

**Fighting for the Speakership:
The House and the Rise of Party Government**

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Book Proposal

Under Contract, Princeton University Press

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We propose a book about the role of the House of Representatives in the development of political parties in antebellum America. The core of the book rests on original empirical research we are conducting into House speakership elections prior to the Civil War. Unlike the modern House, speakership battles were often fierce in the antebellum House, commanding the attention of the public for weeks on end. Six times between 1839 and 1861, the House failed to elect a Speaker on the first ballot, resulting in balloting that extended for days, weeks, and even months.¹

Although the core of this book will examine these protracted speakership contests in detail, we will also speak to several fundamental strands of research in the fields of political history and American political development. For that reason, the book is couched more broadly in terms of party building and American political development than in the narrower terms of speakership elections and the history of Congress. To set the stage for the chapter summaries that conclude this proposal, we begin by discussing these larger themes.

Introduction

Perhaps the most significant political innovation in antebellum America was the creation of political parties as a formal vehicle with two primary goals—to elect its adherents and to coordinate the enactment of policy once elected. The particular political problem facing

¹The election of Speaker at the beginning of the 34th Congress (1855–57) took two months and 133 ballots to conclude. In that case, Congress seriously considered adjourning and calling new national elections.

antebellum leaders was distinct to the America of that age. Yet, the fundamental character of political parties endures to this day, making American parties not only the oldest in the democratic world, but also among the least programmatic.

The problem facing leaders was how to bridge the yawning chasm separating northerners and southerners over slavery. This divide threatened policymaking of any sort at the national level, be it in areas of public finance, internal improvements, or national defense. The solution—often attributed to the political genius of Martin Van Buren and his “Albany Regency”—was to construct *national* political parties to ensure that slavery was actively removed from the table. Thus, American political parties arose for pragmatic, rather than ideological, reasons. Significant degrees of inter-party heterodoxy were allowed, even in policy areas in which a party might be noted, as policy purity was considered a distant second to basic electoral survival.

The situation just described is a standard (if bare bones) rendering of the “Jacksonian Party System” that organized American national politics from the 1820s through the mid-1850s. Significant scholarship has delved into the internal logic of this party system and its ongoing operation (White 1954; McCormick 1966). However, recent scholarship addressing the early rise of the American party system has been relatively inactive. Major studies by Silbey (1992) and Aldrich (1995) are important exceptions. And aside from Brady’s (1988) book, the central role of the House in early party-building has been largely unexplored as of late within political science.

To this point, scholarship on the Jacksonian party system has focused primarily on mass politics and on the executive branch—for good reason. Certainly the most sweeping change wrought by the Jacksonian system was the rapid democratization of presidential elections in the

1820s, which opened up the possibility of truly national politics and provided a blueprint for overcoming other explicitly anti-democratic features of American republicanism, such as the indirect election of senators. The immediate focus of this democratization was contesting the control of the executive branch, which naturally elevated the role of the head of the executive branch—the president—over the Congress in the minds of both scholars and voters.

Still, this focus on the presidency—as an office and arena of mass political struggle—has resulted in a lopsided view of party-building at the national level during the Jacksonian era. The Jacksonian system did not abolish the separation of power. Indeed, the scholarly consensus is that during the nineteenth century (with notable exceptions) the real locus of national political power remained in Congress. An ascendant presidency was in fact a twentieth century phenomenon. Thus, any view of party building in antebellum American that does not incorporate a rich understanding of the machinations of Congress risks mis-characterizing that system significantly.

The role that Congress played in the creation and operation of the Jacksonian system can be divided into three major components. First, Congress was the physical location of many of the principal architects of the system and its major players. It was, in a sense, a “small-*c* congress” of national partisan leaders who used their time together in Washington to swap political intelligence, develop trust on which to continue their political relationships in the inter-session periods, coordinate the practical side of national politics, and observe the enemy up close. Second, Congress was the policymaking and position-taking embodiment of the Jacksonian system. Not only was it the gatekeeper in translating electoral promises into action, but the operation of its formal structures—particularly in the election of the Speaker, other officers, and the appointment of committees—provided visible realtime evidence about the

seriousness of national leaders in maintaining the party system as the most important political guarantor of national unity.

Third, Congress itself was the source of patronage—the oil that lubricated the system. This patronage was of three sorts. First, and most well-known, members of Congress were an important conduit of constituent prayers to executive branch officials in Washington. Second, and less well-known, Congress itself employed hundreds of people and authorized millions of dollars in contracts with little reference to merit and much reference to political allegiance. The most prominent positions, such as Clerk and Printer, were often reserved for prominent party operatives. For rank-and-file activists, congressional patronage might serve as a stepping stone to more lucrative positions in executive agencies. Finally, through its election of Printers and the authorization of printing contracts, Congress was arguably the most important source of subsidy for the all-critical partisan press of the era.

