

Party Control and Legislator Loyalty in Senate Elections
Before the Adoption of the 17th Amendment

Charles Stewart III
Massachusetts Institute of Technology
cstewart@mit.edu

Wendy J. Schiller
Brown University
Wendy_Schiller@Brown.edu

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Before the 17th Amendment went into effect in 1914, the election of United States senators by state legislatures was one of the most prominent features of American national politics. As important as these elections were, there has been surprisingly little direct analysis of U.S. Senate elections before direct election. George Haynes's 1906 Progressive Era monograph is now a century old. Riker's classic 1955 article on the role of the Senate in American federalism is nearly half a century old and, in any case, delved very little into the direct evidence of how Senate elections were conducted. The past decade has seen a number of articles examine the consequences of switching from state legislative election to direct election of senators in the 1910s, but the pre-17th Amendment politics in those paper is taken as given, not the focus of analysis (Stewart 1992a, 1992b; King and Ellis 1996; Hibbing and Brandes Crook 1997; Wirls 1998).

This paper is part of a larger project that seeks to remedy our lack of accurate understanding about Senate elections before 1913. In this work, we examine two small but important slices of those politics, which are (1) the link between the mass state electorates and the state legislators in determining who would be elected to the Senate and (2) the role of political parties in electing senators. The core of the evidence consists of narratives about two states, New York and Florida, which varied considerably in the strength of formal party organizations. The episodes we explore are times when the choice of senator was thrown into the "joint convention" of both legislative chambers, because the two chambers separately could not elect a senator. For Florida, we examine the protracted Senate elections of 1873, 1875, 1887, and 1891. For New York, we examine 1881, 1887, and 1911 in detail. This is an exploratory paper, and our intent is to delve into these cases in order to generate new systematic and testable hypotheses about Senate election politics during this period.

We reach two general conclusions based on the Florida and New York cases. The first is that the links between the mass electorate and state legislators in Senate elections was highly

variable. While it is true that the party controlling the state legislature ended up controlling the election of the U.S. senator virtually all of the time from 1871 to 1913, the state legislative election rarely settled anything more than the party of the senator. Senate candidates were rarely known definitively on Election Day. Senate candidates would emerge *after* the fall general election, which is when they would seek support from state legislators, and then subject themselves to party caucuses and formal votes in the legislature. Consequently, prognostications about the outcome of the subsequent U.S. Senate election made after state legislative elections were often wrong.

The second general conclusion is that the role of political party leaders—“bosses”—was also highly variable. Party machine leaders were certainly critical, but even the “big boss” could lose. Rival factions might test the strength of top leaders. Short-term electoral setbacks might provide openings for insurgent elements within a party. Minority party legislators always had incentives to exploit divisions within the majority party. To state that party bosses were the most important influences on the outcomes of Senate elections is not to say that they were the only influences or even determinative.

The paper is divided into three sections. First, we present data on the number of elections and joint session ballots for 11 states from 1871-1913. Second, we present a detailed case of a state that had high party competition but few joint session ballots (New York) to illustrate how party organizations sought to control the nomination (through party caucus balloting) and election of U.S. senators. Moreover, because there we have a complete data set with party affiliation and vote choice for all the legislators for New York (not available for all states during this time period), we are able to relate party electoral strength to party cohesion and loyalty in the selection process for U.S. senator. Third, we present a different case (Florida) where one party dominated the state legislature, but was highly factionalized and suffered a number of extended joint ballot sessions in Senate elections. Specifically, we focus on the extent to which individual legislators shifted their votes from one candidate to another over the course of extended balloting, explaining those shifts in terms of coalitional change within majority parties.

The Data

This paper is part of a larger project in which we are examining Senate elections in all states from 1871 to 1913. To begin the project, we randomly chose 11 states: Alabama,

California, Florida, Iowa, Kansas, Kentucky, Maine, Massachusetts, Minnesota, New York, and North Carolina. It is our intention to use what we learn from this random sample of states to guide research that will involve data from all 48 states that were in the Union during this period.

For the eleven states in our sample, we gathered as much relevant information as we could about the balloting for Senate in each state. This includes:

- The actual roll call votes for senators. This has resulted in a data set with around 200,000 observations across all states and Senate elections.
- The district and the political party of each state legislator voting for senator, where available.¹
- Election return information for each state legislator.

The legislative journals are available for all the states in our sample, so we have a complete record of voting for senators during this period.² Official information from the states, in the form of “Red Books,” research reports, and information in legislative journals, plus newspaper accounts, makes the identity of the district and political party membership of all these legislators nearly complete. Election return information is fugitive, ranging from New York (where it is practically complete), to Massachusetts (where it is mostly complete for the time period), to Maine (where it is complete for the Senate but not the House), to Kentucky (where no collection of legislative election returns survives for this period).

Along with the quantitative information, we are gathering accounts of Senate elections. Most states, particularly New York, have been subject to political histories in which Senate elections loom large. The *Tribune Almanac* regularly contained a narrative synopsis of each Senate election through the 1890s, as did entries in *Appleton’s Annual Cyclopaedia*. Finally, we are collecting newspaper accounts for Senate elections. For this, the online historical archive of the *New York Times* is invaluable, but we have also collected accounts from other newspapers that have been microfilmed, in the states where the Senate elections were held.

¹ For example, North Carolina has no existing compilation of the party affiliation of legislators who served in the state House and Senate for this time period.

² There are several excellent collections of state legislative journals throughout the United States—some that are more comprehensive than the official state repositories of the “home” states. Among these collections are the Library of Congress, New York Public Library, New York State Library, and Yale University Law Library. For the other information in the data set, we have relied on official sources, plus unpublished information provided by helpful archivists and librarian in virtually all the states in our sample.

For this paper, we have focused our attention on multiple ballot elections to the Senate from New York and Florida from 1871 to 1913. These elections were governed by the federal law passed in 1866, in response to controversies that arose in Senate elections prior to the Civil War.³ The framework enunciated in the 1866 act provided for a two-step process. As had been typical before 1866, each chamber was to meet separately at noon on the second Tuesday after the state legislature had organized, to vote separately for senator. On the following day at noon, the two chambers would meet in joint session to canvass the votes. If a majority of members of each chamber favored the same candidate, he would be declared elected. If not, then the “joint convention” of legislators from both chambers would ballot, a majority being required for election. If no majority resulted, the joint convention was required to ballot at least once a day until a senator was chosen.

The elections we have chosen to study could not be resolved through simple majorities in both chambers. Therefore, the types of elections we focus on in this paper are not typical, in the sense that they were more conflictual than average in the process of legislative balloting. We make no claim for representativeness. However, we do claim that these conflictual elections are useful to examine in an early phase of a research project because they lay bare political dynamics that may be hidden, for instance, under periods of unified party control of state legislatures.

Extended battles in state legislatures over choosing a U.S. senator occurred for two major reasons. First, both chambers might be controlled by different parties. In that case, if the joint convention were controlled by one of the parties, then the joint convention would simply ballot once and elect the senatorial candidate preferred by the political party with a majority in the joint convention. This is by far the most common outcome of split-control cases, though in our previous research (Schiller and Stewart 2004), we analyzed the case of Kentucky in 1896 and 1897, in which the joint convention was effectively tied for two years straight. Second, either or both chambers might be experiencing factional conflict within the majority party. In that case, the typical pattern was for the factional conflict to spill over into the joint convention, yielding a protracted ballot for Senate.⁴

³See Haynes 1906, chapter 2, for the background on why the law was adopted. The law may be found at U.S. Statutes at Large, vol. 14, pp. 243-44.

⁴ Previously we discovered that 31% of all Senate elections in our data set from 1871 to 1913 were resolved in joint convention, 38% before 1901 and 17% afterwards (Schiller and Stewart 2004, pp. 5-6). Of the elections that went to joint ballot, 41% were resolved on the first ballot.

Table 1 reports the joint convention elections for Senate in the eleven states in our data set between 1871 and 1913. Further investigation into these states reveals that various “joint convention profiles” existed among the states in our sample. Two states, Iowa and Maine, were essentially one-party states during this period, controlled by a single party that was also cohesive. Neither ever had a joint convention during these years. From our preliminary examination of these cases, Iowa and Maine ended up having important differences in how their Senate elections typically proceeded. In Iowa there often was a small protest vote against the dominant Republican faction and a robust enough Democratic Party that the insurgent Republicans could have conceivably broken away to elect a senator in league with the Democrats. However, the protest vote appears to have been managed to avoid this eventuality. We have discovered no strong factional vote among Republicans in Maine Senate elections, once the process got to the legislature. The unusual thing about Maine is that it appears that the minority Democrats often abstained in the Senate election votes.

At the other extreme were Kentucky and Massachusetts, each of which had seven joint conventions across a series of sixteen Senate elections. Yet in each case, the source of the joint conventions was quite different. With the exception of the 1896-1897 standoff in Kentucky, the Blue Grass State’s joint conventions arose from factionalism within the Democratic party which typically took two-to-three weeks to resolve. In Massachusetts, on the other hand, joint conventions arose from close partisan divisions in the legislature that prohibited a single candidate from getting a majority in the two chambers. In most cases, the convening of a joint convention created a single majority party in an artificially constituted unicameral legislature, which then selected the candidate from the joint convention’s majority party.

The Case of New York

New York is a case of a state that was highly competitive, whose state politics was dominated by party machines for the entire period covered in this paper. It is exceptional in one important way that makes it an ideal starting point for examining Senate elections in state legislatures: the amount of data relevant for studying these elections is considerable. Unique among the states in our sample, we have uninterrupted electoral data and reliable information about party membership of state legislators for the entire period. Qualitatively, New York

politics during this period has been well covered by contemporary newspapers, books, and memoirs.⁵

Between 1871 and 1912, Republicans and Democrats fought bitterly for control over New York politics. This competition was embedded in national politics, with New York pivotal in presidential races. Republicans carried New York in seven presidential elections from 1872 to 1912, Democrats carried it four times. Because New York was America's financial and industrial capital, the state's politicians and financial supporters were even more important in national councils than the Empire State's large number of up-for-grabs electoral votes already warranted. The pivotal status of New York in national politics was reflected in the claim that New York had in both parties on either the presidential or vice presidential nomination throughout this period. The close partisan balance was also characteristic of the major statewide race, governor. In the 21 gubernatorial elections from 1870 to 1912, Democrats prevailed 11 times, Republicans 10 times.

