

# United States Senate Elections before 1914

Raffaella Wakeman

## Introduction

**H**anging chads, hackable electronic voting machines, poor voter registration lists, low election turnout, and public apathy- all of these are problems in the American electoral process that challenge political science researchers. When a researcher looks to solve one of these puzzles, they often look to the past to understand how previous hurdles in the democratic process were handled. It often begins with a question like “what was the quality of American elections in the past,” or “have we seen improvement over time?” Currently, an NSF-funded group from MIT and Brown University are looking to answer these questions by studying elections to the United States Senate before 1914, before senators were popularly elected.

Even though the research is in data-gathering phases, there is already evidence that the senatorial election procedures from before the passage of the 17th Amendment to the U.S. Constitution lacked many features that are now associated with desirable democratic practice. In particular, the identities of viable U.S. Senate candidates were often obscured until the eve of the election in the state legislatures. In almost one third of U.S. Senate elections between the Civil War and 1914, the election itself was drawn-out, with the winner often emerging through backroom deals. Furthermore, state legislatures were seriously mal-apportioned before 1914, giving frequent victory to Senate candidates who would have been incapable of winning a popular election in the states they represented. Consequently, contrary to much of the literature that was written over the past fifty years, it appears that the 17th Amendment was an important vehicle for bringing greater popular accountability to the U.S. Congress.

## Historical Background

For the first 150 years of United States history, the notion of democracy was surprisingly divorced from the practice of Americans directly electing their rulers. Only men could legally vote, and even then, typically only white male landowners could, in practice. The Electoral College was an elite, mysterious institution that stood between voters and the election of the president --- as it still does. But the greatest separation between residents and their rulers lay with the Senate, whose members were elected not by the voters, but by state legislatures.

There has been a considerable amount of research into the effects of granting women’s suffrage and of the functioning of the Electoral College, but very little understanding of what difference it made that state legislatures elected U.S. senators before the 17th Amendment was ratified in 1914. Civics book treatments of the subject often just assume that the rise of popular election naturally increased the responsiveness of senators to the people. However, a generation of historians and political scientists challenge this conclusion. They argue that, because senators were so important, the election of state legislators are simply shadow Senate elections. Consequentially, it was not the legislators who controlled the senators, but the senators who controlled the legislators.

Because none of the above claims is based on in-depth research on Senate elections before 1914, this research project intends to fill that knowledge gap. Before discussing the research strategy and the initial findings, however, it is important to understand the historical setting of these elections.

Every two years, the state elections riveted the nation. These elections were not just about who could be the next senator; after the Civil War, Congress was embroiled in debate about civil rights, expansion, foreign policy, and economic regulation. Since a tiny majority often led the US Senate, each state election was an opportunity to take control of the upper house of Congress.

During the Civil War, a series of controversial Senatorial elections triggered the passage of a law in 1866 that clarified the rules for these elections. Before 1914, the Senate election rules were very straightforward. On the second Tuesday after the state legislature had organized, each chamber would meet separately at noon to vote for senator. The next day, a joint session of both chambers would be held and the votes would be canvassed. If there were a majority of votes in both houses for the same candidate, they would be declared the victor. If not, there would be a joint assembly vote, which required a majority of the votes from the legislatures of both chambers, acting together, for one candidate to prevail. If no majority resulted, the joint convention was required to ballot at least once a day until a senator was chosen. One of the goals of this law was to preclude a legislature from adjourning before it successfully elected a Senator. This law, however, did not succeed in preventing the adjournment of a session sine die (without a plan to reconvene), and research has found there to be thirteen deadlocks from 1871 to 1913.

The 17th Amendment to the US Constitution was adopted in 1913. It transformed the method of electing US Senators from state assembly elections to a system of direct popular election. This conversion occurred during the Progressive Era, a period when reformers worked to rid the US government of corruption and waste. From bribery scandals, to electoral deadlocks, to mal-apportioned legislatures, to a shifting in political views, direct election was seen as the only way to resolve these issues.

## Setup of Research

To study U.S. Senate elections before 1914, basic data, mostly consisting of roll call votes in the state legislatures that elected the senators, must be collected. However, to reach conclusions about how contemporary politics affected these elections, more information, such as the party membership of the state legislators and the election returns of the state legislatures, is needed. Also, because parties were sometimes faction-filled during this period, it is helpful to gather information about which party factions members belonged to, which can often be gleaned from how state legislators voted on organizational questions, like who the speaker or clerk of the chamber would be. As a consequence, we are collecting the roll call votes for the organization of each state legislature (elections of the Speaker of the House, the President of the Senate, and other offices), the roster of each state legislature, the methods of candidate nomination, Senate roll call votes, and state legislative elections.

This project is run by Professors Wendy Schiller of Brown University and Charles Stewart III, head of the MIT Political Science Department. With the assistance of the National Science Foundation, as well as undergraduate and graduate level research assistants at MIT, Brown University, George Washington University, and the University of Wisconsin, this research project plans on generating a data file for each of the following: state legislative election returns, roll call votes for state legislative organization, the method of nomination of US Senate candidates, and the roll call vote in state legislatures for US Senators.

Because state legislatures throughout US history have kept excellent records of all assembly proceedings, learning the facts of each election (who the candidates were, which state representative voted for each candidate, and how many ballots each election took) is a matter of reading the legislative journals for each senatorial election. In terms of the quantitative research, perusing these journals and a few supplements (determining party identification for both the candidates and the electors, for example, might not be found in these journals) sufficient information.

A major photocopying effort has gone on in several libraries: The New York State Library, the New York Public Library, Yale University Library, and the Library of Congress. Included in the photocopies are the legislature rosters, organization votes, US Senator voting ballots, and (if available) party information.