The role of Congress in the development and operation of the Jacksonian party system is a vast topic that is still only dimly understood. No one book at this point can provide a comprehensive accounting of this role. Our task is more modest—to focus on the struggle over the speakership of the House. Although this is a relatively modest focus, it easily allows us to widen our gaze, to electoral politics, to the wider organization and operation of Congress, to the election of other House officers, and to the functioning of the partisan press.

Focusing on the struggle over the speakership is an apt lens for understanding antebellum party building. First, the Speaker was the parliamentary leader of the House, whose formal discretion was a heavy thumb on the policymaking scales. Second, the actual fight for the speakership that emerged every two years helped to reveal the divisions within the national

parties and the method by which party leaders attempted to heal those divisions. Third, the power sharing arrangements that emerged, or failed to emerge, redistributed national power.

Finally, although we intend to focus most of the attention of this book on the empirical story of how speakership battles interfaced with antebellum party-building, this is not fundamentally a work of history, but a work of social science. The evidence and narrative we provide early in the book will then set the stage for the concluding chapters, when we explore more general issues of coalition formation in parliamentary bodies and the power of political parties in legislatures.

Chapter Summaries

Part I: Laying the Foundation

Chapter 1. Introduction

The introduction will lay out many of the issues that have already been addressed in this proposal. The main goal of the introduction will be to set the stage by introducing the topic from the narrowest perspective—that of electing the Speaker and organizing the House for business—and then discussing how that relatively focused act interfaced in significant ways with the great political issue of that day, the preservation of the Union, and the large project of building national political parties in the United States.

Chapter 2. Background to the Study of Antebellum House Organization

This book is about the struggle for control of the House of Representatives in the antebellum period. Therefore, we need to consider what House members were actually struggling over. We

begin by laying out the distribution of power in the antebellum Congress and specifying the relationship between that power distribution and the larger range of partisan political activity.

Our attention is drawn immediately to the speakership. The Speaker is specified in the Constitution as the House's formal leader. Well before the Jacksonian system was in full flower, intense struggles were waged for control of this plum position. Although the earliest Congresses had attempted to retain the radically egalitarian parliamentary practices that had characterized Congress under the Articles of Confederation, even the first Congress saw movement away from egalitarianism, toward hierarchy and a division-of-labor. The division-of-labor was most notable in the committee system, which migrated from a series of *ad hoc* select committees to more permanent standing committees. Over time, committees gathered more discretion in deciding whether to report legislation. Thus, a lot rode on the Speaker's discretionary power of appointing these committees: he who controlled the appointment of committees controlled the agenda. Thus, the speakership was from the beginning highly valued for this reason.

Henry Clay provided another reason to value the speakership by perfecting the use of the gavel and the previous question motion to control the floor. In the near-term (the 1810s), the Speaker's upper hand in controlling both committees and the floor helped place Congress in a leadership position in the prosecution of the War of 1812. Once the War ended, the speakership possessed a collection of parliamentary rights that provided whomever controlled it with the upper hand in making policy.

In addition to the Speakership, the leading positions of the House also included subsidiary offices that were likewise contended over, including the Clerk and Printer. In the next chapter we consider the Printer in more detail. In this chapter we will briefly lay out the formal authority that these positions held in the antebellum House, paying particular attention to the role

these offices played in supporting the system of patronage that is uniquely identified with the Jacksonian party system.

A small literature already exists delineating the history of the speakership, although the tendency has been to emphasize personalities and, more recently, to rely on secondary research (Follett 1896, Chiu 1928, Peters 1990). Lientz (1978) provides the only comprehensive summary of speakership battles in prior research. Binder (1997) and Dion (1997) provide some material related to parliamentary developments during the antebellum period. Unpublished papers by Gamm and Smith (2000, 2001) provide some new material about the rise of formal party positions. Finally, our own original research—some of which has been published, but much of which is currently unpublished—will provide evidence about the development of the committee system and the growing authority of the Speaker and the other House officer positions. See Canon and Stewart (2001), Jenkins and Stewart (1998, 2002, 2004), and Stewart (1998).