With this intense partisan competition, one would suspect that control of the New York State Legislature would have been regularly up for grabs. Yet this suspicion would be wrong. Throughout this period, the Republicans regularly controlled both chambers of the state legislature. In the 43 legislative sessions from 1871 to 1913, Republicans held a majority in the Senate 35 times, a majority in the House 34 times, and a majority of the "joint ballot" 35 times.

This virtually impenetrable dominance of the Republican Party over the New York legislature gave the Republican Party a boost in electing senators for these four decades. From the 1870s until the onset of popular election in New York in 1914, U.S. Senate seats came open 14 times and were filled with Republicans ten times. The only lucky break the Democrats caught was in the elections of 1891 and 1893. In those years, the cycle of New York Senate seats corresponded with a brief moment in which Democrats controlled the state legislature.

The most important thing to know about Senate elections in New York from 1871 to 1913 is that control over the selection of a U.S. senator went to the party that controlled the legislature. That party was typically the Republicans, who controlled the legislature much more

⁵ Chief among these are the definitive political history by Alexander (1909, 1923), Brown and Smith's political history of New York (1922), Thomas C. Platt's autobiography (1910), Harold Gosnell's monograph on Platt's activities as party boss (1924), and other works (Chessman 1965; Flick 1935; McGuire 1905; Mushkat 1981).

often than their support in the electorate warranted, because of a substantial bias that favored the Republicans in legislative apportionment.⁶

However, as we showed previously, control of a state legislature by a single political party was neither necessary nor sufficient for the majority party to smoothly control the selection of the actual winner (Schiller and Stewart 2004). Yet in the specific case of New York, there never was a case in this period when the party with a numerical advantage failed to elect a senator. There were occasionally threats that the minority party might join with an insurgent element in the majority caucus to elect a senator, but these threats were never realized. And as we will see, there were three instances when the majority party did not have a nominee until after balloting had already begun, in 1881, 1887, and 1911.

The second most important thing to know about New York U.S. Senate elections during this period is that the actual canvass for the Senate tended to begin *after* the November election. Although Riker (1955) claimed that the pre-election “popular canvass” was common during this period, we can find no evidence of it in New York. Although there were some instances where party leaders campaigned to elect “friendly” state legislators, the senatorial canvass was not the only consideration. Until Thomas C. Platt consolidated his hold over the Republican Party machine in the 1890s, this does not appear to have been a common practice directed centrally. Competing party notables would sometimes support different local candidates. It is clear that party leaders rarely had a good sense about where they stood in the upcoming U.S. senatorial contest until legislators started arriving for the January session in Albany, two months after the state election.⁷

As readily as we believe that parties structured the outcomes of Senate elections in state legislatures, there has never been micro-level analysis of the voting behavior of state legislators for the U.S. Senate during this period. Did the majority party winning streak in New York rest on rock solid party loyalty among the foot soldiers, or did the majority party win by casting off

⁶ For this project, we have gathered the election results for all New York state legislative elections from 1871 to 1920. The aggregate figures show two things. First, particularly during the 1870s and 1880s, there were long periods of time when Democrats won the aggregate vote totals in legislative races but still did not control the legislative chambers. Using the standard linear regression technique, we discover that the Republican bias in the state Senate during this period was 9.5%; in the House it was 7.7%. The swing ratio was 2.2 in the Senate and 2.8 in the House.

⁷ Schiller (2003) contains considerable evidence of the extent to which legislators abandon their campaign pledges to one Senate candidate when it became clear that candidate could not garner a majority in the Senate election in the legislature.

insurgents? How loyal were partisans in supporting their party's nominee for Senate? How were nominees chosen in the first place? When the parties succeeded, what techniques did they employ and how successful were they? New York is an excellent case study because we have party affiliation data for all the legislators and we can therefore add more substance to the conventional wisdom about party control over U.S. Senate elections during this time period.

Table 2 provides a basic answer to the first question of how loyal New York state legislators were in supporting their parties' nominees. The table reports party loyalty on the first ballots in each chamber, for each election. In this case, we have identified the caucus-sponsored nominee and recorded the fraction of partisans who voted for that candidate in each chamber, before the joint convention, if one was necessary.⁸ The one exception is the two special elections in 1881, responding to the dual resignations of Sens. Conkling and Platt, when the Republican Party leadership was unable to gain enough signatures to call a nominating caucus. In the 1881 elections, it is reasonable to suggest that Conkling was a prominent enough Republican Party boss that loyalty among Republicans can be measured by the fraction who voted to return him and Platt to the Senate.

Despite general party cohesion in Senate election balloting, there were some important substantive exceptions to the power that party bosses wielded over the rank and file. The most important exception was in the effort to respond to the joint resignations of Conkling and Platt in 1881 over a patronage dispute with President Garfield. The other major exception for the Republicans was 1887, when a three-way race that split the pro-machine faction spilled over into floor voting which had to be resolved in joint convention. The final case was in 1911, when a group of reformers within the Democratic Party, led by upstate senator Franklin D. Roosevelt, battled the Tammany-dominated party machine for weeks. We will discuss each of these cases in some detail below.

⁸ Formally, both parties' "joint caucuses" met preceding the legislative balloting for Senate, to nominate the parties' choices to fill the vacancy. A strong distinction was made between a *caucus* of party members and a *conference*. At a caucus, anyone in attendance was bound to abide by the majority vote of the caucus. Anyone *not* in attendance was not bound. Absences were noted by the leaders and by the press, which attended and reported the deliberations and the roll call vote(s) on the nomination. Anyone who absented himself from the caucus without "good cause" was considered an insurgent or a bolter. Because of the heavy implications of meeting in caucus, it was often difficult to call caucuses whenever joint convention balloting became protracted. Therefore, party leaders would often call *conferences*, which were allowed to take votes on whether to support particular candidates, but without binding participants.

Noting that the party leaders were influential in guiding developments in senatorial elections is not the same thing as saying that legislative party members were regularly under the thumb of New York City party bosses in the choice of senators. The truth is much more interesting than that. In fact, a review of the choice of party candidates reveals the precarious position of party bosses in New York during this period. To help guide the discussion, Table 3 summarizes all major party nominations for Senate in New York from 1871 to 1911. Bosses like Roscoe Conkling, Thomas Platt, and Charles Murphy were always chief among the *dramatis personae* in each of these nomination fights. However, in the middle years of this period, which witnessed instability at the top of both parties' organizations, were as likely to unearth party divisions and boss failures, as they were to provide evidence of political organization strength.

The election(s) of 1881: Stalwarts and Half-Breeds

The election of 1880 deeply divided the New York Republican Party, as it did the party nationwide. Conkling became known as one of the leading "Stalwarts," who were opposed to President Hayes's policies of reconciling with the South and instituting civil service reform. He had led the effort to bring Ulysses S. Grant out of retirement, nominating him for a third term, but in the end, Conkling and his followers lost at the national convention. The deadlocked 1880 Republican convention eventually nominated a dark horse, James Garfield, for president. A moderate, Garfield was still identified as a "Half-Breed." To balance the ticket, the convention nominated Chester A. Arthur, a lieutenant of Conkling's in New York politics, for Vice President.

Garfield barely carried New York in the 1880 presidential election. With this victory, Republicans also carried the statewide races and won a majority of votes cast for their state legislative candidates. Republicans controlled the legislature, and thus it was assured that the incumbent Democratic Senator Kernan would be replaced with a Republican.

The Half-Breed/Stalwart split infected the process of choosing the Republican nominee who was sure to be Kernan's successor. The canvass for the Republican nomination occupied an intense four day period preceding the January 13 Republican caucus (NYT 1/14/1881, p. 1; Brown and Smith 1922, pp. 254-55; Alexander 1909, pp. 464-65). The initial leading Republican candidates were both Stalwarts, Thomas C. Platt and Richard Crowley. Crowley had been Speaker of the Assembly and had served widely in the federal and state governments in many

capacities. Platt had also served in the House, but was by then the president of the United States Express Company. Although both were Conkling allies, Half-Breeds believed that Platt would be easier to deal with. In fact, Platt's conciliatory nature would earn him the nickname "The Easy Boss," in later years, as he came to dominate the New York Republican Party himself.

Following a precedent from the 1869 senatorial election, House Speaker George H. Sharpe delayed making committee assignments, hoping to pressure House members to vote for Crowley. This tactic backfired, and was one factor frequently mentioned in post mortems of Platt's eventual victory. However, the primary factor contributing to Platt securing the Republican nomination was a promise he made to a conference of Half-Breeds, that he would support Garfield's appointments, even appointments that Conkling opposed (Brown and Smith 1922, p. 255; Alexander 1909, p. 468; Gosnell 1924, p. 26).

Platt won the Republican nomination comfortably, though this fact probably reflects Platt's over-eagerness to please all elements of the Republican Party. In any event, his desire to stand between the Half-Breeds and Conkling set up the next conflict, which resulted in one of the most dramatic showdowns in American political history.

In brief, the conflict began when Garfield forwarded to the U.S. Senate the nomination of Judge William H. Robertson to be the collector of the port of New York, a prime patronage appointment. Robertson had led the Half-Breed revolt within the New York delegation the previous year, and thus was Conkling's greatest intra-state rival. Conkling "thoroughly detested" him (Gosnell 1924, p. 26). Conkling fulminated over the nomination, publicly and within closed Republican caucuses in Washington, striking even his allies as being belligerent and childish. Platt suggested to Conkling that they both resign their seats in protest and then seek reelection, to demonstrate back-home support of Conkling's position.

That was a mistake. The public response to Conkling's histrionics over the Robertson nomination had been negative, and his decision to resign in protest only made matters worse with the public. Conkling's decision was attacked, even among Stalwarts, as childish and inimical to Republican Party unity. Platt suffered, as well, in the court of public opinion and party councils. Not only was he seen as trying to wiggle out of his promise to support Garfield's appointments, the public initially perceived the dual resignations as being Conkling's idea, not Platt's. This consequently earned Platt the nickname of "Me Too."

