House

	Table *viva voce* resolution First Attempt	Extend v*iva voce* voting to election for Clerk	Table *viva voce* resolution Second attempt	Extend *viva voce* voting to all House elections
D-NOMINATE first dimension	5.293* (2.763)	-15.103*** (4.435)	8.191** (3.141)	-7.768** (3.058)
D-NOMINATE second dimension	-1.764 (1.886)	-2.836 (2.150)	-0.938 (1.604)	1.355 (1.801)
Constant	0.369 (0.923)	2.338* (1.148)	-1.086 (0.970)	0.812 (0.941)
N	90	95	94	97
P^2	14.53***	15.78***	17.81***	19.43***
LL	-34.57	-29.34	-40.76	-41.16
Pseudo R^2	0.18	0.36	0.26	0.27
% Corr Pred	80.00	90.53	81.91	79.38
PRE	-0.125	0.500	0.346	0.231

Note: Cell values represent logit coefficients, with White-correct standard errors in parentheses.

*p<.05; **p<.01; ***p<.001

Table 10. Logit analysis of voting on Craig amendment, 26th House

	Full House	Whigs
D-NOMINATE fist dimension	-11.381*** (1.895)	-15.473*** (5.201)
D-NOMINATE second dimension	1.636 (1.209)	1.321 (2.736)
Constant	1.462** (0.492)	2.497 (1.548)
N	228	103
P^2	36.06***	25.39***
LL	-39.49	-28.79
Pseudo R^2	0.74	0.50
% Corr Pred	92.98	88.35
PRE	0.814	0.520

Note: Cell values represent logit coefficients, with White-correct standard errors in parentheses.

*p<.05; **p<.01; ***p<.001

Table 11. Logit analysis of voting on Williams amendment, 27th House

	Full House	Whigs
D-NOMINATE first dimension	4.434*** (0.725)	3.556*** (1.750)
D-NOMINATE second dimension	-0.122 (0.804)	-1.365 (1.334)
Constant	-1.486*** (0.492)	-1.222* (0.574)
N	220	135
P^2	37.42***	15.86***
LL	-101.26	-84.23
Pseudo R^2	0.25	0.10
% Corr Pred	76.36	66.67
PRE	0.224	0.286

Note: Cell values represent logit coefficients, with White-correct standard errors in parentheses.

*p<.05; **p<.01; ***p<.001