We also discuss in the chapter some theoretical issues in the study of congressional organization. For example, a natural way to address the antebellum fight for the speakership more generally is to think of these episodes as instances of coalition formation. Because of our contemporary, non-historical experience with Congress, it is odd to consider congressional politics in the same terms we use to address Westminster-style parliaments. Still, the cases we explore in Part II clearly reveal that fairly cohesive blocs of like-minded members often coordinated their behavior in ways not unlike parties in contemporary parliamentary settings, and that one option for solidifying a winning coalition to elect a Speaker was to specify how committee assignments would be doled out—perhaps in a way consistent with the distribution of cabinet portfolios in parliamentary coalitions.

Three prominent ideas of coalition-building have dominated discourse in the legislative studies field for a generation—Riker’s “size principle,” Axelrod’s idea of ideologically connected coalitions, and Laver and Shepsle’s theories of cabinet formation. In addition to spelling out these theories as originally suggested and adapting them to the case of antebellum speakership elections, we alternately illustrate and test these theories using quantitative data. The theories of Riker and Axelrod are tested using evidence from the election of speakers and the formation of winning speakership coalitions. The theories of Laver and Shepsle are tested using evidence about committee appointments that followed the election of Speakers. In doing this, we will be articulating a series of themes that were outlined in Stewart (1999).

Finally, we demonstrate that in most cases, being in the coalition that elected a Speaker brought those coalition members greater policy gains, even after taking into account the policy preferences of members. In a couple of anomalous cases, the losing coalition was actually able to wrest control of the floor from the coalition that elected a Speaker. The bottom line conclusion, however, is that, in most cases, controlling the speakership was a valuable resource from the perspective of controlling policymaking, and that the winners and losers of policy struggles were not just determined by the raw distribution of preferences at any given time. The bulk of this research was reported in Stewart (2000).

Chapter 3. Printers and the Rise of *Viva Voce* Voting

The arena in which most of the battles we describe in Part II were fought was in the balloting for Speaker. The form of balloting itself provides a puzzle that needs to be solved before we tackle the struggle for the speakership. Before 1839, the House elected its Speaker using a secret ballot. After 1839, balloting for Speaker and all House officers was by public (*viva voce*) roll-

call vote. In Part II, we will discover that *viva voce* voting for Speaker made it increasingly difficult for regional factions within parties to agree on a single candidate for Speaker, since support for a party's speakership candidate required members from one region to publicly declare support for a member of the "wrong" region. Given the political problems that *viva voce* voting eventually created, it is important to understand why the House adopted this device in the first place.

Viva voce voting for Speaker emerged out of a desire to enforce party regularity among members of the emergent Democratic party. During the 1820s and 1830s, Jacksonian loyalists constructed an electoral juggernaut that produced consistent political success. As the decade of the 1830s proceeded, political events transpired to make party loyalty *within Congress* more fragile. One problem was simply that the enormous partisan margins enjoyed by Jacksonians early in the period dwindled across time, in the face of increasing Whig successes. A related problem was the political effects of the Panic of 1837, which not only brought about more Whig electoral successes, but also created a deep rift within the Democrats over banking and financial issues. As Whigs gained greater numbers and political skills, they were increasingly able to use secret intrigues to get the better of loyal Jacksonians—even when they controlled the presidency and the Congress by (nominally) comfortable majorities.

The mechanism of *viva voce* voting was the most important device that Jacksonian loyalists championed to overcome these intrigues at the point of organizing the House for business. Jacksonians frequently found themselves fighting to hold onto the support of "nullifiers" and pro-Bank Democrats when it came time to elect House officers. Because the votes for Speaker and other House officers were secret, leaders did not know precisely whom to punish for disloyalty, nor would constituents necessarily know for sure about the partisan loyalty

of their representatives. Throughout the 1830s, loyal Jacksonians regularly proposed the *viva voce* mechanism as an amendment to the rules, to be rebuffed by *ad hoc* coalitions of Whigs, pro-Bank Democrats, and nullifiers.

In addition, whenever the House actively addressed the election of its officers, it was always in the context of electing the House *Printer*, not the Speaker. This odd fact requires us to make a significant detour into discussing the role of the House Printer during this era—a discussion that is deferred from Chapter 2. As we demonstrate, the partisan press was a keystone in the national electoral edifice built by the party of Jackson and Van Buren in the 1820s and 1830s. It provided propaganda on behalf of the party and rallied the party faithful to action.

Federal printing contracts, of which the congressional printing contracts were the most prominent, played an important role in subsidizing the partisan press, and electoral politics more broadly. The House Printer was therefore a critical political post for whichever party controlled it.² Therefore, because Jacksonians had major difficulties in electing one of their own loyalists as the House Printer, even when they held nominal majorities in the House, Democratic party-building faced a significant problem.