Conkling's and Platt's problems in the New York State Legislature began when legislative Half-Breeds, along with a small number of Stalwarts who were outraged at Conkling's behavior, refused to enter into a caucus to choose Republican nominees for the newly opened seats (Alexander 1909, p. 479). Conkling and Platt would have to press on with their efforts to regain their Senate seats without the endorsements of their party's caucus.

Balloting began on May 30. The first ballots in the two chambers of the state legislature were not good. In the House, Platt received only 20 and Conkling 25 of the 78 *Republican* votes cast on the first ballot. In the Senate, Platt received 8 and Conkling 9 of 25 Republican first ballot votes. At this point, the only ray of hope they had was the fact that the opposition had not rallied behind a single set of candidates. For instance, on the first ballot in the House, Republicans voted for a total of 14 different candidates in opposition to Platt, and 17 candidates in opposition to Conkling.

An ordeal that would consume seven weeks and four days had begun. All told, there were 56 ballots taken to fill the Conkling seat and 48 ballots taken to fill the Platt seat.

The Democrats themselves were in an interesting position. On the one hand, speculation ran rampant that a deal would be done such that the Democrats would join with Conkling forces to ensure the election of Conkling and Platt, through a combination of cross-over votes and strategic abstentions.⁹ The maximum degree of flexibility for the Democrats was illustrated in the caucus that was called to name two Democrats to stand for election to Platt and Conkling's vacant seats. State Senator John Jacobs was nominated to receive Democratic votes in the race for Conkling's "short seat" vacancy, while former Senator Francis Kernan was endorsed for Platt's "long seat" vacancy. However, when a motion was about to be made to make the caucus choice binding on all caucus participants, there was a disturbance in the hall, which allowed for a hasty adjournment motion to be made, which carried (NYT 5/31/1881, p. 1). Thus, the Democrats had their nominees, but they were also free to try to get a better deal individually if they could find it.

The position of the Democrats became even more interesting as balloting wore on. Sen. Jacobs's nomination for the short term violated a provision of the New York State constitution that explicitly prohibited incumbent state legislators from being elected to the United States

⁹ On the face of it, it seems unlikely that the Democrats would have agreed to take actions that would have ensured the election of Conkling and Platt. Conkling's Radical background and his role as the undisputed Republican Party boss made him anathema to the Democrats. Nonetheless, the possibility at least was mentioned in the press.

Senate. At the time of the caucus meeting, friends of Jacobs denied that this was a problem, since in the off chance that Jacobs actually was elected to the Senate, the U.S. Senate itself would be the judge of whether the New York constitutional provision would be enforced. However, this constitutional objection came back to haunt the Democrats, as Republican legislators began objecting to Jacobs receiving votes. This led to threats by the Republican leadership that they would start treating votes cast for Jacobs as null and void. If they did this, then Conkling could conceivably be declared elected, if he simply received a majority of the Republican votes cast. When the Republican Governor Cornell intimated that he would acquiesce with such a ruling and sign a certificate of election, Democrats dropped Jacobs, substituting Clarkson Potter instead, on the 24th ballot on June 23.

Balloting to replace Conkling and Platt dragged on, well into the summer heat. No truly significant movements occurred until two dramatic turns affected the outcome of the race, after voting had lasted a month. The first was when Platt was caught in the arms of a woman, not his wife, which led to his hasty withdrawal from the race on July 1. A major portion of Platt's votes were redistributed to Richard Crowley, but not all. Platt's withdrawal failed to rally either the Stalwart or Half-Breed forces around any single candidate, or manageable set of candidates, so balloting continued even more chaotically than before.

One day later, President Garfield was assassinated. The assassination, which hinged on the issue of patronage, drew national indignation toward anything having to do with patronage. Chauncey Depew,¹⁰ who had been the primary Republican vote getter against Platt, withdrew his name from consideration and worked to help bring together a conference of Republicans on July 8. At that meeting, they agreed to split the two seats, allowing the Half-Breeds to choose one nominee and the Stalwarts the other. The agreement also stipulated that the first faction to come up with a nominee would be allowed to claim the long term. The Half-Breeds managed to reach agreement first, choosing Warner Miller for the long (Platt) term; the Stalwarts chose Elbridge Lapham for the short (Conkling) term. However, the former supporters of Conkling and Platt refused to enter into the agreement. The balloting continued.

The next significant break occurred on July 17, when Speaker Sharpe threw his support behind the two compromise candidates. This quickly resulted in the election of Miller the next

¹⁰ Depew is known to political scientists mostly through Riker's (1986) essay on Depew's deft use of a killer amendment to delay passage of the 17th Amendment. In 1880, New Yorkers knew Depew as a reform-oriented Republican who had only recently been a leader of the Liberal Republican movement.

day, on the 48th ballot. However, diehard Conkling supporters continued to support him, making resolution of the short term more difficult. Finally, on July 22, during a Republican conference meeting, Sen. Edwin Halbert, who was the most stalwart of the Stalwarts, declared the need to resolve the election and his willingness to go over to Lapham. A vote was taken, Lapham was formally nominated, and he was formally elected in that evening's joint ballot, the 56th ballot of the affair.

The immediate result of these machinations was the election of two middle-level party functionaries to the U.S. Senate. The long-range result was more substantial for the history of party politics in New York. Conkling retired to New York City, where he entered private law practice, stayed away from politics, and died seven years later. Platt, on the other hand, beat a tactical retreat, and set about gaining control of New York Republican politics, in the wake of the vacuum left by Conkling's retirement.

The Republicans and their factions – the election of 1887

The election of 1887 held special meaning to former Senator Platt, since it was his seat that had been taken away by the incumbent, Warren Miller. The Republicans controlled both chambers by a comfortable margin. Platt had tried earlier to assert control in the 1885 Senate election by pushing his favored candidate, Levi Morton, but the Republican caucus bucked him, choosing William Evarts instead. To bolster his influence, Platt made sure to play an active role in the 1886 State legislative elections, especially in the upstate legislative districts, by helping candidates in marginal seats who were likely to support Morton in the Senate canvass. When Republicans captured the legislature in 1886, Platt was confident that his candidate was a shoe-in (Alexander 1923, p. 84).

Yet, once the legislature gathered in Albany in January 1887, the election was not so much assured. Other Republicans coveted the seat. Warner Miller was confident in his performance as the incumbent senator and viewed himself as the leading candidate to further anti-machine, reform politics. Frank Hiscock was a conservative Republican who as congressman had been part of the Republican leadership under Thomas B. Reed. He had a strong desire for the Senate seat and believed he could defeat Platt's candidate for the vote of party regulars. When the Republican caucus convened on Monday, January 17, it was revealed that Morton and Hiscock supporters had arranged a pact to defeat Miller (NYT 1/18/1887, p. 1).

The Republican caucus took two votes the first night. The first ballot revealed that Smith had 44 votes in the joint caucus, Morton had 35, and Hiscock 12. A second ballot was called, which solidified the first. The caucus adjourned without a choice.

Platt and his lieutenants worked overnight to break the resolve of the Hiscock supporters, trying to get them to support Morton. They failed. On the ballots held in the separate chambers on Tuesday at noon, only one Republican who had voted for Hiscock in caucus, William Kimball, went over to the Morton camp. Lacking a Republican nominee, the two chambers gave pluralities to the Democratic nominee, Smith Weed.¹¹

A second Republican caucus was called Tuesday night, this time in an attempt to settle on a nominee for the next day's joint convention. Three ballots were held, and by the end, the Morton-Hiscock alliance could command only 47 votes, with 48 needed to make a nomination. Therefore, when the joint convention balloted on Wednesday, the conservative faction split in two, and the reformers were unable to rally a majority of Republicans. Only three votes changed between the separate ballots and the joint convention, and all three deserted Hiscock in favor of Miller.¹²

A third night of caucusing ensued, and this time the caucus stayed in session until a nominee was chosen. As the evening became day, Platt recognized that his candidate could not win; if he wanted to defeat Miller, he would have to throw his weight behind Hiscock, which he eventually did (NYT 1/20/1887, p. 1). The next day, with a unified Republican vote, Hiscock was elected to the Senate by a vote of 91 to 62.

1911: The Rise of the Reformers and Extended Joint Session Balloting

The most important contextual dynamic of the 1911 senatorial election, the last held before the institution of the popular election of senators, was the Progressive split within the

¹¹ The actual vote in the House was Weed (41 votes), Miller (32), Morton (36), and Hiscock (10). In the Senate, the vote stood Weed (11), Miller (10), Morton (9), and Hiscock (1).

¹² The vote in joint convention stood Weed (61 votes), Miller (43), Morton (33), Hiscock (11). Weed actually picked up the most votes between the separate and the joint ballots, due to the appearance of several Democrats who had skipped the first round of voting. Conversely, Morton suffered on the first joint ballot by the non-attendance of several legislators who had voted for him in the chambers separately.

Republican Party in the 1910 general election, which allowed Democrats to gain control of both legislative chambers.¹³

On the Democratic side, the opportunity to elect a United States senator for the first time in nearly twenty years was hampered by a reform split of their own. The New York City delegation, swollen under consolidation, controlled the Democratic caucus; therefore Tammany boss Charles Murphy was presumably in the driver's seat.¹⁴ The Tammany candidate was William F. "Blue-Eyed Billy" Sheehan, who had previously served as Speaker of the Assembly and Lieutenant Governor, and now continued to be active in party politics (NYT 1/12/1911, p. 1). However, a sizeable contingent of upstate Democrats, led by Sen. Franklin Roosevelt and supported by Gov. John A. Dix, refused to go along. The reformers supported Edward M. Shepard, who had run two unsuccessful campaigns for mayor of New York as a reform Democrat, first for mayor of Brooklyn before consolidation and later for mayor of the consolidated city.¹⁵

This break in the Democratic majority ranks gave rise to a three-month fight over the election, which was heavily covered by the New York press.¹⁶ Both sides tried to use media to marshal public opinion and mobilize constituencies between the end of the November election and the actual Senate election in January. The second public phase of the canvass began when Tammany boss Murphy arrived in Albany on January 11. The next day, three days prior to the caucus meeting, the *New York Times* reported that it had taken a poll of state legislators on the senatorial election, and no one was willing to make a commitment (NYT 1/13/1911).¹⁷

Murphy's difficulties became apparent when he held a highly publicized audience with Governor Dix, who pointedly refused to take a position in the upcoming senatorial election. The Democratic caucus, which met three days later, revealed the deeper extent of Murphy's problems. As predicted, 25 legislators, including state Sen. Franklin Roosevelt, stayed away from the caucus, thus signaling that they would not be bound by any decision the caucus made.