Once this data is collected, it is then hand-entered into data sheets. After being standardized, it can be used to track the careers of legislators, the balloting for US Senator, and

also can quantitatively measure the level of conflict and divisiveness within state legislatures during this time period.

Because these senatorial elections were of such high national interest, they were covered in nationwide newspapers (The New York Times, The Boston Globe, The Washington Post, and The Wall Street Journal) as well as in their respective state newspapers. The newspapers contained not only the official information associated with the elections, but also accounts of party councils --- most importantly, the caucuses --- the behind-the-scenes politicking. In a surprising number of cases, it should be noted, it is the newspapers, not official state records, that provide information about political party memberships and election returns.

The national newspapers have been scanned and are available digitally via search engines like Proquest. The state newspapers are a bit more difficult to locate. State archives have not always scanned their newspapers for the relevant years, so all state newspapers have to be found on microfiche. The research team has scanned the national and state newspapers for accounts of each Senatorial election, while the state newspapers are scanned for accounts of each senatorial election.

Besides the quantitative uses of the newspaper accounts, there also exists a qualitative value to these records: since newspapers were the primary source of information about party politics and specific candidates, citizens depended upon them to form an opinion about the candidates for state elections.

## The Significance of the Research

Through the 1800s and well into the 20th century, state governments, not the national government, were the most significant and visible influence on the lives of most residents of the United States. State legislatures, not the U.S. Congress, were the places where the most important laws were usually made. And yet, very little is actually known about the political dynamics of state legislatures. In period that this project focuses on, the political landscape changed greatly. Between the entrance of a new bloc of voters (African American men), the effects of Reconstruction, and the Progressive movement, the United States was in a deep period of change. Examining the elections that produced the United States Senate during this time is sure to unearth both interesting and important dynamics in state politics.

Analyses of nineteenth century politics have proceeded under a "strong party" assumption. In relation to senatorial elections, this assumption leads many to the conclusion that these elections were already essentially popular and controlled by party machines at the state level. Oftentimes, candidates for US Senator would announce their plan to run right before the state elections in November, and as a result would end up being associated with a specific state candidate or party. By carrying this assumption out further, one would make the hypothesis that if state officials were elected on the basis of their support of Senatorial candidates, there would be little or no conflict when it came time to actually elect a Senator.

The data gathered thus far have actually indicated that this assumption is not correct. Before 1900, when the Party

Machine ran politics, conflict in choosing a senator was common. After 1901, Progressive reforms were supposed to have diminished the role of party machines (and thus would increase the debate over representation in the Senate), and while they did achieve this goal, they also permitted greater partisan structuring than during the time of so-called political domination by party machines. That is, supposed anti-party reform actually made it easier for the two major parties to control the election of U.S. Senators.

In the preliminary research, we have been measuring the amount of conflict in each U.S. Senate election with two indicators: whether the election goes into a joint assembly and the number of Senate candidates who received votes.

The first situation, in which the state legislature must meet in joint sessions in order for one candidate to receive the bid, indicates a protracted election. Of the data available, 31% of the elections went to a joint convention. Between 1871 and 1901, 38% went to a joint convention, while between 1901 and 1914, the number dropped to 17%. Besides the abrupt change in 1901, there was also variation corresponding to geographic region. States west of the Mississippi had more joint conventions than those to the east (31% v. 23%), while states that had been members of the Confederacy went to joint convention less often than northern and western states (19% v. 28%). If a state legislature was unable to elect a senator during its session, it would be considered a deadlock and is the most extreme case of conflict within the state legislature (whether it be within the majority party or between two parties). In all senatorial elections between 1871 and 1913, there

were a total of thirteen deadlocked elections. Of these, twelve occurred during the 1890s, a period widely regarded as one of electoral upheaval.

The second analysis that can be made to document the degree of conflict over Senate elections is determining how the number of Senate candidates affects conflict in elections. While all of the required data has been collected, not all of it has been processed. A sample of 11 randomly selected states was taken in the interim, and has shown two general trends: that certain states (California, Kansas, Kentucky, Florida) regularly saw more candidates for Senate than would be predicted based on the number of political parties present in the legislatures, while others (Iowa, Maine, New York, North Carolina) consistently had a one to one ratio of political parties to senate candidates. The second generalization is similar to that found in the joint session analysis: with two exceptions, multi-candidate elections are confined to the elections before 1900.

The summation of these analyses finds a change in conflict in these state legislative elections in 1900. In all three measurements, it was found that conflict significantly diminished after 1900. Professors Schiller and Stewart have two possible explanations for this drastic change: legislative coalition size and partisanship in the electorate; most evidence, however, seems to lay with the former explanation. When majority parties had narrow margins or oversized margins of control, conflict over Senatorial elections presided. If there was more partisan balance within the legislature, the majority party was more likely to be cohesive and cooperative during the Senatorial election.

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### Current Progress and Future Research

The major round of data gathering should be completed by the end of this semester. Preliminary analysis, based on data from a sample of 11 states, has already been presented at two national meetings of political scientists and several smaller conferences. All of these findings have been based on highly aggregated findings, such as the number of ballots needed to elect senators, the number of Senate candidates who emerged in each election, and the mode of nomination of candidates. We have yet to conduct more micro-level analysis, such as examining the loyalty of individual legislators to the nominees of their party. These more micro-level analyses will require the careful cleaning of the data sets which, in the end, will include information associated with over one million individual roll call votes. This more finely detailed analysis will allow us to examine larger questions of American democracy, such as the strength of political parties and the responsiveness of individual legislators to their constituents.



### References

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