No published scholarship has addressed why the House decided to elect its officers by public ballot in 1839, and very little scholarship has addressed the role of the congressional printers in the larger Jacksonian patronage system and the attendant struggles over controlling the congressional contracts. The major exception to the latter generalization is a well-

²The same is also obviously true of control of the Senate Printer. Because our focus is on House politics, we will tread lightly on this position. However, to the degree that battling for control of the Senate printing contract gets periodically intertwined in control of the House contract, we cannot ignore it entirely.

documented but obscure book about the partisan press and patronage in the antebellum era (Smith 1976). The bulk of the research supporting this chapter has been presented in a conference paper (Jenkins and Stewart 2001b). A shorter version of this paper has recently been published in *Legislative Studies Quarterly* (2003).

Part II: Fighting for the Speakership

The chapters in Part II deal directly with the most highly contested battles for the speakership in the antebellum period. Each chapter will involve a combination of historical narrative and quantitative analysis of the voting for Speaker. In Chapter 1 (Introduction) we will have discussed the most basic contours of battles for the speakership. Here we turn our attention to a series of Congresses in which the battle was particularly acrimonious and protracted.

Chapter 4. Shoring up Partisan Control over the Speakership: The 26th & 30th Congresses

In Chapter 3 we discuss the party-building logic behind moving to *viva voce* voting for Speaker. In this chapter we examine the first two instances in which this logic was put to the test, whereby the majority party was able to use the public vote for Speaker to get its candidates elected. The first of these two cases, the 26th Congress (1839–41), was the first instance of a Speaker being elected via *viva voce* voting. Ironically enough, the end result was a defeat for the majority party, when the minority-party Whigs enticed a small number of South Carolina Democrats to support a moderate Whig (Robert M.T. Hunter) for Speaker. In the second case, the battle over the speakership in the 30th Congress was also protracted, taking three ballots for the majority party Whigs to elect one of their own, Robert Winthrop (Mass.) as Speaker. Both of these episodes illustrate two things about speakership balloting. The first is about how coalitions are

made: in each case, the active participants in the speakership battle were trying to find where the center of the House was located, in order to score a victory. The second is that it was evident from the beginning that the hopes of those who wanted to use the public vote to guarantee party regularity were likely to be sorely disappointed. Publicity might guard against a defection to the other party, but it could not guarantee that the parties themselves could easily agree on whom everyone should support.

Chapter 5. The Undoing of Majority Rule: The 31st & 34th Congresses

As regional animosities grew, it became much more likely that the choice of Speaker would become mired in the great national struggle. When the numerical advantage held by the majority party was small, the struggle most resembled trench warfare. This was particularly true in the 31st (1849–51) and 34th (1855–57) Congresses, when the impossibility of electing a Speaker led to the consideration of extreme proposals. One such proposal, which was discarded, would have had Congress simply adjourn and wait for new national elections. One that was accepted, twice, was to elect the Speaker by plurality, that is, without a majority.

We examine the balloting for Speaker in these two Congresses with an eye toward teasing out the relationship between popular politics and the organization of Congress during this period. Scholarship examining antebellum political institutions has emphasized the practices that sought to create a “credible commitment” to inter-regional coalitions. Most notable of these mechanisms has been the “balance rule” governing the admission of states and the selection of national tickets (Weingast 1996, 1998; Aldrich 1995). As we argue in this chapter, another such mechanism was the attempt to manage the slavery policy dimension of speakership choice by first hiding the speakership vote from public view and then selecting slavery moderates as

nominees in party caucuses. This mechanism broke down in the 31st and 34th Congress, as the partisan heat generated by the protracted proceedings caught the attention of the voting public, through the partisan press, which had by now fractured along regional lines, as well as party lines.

A substantial amount of the material for in this chapter has already been presented at conferences (See Jenkins and Stewart 2001a). That paper relied on contemporary newspaper accounts to document the regional and partisan reactions to the protracted balloting. Left to be done by research that integrates electoral data into the analysis, to gain a finer-grained understanding of how these two episodes related to constituency concerns.

Chapter 6. Speakership Elections and the Birth of the Republican Party

Throughout the 1840s and 1850s, a number of political movements came and went, bringing together northerners and westerners who were dissatisfied with the nation's policy toward slavery. These parties never gained much traction—not only because they rarely gained many (if any) seats in Congress, but also because their members could never grab the reins of power even when elected. In the mid-1850s another loosely-organized band of anti-slavery representative were elected to the House. But, without a strong formal national organization, their hopes for grabbing national power looked bleak, even through their numbers were rising.