¹³ This is even though the Democrats easily beat the Republicans in the popular vote for both chambers. Malapportionment was such that although Democrats won about 60% of the two-party vote in the state legislative elections, they won only about 51% of the seats in the two chambers.

¹⁴ From the subsequent events that unfolded, the extensive *New York Times* article on 31 Dec. 1910 (p. 3) that trumpeted "Murphy Controls Senate Election" through his iron grip on the entire party was overwrought.

¹⁵ The first *New York Times* account of the race notes the endorsement of Shepard by a large number of upstate Democrats; the headline of the article noted that "Tammany men [are] silent." (NYT 12/18/1910, p. 1.

¹⁶ NYT 1/3/1911, p. 1; 1/7/1911, p. 5; 1/14/1911, p. 1; 1/15/1911, p. 2; 1/16/1911, p. 1; 1/18/1911, p. 1.

¹⁷ Just two years before, the *Times* had conducted a poll of New York state legislators, preliminary to the election that chose Elihu Root, and everyone had responded with a preference.

In addition, of the 91 Democrats who did attend the caucus, only 62 voted for the machine candidate. Twenty-two supported Shepard and 7 favored D. Cady Herrick (NYT 1/17/1911, p. 1). This was a slap in the face for the Tammany and allied organizations, which had now demonstrated that they could only hold together a bare majority of their own party caucus.¹⁸

The Republican caucus was much more sedate, but even it evidenced some discord when Sen. J. Mayhew Wainwright nominated Theodore Roosevelt. Roosevelt garnered only one other vote; Depew was nominated 58-2, with 17 absent (NYT 1/17/1911, p. 1).¹⁹

The first ballot in the separate legislative sessions that began the formal election illustrated the influence of the party caucus. On the first ballot in both chambers, all Democratic caucus members voted for Tammany's Sheehan, even those who had opposed him in the party caucus (Table 4). The absentees, on the other hand, split their votes, voting mostly for reformer Shepard. Only one party regular usually allied with Tammany voted for Sheehan. Figure 1 summarizes the vote shares received by the major Democratic candidates during the various rounds of balloting. The various factions periodically agreed to hold *pro forma* votes, at which time only a handful of ballots would be cast. The graph in Figure 1 omits these ballots, showing instead only ballots in which a quorum voted.

As balloting proceeded, Sheehan continued to draw a plurality of support, but never enough to garner a majority. A handful of his initial supporters deserted after the earliest ballots, but instead of going over to Shepard, they scattered their votes for a variety of "safe" candidates. The purpose of this strategy was to signal a belief that Sheehan was unelectable, while at the same time demonstrating that the legislator was unwilling to go over to the insurgent faction (NYT 1/21/1911, p. 1; 1/22/1911, p. 1; 1/24/1911, p. 1). Eventually Boss Murphy and Sheehan left Albany, as did most of the legislature, leaving a skeleton crew of legislators to cast *pro forma* ballots day in and day out.

After five weeks of balloting, however, Shepard made the next move, by withdrawing from the race, confident that Sheehan would not be chosen, hoping that a compromise candidate

¹⁸ The *New York Times* report notes an attempt to exclude newspaper reporters from the caucus meeting, which, in the estimation of the reporter, would have been a first in New York history. The report also noted that the resolution to exclude the reporters did not exclude the large number of party officials who were also in the chamber. Following a vociferous protest, the reporters were allowed to stay (NYT 1/17/1911, p. 1).

¹⁹ The absence of such a large number of Republicans at the caucus meeting has gone un-analyzed in the historical literature. Given the practice at the time, the most likely explanation is that this collection of Republicans desired to retain maximal flexibility in subsequent balloting, perhaps joining with insurgent Democrats to elect a bipartisan reform candidate. Although such possibilities were raised in the coming weeks, they never were positively acted on.

would emerge who would be more in keeping with reformer desires. Martin Littleton immediately jumped into the race, picking up support of the reformers who had previously supported Shepard, plus some erstwhile caucus loyalists who had fallen away from Shepard (NYT 2/27/1911, pp. 1-2).

Littleton quickly hit a glass ceiling of support, however, which led to a month of fruitless efforts to hold a second caucus to arrive at a compromise (NYT 3/6/1911, p. 1). By the third week of March, Murphy had apparently decided to ease Sheehan out. The effort was on to find a suitable replacement who could attract enough insurgents to win (NYT 3/20/1911, p. 1; 3/23/1911, p. 1). Eventually the reformers expressed a willingness to enter into a second party caucus, even though when the caucus was actually held, most were no-shows (3/25/1911, p. 1; 3/26/1911, p. 1; 3/26/1911, p. 10).

The maneuvering toward the end game came in this second party caucus. When Sheehan refused to step aside, the new caucus refused to endorse him again, giving him 28 votes out of 90 cast. Only four of the original reformers entered the second caucus meeting. However, the regular Tammany forces remained divided, so Democrats were still unable to choose a senator (NYT 3/28/1911, p. 1). Using Senate President Robert Wagner as an intermediary, a group of reformers submitted a list of acceptable candidates, suggesting that if one from the list was not chosen, they would enter into an agreement with the Republicans to elect a senator instead (NYT 3/30/1911, p. 1).

Murphy had other ideas, however. His supporters countered with James O’Gorman, a “safe” justice of the state Supreme Court (NYT 4/1/1911). Surprisingly, the reformers swung into line, allowing O’Gorman to be elected on a strict party line vote. In the end, although the reform leaders tried to salvage the situation, the general verdict seemed to be that Murphy had out-maneuvered them (NYT 4/1/1911).

The final resolution to the contest occurred through the confluence of three exogenous events. The first was the approach of the April 4 date for the convening of the United States Senate. Few in New York desired for the state to be short a senator when it convened (NYT 3/24/1911, p. 10). The second was Gov. Dix’s increasing impatience with the protracted senatorial voting, which ground legislation to a halt, hindering his chances of pursuing the reform agenda that had gotten him elected. Dix was simply unwilling to continue drawing the wrath of Tammany leaders on an issue that did not directly affect his programmatic plans. The

third was a fire in the state capitol on the eve of the final caucus, which destroyed the state library, caused \$5 million in damage, and rendered the House legislative chamber unusable. Immediately upon the election of O’Gorman, both chambers adjourned for two weeks, allowing repairs to be made to the capitol.

* * *

The New York case illustrates several aspects of the dynamics of state legislative elections for U.S. Senate. First of all, the size of the majority party mattered, but merely securing a numerical advantage in the state legislature did not assure smooth sailing in the choice for U.S. senator. The public canvass, so far as we can tell, did not have any binding or real effect on the cohesion of majority parties around candidates in Senate elections. In New York at least, the electoral connection in state legislative elections was weak in determining the specific winning candidate in U.S. Senate elections. The real contest frequently occurred in the party caucus that met prior to the beginning of official voting for senator, and in some cases, held its own repeated balloting to choose a nominee. Individual party bosses and prominent elected officials did control some aspects of the Senate election process, but they were constantly challenging each other, and could suffer when they overstepped their state level base of support.

The Case of Florida

In stark contrast to New York State, which had most of its battles over U.S. senator in party caucuses, Florida had a history of extended joint session balloting, both in times of close party division, and in times of super-majority control of both chambers. Given its recent history as a pivotal state in the 2000 Presidential election, it should come as no surprise that Florida was a state plagued by conflictual U.S. Senate elections. Of the 14 elections studied in this data set, 5 elections were thrown to joint convention, and each election required at least 21 ballots to decide the winner (range 21-30). Below is a brief description of 4 of these multiple joint ballot elections (1873, 1875, 1887, and 1891).

Florida 1873

The election of 1873 resulted in sending S.B. Conover, the Republican Speaker of the Florida Assembly, to the United States Senate by a vote of 43-21-5-2-1-1. The Florida Assembly was controlled by the Republicans by a margin of 28-26, and the State Senate was

controlled by Republicans by a margin of 13-11. Notably, only 2 senators (8%) and 11 (21%) House members voted for Conover on the first ballot, and only one (4%) senator and 10 (19%) House members voted for him on the first joint session ballot. The incumbent senator was Thomas Osborn (Republican), and he did not seek reelection.²⁰ Figure 1 shows the ebb and flow of the number of joint ballot candidates in joint legislative session during this election.²¹

The amount of vote shifting among legislators was also an important element of Senate elections in state legislatures. If factions were united, then we would expect coalitions, even small ones, to persist as voting proceeded. Instead, we find that legislators constantly shifted their votes from one candidate to another, and even in and out of coalitions during the joint session period. There is little evidence from this set of elections that legislators were under the control of any specific party boss or faction leader. There was a great deal of vote shifting across the joint ballots, especially among Republican members of the legislature. Table 5 shows the percent of the members of the chamber and the frequency with which they shifted their votes during joint session balloting.

The behavior of the two parties differed in that the Democrats (in the slim minority in the Assembly and Senate) rallied behind several different candidates in an attempt to defeat the Republicans. In the Assembly, a majority of Democratic members voted for a single candidate who was not Conover on the first eight joint session ballots, but on the ninth joint session ballot, they start to defect to Conover. On the other hand, the Republicans did not rally behind a single candidate; in fact, for the first 16 ballots, Republicans split their votes across a greater number of candidates than their Democratic colleagues did. Conover, the eventual winner, began to amass support among Democrats on the ninth joint session ballot before he amassed the same support among Republicans. In fact, he lost the Democrats to another candidate who did not emerge until the 13th ballot (Westcott); at the same time, Conover faced a strong push by another Republican, Bisbee, who stayed in the race as a strong competitor until the very last ballot. On that ballot, Conover managed to eke out his victory with support from both Democrats and Republicans. Among senators, the Democrats for the most part stayed united behind a single

²⁰ Though Osborn did receive an early scattering of support in the early joint session balloting from legislators in the House and Senate.

²¹ In the Assembly, the number of candidates receiving votes ranged from 4-14, with an average of 7 candidates per joint session ballot (s.d.=2); in the Senate there was an average of 8 candidates receiving votes (s.d.=2).

candidate (which switched as the balloting progressed), with some support for one other minor candidate, while the Republicans split their votes across an average of six candidates. Senate Democrats did not begin to defect to Conover until the 19th ballot.

The specifics of the 1873 election of U.S. senator in Florida illustrate our findings in earlier work that the slimmer the majority party's control of the chamber, the more likely it is that the Senate election will be conflictual (Schiller and Stewart 2002). In this case balloting was extended because of the permeability of support across party lines. This was a Reconstruction southern legislature, after all, and party labels themselves were in flux.

Florida 1875

The election of 1875 sent Charles Jones (Democrat) to the U.S. Senate by a final vote of 41-29-2-1-1-1. For the election of 1875, it is harder to draw conclusions about partisan cohesion, because information about party identification is only available for about half of the members of the legislature. From what we can tell, the Democrats were still more cohesive around one or two candidates than the Republicans were, and the same set of legislators shifted their support over the course of balloting as a bloc to different candidates whom they thought could garner a majority. Like 1873, very few legislators voted for the eventual winner on the first ballot (0 in the Senate, 1 in the House).

As balloting proceeded, there appeared to be a downward trend in the number of candidates being considered, as Figure 3 illustrates. However, on the 16th ballot, both parties disbanded their coalitions and entered a free-for-all. The parties regrouped on the 18th ballot, with the Democrats beginning to rally around the eventual winner, Charles Jones, while the Republicans rallied around Bisbee, who had been a viable candidate in the 1873 race. Still, it was not until the 24th (and last) ballot that Jones becomes the preferred candidate of a majority of the Democrats and wins a majority of all senators.

As in the case of the 1873 election, there was a great deal of vote shifting within the parties during joint session balloting within the parties, which again indicates the high degree of coalitional instability within the majority party. (See Table 6.) In terms of intra-party coalition shifting, in the Senate, the Democrats shifted their support to two main candidates on the 11th ballot (Wilkinson Call and D.S. Walker) and then again, on the 19th ballot, they abandoned Call and Walker in favor of Bullock. The Republicans were disjointed until they rallied around

Bisbee, also on the 19th ballot, but he eventually became the runner-up to Jones on the 24th, and final, ballot.

The 1875 Senate election in Florida is an illustration of the inability of parties to marshal a majority of their rank and file behind a single candidate for the U.S. Senate. The Democrats were only slightly better at coalescing around a single candidate for several ballots, but that coalition was not stable, and shifted as a bloc to several different candidates, none of whom was capable of getting a majority vote. The Republicans were not united for the early rounds of balloting, but soon recognized that they might swing the election if they rallied behind one candidate that might appeal to some renegade Democrats.

Florida 1887

In the U.S. Senate election of 1887, Samuel Pasco was eventually elected by a vote of 84-17. It took 25 ballots to secure Pasco's election, even though the Democrats held a super-majority in each chamber²² and Pasco was the Speaker of the Florida Assembly.

The contest began as a two-way race between a former governor, W.D. Bloxham, and the incumbent governor, E.A. Perry. There were some other minor candidates but the bulk of the votes were split between these two men (See Figure 4). In the joint convention balloting, Speaker Pasco did not receive a single vote until the third ballot, and thereafter never received more than five votes (16%) until the very last ballot. Because he was that chamber's presiding officer, it is not surprising that Pasco had more support in the Assembly. Pasco's support peaked in the early rounds of joint voting, at 16 members (23%), and declined thereafter until the last ballot.

Competition from the Republicans was minimal. The few Republicans in the chamber voted for Goodrich, and the rest of the legislature split their votes across several other Democrats.

Parallel with the legislature's joint meetings to ballot for senator, the Democratic caucus met continually, from early April to mid-May, where it balloted a total of 89 times. The Democrats split their support between Bloxham and Perry relatively evenly on each party caucus ballot; the eventual winner, Pasco, did not receive any votes in the party caucus. It was not until

²² Democrats held a 26-5 advantage in the Senate and 59-14 advantage in the House, for an overall advantage of 85-19 in the joint convention.

the 89th ballot, held on May 19, that the party finally rallied around Pasco as a compromise choice.²³

Again, as in the prior elections, there was considerable vote shifting by legislators throughout the joint session balloting process (Table 7). However, unlike the previous cases we have explored for Florida, the amount of shifting was reduced considerably, as coalitions tended to shift in larger blocs, less frequently than before. The important thing to note here is that it appears that by 1887, factions were slightly more stable than they had been in earlier elections, but they still managed to significantly divide the majority party.

The Republicans, even though few in number, stayed steady in their support of Goodrich, but the Democrats spread their votes across a number of candidates, with Bloxham and Perry the front runners. However, even their coalitions were not that stable, and neither candidate was capable of garnering a majority in joint session.

The larger question left unanswered here is why Pasco was not the front runner to begin with, and why he could not get a majority faction to cohere around his candidacy far earlier in the balloting process. The 1887 election illustrates how precarious the control of “party leaders” was over their rank and file. Bloxham, Perry and Pasco were major political forces in the Florida Democratic Party, yet they could not get control of a single Senate election in the state legislature.

Florida 1891

Of all Florida Senate elections that went to extended joint balloting, the election of 1891 was the most contentious, and is most illustrative of the kind of factionalism that plagued super-majority parties in state legislatures, particularly in the South. Wilkinson Call was a two-term senator, having been elected with little competition in 1879 and 1885, who headed a strong faction of the Florida Democratic Party. The other faction was headed by the Democratic Governor, Francis Fleming, who had a number of allies in the state legislature. The extent of party in-fighting in this election drew the repeated attention of the national press, as reflected by

²³ *Tribune Almanac*, 1888, p. 34. One element of this election that differs from the prior election is that the range of the number of candidates across ballots is the same – in each chamber, there was an average of 6 candidates per ballot (s.d.=1.5).

this forecast by the *New York Times* in April 1891, entitled “Florida’s Next Senator – Mr. Call in the Race with Many Competitors:”

The Legislature is made up of thirty-two Senators and sixty-eight Representatives. Of these ninety-nine are Democrats, Senator Smith of St. Johns County being the only Republican. Call is particularly strong in the country districts of the State, and the sparsely-settled and agriculture sections of the State are, of course, in the majority as far as representation in the Legislature is concerned. The legislative canvass in November last was prosecuted almost solely upon the Call and anti-Call issue. In almost every instance it became necessary, in order to secure a nomination to either branch, for the candidate to declare his position on the Senatorial question, and in this way, as soon as the election was over, the complexion of it was pretty well understood. Senator Call’s friends claim 67 votes, but a more conservative estimate places his strength at about 55 or 56. If the caucus plan is pursued a general caucus of the Democratic members of both branches will number 99. If strict Democratic precedent is followed the two-thirds rule will prevail, and it will therefore require a vote of 66 in caucus to secure the nomination.

Until quite recently the members of the opposition to Call have given a scattered support to at least a half-dozen aspirants. Among these were John F. Dunn, of Marion County, who is known throughout the State as “the Phosphate King,” he having within the past year and a half made several millions of dollars in the sale of phosphate lands; W.D. Bloxham, the present State Controller, who was at one time Governor; E.M. Hammond, the present State Senator from Orange County; Charles Dougherty of Volusia County, a member of the present Legislature and ex-member of Congress from the Second District; J.P. Taliaferro, the present Chairman of the Democratic State Executive Committee, and the Governor of the State, Francis P. Fleming. At a recent conference of the Call opposition, it was practically decided that the anti-Call votes should be centered upon Senator Dunn, and that no dark horses should be brought into the fight to embarrass Dunn’s chances or to help Call.

It is generally agreed throughout the State that Dunn made a deal some months ago with Robert F. Rogers, President of the Farmer’s Alliance, by which Rogers was to work in Dunn’s interstate and exert his influence among Alliance men toward centering their strength upon Dunn. Rogers is very close to Chipley, who is the inside leader of the Call opposition, and as Chipley’s policy is “anything to beat Call,” he is prepared to enter into almost any sort of a deal whereby his purpose may be accomplished. (*New York Times*, April 7, 1891, pg. 1)

At the beginning of the balloting, Call received about the same relative support in each chamber. In the separate chamber votes that preceded the joint convention, Call received the votes of seven senators (23%) and 14 members of the Assembly. On the next day, in joint convention, Call garnered support from 15 senators (53%), but only 25 members of the Assembly (39%).

Therefore, the *New York Times* could not have been more inaccurate in their predictions. As it turns out, none of the supposed challengers was able to amass sufficient support to defeat Call, and only two of those mentioned in the *Times* article (Dunn and Hammond) even received more than a few votes. The main challenger to Call turned out to be J.G. Speer, and he was the only other candidate to receive enough votes in the party caucus to deny Call the nomination.

In fact, throughout most of the party caucus balloting that occurred in parallel with the joint convention meetings, the race pitted Call against Speer one-on-one. Unable to choose a candidate within the caucus, the Democrats voted to disband it and did not send a nomination to the full legislature.²⁴

The most notable thing about this long course of balloting is that Call was unable to garner the Democratic nomination only because he was unable to amass 2/3 of the vote in caucus. He had a majority. The members of the caucus voted early on to spread their votes around in the joint convention, among several candidates, in order to prevent a candidate who did not have the caucus endorsement from winning. Consequently, the vote for Call and Speer in the joint convention balloting did not reflect their support within the caucus.

However, it is also not clear from the actual joint convention balloting that the members of the caucus stuck to this agreement entirely. It appears that the anti-Call faction tried to cohere around a small number of candidates from the 7th ballot to the 17th, but failing to get a majority, members of the faction became splintered again.