An opportunity presented itself in the balloting for Speaker in the 34th Congress (1855–56) that resulted in the first formal manifestation of the Republican party at the national level. Nathaniel Banks, who was eventually elected Speaker after 133 ballots, did so through a deft maneuvering together of anti-slavery Representatives to ensure his eventual election. Beyond that, however, Banks also ushered in a new level of coordination among anti-slavery

forces, which helped move the Republicans from a loose association of like-minded individuals into a true political party that could operate within the electorate and within the government.

This chapter offers a slightly different orientation to some of the material already covered in the previous chapter. In Chapter 5, we examine balloting in the 34th Congress for evidence that external electoral pressures affected the ability of representatives to forge cross-regional alliances within parties to elect the Speaker. In this chapter, we focus more on the party-building activities of proto-Republicans, both at the point of electing a Speaker and later when formal coordination continued in the organization of the chamber. Moreover, we focus additional attention on the speakership battle in the 36th Congress, the final Congress prior to the outbreak of the Civil War. Here, like the cases in the 31st and 34th Congresses, a lengthy speakership battle ensued. Unlike those two cases, however, a plurality rule was not needed to elect a speaker, as Republican House members eventually put aside their disagreements in order to arrive at a partisan choice.

Much of the material for the first part of this argument (concerning the election of Banks and the subsequent organization of the 34th Congress) has already appeared in print (Jenkins and Nokken 2000). New research will be necessary to complete the story, which is about the creation of a formal organization that carried the pro-Banks forces forward as a real political party as we understand it.

Chapter 7. Speakership Elections since 1860

For four decades, from the 1820s through the 1850s, the House lived under a biennial cloud as it went about organizing for business. As often as not, speakership balloting erupted into a multi-

ballot fight. These multi-ballot episodes in the decade before the Civil War not only illustrated the country's growing political divisions, they arguably contributed directly to those divisions.

Thus on the eve of the Civil War, when the House organized for the 37th Congress (1861), nothing was too unusual when the House once again failed to elect a Speaker on the first ballot. What happened after that *was* unusual. The House failed to elect a Speaker on the first ballot because the Republicans, who held a substantial House majority, split most of their votes between two candidates, Galusha A. Grow (Penn., 71 votes) and Francis P. Blair (Mo., 40 votes). Unlike past Congresses, when such an occurrence might set off a protracted struggle between the various majority party factions for control of the House, the next step was truly amazing: One after another, supporters of Blair were recognized in order to change their votes to Grow. Grow's tally eventually stood at 99 out of 159 cast, and he was elected Speaker. In an instant, the simultaneous fight for control of the Republican Party and the House was over, not to erupt again on the floor at its convening for the next sixty years. From that time to the present, with only a couple of notable exceptions, control of the House has been effectively settled within the majority party prior to the House's convening.

The purpose of this chapter is to examine the pattern of contention over the speakership from 1860 until the present. The primary focus will be on the Civil War era and the rapid emergence of the practice to settle on official party nominees for Speaker, and then for the caucus to be bound to that choice. As stated, protracted floor balloting for Speaker ended abruptly in 1861. Future intraparty disagreement would be embedded in party caucuses, with all members acceding to the caucus majority's nominations on the House floor. Factionalism would cause a small scattering of support for dissident candidates in the future, but nothing that threatened control of the House by the majority party's top choice. This new caucus-based

arrangement undoubtedly had implications for the distribution of power within the parties as the Civil War Party System grew to maturity.

Chapter 8. Conclusion: The Speakership and Party Development

In the final chapter we will of course offer a basic summing-up of our evidence and argument. However, we will also use the conclusion to address two large themes in political science and political history that our research touches on. The first is the role of Congress in the development of American political parties generally, and specifically in the case of antebellum parties. This is a theme we will broach in the introduction and provide some concluding words on here.

The second large point concerns the role of parties in Congress. One of the things that this book bears witness to is the development of the most important institutional practice in Congress—the organization of the chambers by party. In the early 1800s, when the book opens, members of Congress possess party labels, but they are important almost exclusively in the electoral arena. Once they travel to Washington, the party-in-the-legislature has yet to develop a cohesive institutional manifestation. Therefore, although the organization of the House usually involves identifiable partisan blocs, the parties themselves are not internally cohesive enough for us to say that the parties organize Congress. By the end of the Civil War, parties *do* organize Congress, or at least the House. It may be a simple coincidence, but at roughly the same time, the English Parliament was itself developing a series of practices that cemented the control of Parliament by a majority party. Therefore, we hope to end on a broadly comparative note, suggesting that the lessons learned from studying the organization of the antebellum House of Representatives may not only tell us something important about American political

development, but may also add another piece into the puzzle of understanding the rise of Anglo-American legislatures more generally in the nineteenth century.

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