In the end, Call was elected only because anti-Call members of the legislature refused to vote, leaving Call to receive almost all the votes in a joint convention session that barely contained a majority of the two chambers combined. (On the last ballot, the anti-Call members of the Assembly and Senate refused to vote, to the point where only 54% of the Assembly voted (all but one for Call) and 49% of the Senate voted (all for Call).)

The pre-election *Times* article overestimated the degree of unity within both factions. Call did not have the kind of strong support that the article suggested, or at the very least, it was soft support. The anti-Call forces were only united by their opposition to Call, but there were enough major players in that faction that legislators were not asked to be loyal to one candidate in particular. There was no single anti-Call leader who was popular enough to attract widespread support or to organize support around a single opposition candidate.

²⁴ *Tribune Almanac*, 1892, p. 69.

In terms of vote shifting, the Call supporters stayed relatively loyal, but again, there were not enough of them to give him an easy early victory. The anti-Call members shifted their votes quite a bit in search of a viable opponent, and they account for most of the outer tail of the vote shifts described in Table 8.

Call's political nemesis, Governor Fleming, used the absence of a real quorum to suggest that the election was invalid. In a last ditch effort to prevent Call from returning to the Senate, Governor Fleming refused to acknowledge Call's victory, and appointed another man to Call's Senate seat. As the *New York Times* described it in a November 18th article,

The Senate of the United States, when it meets next month, will have to decide upon the title to a seat in that body of two claimants from the State of Florida, one elected by the Legislature on the 26th of May last, and the other appointed by the Governor on the 22nd of September....After the re-election of Senator Wilkinson Call in May, Governor Fleming refused to certify the election on the ground that it was not valid. When he appointed R.H.M. Davidson in September to the alleged vacancy, Secretary of State Crawford refused to attach the seal of the State to the certificate on the ground that the appointment was not valid, there being no vacancy when it was made. A mandamus was granted by the Supreme Court of the State requiring him to affix the seal to the Governor's certificate of appointment, and yesterday he complied with the mandate of the court rather than suffer the penalty for contempt.

As both claimants for the seat are Democrats, and as the majority of the Senate is Republican, this case ought surely to be decided upon its merits, without partisan or factional bias, and it ought to settle once for all the questions that have been raised, which are of considerable interest....

There is no dispute about the facts in connection with the election of Mr. Call. On the ballot for Senator,...Mr. Call received... a majority of all the members of both houses. [Gov Fleming argued that since a quorum of each house was not present, then a joint assembly without a quorum from each chamber cannot elect a senator]

The Florida case is clearly a faction contest in which a majority of the Legislature and the Secretary of State were on one side and the Governor and the Supreme Court of the State were on the other side....The Senate will have to decide between them, and it will be surprising if it does not make short work of the claim of Gov. Fleming's Senator.²⁵

As in the case of New York, conflict between two prominent state officials pervaded the U.S. Senate contest. The U.S. Senate did seat Call, and he served out his term until 1897, when Stephen Mallory was elected senator in another extended election (25 joint session ballots). In

²⁵ *New York Times* – “The Florida Senatorship” Nov 18, 1891 pg 4.

that case, Mallory beat the legislative leader of the anti-Call faction, W.D. Chipley. One interesting epilogue is that J.P. Taliaferro, a potential opponent to Call in 1891 and a state party leader, was elected to the Senate in 1899 by beating Samuel Pasco.

The history of Senate elections in Florida reveals a great deal about the *actual* control that party organizations had over the Senate election process in state legislatures. As witnessed by the public nature of the 1891 Senate race, certainly state legislative elections were influenced by the prospect of choosing a U.S. senator, but even when state legislators ran on tickets or platforms specifically stating their preference for senator, it was no guarantee that such promises would hold once balloting began. Party control of chambers certainly meant a senator from that party would be elected, but not because a party's members could be counted on to rally behind the same nominee from the start. Conventional beliefs that Senate elections in state legislatures were "done deals" or "dominated by individual party bosses" need to be reexamined and challenged in an effort to better understand the intensity of conflict that surrounded these choices in the late 19th century.

Conclusions

In this paper, we have used two states as case studies, as a first step towards challenging our conventional understanding of the dynamics of U.S. Senate elections in state legislatures prior to the adoption of the 17th Amendment. In the 1870s and early 1880s in New York, relatively strong party unity contained factionalism within the majority party; in Florida, weak parties (and an artificially extinguished Republican Party) led to greater fluidity in the creation of voting coalitions.

But by the late 1880's the caucuses began to cohere a bit more, as evidenced by the reduction in the number of majority party Senate candidates considered in caucuses and on the floor. However, it is important to point out that the cohesiveness appears to have been because of shared norms, not because of threats of retaliation by strong bosses. Party bosses had weak blandishments over their followers. As the repeated failures of Platt show, leaders often had to chase after their followers just to shore up their base, much less triumph over a rival faction. The perception that machine or party leaders had tight control over the Senate election process is misguided and inaccurate. Party leaders certainly expressed a public opinion as to who should

be elected senator, and in private, bartered with the rank and file to get “their guy” into the Senate, but they were not in a position to demand loyalty, they had to ask for it.

In contrast to the oft-cited mention by Riker of the public canvass, we find little evidence of a strong connection between state legislative election promises, and subsequent voting on the state House and Senate floors. In both states, the senatorial canvass tended to start after the state legislative elections – in other words, candidates for the U.S. Senate made their strongest push for votes after the legislature convened, and they each knew that no prior pledge was cast in stone.

Another important caveat for students of political history is the degree to which newspaper articles overestimated the influence of specific party players in determining the outcome of Senate elections in legislatures. In particular, it is important to remember that the New York Times tended to support reform Republicans, and its news accounts tended to reflect that perspective. As we saw in the case of Florida, the *Times*'s confident predictions about the Call race of 1891 fell largely flat, because the reporter relied too heavily on expectation of coherence within majority party factions. Although we have come to accept as fact that newspapers had a partisan bent to them in the late 19th century, it may also be that the conventional wisdom of that time led to overblown estimates of party leaders' influence over their rank and file in the selection of U.S. senators.

Of course, these conclusions are based on tentative explorations of two states. There are forty-six states to go. As these two cases show, Senate elections varied considerably across even two states. Because Senate elections brought together all the critical elements of national politics from the Civil War to the Age of Reform, a broader exploration of Senate elections will also give us new insights into the development of American politics more generally.

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Note: Citations to the *New York Times* are abbreviated "NYT."

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Figure 1. Vote share of major Democratic candidates, 1911 New York Senate election.

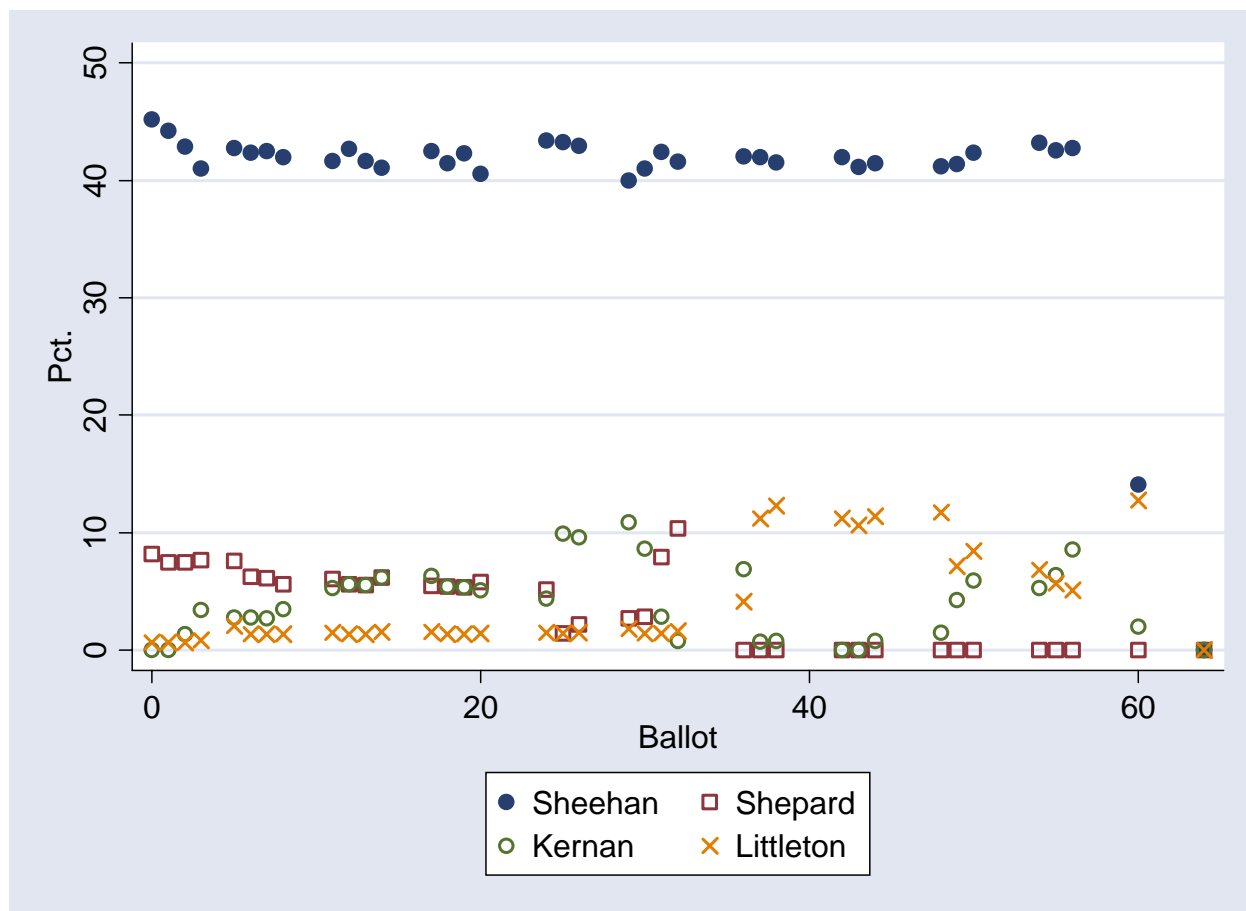


Figure 2. Number of candidates receiving votes for U.S. senator in Florida, 1873, by ballot.

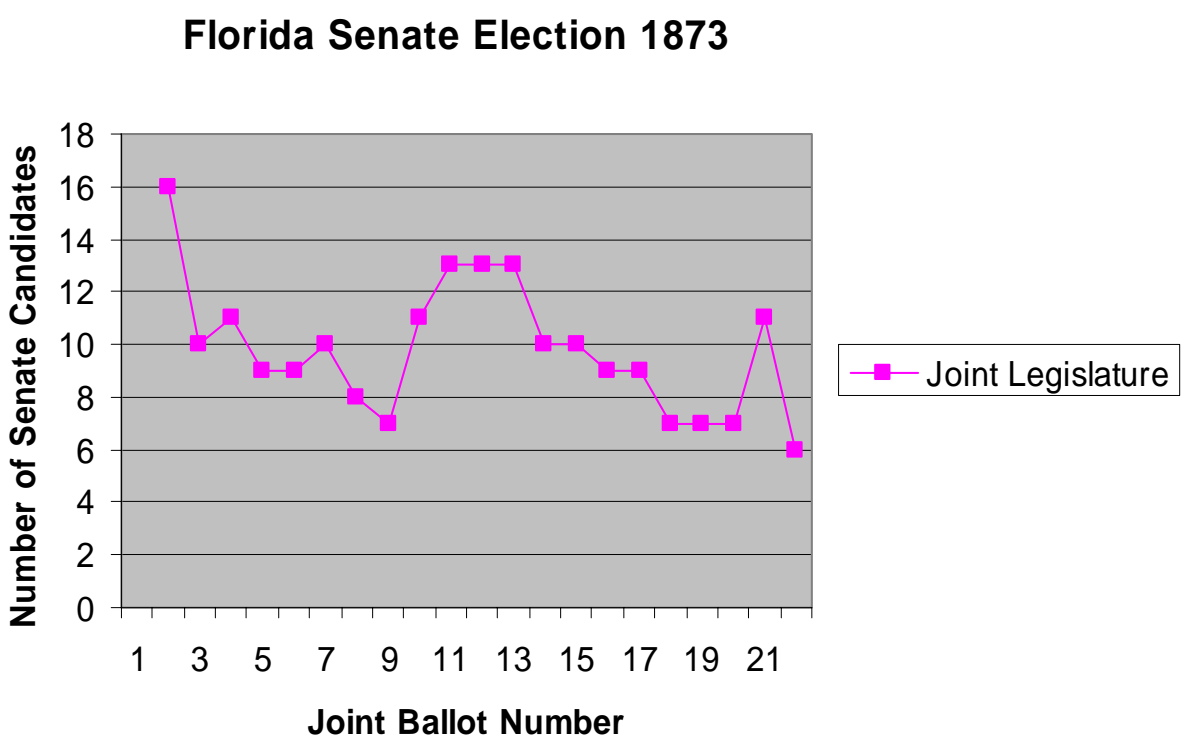


Figure 3. Number of candidates receiving votes for U.S. senator in Florida, 1875, by ballot.

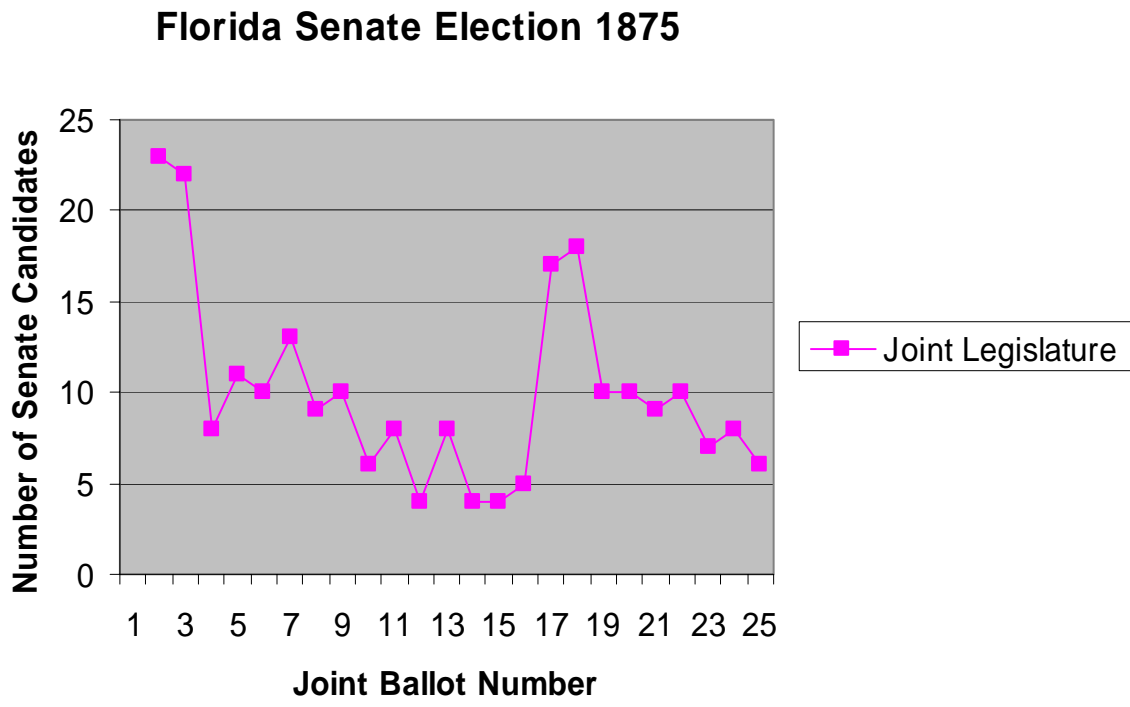


Figure 4. Number of candidates receiving votes for U.S. senator in Florida, 1887, by ballot.

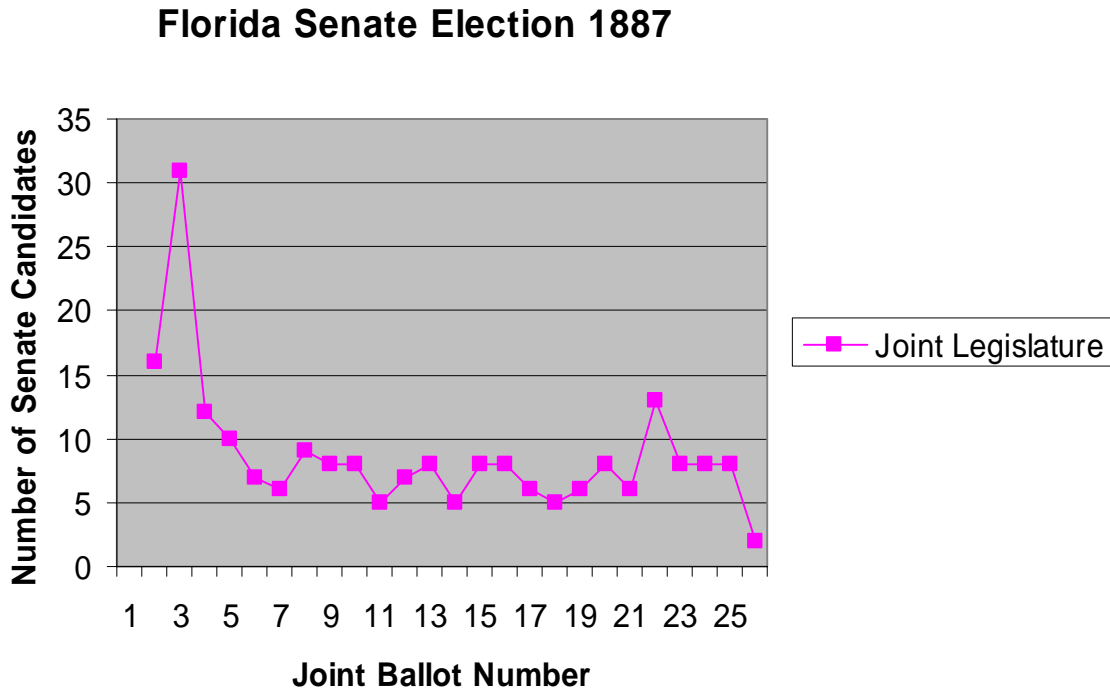


Figure 5. Number of candidates receiving votes for U.S. senator in Florida, 1891, by ballot.

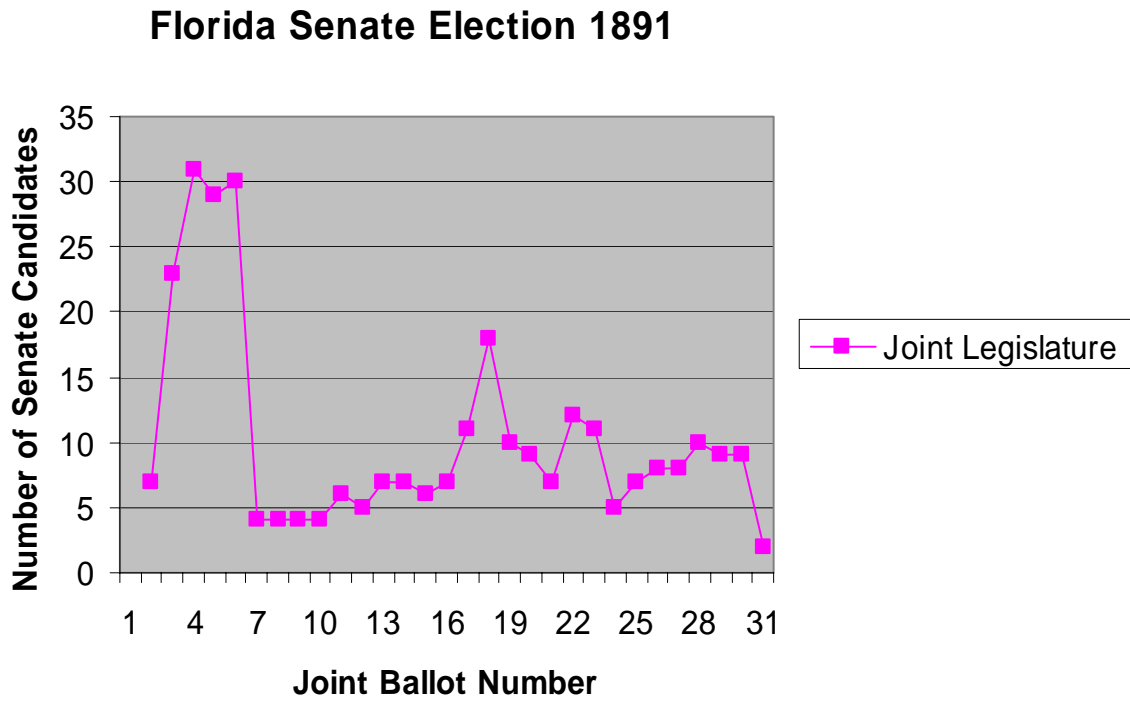


Table 1. Joint convention ballots in sampled states, 1871-1913.

State	Total number of elections, 1871-1913	Years of joint convention ballots	Number of ballots
Alabama	20	1872 ^a	3
		1876	1
		1890	2
California	15	1873	11
		1895	3
		1899	103
Florida	14	1873	21
		1875	24
		1887	25
		1891	30
		1897	25
Iowa	17	None	---
Kansas	16	1874	5
		1877	16
		1879	3
Kentucky	16	1876	11
		1878	11
		1884	19
		1890	4
		1896	51 (no election)
		1897	60
		1908	29
Maine	15	None	---
Massachusetts	16	1875	2
		1877	5
		1883	1
		1887	1
		1889	3
		1899	1
Minnesota	15	1911	1
		1883	28
		1875	1
New York	16	1881	56 (Conkling vacancy) 48 (Platt vacancy)
		1887	2
		1891	1
		1911	63
		1903	8
North Carolina	15	1903	8

^aIn 1872, two bodies met claiming to be the Alabama state legislature. One body, controlled by Democrats, took three ballots in joint convention to elect Francis Sykes. The other body, controlled by Republicans, elected George Spencer without entering into a joint convention.

Sources: *Tribune Almanac*, various years; state legislative journals, various years.

Table 2. Party loyalty among House and Senate members on first ballots, 1873-1911

Year	House		Senate	
	Dem.	Rep.	Dem.	Rep.
1873	96%	100%	100%	91%
	(27)	(91)	(5)	(22)
1875	<i>100%</i>	<i>98%</i>	<i>92%</i>	<i>100%</i>
	(68)	(53)	(13)	(17)
1879	100%	98%	100%	100%
	(20)	(96)	(12)	(19)
1881	98%	98%	100%	100%
	(45)	(80)	(6)	(25)
1881 (Conkling)	100%	32%	86%	36%
	(47)	(78)	(7)	(25)
1881 (Platt)	100%	26%	100%	32%
	(47)	(78)	(7)	(25)
1885	100%	99%	100%	100%
	(51)	(74)	(12)	(19)
1887	<i>100%</i>	<i>47%</i>	<i>100%</i>	<i>50%</i>
	(41)	(68)	(11)	(20)
1891	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
	(64)	(57)	(13)	(19)
1893	100%	100%	100%	92%
	(71)	(52)	(15)	(13)
1897	91%	100%	85%	100%
	(34)	(110)	(13)	(35)
1899	100%	99%	100%	100%
	(58)	(84)	(23)	(26)
1903	100%	100%	90%	82%
	(56)	(85)	(21)	(28)
1905	100%	100%	100%	100%
	(44)	(99)	(12)	(35)
1909	97%	100%	100%	100%
	(31)	(89)	(14)	(35)
1911	76%	<i>100%</i>	83%	<i>100%</i>
	(87)	(59)	(30)	(20)

Note: Entries in *italics* indicate years when the election went to joint convention. Loyalty is measured as the percentage of party members who vote for the caucus nominee. The exception is the two 1881 special elections, when the Republican caucus failed to meet. In 1881 Republican loyalty is measured by the percentage of Republicans who supported Conkling and Platt, respectively.

Table 3. Party candidate nomination dynamics. (All nominations in joint caucuses. **Bold** entries indicate eventual winners in the Senate election.)

Year	Democrats	Republicans
1873	Charles Wheaton nominated with 24 votes, to 11 for Henry R. Selden. Liberal Republicans caucus with Democrats	Roscoe Conkling unanimously nominated to succeed himself. Liberal Republicans bolt.
1875	Francis Kernan : nominated with 77 votes, to Henry C. Murphy (9) and John T. Hoffman.	Edwin Morgan: No information
1879	Lt. gov. William Dorsheimer: no information	Conkling unanimously re-nominated
1881	Francis Kernan re-nominated by acclamation	Thomas C. Platt nominated with 55 votes, to 26 for Crowley, 10 for Rogers, 10 for William A. Wheeler, and 5 scattering.
1881 (Platt)	Francis Kernan: nominated with 34 votes, to Clarkson Potter (7), R.W. Peckham (5), Erastus Corning (3), and Horatio Seymour (1)	Republican caucus not convened
1881 (Conkling)	Sen. John Jacobs: nominated with 39 votes to A.S. Hewitt (8), Horatio Seymour (4), and Charles N. Potter (1). Question raised whether Jacobs should be nominated, since state constitution precluded current legislators from being elected. He withdrew, under threat of the Republican leadership to treat all votes for him as null and void. Clarkson Potter substituted by caucus.	Republican caucus not convened
1885	Edward Cooper (former mayor of NYC). No information.	William Evarts nominated with 61 votes, to Levi Morton (28) and Depew (3)
1887	Smith Weed nominated with 42 votes, to Edward Cooper (3), Scattering (4).	Frank Hiscock nominated, with 50 votes, to 43 for Sen. Miller and 0 for Levi Morton, on 18th ballot. Morton had been primary opponent of Miller until the end
1891	Gov. David Hill nominated by acclamation	William Evarts re-nominated by acclamation
1893	Edward Murphy nominated with 85 votes, to 5 for Cochran.	Frank Hiscock: no information

1897	David Hill re-nominated with 5 negative votes in caucus and 5 other bolters.	Thomas Platt nominated with 142 votes, to 7 for Joseph H. Choate.
1899	Murphy unanimously re-nominated.	Chauncey Depew nominated unanimously after vigorous canvass and support by Platt.
1903	John B. Stanchfield: chosen by party leaders in December; nominated unanimously.	Thomas Platt re-nominated with 1 dissenting vote for Elihu Root.
1905	Smith M. Weed nominated with 42 votes, to 14 for D Cady Herrick.	Chauncey Depew re-nominated unanimously
1909	Ex-lt. gov. Lewis Canler: no information	Elihu Root nominated unanimously. TR lobbied for his Secy. of State.
1911	William F Sheehan, nominated with 62 votes, 22 for Edward Shepard and 7 for D Cady Herrick. However, 25 (loyal to Shepard) bolted the caucus. After long deadlock, Judge James O’Gorman nominated on 63 votes, with 23 for Sheehan and 15 scattering votes among 6 others. O’Gorman supported by Tammany.	Depew re-nominated with 2 votes cast for TR.

Sources: Alexander 1909; 1923, New York *Times* articles, various years.

Table 4. Democratic caucus vote for senator vs. first ballot vote for senator, 1911.

a. House

Caucus vote:	Vote on first ballot					Total
	A.B. Parker	D. Cady Herrick	E.M. Shepard	Martin Littleton	William F. Sheehan	
Absent	6	1	12	1	1	21
Herrick	0	0	0	0	5	5
Sheehan	0	0	0	0	46	46
Shepard	0	0	0	0	14	14
Total	6	1	12	1	66	86

b. Senate

Caucus vote:	Vote on first ballot					Total
	D. Cady Herrick	Edward M. Shepard	James W. Gerard	Martin L. Littleton	William F. Sheehan	
Absent	1	2	1	1	0	5
Herrick	0	0	0	0	2	2
Sheehan	0	0	0	0	16	16
Shepard	0	0	0	0	7	7
Total	1	2	1	1	25	30

Source: New York House and Senate Journals; New York Times 1/17/1911, p. 1

Table 5. Frequency of vote shifting in the 1873 Florida Senate election (21 joint convention ballots).

Frequency of vote shifting	% of chamber	
	Senate (N=24)	House (N=53)
0		0%
1	4%	
2	8%	9%
3	13%	2%
4		
5		
6		8%
7	8%	11%
8	17%	13%
9	17%	11%
10	13%	8%
11	4%	13%
12	4%	9%
13	4%	8%
14	4%	2%
15		2%

Table 6. Frequency of vote shifting in the 1875 Florida Senate election (24 joint convention ballots).

Frequency of vote shifting	% of chamber	
	Senate (N=24)	House (N=53)
0		
1		
2		
3	4%	4%
4		2%
5		6%
6	8.5%	2%
7	8.5%	8%
8	8.5%	10%
9	13%	11%
10	21%	10%
11	8.5%	17%
12	12%	8%
13	8.5%	19%
14	4%	2%
15		
16	4%	2%
17		
18		
19		2%

Table 7. Frequency of vote shifting in the 1887 Florida Senate election (25 joint convention ballots).

Frequency of vote shifting	% of chamber	
	Senate (N=32)	House (N=71)
0		14%
1	3%	3%
2	16%	11%
3	7%	23%
4	16%	18%
5	16%	6%
6	19%	8%
7		6%
8	7%	3%
9	7%	
10	3%	3%
11		3%
12	3%	
13	7%	3%
14		
15		
16		
17		1%

Table 8. Frequency of vote shifting in the 1891 Florida Senate election (30 joint convention ballots).

Frequency of vote shifting	% of chamber	
	Senate (N=32)	House (N=65)
0	28%	5%
1	4%	1%
2	4%	11%
3		12%
4	6%	20%
5	16%	5%
6	10%	5%
7	6%	16%
8	6%	3%
9	6%	5%
10	6%	3%
11		2%
12		3%
13	4%	
14		2%
15		2%
16	4%	
17		3%
18		
19		
20		
21		2%